Minnesota Cottage Foods Law

Minnesota Statute 28A.152 Cottage Foods Exemption

Non-Potentially Hazardous Foods

As of July 1, 2015, individuals can sell non-potentially hazardous (NPH) foods made in their home kitchens, without a license (Minnesota Statute 28A.152). Non-potentially hazardous (NPH) foods are foods that do not support the rapid growth of bacteria that would make people sick when held outside of refrigerated temperatures. These are the types of foods the Minnesota Cottage Foods Law exempts from licensing. MNCFPA and MFMA have worked with the Minnesota Department of Agriculture, the Minnesota Department of Health, and the University of Minnesota Extension Food Safety Team to compile this list.

This list is offered by MNCFPA and MFMA as a guideline. Cottage food producers are responsible for ensuring their products meet the legal requirements of the law. Final legal determination for cottage food products rests with MDA. If a food item is not on this list, contact your local Minnesota Department of Agriculture Food Inspector: (651) 201-6027 or MDA.FoodLicensingLiaison@state.mn.us.

LIST UPDATES

This list will be reviewed periodically and updated as needed. **This list was last updated: August 18, 2021.** For additional updates, see Cottage Food Questions and Answer Blog, University of Minnesota Extension, http://blog-cottage-food.extension.umn.edu/.

USING THIS LIST

For ease of use, this list is divided into Food Type categories. Each category lists three options: Allowed Foods, Not Allowed Foods, and Exceptions. All foods listed in the “Exceptions” column need extra information and we strongly recommend you contact the MDA to discuss the potential risks associated with the “Exceptions” foods.

1. Acid, Acidified, home-canned and home-processed foods
   a. Fruits
   b. Pickled
   c. Vegetables
   d. Fermented
   e. Vinegar
   f. Condiments
   g. Ingredients
2. Baked Foods
3. Beverages
4. Candy and Confections
5. Dried, Dehydrated, and Roasted
6. Frozen Products
7. Icings, Frostings, Sugar Art, Toppings
8. Jams, Jellies, Preserves, Fruit Butters, Syrups

Never allowed under this exemption:

Dairy
Eggs
Fish
Meat
Poultry
Seafood

pH REQUIREMENT

You have to test the pH of acidified and fermented foods. In order to do that, you will need a pH meter and calibration solutions. There are numerous kits available on the market. See Buying and Purchasing and Using a pH Meter, University of Wisconsin, https://foodsafety.wisc.edu/assets/pdf_Files/What_is_pH.pdf.

For home-canned acidified products, test pH 24 hours after processing. For fermented products, test pH upon completion of the fermentation process. Record the pH value in your records, along with the recipe source, date and quantity of the batch. Download the University of Minnesota Extension's pH Testing Record. https://extension.umn.edu/food-safety/food-entrepreneurs. On the label, write the date you produced the product.

LAB-TESTED RECIPES FOR ACID, ACIDIFIED, FERMENTED FOODS

There are hundreds of research-tested recipes available for the canned and fermented products in this list. If you use a non-standardized recipe or if altering a standardized recipe, you must have the product tested by a lab to validate NPH status pH (≤4.6) or water activity (≤0.85). Keep lab results as documentation. See the Appendix at the end of this sheet for resources and testing labs.

Index:

