

marketing of perennial fruits

INTRODUCTION

Regulations for the sale of fruit in the state of Minnesota vary depending on the level of processing and whether or not the product contains added ingredients. Fresh or frozen fruits that do not contain off-farm ingredients are “product of the farm” and can be sold by the grower without a license. Once an ingredient has been added, such as salt or pectin, the fruit no longer falls under the product

of the farm category; and therefore is subject to different regulations. If you want to produce a fruit product with added ingredients, you will either need to become licensed or to follow requirements for the Cottage Food Law exemption from licensing. This chapter provides an overview of regulations regarding the processing and marketing of fruits, examples of processed fruit products, and resources.

APPROVED SOURCE

Sale of product of the farm does not require a license and is an approved source of produce for food businesses to purchase. Farmers and small-scale fruit growers can do processing of their own produce without a license if no off-farm ingredients are added. This means farmers and fruit growers could peel, slice, blanch, mash, and freeze fruits for sale to any buyer.

Although a license may not be required, any processing and cold storage facilities will need to be inspected by a Minnesota Department of Agriculture inspector, and Current Good Manufacturing Practices (CGMPs) must be followed. Processing of product of the farm cannot be done in a home kitchen. More information about regulations for sale of produce can be found in Minnesota Department of Agriculture's publication *Serving or Selling Locally Grown Produce in Food Facilities*⁵⁵, and Minnesota Institute for Sustainable Agriculture's *Selling Minnesota Produce* fact sheet.⁵⁶

Product of the Farm

Farm products that you grow or raise on land that you "occupy and cultivate." Land that you "occupy and cultivate" includes land that you rent or lease, so long as you have control over the production on that land.

Constitution of the State of Minnesota, Article 13, Section 7, https://www.revisor.mn.gov/constitution/#article_13. Minnesota Statute 28A.15 Subd. 2, <https://www.revisor.leg.state.mn.us/statutes/?id=28A.15>

Information about CGMPs can be found in the FDA's Guidance document for the FSMA Preventive Controls Rule⁵⁷ under the section entitled **XIII UPDATED AND CLARIFIED CURRENT GOOD MANUFACTURING PRACTICE (CGMP)** found on pages 27 – 38.

COTTAGE FOOD LAW

Minnesota's Cottage Food Law exempts qualified sellers of home-kitchen baked or processed foods from the food handler license requirement. This is an option for fruit growers to make a fruit product with added ingredients in their home kitchen, and sell it to individual consumers (not food businesses). There is a sales cap of \$18,000 per year. Cottage Food items must qualify as Non-Potentially Hazardous (NPH) foods. NPH foods are foods that are not conducive to the growth of bacteria that may be

hazardous to human health. For more information on what foods do and do not fall under this category, please see the Minnesota Farmers' Market Association Fact Sheet⁵⁸.

In order to qualify for the Cottage Food exemption, the producer must:

- Only sell food products that meet the definition of Non-Potentially Hazardous.

⁵⁵ Minnesota Department of Agriculture. *Serving or Selling Locally Grown Produce in Food Facilities*. State of Minnesota. July 2016. Web. 07 March 2017. https://www.mda.state.mn.us/food/safety/~/_media/Files/food/foodsafety/fs-produce.ashx

⁵⁶ Minnesota Institute for Sustainable Agriculture. *Selling Minnesota Produce*. Fact Sheet. Web. http://misadocuments.info/LFAC_local_produce_factsheet.pdf

⁵⁷ Food & Drug Administration. What You Need to Know About the FDA Regulation: Current Good Manufacturing Practice, Hazard Analysis, and Risk-Based Preventive Controls for Human Food (21 CFR Part 117): Guidance for Industry, Small Entity Compliance Guide. <http://www.fda.gov/downloads/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/UCM526507.pdf>

⁵⁸ Minnesota Farmers' Market Association. *Minnesota Cottage Foods Law: Non-Potentially Hazardous Foods*. 2016. Web. <http://www.mfma.org/resources/Documents/MFMA%20Fact%20Sheet%20NPH%20Foods%20List%202016-03-15.pdf>

- Not exceed \$10,000 in sales per year per individual.
- Register with the Minnesota Department of Agriculture prior to selling cottage foods, and renew registration annually.⁵⁹
- Complete an MDA-approved food safety training prior to selling cottage foods (Materials written at 8th grade level).
- Sell the produce in face-to-face transactions with individual customers only; no sales to food businesses.
- Label product according to MDA requirements.

Cottage food producer food safety training can be taken online via the MDA website. In-person courses are offered by University of Minnesota Extension.⁶⁰

APPROVED RECIPES

Non-potentially hazardous (NPH) foods are foods that will not become hazardous to human health if left unrefrigerated. Examples might include dried fruit, baked cookies or breads, or canned fruit items with a final pH of 4.6 or less. Many recipes for these types of items clearly fall into the NPH category, but some types of baked or canned items are questionable. Any baked item with a custard or cream cheese filling is not allowed as Cottage Food, because it must be refrigerated for food safety. Very moist fruit breads or cakes may be able to support rapid bacterial growth and would therefore not be allowed as Cottage Food. Non-acidic fruits like saskatoon might have a final pH higher than 4.6 when canned, and would have to be either mixed with a high-acid fruit or acidified through addition of lemon juice or vinegar.

