

# VDACS- Food Safety Overview

Virginia Department of Agriculture & Consumer  
Services  
Office of Dairy & Foods  
Food Safety Program



# Selling Food Products

- ▶ All foods must be made in an inspected or permitted kitchen....
  - ▶ *Unless the home kitchen exemption is followed*
- ▶ Virginia Department of Agriculture and Consumer Services (VDACS) inspects homes and community kitchens
- ▶ Virginia Department of Health (VDH) permits restaurants and temporary events

# Starting a New Business Resources

- ▶ Home and commercial kitchen-based food businesses:

<http://www.vdacs.virginia.gov/dairy-kitchen-food-services-businesses.shtml>

Food Safety Program Phone: 804-786-3520

- ▶ ‘How To’ documents that outline the application process and what to expect during an inspection:
  - ▶ Commercial Kitchen Food Processing Operation Guidance ([pdf](#))
  - ▶ Home Food Processing Operation Guidance ([pdf](#))
- ▶ Links to applications
- ▶ Links to laws & regulations

# Application Process

- ▶ Submit a home or commercial kitchen food processing business application packet to VDACS at [foodsafety@vdacs.virginia.gov](mailto:foodsafety@vdacs.virginia.gov)
  - ▶ Applications are available on the VDACS website or via email by request
  - ▶ May also submit by mail
- ▶ Packet shall include:
  - ▶ Business information and zoning approval
  - ▶ Food processing and storage area diagram
  - ▶ Product list and planned distribution
  - ▶ Ingredient list, ingredient source, and recipes
  - ▶ Labels
- ▶ After the application review is complete, a Food Safety Specialist will contact you to set up a preoperational inspection
- ▶ Approval to sell your products is granted following the satisfactory completion of the inspection

# Home Kitchen Exemption

- ▶ Allows only the following foods:
  - ▶ Certain home-canned foods
  - ▶ Honey
  - ▶ Low risk foods

<http://www.vdacs.virginia.gov/pdf/kitchenbillfaq.pdf>

# Home Kitchen Exemption

- **Low risk foods**

- ▶ candies
- ▶ jams and jellies (some restrictions)
- ▶ baked goods that do not need refrigeration
- ▶ dried fruits
- ▶ dry herbs
- ▶ dry seasonings
- ▶ dry mixtures
- ▶ coated and uncoated nuts
- ▶ vinegars and flavored vinegars
- ▶ popcorn, popcorn balls
- ▶ cotton candy
- ▶ dried pasta
- ▶ dry baking mixes
- ▶ roasted coffee
- ▶ dried tea
- ▶ cereals
- ▶ trail mixes
- ▶ granola

# Home Kitchen Exemption

- ▶ Home-canned foods
  - ▶ Pickles and other acidified vegetables
  - ▶ pH of 4.6 or lower
  - ▶ pH monitored with an electronic pH meter
- ▶ Total gross annual sales must not exceed \$3,000 for all acidified products produced
- ▶ Comply with 21 Code of Federal Regulations 114 (Acidified Food Regulations)
- ▶ This category **does not** include the following:
  - canned fermented foods
  - canned foods that require refrigeration
  - canned acid foods
  - canned fruits
  - low-acid canned foods (pH greater than 4.6)

# Home Kitchen Exemption

- ▶ You must adhere to all of the following criteria:
  - ▶ Products must be made in your home AND
  - ▶ Sold directly to the end consumer either from your home or at a farmers market AND
  - ▶ Not sold to other businesses for resale AND
  - ▶ Not offered for sale over the internet or across states lines AND
  - ▶ Each product labeled with the following: your name, physical address and telephone number, the date of food production and the statement “NOT FOR RESALE -PROCESSED AND PREPARED WITHOUT STATE INSPECTION”
    - ▶ Standard food labeling information is still required

# Home Kitchen Exemption

- ▶ Honey
  - ▶ Includes only pure honey
  - ▶ Sales limited to 250 gallons of honey/year
  - ▶ Each product has to be labeled with "Processed and Prepared without State Inspection. "WARNING: Do Not Feed Honey To Infants Under One Year Of Age."
  - ▶ Standard food labeling information is still required
- ▶ Honey can be sold retail or wholesale

# What Rules Apply?

- ▶ Whether inspected by VDACS or exempt from VDACS inspection, the regulation must be followed
  - ▶ Virginia Food Laws
  - ▶ 21 CFR 117, Current Good Manufacturing Practices
  - ▶ 21 CFR 101, Food Labeling
  - ▶ Other regulations depending on type of food (seafood, acidified food, juice, dietary supplements, etc.)

# New Recipes

Businesses grow!