1. ACID, ACIDIFIED, HOME-CANNED AND HOME-PROCESSED

Food Type	Allowed	Not-Allowed	Exceptions
Fruits	Fruits that have an equilibrium pH value of ≤ 4.6 and heat-treated to kill vegetative cells. Examples, including but not limited to: • Apples • Applesauce • Apricots • Berries • Cherries • Cranberries • Cranberry sauce • Figs, acidified • Fruit based chutneys • Fruit ciders • Fruit juices • Fruit puree • Fruit salsas • Grapefruit • Grapes • Mangoes, green • Mixed fruit cocktail • Nectarines • Oranges • Papaya • Peaches • Pears • Pineapple • Plums • Rhubarb	• Non-acidified home-canned bananas, figs, melons i.e. cantaloupe, honeydew, and watermelon. • White-fleshed peaches or white-fleshed nectarines. (The natural pH of some white peaches or nectarines can exceed 4.6 pH, making them a low-acid food for canning purposes. (Currently, there is no low-acid pressure process available for white-flesh peaches or nectarines, or an acidification procedure for safe water bath canning. • Final product pH > 4.6 • Elderberry juice or syrup (no approved methods), elderberries are a low acid berry https://bit.ly/2F2S4N7 • Raw, un-canned and unpasteurized juice or cider, fruit or vegetables, are not allowed because it requires refrigeration for safety; thus requiring a license. Contact MDA at 651-201-6027 or MDA.FoodLicensingLiaison@state.mn.us with questions on obtaining licensure.	• Fruit ciders, fruit juices, including tomato: Allowed, if final product meets the pH criteria and are home-canned or pasteurized (heat juice to 160 degrees F for 6 seconds while stirring constantly). • Home-canned acidified or pickled bananas, figs, melons i.e. cantaloupe, honeydew, watermelon using a standardized recipe or lab results verifying it meets final product pH ≤ 4.6.

1. ACID, ACIDIFIED, HOME-CANNED AND HOME-PROCESSED

Food Type	Allowed	Not-Allowed	Exceptions
Pickled Products	Pickled products that have an equilibrium pH ≤ 4.6 and heat-treated to kill vegetative cells. Examples, including but not limited to: • Pickled asparagus • Pickled beets • Pickled cantaloupe • Pickled carrots • Pickled chow chow relish • Pickled corn relish • Pickled green, yellow beans (Dilly Beans) • Pickled green tomatoes • Pickled okra • Pickled relish • Pickled summer yellow squash • Pickled three-bean salad • Pickled watermelon rinds • Pickles, sweet or dill	• Pickled radishes, there are no tested recipes from reliable resources for canning pickled radishes with water bath canning or pressure canning. • Pickled bison • Pickled eggs • Pickled fish • Pickled meats • Pickled seafood • Refrigerator pickled products • Final product pH ≥ 4.6	

1. ACID, ACIDIFIED, HOME-CANNED AND HOME-PROCESSED

Food Type	Allowed	Not-Allowed	Exceptions
Vegetables	Vegetables acidified and have an equilibrium pH ≤ 4.6 and heat-treated to kill vegetative cells. Examples, including but not limited to: • Bloody Mary Mix • Minnesota Tomato Mixture • Tomatoes, acidified with bottled lemon juice, citric acid or vinegar. • Tomatillos, acidified • Tomato juice, acidified • Tomato paste with citric acid • Tomato sauce, acidified • Vegetable juice blend, acidified	• Fresh vegetable juice that has not been heat treated • Frozen vegetables • Pesto • Hummus • Home-canned low-acid foods: fish, meat, poultry, vegetables, soups, stews, and legumes/pulses, i.e. Chickpeas, lentils, dry peas and beans • Final product pH ≥ 4.6	A high acid level (pH ≤ 4.6) prevents the growth of Clostridium botulinum bacteria, which causes botulism. Because many factors affect the acidity level of tomatoes, USDA recommends adding acid to all home-canned tomatoes and tomato products. See UMN Extension's article: https://extension.umn.edu/preserving-and-preparing/canning-tomato-products-safety-guidelines.

1. ACID, ACIDIFIED, HOME-CANNED AND HOME-PROCESSED

Food Type	Allowed	Not-Allowed	Exceptions
Fermented Foods	Fermented fruit, vegetables, pickles, sauerkraut, which have an equilibrium pH value of ≤ 4.6. Examples, including but not limited to: • Kimchi • Pickles • Sauerkraut • Water Kefir soda • Kombucha with alcohol content not more than one-half of one percent by volume. • Sourdough starter culture fermented to ≤ 4.6 verified by home pH testing.	• Black garlic – production of black garlic is an oxidation & crystallization process, not a fermentation process. No research-tested methods to safely make black garlic at home. More information on black garlic can be seen here: https://bit.ly/3vDbqgK • Fermented eggs, fish, meats, poultry & seafood. • Fermented products requiring refrigeration for food safety • Fermented products with alcohol content greater than one-half of one percent by volume. • Final product pH ≥ 4.6	

