



March 14, 2024

Dear Vendor,

It's almost the time for the Oakboro Farmers Market this year. Because you have participated in the previous years, I am enclosing our application for this year. Please fill out the information sheet, make sure you sign the rules page and return those pages to Oakboro Town Hall at 109A N Main Street, Oakboro (or by mail to PO Box 610, Oakboro, NC 28129). The fee hasn't changed and is \$20 which covers you for the entire year (beginning May 1, 2024 through April 30, 2025).

Typically, our Oakboro Farmers Market is held from May 1st through October 31st. However, we realize many of you may have crafts and items that will start earlier or go later. You are welcome to come as you like. It is advertised for Saturdays from 8am-1pm.

We also allow you to set up anyday through the week, in addition to Saturdays, if you have items you want to sell. I do ask you to let myself or Daniel Smith, Parks and Recreation Director (dsmith@oakboro.com) know if you plan to do so.

Thank you for being a part of our Farmers Market! We look forward to a prosperous year for you all!

Sincerely,

Leslie Hatley-Murray
Town Clerk/Finance Officer
lmurray@oakboro.com
704-699-6993



Oakboro Farmers Market 2024 General Regulations

OPERATIONS

1. ALL communication should come through Town of Oakboro Town Hall regarding the Farmers Market.
2. Market allows the selling of local produce, nuts, fruits, homemade crafts, and farm grown products only. Products must be of good quality and sold at a reasonable price.
3. Item categories generally permitted for sale:
 - a. Produce and meat items grown locally.
 - b. Potted plants, hanging baskets, vegetable plants and flowers may be sold as long as plants are free of insects and diseases and locally produced. (MUST obtain a Nursery Dealer's lic. By NCDA)
 - c. Local, home preserved food items may be sold only if they meet NCDA Food and Drug Protections Division Regulations governing products exhibited at farmers markets and curb markets.
 - d. Art and craft may include only articles that are handmade and legal for sale. (No resale of items manufactured that have not been crafted by the seller.)
 - e. Baked Goods – Baked from scratch by the vendor and in accordance to State and Federal regulations, www.ncagr.gov
4. The Town of Oakboro may make management changes in terms of overall policy.
5. The Oakboro Farmer's Market **SHALL NOT** be responsible for loss through theft or otherwise private property, personal injuries or damages to individuals or personal property.
6. Liability for all goods and food sold or traded lies on the vendor/seller. It is highly recommended that each vendor of food items carries a \$1 million dollar liability policy.
7. The market will have a manager to solve disputes, enforce rules, handle fees, and for general information. The Oakboro Farmer's Market Advisory Committee will conduct an annual review.
 - a. Assistant Manager will act as Manager in his/her presence
 - b. OFMAC may be utilized to resolve issues or disputes fairly
 - c. Ultimately, Stanly County and the Cooperative Extension Service will deal with disputes, concerns, marketing, business and regulation that will affect the market as a whole.
8. Market Advisory Committee will consist of:
 - a. Certified Local Producers
 - b. Oakboro Board of Commissioners
 - c. Interested Consumers
 - d. Observers – Local Foods Extension Agent
9. The Town of Oakboro exercises control of all concessions, vending machines, tables, coolers, furniture, power and facilities.

10. Vendors of locally grown crops that are labeled as such must be willing and able to prove the origination of product.
 - a. Those items labeled as "grown by the vendor" are susceptible to a farm visit to verify the originations.
11. Produce or items found to be of poor quality might be refused for sale at the discretion of the Manager and/or Local Foods Agent based on the written STANDARDS OF QUALITY FOR MARKET.

SPACES

1. All vendors or users of space in the market MUST keep premises clean, sanitary and orderly. The market manager will report to Cooperative Extension requesting to prohibit vendors, if the vendor refuses to meet these standards.
2. Vendors are limited to TWO tables. Use of wooden tables may be permitted to wrap around the sides of each space in order to expand vendor display. Please bring your own tables.
3. **Only ONE space is permitted to each vendor**. Only the manager may give permission to utilize more spaces depending on the season and availability.
4. Market tenants must confine the piling and display of product to the space assigned to them and no higher than 3' from the table top.
5. No personal/farm sign shall be wider than a space. Personal/Farm signage may be no taller/higher than 5 ft. in front or beside of table Signs at least 5 ft. behind a table may be no higher/taller than 4 feet and must be well secured.
 - a. All signage allowances are at the discretion of the Market Manager and the Local Foods Agent.
 - b. No signage shall remain or be left after the market is closed.
6. No vendor is to falsely portray high quality food by covering inferior products beneath.
7. No salamander heaters will be permitted in the market without the approval of the market manager.
8. If a producer or dealer wishes to designate a person to represent him/her in their space, prior approval shall be obtained from the market manager and must be documented.