Recipes not submitted with your original application should be submitted for review, along with the product label, prior to offering new products for sale



# Mandatory Labeling Requirements

- ▶ Statement of identity (common name of product)
- ▶ Ingredients statement, including sub-ingredients and allergens
- ▶ Net quantity statement in standard and metric units
- ▶ Name and address of manufacturer, packer, or distributor

## Example - Label for Toll House Chocolate Chip Cookies

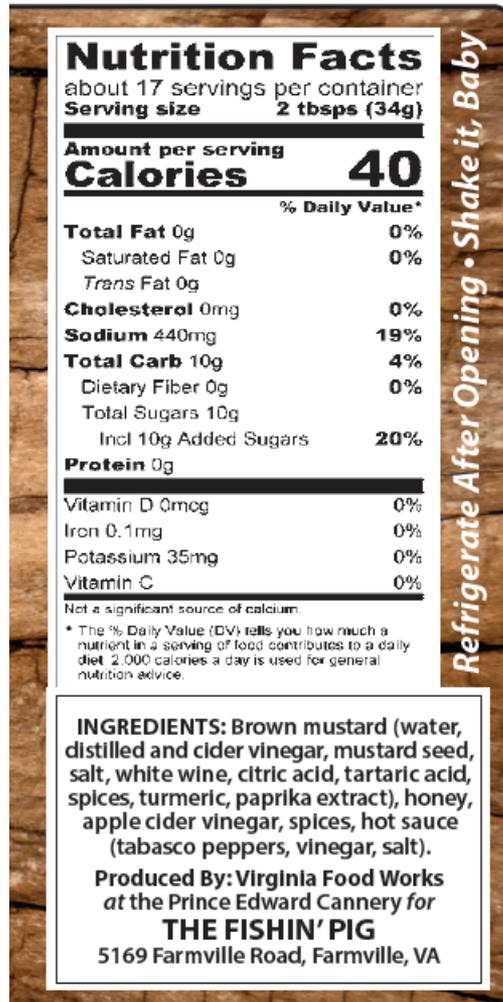
**CHOCOLATE CHIP COOKIES**

Ingredients: Bleached, enriched wheat flour (bleached wheat flour, malted barley flour, niacin, iron, thiamin mononitrate, riboflavin, folic acid), semi-sweet chocolate chips (sugar, chocolate, cocoa butter, milkfat, soy lecithin-an emulsifier, natural and artificial flavor), pecans, vegetable shortening (partially hydrogenated soybean and cottonseed oils, mono and diglycerides), sugar, brown sugar (sugar, cane molasses), eggs, sodium bicarbonate, salt, vanilla. **Contains: Wheat, Milk, Pecans, Eggs**

Grannie's Cookies, 111 Happy Lane, Anytown, VA 22554

Net wt. 10 oz (283 grams)

# Name and Address of Business



- ▶ Placed together with ingredient statement and Nutrition Facts panel
- ▶ Full street address
- ▶ NO substitute!
  - ▶ PO Box, phone, email, website, fax
  - ▶ EXCEPTION: if the firm is listed by their business name in a public directory, they can use PO Box or use just City, State and Zip

# Ingredient List

- ▶ Not required for single-ingredient food like honey
- ▶ Ordered from heaviest to least heavy
- ▶ Subingredients included in parenthesis



## Scones

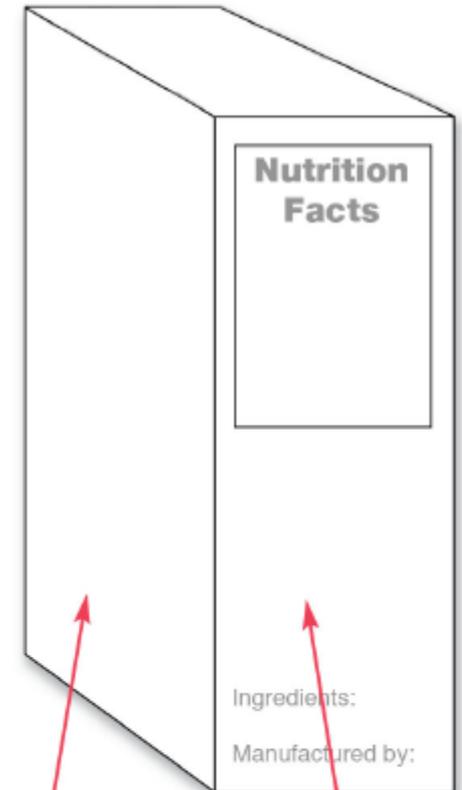
*A delicious gluten-free version of the traditional scone. Enjoy with a dab of fruit preserves.*