1. ACID, ACIDIFIED, HOME-CANNED AND HOME-PROCESSED

Food Type	Allowed	Not-Allowed	Exceptions
Vinegar	Vinegar and infused vinegars with an equilibrium pH value of ≤ 4.6	• Final product pH ≥ 4.6 • Oil based flavored vinaigrettes	

1. ACID, ACIDIFIED, HOME-CANNED AND HOME-PROCESSED

Food Type	Allowed	Not-Allowed	Exceptions
Condiments	Condiments, which have an equilibrium pH value of ≤ 4.6 and heat treated to kill vegetative cells Examples, including but not limited to: • Barbeque sauce • Catsup / Ketchup • Chili sauce • Chutneys • Fruit salsas • Syrups – Simple Syrups (i.e. 1:1 water/sugar ratio) just flavored • Horseradish, has a pH > 5.4, therefore it must be acidified to be a cottage food product. See this research tested relish recipe https://extension.oregonstate.edu/sites/default/files/documents/8836/sp50793horseradish.pdf • Mustard • Pepper sauce • Salsa, chile • Salsa, green tomato • Salsa, tomato • Salsa Verde (tomatillos green salsa) • Taco sauce	• Fruit based chutneys with nuts • Pesto • Freshly prepared sauces like guacamole or salsa requiring refrigeration. • Corn & Bean Salsa • Salsa canned in Quart jars • Oils such as sunflower, flaxseed, canola, rapeseed • Infused oils • Oil based flavored vinaigrettes • Home-canned caramel and chocolate dessert sauces. There is not a 'standard' or USDA/Extension tested canning recipes for sauces due to the milk and oils from the chocolate sauce. See University of Wisconsin article. https://fyi.uwex.edu/safepreserving/2013/11/18/safe-preserving-canned-chocolate-sauce./. • Mayonnaise • Final product pH >4.6 • Flavored with alcohol and final alcohol content is more than one-half of one percent by volume.	• Honey: Plain honey or creamed honey harvested from your land or land you rent is considered product of the farm and is excluded from any licensing. However, if you flavor with non-potentially hazardous ingredients like cinnamon or ground vanilla, it would be a cottage food. • Bacon as an ingredient: Commercially prepared shelf stable bacon added to sauces is allowed. The BBQ sauce must consist of less than 2% by weight of cooked bacon. Final product pH must have an equilibrium of ≤4.6.

1. ACID, ACIDIFIED, HOME-CANNED AND HOME-PROCESSED

Food Type	Allowed	Not-Allowed	Exceptions
Condiments Cont.	• Flavored with alcohol. Final alcohol content must be less than one-half of one percent by volume.	• Coffee Syrups – low acid food. No approved research-tested canning recipes for canning/bottling coffee syrup exist.	• A hot-fill-hold process may be used instead of boiling water or steam canning for some acidified products like salsa and sauces that have a pH ≤ 4.1 or lower, a smooth consistency and a pre-cook step. Monitoring time, temperature and pH is critical to assure the destruction of *E. coli*, *Salmonella* and *Listeria*. These resources provide instruction and processing time/temperatures for the hot-fill-hold thermal process method. • Choosing a Hot-Fill-Hold Process for Acidified Foods, University of Wisconsin. • Use of Linear Models for Thermal Processing of Acidified Food with a pH of 4.1 or below. Food Protection Trends. 2010 Vol. 30, No. 5. P. 268-272.