CONDUCT

1. Vendors of the market must not approach a buyer that is in conversation with another vendor. Nor should a vendor approach/converse with another vendor while they are dealing with a customer.
2. Abandoned products and/or containers will be disposed of by the market manager. If this occurs on multiple occasions, a disposal fee of \$10.00 will be applied.
3. Children under 12 years of age are not permitted to roam and wander around the market unless accompanied by an adult. Wholesalers, retailers, truckers, farmers and buyers who have minors accompanying them shall abide by these regulations.
 - a. Bicycles or similar devices in use, under the covered portion of the market, are **STRICTLY FORBIDDEN**.
 - b. **PETS ARE ALSO FORBIDDEN**.



Oakboro Farmers Market

STANDARDS OF QUALITY

The following standards are a basic foundation for the level of quality expected at the Oakboro Farmer's Market. For further detail and explicit guidelines, visit the USDA website for fresh fruit and vegetable standards: <http://www.ams.usda.gov/AMSV1.0/standards>

1. All fruit, vegetable, bread, meat, cheese and plant material must be free from defect, disease, pest and foreign material (dirt, dust, debris, mulch, etc.)
2. All product sold should be of sound and ethical practices. No covering of poor quality, masking defects, intentional misinformation, etc.
3. Products should be held at proper temperature to sustain quality and meet State and Federal Law.
 - a. Eggs – on ice or between 34 and 40 degrees F.
 - b. Meat – Frozen or between 34 and 40 degrees F.
 - c. Cheese – as package requires
4. Open/Cut fresh food should be covered, wrapped, or contained and only for sampling or serving (kitchen certification required)
5. Fruit and Vegetables that are leaking, dripping and cracked must be discarded.
6. All fresh food should have proper coloring, texture, shape and smell (Based on USDA Standards and at the discretion of the Manager/Local Foods Agent)
7. Meats should be free from freezer damage, have proper coloring, labeled and sealed without leaks.
8. Plant Material:
 - a. Certification/License with the NCDA
 - b. Free from Pests
 - c. Not listed as invasive
 - d. Of Good Health and vigor
 - e. Labeled/Identified on the contained/plant
9. Crafts must be:
 - a. Crafted by the vendor or have a representative
 - b. Free from obscene, provocative or questionable subject or reference
 - c. Signed or labeled by the crafter
 - d. At the discretion of the market manager and local foods agent
10. Produce shall be transported and displayed in or on clean, safe boxes, tables, trays, trucks, etc. and may not be sold directly off of a truck or the floor.
11. Cut flowers should have turgid stems, semi-closed buds, displayed & stored in water.
12. Handling of samples and ready- to-eat foods should be done with food-grade gloved hands.
13. Personal clothing shall be clean.
14. Jams and Preserved foods must meet state law requirements and should be of good color, consistency, sealed and in a clear container.
15. Old, poor quality product and products should be discarded and not sold at a discount.



Oakboro Farmers Market **Guidelines for Selling Eggs**

- All eggs must be produced by the seller
- All eggs must be labeled as "ungraded"
- Eggs must be transported and displayed under active refrigeration
- Thermometers must be displayed in your egg case
- All eggs must be stored at 45°F or less but not frozen
- Sellers must provide an invoice or receipt with the grower's name, address, telephone number and date of sale with each purchase. The invoice must also include the name of the purchases and the quantity purchased. A copy of the invoice must be kept for at least 30 days.
- Sales of 30 dozen or more per week are subject to the NC Egg Promotion Tax.

For a complete copy of the NC Egg Law, contact the Market Manager (704-485-3351) or visit the NCDA&CS website at:

