Thank you for contacting us for guidance regarding your proposed retail food business. To recap our discussion:

Under the "Cottage Food Law", the only foods that may be produced in a home kitchen for retail sale (direct to end consumer only) are cookies, cakes, breads and candies. Pies and other foods with higher moisture content are not allowed. If there is any question for a particular product you are considering , feel free to call, and we can help determine whether the product would be allowable.

Jams and jellies, as long as they only consist of fruit, sugar and pectin, may be sold to retail customers (the end consumer) without a retail permit or any process approval from SC DHEC.

Any recipe that has additional ingredients, or that is a low-sugar recipe using a sugar substitute, would be subject to Department review.

Pickled and/or canned fruits and vegetables (other than jams and jellies) may only be produced in a commercial kitchen under a DHEC-issued retail food establishment permit. That kitchen may be a shared use kitchen, or your own facility separate from the home kitchen. A process variance is required based on approval of your procedures before the retail food permit can be issued.

Attached, please find guidance on writing the procedure that must be reviewed and approved for the canning and pickling processes; also attached, there are two documents for obtaining product assessment testing from Clemson University, the FDA-recognized Process Authority for South Carolina. My best suggestion would be to draft the recipes and procedures for these products and send those to us for review. From that point we will determine what products may need testing and process recommendations from Clemson University. Those process recommendations must be incorporated into the final version of your procedures. See the attached guidance for more details.

Lastly, here is a link to our Retail Food webpage: <http://www.dhec.sc.gov/food/>.

There are many resources there to assist you, and each document name is a link that will open to the stated document. Here are specific documents that will be especially of concern to you:

- SC Regulation 61-25 - Chapter 9 provides requirements for shared use kitchens.

- Application & Permit Document - DHEC 1769

- Shared Use Kitchen Sample Application

- Special Process Request (General) - submit procedures and product assessment to us for review

         using this form.

- Good Manufacturing Practices Guide

- Certified Food Protection Manager fact sheet

- Date Marking fact sheet

- Employee Health fact sheet

- New Small Business Checklist fact sheet

- "44-1-143: Cottage Foods Bill"

I hope this information will be helpful to you. Let me know if you have questions.

**Jonathan D. Wheeler, CHM, CP-FM**Special Processes/HACCP Coordinator
**S.C. Dept. of Health & Environmental Control**Office: (803) 896-0535

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