1. ACID, ACIDIFIED, HOME-CANNED AND HOME-PROCESSED

Food Type	Allowed	Not-Allowed	Exceptions
Ingredients Jarred/Packaged Pie, Cake Fillings and Toppings	Final product has an equilibrium pH value of ≤ 4.6 or water activity value of ≤ 0.85 and heat treated to kill vegetative cells. Examples, including but not limited to: • Fruit toppings like peach, sweet cherry • Pie filling (thickened with ClearJel® or Thermflo®): apple, blueberry, cherry, peach, green tomato • Lemon or lime curd • Flavored with alcohol. Final alcohol content must be less than one-half of one percent by volume.	• Pie fillings with tapioca, starch or flour added before canning • Mincemeat pie filling • Mole paste • Pineapple, orange, raspberry, rhubarb, etc. curd (only lemon or lime curd has a safe research tested home canning method) • Lemon or lime curd flavored with ginger or herbs like thyme. • Final product pH ≥ 4.6 or water activity ≥ 0.85 • Flavored with alcohol and final alcohol content is more than one-half of one percent by volume.	• Ball preserving has tested recipes for a home canned chocolate cranberry sauce and a chocolate raspberry sauce safe for water bath canning. See: https://www.freshpreserving.com/. • Packaged sweet dessert sauces (not home canned), like caramel and chocolate, with a water activity ≤ 0.85 are allowed. Refrigerate or freeze the product for quality. • A cold-fill-hold process may be used for some products as an alternative to the boiling water or steam canning process. Products must have a pH or 3.3 or below or acidified with pH of 3.5 or 3.8. Must include a pre-cook and a cooling step. Instructions here: https://foodsafety.wisc.edu/assets/coldfill2019.pdf

2. BAKED FOODS

Food Type	Allowed	Not-Allowed	Exceptions
Bakery type products	Baked foods that do not require refrigeration and have a final water activity value of ≤ 0.85 or pH of ≤ 4.6. Examples including, but not limited to: • Bars • Biscuits, fruit-filled • Biscotti • Breads • Cakes • Cake pops • Cookies • Cupcakes • Donuts / Doughnuts • Macarons with allowable fillings listed in Section 7: Icings, Fillings, Frosting, Sugar Art, & Toppings • Macaroons • Meringue Cookies • Pastries • Pies, fruit-filled • Pineapple upside down cake • Pecan pie – using approved recipe in Come and Bake It 1. • Pretzels • Quick breads (See exceptions)	• Cake, brownies, bread baked in a jar • Cakes/Cupcakes topped with fresh whipped cream and/or cut fruit • Cheesecake • Custard, pudding, cakes or cupcakes with custard filling • Pies: banana cream, meringue pies, pumpkin, squash pie, etc. • Fillings with: Meat, Bison, Poultry, Fish, Seafood, Vegetables • Non-baked dairy (butter, cheese, cream cheese, yogurt), example: no-bake cheesecakes. • Non-baked product containing raw and/or pasteurized eggs such as raw cookie dough, egg noodles, soft meringues on pies • Final product decorated or garnished with cut fresh fruits, vegetable or meat • Pizza • Flavored with alcohol and final alcohol content is more than one-half of one percent by volume. • Frozen doughs	• Sweet or quick breads, cakes & pies made with fresh fruit, vegetables or cheese i.e. banana, carrot, pumpkin, zucchini, sweet potato cheddar may be a potentially hazardous food. Test these products for both water activity and pH to verify non-potentially hazardous status by a commercial lab. • Recipes from Come and Bake It 1 (2015) & 2 (2018) testing as non-potentially hazardous including: Mom's zucchini bread, pumpkin roll cake, pumpkin whoopie pies, pumpkin bread, pumpkin cake bars. • NOT all recipes in the Come and Bake It 2: Pumpkin Spice Edition (2018) are legal in Minnesota, since Minnesota has a different standard for "non-potentially hazardous" foods. In Minnesota, for cottage food products, we use two parameters: pH ≤ 4.6 or water activity ≤0 .85.