<https://www.ncagr.gov/fooddrug/food/egglaw.htm>



Date Paid: _____

2024
Farmers Market Vendor Application
\$20.00 per year

Farm/Business Name													
Name(s) of Owner(s)													
Mailing Address													
Email Address													
Phone Number													
Website (if applicable)													
Address of production location (if different above)													
Do you own or rent the location of production?													
What vendor category are you applying for?	<input type="checkbox"/> Farmer <input type="checkbox"/> Prepared Foods/Baked Goods/Value-Added Foods <input type="checkbox"/> Crafter/Value-Added Products – nonfood												
Please indicate the months you want to participate:	<table style="width: 100%; border: none;"> <tr> <td><input type="checkbox"/> January</td> <td><input type="checkbox"/> February</td> <td><input type="checkbox"/> March</td> </tr> <tr> <td><input type="checkbox"/> April</td> <td><input type="checkbox"/> May</td> <td><input type="checkbox"/> June</td> </tr> <tr> <td><input type="checkbox"/> July</td> <td><input type="checkbox"/> August</td> <td><input type="checkbox"/> September</td> </tr> <tr> <td><input type="checkbox"/> October</td> <td><input type="checkbox"/> November</td> <td><input type="checkbox"/> December</td> </tr> </table> <p style="text-align: center; margin-top: 10px;"><i>Typically, the months we hold the farmers market are May through October unless weather permits for the other months.</i></p>	<input type="checkbox"/> January	<input type="checkbox"/> February	<input type="checkbox"/> March	<input type="checkbox"/> April	<input type="checkbox"/> May	<input type="checkbox"/> June	<input type="checkbox"/> July	<input type="checkbox"/> August	<input type="checkbox"/> September	<input type="checkbox"/> October	<input type="checkbox"/> November	<input type="checkbox"/> December
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Additional name(s) requested for lanyards													

Please see other side ►



The Oakboro Farmers Market will open on May 1, 2024 for the new year.

Dues are \$20 per vendor and must be paid before you can set up at the farmers market. The dues cover the entire year (May 1, 2024-April 30, 2025). Applications/money will not be accepted on Saturday at the farmers market.

Lanyards will be issued to each vendor once the application has been approved and fees have been received. Please wear these each week as identification.

Hours of Operation for the Oakboro Farmers Market - Saturday: 8am-1pm

You are also allowed to set up on other days as well as long as you are registered with the Town. We do ask that you contact Town Hall at 704-485-3351 or email townofOakboro@oakboro.com if you plan to sell on another day.

Some points of information

- There will be a maximum of six spaces for vendors allowed under the Railroad Museum Shelter. These spaces will be on a first come, first served basis.
- Please be prepared to set up outside the shelter if you are not one of the first six vendors on site.
- Vendors may plan to arrive as early as 7am on Saturday to choose a spot under the shelter.
- Products being sold at the Oakboro Farmers Market must be grown or produced on your property. The buying and selling of any other products not produced on your property is prohibited.
- If scales are needed to weigh your produce, the scales must be certified and have a current HTEP certification. Any other type of scales will not be permitted. Should you decide not to use scales, you may sell your products by the piece.
- If your plan is to sell baked goods, you must have proof of a certified kitchen at your home. This has to be approved by the NC Cooperation Extension Service and should be included with this application.
- Selling of eggs is strictly enforced by the State of North Carolina. Please see the North Carolina Regulations if this applies to you. Eggs must be kept in a refrigerated state where the temperature is 45°F or less (but not at freezing temperatures) at all times. Please do not place eggs on the table for display. This is prohibited.
- Parking on the grass around the Railroad Shelter is prohibited at all times. The only time you may pull onto the grass is to unload your vehicle. Please do this as quickly as possible and then remove your vehicle from the grass.

I have read and obtained a copy of the rules for the Oakboro Farmers Market and will abide accordingly.

Signature _____

Date _____

Food & Drug Protection Division

Food Program

Starting a home-based food business

The following steps will guide you through the application for home processor inspection

[Application for Home Processor Inspection \(documents/home_processor_application.pdf\)](#) writable PDF

[Application for Home Processor Inspection \(documents/home_processor_application.docx\)](#) Microsoft Word

Step 1. Verify that your product can be manufactured from the home.

Low risk foods are the only products allowed to be processed in your home kitchen. Low risk food products are items that are shelf stable and do not require refrigeration or freezing. These low-risk food products may include:

- Baked goods that do not require refrigeration
- Jams, jellies, and preserves
- Candies
- Dried mixes/Spices
- Some liquids (*i.e. ice tea, coffee, lemonade, etc.*)
- Some sauces (*i.e. balsamic dressing, etc.*)
- Acid and acidified foods (*i.e. pickles, bbq sauce, etc.*)
- Freeze dried fruits/vegetables

Any sauces allowed under the home processing program will be required to first be evaluated to determine if they are shelf stable. If you are planning on producing pickles or other acidified food products, please contact our office at (984) 236-4820. For more information on product testing, you may also visit the NC State University Extension [website \(https://foodbusiness.ces.ncsu.edu/our-services/\)](https://foodbusiness.ces.ncsu.edu/our-services/) or go to the "Product Testing" section below.