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**INGREDIENTS:** GLUTEN-FREE FLOUR MIX (RICE FLOUR\*, POTATO STARCH\*, TAPIOCA FLOUR\*), VANILLA NON-DAIRY YOGURT (ORGANIC COCONUT MILK(FILTERED WATER, ORGANIC COCONUT CREAM),ORGANIC CANE SUGAR, RICE STARCH, NATURAL FLAVOR, CALCIUM CITRATE, PECTIN, LOCUST BEAN GUM, CITRIC ACID, LIVE AND ACTIVE CULTURES, VITAMIN D2, VITAMIN B12), RICE MILK\* (FILTERED WATER, ORGANIC BROWN RICE, ORGANIC EXPELLER PRESSED CANOLA OIL AND/OR ORGANIC SAFFLOWER OIL AND/OR ORGANIC SUNFLOWER OIL, TRICALCIUM PHOSPHATE, SEA SALT, VITAMIN A PALMITATE, VITAMIN D12, VITAMIN B12), SUGAR\*, CANOLA OIL\*, BAKING POWDER\*, LEMON JUICE, XANTHAN GUM, SALT. \*NON-GMO INGREDIENTS

The Breakfast Baker - 11501 Baldy Ewell Way, Spotsylvania VA 22551  
[www.TheBreakfastBaker.com](http://www.TheBreakfastBaker.com)

**Net wt - 15.5 oz (439.42 g) - 6 Scones**



PDP

INFORMATION PANEL

# Nutritional Labeling Requirements

- ▶ Packaged foods and dietary supplements must bear nutrition labeling unless they qualify for an exemption
- ▶ One of two exemptions may apply to your business:
  - ▶ Less than 10 employees and less than 10,000 units sold (per item) - no need to file for an exemption
  - ▶ Less than 100 employees and less than 100,000 units sold (per item) - must file an annual exemption notice with the FDA
- ▶ If any nutrient content or health claims are made (ex. fat free, low fat, sugar free, etc.), the nutritional labeling small business exemption is not applicable
- ▶ **The nutritional labeling exemption has no effect on the mandatory labeling information discussed on the previous slide**

# Send your label in for review!

We'd be happy to look it over before you print it.

# Other Types of Food Products

## ▶ Eggs

- ▶ Virginia Egg Law: sell up to 150 dozen eggs/week of your own eggs and up to 60 dozen eggs/week of another producer's eggs without inspection
- ▶ Eggs must be clean, unbroken, and free of dirt and manure
- ▶ Properly refrigerated at 45 degrees F or below at all times
- ▶ Labeled with: name and address of producer/packer, the word “eggs,” safe handling instructions, and the term ‘ungraded’ or the appropriate grade
- ▶ “fresh eggs” can only be used if the eggs are graded
  - ▶ Eggs can be graded by the producer

<https://www.ams.usda.gov/sites/default/files/media/Egg%20Grading%20Manual.pdf>

**“Safe Handling Instructions: To prevent illness from bacteria, keep eggs refrigerated, cook eggs until yolks are firm, and cook foods containing eggs thoroughly.”**

# Virginia Industrial Hemp Law

- ▶ The Virginia Industrial Hemp Law (“the Law”) only allows for the possession of the industrial hemp plant/plant material by persons registered pursuant to the Law

<http://www.vdacs.virginia.gov/plant-industry-services-hemp.shtml>

- ▶ Industrial Hemp: Any part of the plant *Cannabis sativa*, whether growing or not, with a concentration of tetrahydrocannabinol (THC) that is no greater than 0.3%
- ▶ The sale of hemp flowers, leaves, or micro greens to an individual who is not registered as a hemp grower, dealer, or processor is not permissible under the Law, and is ultimately a question for law enforcement

# Industrial Hemp

- ▶ VDACS Food Safety inspects processors of industrial hemp-derived extracts intended for human consumption
- ▶ Specific application for hemp processors:  
<http://www.vdacs.virginia.gov/dairy-industrial-hemp-derived-extract.shtml>
- ▶ ‘How To’ document that outlines the application process and what to expect during an inspection ([pdf](#))

# Industrial Hemp

- ▶ Industrial hemp-derived extract **may be**:
  - ▶ Sold as a standalone product (e.g. CBD oil)
  - ▶ Added to manufactured foods under VDACS inspection
    - ▶ Submit home or commercial kitchen application
    - ▶ Provide documentation to ensure hemp extract comes from an approved source
- ▶ Industrial hemp-derived extract **may not be added to**:
  - ▶ Foods inspected by VDH
    - ▶ Includes any food prepared on-site at a farmer's market
  - ▶ Alcohol products
  - ▶ Animal feed
    - ▶ Includes pet treats
    - ▶ Spent hemp biomass may not be sold for animal feed

**\*\*GRAS: hulled hemp seed, hemp seed oil, and hemp seed protein**

# Questions?

VDACS Food Safety

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