2. BAKED FOODS

Food Type	Allowed	Not-Allowed	Exceptions
Bakery type products Cont.	• Flavored with alcohol. Final alcohol content must be less than one-half of one percent by volume.	• Tres Leches Cakes or Cupcakes • Sesame Balls (rice flour dough wrapped over a filling of lotus paste or red bean paste, then deep fried & rolled in sesame seeds). • Recipes from Come and Bake It 1 & 2 editions tested as potentially hazardous including: Sweet potato cinnamon bread, pumpkin scones, carrot cake, pumpkin roll filling, pumpkin pie, lemon zucchini bread, applesauce nut bread, pumpkin cake, orange pumpkin muffins, pumpkin whoopie pies, pumpkin layer cake, pumpkin blondies, cake mix pumpkin cake, cream cheese kolaches, banana bread, savory cheddar cheese quick bread, cheddar cheese herb yeast bread. • Home rendered lard, bacon grease or other animal fats unless they are part of a baked product: i.e. pie crust or cupcakes.	• Lefse, crepes, crepe cakes – allowed if commercially tested by a lab and has a water activity of $\leq$ 0.85. • Artisan style breads baked with olives or aged cheese – allowed if commercially tested by a lab and has a water activity content of $\leq$ 0.85 Ingredients must be added before baking and cannot be added as a topping after baking.

2. BAKED FOODS

Food Type	Allowed	Not-Allowed	Exceptions
Bakery type products Cont.		• Steamed Buns i.e. Kas Las Paus or Kalapao – yeasted or baking powder bun filled with beef or pork sausage & hard-boiled egg. • Steam Rolls or Steam Rice Roll Cakes i.e. Fawn Kauv or Banh Cuon – steamed rice roll cake with mushrooms, pork stir fry, noodles or meat fillings. • Cakes topped with bottles of alcohol / liquor. • Final product pH $\geq$ 4.6 or water activity $\geq$ 0.85.	

3. BEVERAGES

Food Type	Allowed	Not-Allowed	Exceptions
Teas, coffee, soft drinks	Final product pH ≤ 4.6 or water activity ≤ 0.85. Packaged items, i.e. jar and lid examples, including but not limited to: • Fermented beverages (see fermented product section) • Soft drinks, packaged • Teas, packaged • Pasteurized or home-canned high-acid juices • Lemonade and fruit flavored ades, packaged • Shrubs (vinegar based non-alcoholic concentrated syrup that combines fruit juice, sugar & vinegar). • Switchels (vinegar-based blend of water, flavorings & apple cider). • Tinctures with vinegar as base liquid.	• Prepared, ready-to-serve beverages like coffee, tea, lemonade are considered foodservice requiring licensing • Coffee syrup, i.e. coffee concentrate, added sugar - for a coffee syrup, is considered a low-acid food for canning. There are no approved research-tested canning recipes for canning/bottling coffee syrup. • Fresh squeezed juice • Tri-Color Drink (i.e. Nam Vam or Na Va) or Tri –Color Dessert (i.e. Ché Ba Máu). • Tapioca Coconut Drink (i.e. Nab Vam). • Bubble Tea, Boba Tea • Cold brew coffee & tea requires refrigeration for food safety. • Tinctures (having an alcohol base). • Final product pH ≥ 4.6 or water activity ≥ 0.85.	• Fruit ciders, fruit juices, including tomato: if final products meet the pH criteria and are home-canned or pasteurized (heat juice to 160° degrees F for 6 seconds while stirring constantly), they are an allowed cottage food product. • Raw, un-canned and unpasteurized juice is not allowed because it requires refrigeration for safety requiring a license. Contact MDA at MDA.FoodLicensingLiaison@state.mn.us or 651-201-6027. • A cold-fill-hold process may be used for some beverages as an alternative to the boiling water or steam canning process. Products must have a pH or 3.3 or below or acidified with pH of 3.5 or 3.8. Must include a pre-cook and a cooling step. Instructions here: https://foodsafety.wisc.edu/assets/coldfill2019.pdf

4. CANDY AND CONFECTIONS

Food Type	Allowed	Not-Allowed	Exceptions
Candy and Confections	Final product does not require refrigeration for food safety and has a final water activity value of ≤ 0.85. Including but not limited to: • Bon bons • Brittle • Caramel Apples • Caramels • Chocolate • Chocolate, ground • Chocolate-covered, non-perishable foods, such as nuts, dried fruits, marshmallows, & pretzels • Cotton candy • Fudge • Hard candy • Hot Chocolate Bombs or Cocoa Bombs • Popcorn balls • Flavored with alcohol. Final alcohol content must be less than one-half of one percent by volume.	• Flavored with alcohol and final alcohol content is more than one-half of one percent by volume. i.e. liquid filled chocolate with a liqueur filling • Chocolate-covered fresh fruit,. i.e. berries, pineapple, melon • Anything containing raw eggs • Cream based filling • Tapioca Desserts i.e. Nab Vam, Tri Color Dessert, Ché Ba Máu • Meat, fish, seafood, poultry, vegetable filling • Final product pH ≥ 4.6 or water activity ≥ 0.85.	