High risk food products are not permitted to be produced in your home kitchen and can only be produced commercially under our routine inspection program. This also includes products that are purchased prepackaged from a retailer or wholesaler that require refrigeration. High risk products include, but are not limited to the following:

- Refrigerated or frozen products
- Low-acid canned foods (*i.e. jarred fruits, vegetables, etc.*)
- Dairy Products
- Seafood products
- Bottled water/Juice Products
- Bakery products with cream or cream cheese fillings; cheesecakes

If you are uncertain if your canned goods are low-acid or acidified or are interested in starting a commercial business, please contact an Agricultural Compliance Officer at (984) 236-4820 for guidance.

Step 2. Do you have a pet that comes in your home at any time (even if only at night)?

If so, you cannot manufacture foods from your home kitchen as this practice is a violation of the Good Manufacturing Practices (21 CFR 110). As a home processor processing food for sales, you are viewed as a Food Manufacturing Facility.

Step 3. Check your home processing area to ensure it meets federal food safety requirements.

Your home processing area must meet the standards set by:

- [Code of Federal Regulations \(21 CFR 110\) also know as \(http://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcfr/CFRSearch.cfm?CFRPart=110\) Good Manufacturing Practices \(GMP\) \(http://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcfr/CFRSearch.cfm?CFRPart=110\)](http://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcfr/CFRSearch.cfm?CFRPart=110)
- [N.C. Food, Drug and Cosmetic Act \(http://www.ncleg.net/EnactedLegislation/Statutes/HTML/ByArticle/Chapter_106/Article_12.html\)](http://www.ncleg.net/EnactedLegislation/Statutes/HTML/ByArticle/Chapter_106/Article_12.html).

Additional regulations are required for pickled (acidified) foods:

- [Code of Federal Regulations \(21 CFR 114\) Acidified Foods \(http://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfCFR/CFRSearch.cfm?CFRPart=114&showFR=1\)](http://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfCFR/CFRSearch.cfm?CFRPart=114&showFR=1)
- [Code of Federal Regulations \(21 CFR 108\) Emergency Permit Control \(http://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfCFR/CFRSearch.cfm?CFRPart=108&showFR=1\)](http://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfCFR/CFRSearch.cfm?CFRPart=108&showFR=1)

Key Requirements:

- Food contact surfaces must be smooth and easily cleanable.
- Home must be free of insects, rodents and other pests including privately owned pets (see step 2).
- Kitchen and bathroom sinks must have adequate hot and cold running water and must be easily accessible from the processing area. In accordance with Good Manufacturing Practices (GMPs), the kitchen sink can only be used for food preparation. Hand washing must be done in a separate sink or bathroom sink.
- Thermometer must be kept in the refrigerator and freezer to monitor temperatures.
- Waste must be carried away from the house in an acceptable fashion (sewer or septic system). Areas in and around the processing area must also be maintained in a condition that will prevent any of the food products, equipment, and supplies from becoming contaminated.
- All light bulbs in the kitchen must have protective shields made of non-glass material or have shatter-proof bulbs.

Please see the “Additional Information” section for details on the inspection process and what to expect during the actual visit to your home.

Step 4. Contact your local planning/zoning department

Once you have determined that you qualify for a home-based food business, you should check with your local planning office to determine if you are permitted to operate a food business from your home and if permits are required. You should also check with your Homeowners Association (HOA) or your leasing office (rented home or apartments) to ensure a home-based business is allowed. County government link: <https://www.ncacc.org> (<https://www.ncacc.org>)

Step 5. Municipal/Well water

If your home uses municipal/city water, you will need to provide a copy of your most recent water bill or letter from your leasing office if your bill is part of your rent. If your only water source comes from a private well, then the water must be tested for coliform bacteria and E-coli before an inspection is made. Test results must be within one (1) year of submitting your application and must be attached with your completed application. It is recommended that you contact your local health department for well water testing, however. Testing is also available through private companies as well.

Step 6. Develop your business plan

Provide a brief description of your business to be included with your application to become a home processor. All information below must be included in your business plan and must be as detailed as possible. The following should be included:

- Provide a detailed list of specific types of products by name that will be produced
- Indicate where the home kitchen is located (i.e. separate room, converted garage, etc.)
- Complete and detailed list of ingredients used and the suppliers
- A plan for storage of supplies, equipment, ingredients, and finished product
- A general production flow including procedures and equipment used
- Describe how your product(s) will be transported (i.e. personal vehicle, food truck, etc.)
- List of potential locations where you plan to sell your product (i.e. retail from home, farmers market, local businesses, etc.)