Recipes found on a state Extension website are considered tested recipes acceptable for Cottage Food use. However, because the fruits covered in this document are not in common use, there are few recipes for products containing them. The University of Minnesota Extension service website has recipes for chokecherry jelly, chokecherry syrup, gooseberry jam, and gooseberry jelly.⁶¹ The site is also a

resource for fruit freezing procedures.

Another source for approved recipes is the National Center for Home Food Preservation at the University of Georgia.⁶² Use the search bar to find information on canning, drying, freezing, and making jams/jellies with gooseberries, elderberries, currants, and chokecherries. Available for purchase through the website is the Extension book *So Easy to Preserve* which contains similar information as what is found on the website.

Recipes for other types of fruits can be adapted to the perennial fruits described in this book. Also, you may have family recipes handed down or find other heirloom recipes that use these perennial fruits. Normally if a recipe used by a Cottage Food operator is very similar to an approved recipe from Extension, it will be fine to use. Recipe alterations are a problem if they will cause the product to have a pH level higher than 4.6, or if the product will need to be refrigerated to maintain food safety. If in doubt, you can have your recipe reviewed. To have a recipe reviewed by MDA for approval, send it in an email it to mda.cottagefood@state.mn.us

⁵⁹ Minnesota Department of Agriculture Cottage Food Registration. <http://www.mda.state.mn.us/licensing/%20licensetypes/cottagefood.aspx>

⁶⁰ University of Minnesota Extension Food Safety. Cottage Food producer food safety training. <http://www.extension.umn.edu/food/food-safety/courses/cottage-foods/>

⁶¹ University of Minnesota Extension Food Safety. Preserving and Preparing: Fruits. Web. 08 March 2017. <http://www.extension.umn.edu/food/food-safety/preserving/fruits/>

⁶² National Center for Home Food Preservation. University of Georgia College of Family and Consumer Sciences, n.d. Web. 08 Mar. 2017. <http://nchfp.uga.edu/index.html>

A Family of “Individuals”

Under Minnesota’s Cottage Food Law, multiple family members can register and therefore increase the maximum income ceiling by \$18,000 annually per “individual.” This can include children; however, the children need to be mature enough to read and understand the materials presented in food safety training and to follow the food safety guidelines. The materials are written at an eighth grade level. Generally the MDA would consider a child of 12 or older, with at least eighth grade reading comprehension skills, to be mature enough to register as an “individual” and participate in home-based production and sales of non-potentially hazardous foods.

If any off-farm ingredients will be added to the product, including any produce from other farmers, and the enterprise does not qualify under the Cottage Food Law, a food handlers license is required. Licensing is required if the processed, multi-ingredient product will be sold to food businesses: sales to food businesses cannot be done under the Cottage Food exemption. The standards for food processing are not as strict as restaurant standards. A suitable kitchen might be found in a local church or township hall. To begin the inspection and licensing process, obtain contact information for your local inspection agent by calling the Minnesota Department of Agriculture at 651-201-6027.

PROCESSED PRODUCTS

Perennial fruits can be sold fresh when in season, but they can also be frozen, processed, or added to other products for year-round sales.

Vinegar drinks such as shrubs and switchels are an emerging market in Minnesota. Made from muddled fruit, vinegar, and sugar; shrubs and switchels are syrups used to flavor drinks and food. Ag Innovation News published an article entitled “Vinegar Drinks Making a Splash” which highlights some Minnesota shrub and switchel producers.⁶³ Locally grown, perennial fruits have great potential for use in these products.

Gourmet vinegars are another option worth consideration. Clover Valley Farms⁶⁴ in Duluth uses several of the fruits covered in this document in their fruit-infused vinegars.

Fruit tinctures are made by preserving fruit in alcohol with a minimum proof of 50 (25% alcohol). Fruit tinctures are easy to make, last for years if stored properly, and have a number of uses. Tinctures are becoming more popular as craft beverages gain in popularity. Producers and sellers of alcohol-containing tinctures would need both food handler licensing from the MDA, and permitting for alcohol sales from the Minnesota Department of Public Safety.⁶⁵

⁶³ Morrison, Liz. 2017. Vinegar Drinks Making a Splash: Tangy thirst quenchers get a modern twist. *Ag Innovation News*, Jan–Mar 2017, Vol. 26, No. 1. <http://www.aui.org/2017/01/10240/>

⁶⁴ Clover Valley Farms. <http://clovervalleyfarms.com/about-our-products/clover-valley-fruits/>

⁶⁵ Minnesota Department of Public Safety. “What Can I Sell in My Liquor Store?” <https://dps.mn.gov/divisions/age/alcohol/Pages/FAQ/faqGeneral.aspx>