5. DRIED, DEHYDRATED, ROASTED PRODUCTS

Food Type	Allowed	Not-Allowed	Exceptions
Dried, Dehydrated, Roasted Products	Final product water activity value of ≤ 0.85. Including but not limited to: • Baking mixes • Beans • Coconut • Coffee beans • Culinary lavender • Dates • Fruit • Fruit leathers • Grains • Garlic • Granola, cereals and trail mixes • Herbs • Herb blends • Hot Pepper Chips / Hot Chili Snacks (i.e. Kao Soi, Guizhou, Yunnan-style) as long as other ingredients added don't change the final product from a shelf-stable food to one that isn't. • Freeze dried fruit, vegetables and herbs • Milled cornmeal, flaxseed, etc.	• Cooked tapioca • Jerky: fish, meat, poultry, seafood specialized process requiring a license including extra precautions and food safety controls. • Roasted vegetables or fruits, i.e. peppers, carrots, tomatoes, etc. • Dried noodles with eggs • Fresh, frozen or cooked pasta • Popcorn, kettle corn made onsite at a farmers' market or community event. This is foodservice and requires a license. • Final product pH ≥ 4.6 or water activity ≥ 0.85. • Fresh or Fried Egg or Spring Rolls • Freeze Dried cheesecake, dairy, eggs, ice cream, meat, fish, seafood & poultry. • Noodle Soup, i.e. Kaopia, Khao Piak Sen • Nut Butters – requires a specialized process to control for *Salmonella*.	• Milling of corn and other products and drying herbs for example also falls under the product of the farm exclusion if no off-farm ingredients are added. Check with the Minnesota Department of Agriculture for facility requirements, as a home kitchen cannot be used under the product of farm exclusion.

5. DRIED, DEHYDRATED, ROASTED PRODUCTS

Food Type	Allowed	Not-Allowed	Exceptions
Dried, Dehydrated, Roasted Products Cont.	• Mushrooms, mushroom jerky, etc. – Only use mushrooms from a commercial source. Must be dried, dehydrated only not roasted. • Nut mixes • Onions • Pasta noodles without eggs • Popcorn & Popcorn Snacks • Potato chips • Seasoning salt • Seeds like pumpkin, sunflower • Soup mixes (dry) • Tea (dry) • Tomatoes • Tree nuts and legumes, coated or uncoated • Vegetable leathers like pumpkin or mixed vegetable • Vegetable chips • Vegetables • Vegetarian-based soup mixes (dry).	• Steamed Rolls (i.e. spring roll filled with vegetables and/or meat.	

6. FROZEN ITEMS

Food Type	Allowed	Not-Allowed	Exceptions
Frozen Items	Final product pH ≤ 4.6 or water activity ≤ 0.85. Including but not limited to: • Fruit-based frozen treats, i.e. popsicles, sorbet, ice snow cones, etc. • Fruit-based freezer jams **Note:** Imported frozen berries were identified as the source of several viral outbreaks. Outbreaks of both **Norovirus** and **Hepatitis A** have been associated with frozen berries worldwide. Boiling berries for one minute to make juice prior to re-freezing is best practice to eliminate pathogens.	• Non-dairy soft serve • Frozen fruit and vegetables • Frozen uncooked or partially cooked bread doughs, batters, pies, etc. • Ice milk, ice cream, or ice pops made with dairy • Freeze-dried dairy • Fruit-based frozen treats using fresh-cut fruits • Final product pH ≥ 4.6 or water activity ≥ 0.85.	