Some products may also require additional evaluation. For example, “Apple Butter” would need to be evaluated because there is no standard of identity for this product as on the other hand, “Apple Jelly” would not need further evaluation

The NCDA&CS Marketing Division may also be able to provide additional help developing a business plan. Please visit www.ncagr.gov/markets/agbizmarketing.htm (<http://www.ncagr.gov/markets/agbizmarketing.htm>)

Step 7. Food product labels

Food product labels shall be required if products are individually packaged for self-service sale or sold wholesale to retail stores, distributors, or restaurants. Labels shall also be required if products are shipped using postal services such as USPS or FEDEX. Any products to be sold to consumers must be properly packaged in food grade material that will adequately protect foods from contamination. The label must be affixed to the package bearing the following:

1. *Product name*
2. *Manufacturers name and address*
3. *Net weight of the product in ounces/pounds and the gram weight equivalent*
4. *Complete list of ingredients in order of predominance by weight*

On a product label, the ingredients are listed in order of predominance, with the ingredients used in the greatest amount first, followed in descending order by those in smaller amounts. Ingredients such as “eggs” or “salt” that are single source ingredients are to be listed using the common name of the ingredient. In the ingredient statement, if an ingredient is made up of more than one component, all subcomponents are to be listed in parentheses immediately following the name

of the ingredient. For example, "Butter" would be listed as Butter (cream, salt). The easiest way to know what needs to be listed is to look at the ingredient statement on the ingredient package and copy it into your label. Nutritional labels are not required under the home processor program, however. If certain claims are made on the product (i.e. low fat, sugar free, etc.) then a nutritional label must also be added to your product.

The only exemptions to having an affixed label is if the product being produced is sold on demand directly to the consumer. This may include picking up orders from your home, delivering finished products to the consumers, or delivering products to special events (i.e. weddings, birthday party, etc.). Selling products from farmers markets or similar venues may also be exempt from having a label, however. Ingredient information must be available upon request by the consumer.

More information on labeling requirements is available at:

- [FDA Food Labeling Guide \(http://www.fda.gov/food/guidanceregulation/guidancedocumentsregulatoryinformation/Labelingnutrition/ucm2006828.htm\)](http://www.fda.gov/food/guidanceregulation/guidancedocumentsregulatoryinformation/Labelingnutrition/ucm2006828.htm)
- [21 CFR 101: Food Labeling \(https://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcfr/CFRSearch.cfm?CFRPart=101\)](https://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcfr/CFRSearch.cfm?CFRPart=101)
- <https://foodbusiness.ces.ncsu.edu/2018/11/fda-food-labeling-guidance-regulations-and-raccs/> (<https://foodbusiness.ces.ncsu.edu/2018/11/fda-food-labeling-guidance-regulations-and-raccs/>)

Step 8: Complete the Application for Home Processing Inspection

Complete the Application for Home Processor Inspection ([link to PDF](https://www.ncagr.gov/fooddrug/food/documents/home_processor_application.pdf)) (https://www.ncagr.gov/fooddrug/food/documents/home_processor_application.pdf). You can either mail or email the finished application along with the required documents to the mailing or email address listed below.

Email the completed form to:

homeprocessing@ncagr.gov (<mailto:homeprocessing@ncagr.gov>)

or

Mail the completed form to:

Kaye J. Snipes
169 Boone Square Street, #168
Hillsborough, NC 27278

If you choose to email your application, please ensure that your application and supporting documents can be attached in PDF or Microsoft word format. Please check your email periodically for correspondence from our Regulatory Specialists as inspection scheduling are typically made via email. If you choose to mail in your application, it is highly recommended that you do a follow-up at least a week after mailing it to ensure that your application was successfully received.

Within six (6) to eight (8) weeks of receiving your application, a Food Regulatory Specialist will contact you to arrange a home processing facility inspection, however. Please keep in mind that this is only an approximate timeframe, and it may take longer for an inspector to contact applicants during the holiday seasons or if they have a busy schedule.

For applicants without email access, appointments will be made by phone. If you have additional questions regarding home processing, please contact our office at (984) 236-4820 or send them to homeprocessing@ncagr.gov (<mailto:homeprocessing@ncagr.gov>).

Product Testing

Products that fall under the following categories below may **require** testing for pH (acidity) or Aw (water activity) levels:

- Acid/Acidified foods
- Dressings/sauces
- Homemade Cream Cheese Frostings
- "Moist" breads/cakes, and some pies
- Any questionable products

Once complete, the laboratory where your product was tested will provide you with a **Process Authority Letter**. A copy of this letter must be submitted along with your application for review. Additionally, applicants planning on producing acidified food products may be required to take an Acidified Food Course and must also provide a **Certificate of Completion** along with your application.