7. ICINGS, FILLINGS, FROSTINGS, SUGAR ART, TOPPINGS

Food Type	Allowed	Not-Allowed	Exceptions
Icings, Fillings, Frostings, Sugar Art, Toppings	Final product pH ≤ 4.6 or water activity ≤ 0.85. Including but not limited to: **Icings, fillings, frosting** • Buttercream • Cookie dough frosting; must use commercially heat-treated flour. • Gumpaste • Flat • Fondant • Fudge • Glaze • Royal icing with meringue powder **Sugar Art items:** • Cake toppers • Cream cheese mints • Cupcake toppers • Modeling chocolate figurines • Sugar flowers • Other decor items • Edible images printed on icing/wafer sheets.	• Eggs, cream, milk or cream cheese based; unless final product using these ingredients is documented as a non-potentially hazardous food. • Flavored with alcohol and final alcohol content is more than one-half of one percent by volume. • Fresh whipped cream • Recipes from *Come and Bake It* 1 & 2 editions that tested as potentially hazardous including: Italian meringue buttercream, Chocolate French Buttercream, Pineapple curd, Brown Sugar Swiss Meringue Buttercream, and cooked flour buttercream. • Cut fresh fruits i.e. strawberries, melons • Final product pH ≥ 4.6 or water activity ≥ 0.85	• Dairy and cream cheese-based frostings lab tested and meet the Minnesota non potentially hazardous parameters: pH ≤ 4.6 or water activity ≤ 0 .85. • Recipes from *Come and Bake It* 1 & 2 tested as non-potentially hazardous are allowed: cream cheese buttercream, maple cinnamon cream cheese frosting, marshmallow cream cheese frosting, cream cheese sour cream frosting, orange cream cheese frosting, traditional cream cheese frosting, faux cream cheese frosting, chocolate ganache, Swiss and no-cook meringue buttercreams, fluffy boiled icing, lemon curd, Seven minute frosting, French vanilla buttercream, fluffy buttercream frosting, American buttercream, caramel fillings, caramel coconut pecan frosting; continued on pg. 19.

7. ICINGS, FILLINGS, FROSTINGS, SUGAR ART, TOPPINGS

Food Type	Allowed	Not-Allowed	Exceptions
Icings, Fillings, Frostings, Sugar Art, Toppings Cont.	**Toppings:** • Stabilized commercial non-dairy whip cream products • Dried or freeze-dried fruit • Edible flowers • Herbs like culinary lavender, mint • Whole fruit • Fruit peels or zest • Bacon topping, cooked, commercially sources and final products consist of less than 2% by weight of cooked bacon • Flavored with alcohol. Final alcohol content must be less than one-half of one percent by volume.		• Recipes from *Come and Bake It* 1 & 2 tested as non-potentially hazardous as allowed continued from pg. 18: • coconut-pecan frosting, maple cinnamon cream cheese frosting, pumpkin cream cheese filling, cooked flour frosting.

8. JAMS, JELLIES, PRESERVES, FRUIT BUTTERS, SYRUPS

Food Type	Allowed	Not-Allowed	Exceptions
Fruit Butters, Jams, Jellies, Preserves, Syrups	Final product pH ≤ 4.6 or water activity ≤ 0.85. Including but not limited to: • Conserves • Fruit butters • Fruit syrup • Sorghum syrup • Jam • Jelly • Marmalades • Preserves • Fruit based refrigerator or freezer jam • Flavored with alcohol i.e. wine or beer jelly. Final alcohol content must be less than one-half of one percent by volume. • Research tested recipes for fig preserves, mint jelly, pepper jelly, tomato jam. • See - National Center for Home Food Preservation https://nchfp.uga.edu/how/can7_jam_jelly.html.	• Pumpkin, squash, sweet potato butters • Bacon jam (bacon, onions, vinegar, spices) • Final product pH ≥ 4.6 or water activity ≥ 0.85 • Flavored with alcohol and final alcohol content is more than one-half of one percent by volume.	• Non-tested recipes using low-acid ingredients require testing by a commercial lab for pH and water activity. (See list of labs in Appendix).