For more information on the Acidified Food Course, please contact NC State University at 919-513-2090. Product testing is available through [N.C. State University Extension Program \(https://foodbusiness.ces.ncsu.edu/our-services/\)](https://foodbusiness.ces.ncsu.edu/our-services/) or may be available through certified commercial labs close to your area.

The Inspection Process

A home-based kitchen inspector checks the kitchen to be sure it is clean, constructed of suitable materials and is free of any pest activity (insect or rodent) including pets. Remember that indoor pets would also be considered pests and are not permitted under the home processing program.

Standard household equipment and appliances are acceptable. The equipment and appliances can be used for both personal and commercial use. Standard household sinks are acceptable. The kitchen should be free of decorative materials which could collect dust. Running water at a suitable temperature and pressure is required. There is not a specific temperature requirement for hot water, as long as it is hot enough to accomplish cleaning and sanitizing of equipment and utensils.

Waste should be conveyed away from the house in an acceptable fashion (Sewer or Septic Tank). Any lights in the kitchen or any processing or packaging areas should be shielded against accidental breakage.

The inspection will be focused on the kitchen and other areas where processing and packaging of products may take place. Areas of the house in which materials, ingredients and equipment are stored will also be inspected. Inspectors may also walk around the exterior of the house to verify that the foundation is intact and will not allow for the entry of pests.

A permit is not issued, but inspectors will alert the homeowner to any possible violations of the N.C. Food, Drug and Cosmetic Act (https://www.ncleg.net/EnactedLegislation/Statutes/HTML/ByArticle/Chapter_106/Article_12.html).

Other Steps

- File for a tax number

There are several types of tax numbers. If a business is planning to have sales, a Sales & Use Tax number (NC-BR) (<https://www.ncdor.gov/taxes-forms/sales-and-use-tax#GeneralInformation-8202>) is required. Businesses having employees are required to obtain a Federal Employer Identification number (SS-4 form) along with a N.C. withholding tax number. The N.C. Business License Information Office (<http://www.blnc.gov>) can provide application forms to businesses for these numbers.

- Register business name

The type of business structure determines where a business name (assumed name) should be registered. A Certificate of Assumed Name (<http://www.blnc.gov/start-your-business/business-forms>) for sole proprietorships and partnerships must be filed with the Register of Deeds (<http://www.ncard.us/Directory/CountyMap.htm>) in the county or counties where businesses plan to operate. Corporations or Limited Liability Companies must register their business names with the N.C. Secretary of State, Corporations Division (<http://www.secretary.state.nc.us/corporations/>).

- Apply for a UPC code

Many retailers now require a Uniform Product Code (UPC) for each product they carry. A UPC barcode allows automated checkout stands to read the name of the manufacturer and the specific product from the barcode. To apply for UPC barcode, visit the GS1 US website or you may contact the company directly.

GS1 US

300 Charles Ewing Boulevard

Ewing, NJ 08628

609-620-0200

<https://www.gs1us.org/> (<https://www.gs1us.org/>)

- Marketing Assistance

- NCDMA Marketing: Apply for Got To Be NC (<https://gottobenc.com/about/>) Membership Today!

Other resources

- NC State Food Science Department's Guide for Small Food Processors in North Carolina (<https://foodbusiness.ces.ncsu.edu/>)
- N.C. Business License Information Office (<https://edpnc.com/start-or-grow-a-business/start-a-business/>)
- N.C. Department of Agriculture and Consumer Services' Marketing Division Agribusiness Development Office (<https://www.ncagr.gov/markets/agribiz/index.htm>)
- FDA Good Manufacturing Practice Guidelines (<http://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcfr/CFRSearch.cfm?CFRPart=110>)
- NC Shared-Use and Business Incubator Kitchens (<http://www.ncagr.gov/markets/agribiz/foodbiz.html#incubator>)

Food Program, Daniel Gaines, Food Administrator
Mailing Address: 1070 Mail Service Center, Raleigh NC 27699-1070
Physical Address: 4400 Reedy Creek Road, Raleigh NC 27607-6465
Phone: (984) 236-4820; **FAX:** (919) 831-1323



Steve Troxler
Commissioner

North Carolina Department of Agriculture
and Consumer Services
Food and Drug Protection Division

Daniel L. Ragan
Director

General Guidelines Regarding Products Exhibited for Sale at
Farmer's Markets and Curb Markets