9. HEMP IN COTTAGE FOOD

Food Type	Allowed	Not-Allowed	Exceptions
Hemp	• Minnesota currently follows federal regulations for the manufacture and sale of hemp products. • 3 products are designated as Generally Recognized as Safe (GRAS) they are (1) hulled hemp seeds, (2) hemp seed protein powder, and (3) hemp seed oil. These three products all come from the seed of the hemp plant and can be sold as food or added as ingredients to foods and sold in Minnesota.	• While some hemp extracts and cannabinoids are legal in Minnesota (like CBD), it is not legal to add them to food products or dietary supplements. • Hemp ingredients that come from hemp plant parts other than the seeds are not allowed as food ingredients. This includes the flower of the hemp plant. • Illegal ingredients may be labeled or named as hemp extract, full spectrum CBD oil, PCR extracts, or CBD oil. • More information about hemp in food products can be found on the MDA Website - Hemp in Food FAQs.	

APPENDIX

TESTED RECIPES RESOURCES

- University of Minnesota Extension Cottage Food Resource Hub. Find links and recommended resources to assist or grow your cottage food business. https://extension.umn.edu/food-entrepreneurs/cottage-foods-resource-hub
- *Come and Bake It.* Volumes I and II. Tested recipes for icings and frostings. NOTE: Only some of the recipes are legal in Minnesota, we use two parameters: pH ≤ 4.6 or a_w ≤ 0 .85 https://texascottagefoodlaw.com/recipes/.
- Minnesota Tomato Mixture: https://extension.umn.edu/preserving-and-preparing/canning-minnesota-tomato-mixture
- *So Easy to Preserve*. Tested recipes from the University of Georgia. National Center for Home Food Preservation. https://setp.uga.edu/.
- National Center for Home Food Preservation. http://nchfp.uga.edu/.
- University of Minnesota Extension. Food Preservation website. https://extension.umn.edu/food-safety/preserving-and-preparing
- Fresh Preserving | Ball® Kerr® Jars & Home Canning. Freshpreserving.com

TESTING LABS

You may choose a commercial testing lab that fits your needs. Pricing varies but averages $15/pH test, $30/water activity and $100/alcohol content test/per product.

- Market Fresh Food Testing Laboratory, (612)331-4050, Minneapolis, http://www.marketfreshlabs.com/
- Minnesota Valley Testing Lab, (507) 354-8517, New Ulm, http://www.mvtl.com/
- Medallion Labs, 1-800-245-5615 or (763)764-4453, Minneapolis, https://www.medallionlabs.com/
- Mocon, Minneapolis, (763) 493-6370, https://www.mocon.com/

REFERENCES

- Approximate pH of Foods and Food Products. April 2007. US FDA/CFSAN; US FDA/CFSAN. Retrieved from https://www.healthycanning.com/wp-content/uploads/pH-FDAapproximatepHoffoodslacf-phs.pdf
- Local Food Resources. Minnesota Institute for Sustainable Agriculture (MISA). https://www.misa.umn.edu/resources/local-food-sales-resources.
- National Center for Home Food Preservation. http://nchfp.uga.edu/.
- Why Add Lemon Juice to Tomatoes and Salsa Before Canning? June 2012. North Dakota State University https://www.ag.ndsu.edu/publications/food-nutrition/why-add-lemon-juice-to-tomatoes-and-salsa-before-canning
- Canning tomatoes information: https://extension.umn.edu/preserving-and-preparing/canning-minnesota-tomato-mixture

RESOURCES

- Minnesota Cottage Foods Producers Association, mncfpa@gmail.com and https://www.mncfpa.org/
- Minnesota Department of Agriculture Cottage Foods Producers Guidance and Registration, https://www.mda.state.mn.us/food-feed/cottage-food-producer-registration
- Minnesota Farmers' Market Association, info@mfma.org, www.mfma.org
- MN Registered Cottage Food Producers Facebook Group – https://www.facebook.com/groups/610571982425738
- University of Minnesota Extension Food Safety Team, https://extension.umn.edu/courses-and-events/cottage-food-producer-food-safety-training