1. All foods sold must meet local county and N. C. Department of Environment and Natural Resources, Environmental Health Division sanitation regulations as well as those of this Department.
2. For those foods not in conflict with 1., processing areas must comply with 21 CFR Part 110 as adopted in the N. C. Administrative Code. All kitchens preparing prepackaged foods will be inspected. Those kitchens not meeting sanitary standards will not be allowed to continue operations.
3. If foods are not prewrapped prior to display for sale but are sold by the slice, etc., we would consider the operation one of retail food service nature and subject to local health department purview only. If cakes, pies, etc. are to be sold as whole units rather than by slices, we would recommend that they be wrapped prior to offering for sale.
4. Prewrapped foods displayed for sale must be adequately protected at all times to prevent adulteration of food.
5. Foods prewrapped prior to sale must be labeled with at least the following information:
 - a. common or usual name of the product;
 - b. net contents, i.e. net weight in ounces or pounds and ounces if the product is solid or semisolid; net contents in fluid ounces if the product is a liquid;
 - c. list of ingredients in the product by decreasing order of predominance by weight of each ingredient; and
 - d. name and address including zip code of the person responsible for the product.

Important Notice Regarding Product Labeling and Ingredient Declaration:

Food allergens pose a serious health concern for a small segment of our population. Most food allergies are caused by the following foods: **Peanuts, Soybeans, Milk, Eggs, Fish, Crustacea, Tree Nuts and Wheat.** Additionally, food colors such as Yellow #5 and preservatives such as sulfiting agents can trigger an allergic response in sensitive individuals.

Consumers who suffer from food allergies must avoid the foods that trigger reactions. Ingredient declarations on product labels must be complete to provide the consumer with the necessary information to determine if a food contains an allergen.

Processed food products that fail to bear complete ingredient statements may be subject to immediate regulatory action including recall and, in some cases, public notification by this Department.

6. Food requiring refrigeration shall be stored at a temperature of 45 degrees F or below. Smoked fish products shall be stored at 38 degrees F or below. Frozen foods shall be maintained frozen.
7. The sale of food products with a high osmotic pressure (high sugar content) such as jams, jellies and preserves would be permitted. The responsible individual processing such products would not be relieved from processing those foods under sanitary conditions as outlined in 21 CFR Part 110 and labeling requirements in 5. Above.
8. Acidified or pickled products including but not limited to pickles, relishes, chow-chow, chutney, etc. in addition to Part 110 must be manufactured in accordance with 21 CFR Parts 108 and 114 as adopted in the North Carolina Administrative Code.
9. No "low acid" canned foods may be sold. Example: green beans, corn, peas, carrots, potatoes, soups, etc. Tomato products manufactured from low acid varieties may not be sold.
10. Processed meat products may be subject to inspection and regulation by the North Carolina Department of Agriculture and Consumer Services, Meat and Poultry inspection service (919-733-4136).

Should questions or problems arise concerning processing or labeling, contact the Food and Drug Protection Division of the North Carolina Department of Agriculture and Consumer Services in writing or by telephone at 919-733-7366. Additionally, the regulations adopted by reference from 21 CFR are available.

September 2009

Growing Small Farms

[Home](#) » [Selling Eggs, Meat, and Poultry in North Carolina: What Farmers Need to Know](#)

Selling Eggs, Meat, and Poultry in North Carolina: What Farmers Need to Know

Find this page at:

go.ncsu.edu/readext?172278

› en Español

by [Debbie Roos](#) , Agricultural Extension Agent

Farmers who sell meat, poultry, and eggs in North Carolina must comply with state and federal laws designed to ensure that meat and poultry products sent into commerce are wholesome, unadulterated, and properly labeled. The North Carolina Department of Agriculture and Consumer Services (NCDA&CS) enforces these laws.

Eggs

Farmers wishing to sell eggs should be familiar with the [North Carolina Egg Law](#). The Egg Law addresses labeling, standards, invoices, advertisement, displays, sanitation, and marketing.

Eggs that are for sale must be **clean** (not necessarily washed, but clean).

Anyone selling more than 30 dozen eggs per week must **grade** the eggs and label cartons with the grade. Eggs are graded based on federal quality standards. See the [United States Standards, Grades, and Weight Classes for Shell Eggs](#) for guidelines.

The eggs must be refrigerated to 45° F or less after gathering. Do not allow them to freeze.

Egg Cartons

The [Egg Law](#) does not require that eggs be sold in new cartons. Re-used cartons must be “clean, unbroken and free of foreign odor”. Any incorrect information on a re-used carton must be marked through.

Carton Label Requirements

The carton label must include the consumer grade, applicable size (based on weight), the word “eggs”, the number of eggs, and the name and address of the producer. If eggs are not separated according to size, they should be labeled as “mixed size”.

The eggs can only be labeled as “fresh” if they meet the Grade A or AA [Standard](#) .

Signage

Any sign used to promote the sale of eggs that includes a price must also include the grade. If the eggs are ungraded, the farmer must put “ungraded eggs” on the sign.

Sales to Restaurants and Grocery Retailers

The supplier must furnish an **invoice** showing the quantity, size, the word “eggs”, the grade, and the farmer’s name and address. This invoice must be kept at the restaurant or store for a minimum of 30 days. This also applies to farmers’ market sales. Farmers must keep a running log of the total number of eggs sold each market day.

Exemptions

If a farmer sells over 30 dozen eggs per week, then **all** of the [Egg Law](#) applies. Farmers who sell fewer than 30 dozen eggs per week (total, through all markets) are not required to wash and grade the eggs. Farmers who fall under the 30 dozen or fewer per week exemption must include their name and address on the carton and the words “ungraded eggs”. These eggs are legal to be sold just like graded eggs – to restaurants, retail grocery stores, farmers’ markets, etc.

Questions?

Contact [Jim Melvin](#) the at the NCDA&CS Food and Drug Protection Division at 919-733-7366.

[Tips for Egg Safety from Farm to Table](#)

Meat and Poultry

Meat and Poultry Handler Registration

Any farmer who receives, stores, transports, and/or sells (wholesale or retail) NCDA (State) or USDA (Federal) inspected meat and/or poultry products must register as a meat and poultry handler with the NCDA&CS.

The registration requirements are fairly simple. The producer must have an acceptable storage facility that is clean and free from rodents and other pests. The product must be handled and stored under acceptable conditions (appropriate temperature, product rotation, etc.) to prevent the product from becoming adulterated. There are no maximum and/or minimum temperature parameters set by the

NCDA&CS. They only require that the product be stored and transported properly to prevent product adulteration due to “temperature abuse.” Transport vehicles must be clean and in good working condition.

To register as a Meat and Poultry Handler, you must meet with a Department of Agriculture official on your farm to ensure compliance with all of the requirements. Contact the NCDA&CS at 919-707-3180 to make an appointment.

Small-scale producers who fall under the [exemption](#) (described below) are not required to register as meat and poultry handlers.

See [Meat and Poultry Handler Requirements](#) for more information.

[List of Registered North Carolina Meat Handlers](#)

Packaging, Labeling, and Marketing

Meat and poultry may be sold fresh or frozen. Farmers selling at farmers’ markets should check the market’s rules governing the sale of meat and poultry, as some may only allow frozen product.

Product labels must include product name, statement of ingredients, inspection legend (applied by processor), net weight statement, farm name and address, and safe handling statement (applied by processor). The processing plant will apply the labels. If you want a custom label, you will need to work with your processor to get USDA approval. Verify that all your product is properly labeled before you leave the processing facility; otherwise you will not be able to sell it. You may not alter labels in any way, nor add any additional labels. Price and UPC stickers may be added by the retailer or vendor.

Meat and Poultry Handlers may not open packages, relabel products, repackage products, or apply net weights.

Exemptions for Small-scale Poultry Producers

Producer/Grower 1,000 Poultry Limit Exemption

This exemption from [NCDA&CS law](#) allows an individual to slaughter and/or process poultry [of their own raising](#) (on his or her premises) and sell the poultry products in intrastate commerce without mandatory (daily) inspection. To operate under the limited provisions of this exemption the individual must meet the five (5) requirements as stated in MPID Notice 08-10, titled “[Poultry Exemption Requirements](#) .”

Producer/Grower 20,000 Poultry Limit Exemption

This exemption from [NCDA&CS](#) law allows an individual to slaughter and/or process poultry (on his or her premises) that he/she raised and he/she may distribute the poultry products in intrastate commerce without mandatory (daily) inspection. To operate under the limited provisions of this exemption the individual must meet the nine (9) requirements as stated in MPID Notice 10-10, titled “[Requirements for the Producer Grower 20,000 Poultry Exemption](#) .”

The law permits poultry processed under this exemption to be sold at farmers' markets and to restaurants.

Questions?

Contact the NCDA&CS Meat and Poultry Division at 919-733-4136.

Processing Facilities

Visit the [NC Choices](#) website for a list of North Carolina meat and poultry processing facilities.

Web Resources

- [Meat and Poultry Division – North Carolina Department of Agriculture and Consumer Services](#)
- [Rabbit Processing – North Carolina Department of Agriculture and Consumer Services](#)
- [Meat Handlers – North Carolina Department of Agriculture and Consumer Services](#)
- [North Carolina Egg Law – North Carolina Department of Agriculture and Consumer Services](#)
- [Pastured Poultry Resource List – North Carolina Cooperative Extension](#)
- [Links for Small-scale Livestock Production – North Carolina Cooperative Extension](#)

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