



Selling Home-Canned Foods: Do It Safe, Do It Legal

To process most foods in Wisconsin for sale, you must be licensed. This requirement provides assurance to you and your customers that the food that you process is safe and wholesome. A law passed in 2009, **Wisconsin Act 101** (the **Pickle Bill**), allows you to sell some home-canned foods without a license under certain circumstances. A copy of Wisconsin Act 101 can be found here: legis.wisconsin.gov/2009/data/acts/09Act101.pdf The following information will help make sure you sell food that is safe and allowed by law.

Canned products you can sell without a license:

- You **can sell** home-canned fruits and vegetables that are naturally acidic or have been acidified by pickling or fermenting.
- These products have an **equilibrium pH** of 4.6 or lower, meaning that they are **high in acid**.
- Examples of allowable products:
 - pickled fruits and vegetables (not refrigerator pickles)
 - salsas and chutneys
 - sauerkraut and kimchi
 - jams and jellies
 - applesauce
- Not sure if your product can be sold without a license? Contact University of Wisconsin Extension: 608-263-7383 or Wisconsin Dept of Agriculture, Trade & Consumer Protection: 608-224-4682

Products you cannot sell without a license:

- You **can not** sell low-acid home-canned foods such as vegetables, fish and meat
- You **can not** sell sauces, dressings or condiments unless they are clearly fruit or vegetable products
- You **can not** sell home-canned foods contain meat, eggs or dairy such as pickled eggs, lemon curd, and pesto
- You **can not** sell baked goods, dried foods, flavored vinegars, beverages, foods that must be kept refrigerated to ensure safety, or any other item that is not a high-acid canned fruit or vegetable
- You **can not** sell product made outside your family's kitchen, such as in a restaurant or a shared kitchen

Requirements of the new law:

- **Sales** of no more than \$5,000 **per individual** per year. Individuals must keep records in the event of an inspection.
- Retail sales **only** (direct from producer to consumer) and only in Wisconsin. So sales by others, even at farmers' markets. You can not sell your friend's products under the pickle bill, each person must sell their own. No internet sales.

Requirements of the new law (continued):

- Sales **only** at community or social events or farmers’ markets. These events include town celebrations, sporadic church or service club bazaars, and scheduled farmers’ markets. Events where sales **may not** take place include for-profit events, flea markets, craft shows, traveling circuses or carnivals, high school sporting or fund-raising events, and regularly occurring licensed food-sales events such as a church’s Friday-night fish fry. A farmer **may not** put up a roadside stand and sell product under the ‘Pickle Bill,’ nor may a farmer sell from a retail store on his/her property. Farmers may only sell through recognized farmers’ markets.
- Post a sign at your stand or booth: **“These products are homemade in a kitchen that has not been subject to state inspection.”**
- Label each jar:
 - Name and address of the person who did the canning
 - Date of canning
 - Ingredients (in descending amount by weight)
 - Statement: **This product was made in a home not subject to state licensing or inspection.**
- **Labeling law requires that any allergens** must be labeled: milk, eggs, fish, shellfish, nuts, wheat, peanuts or soybeans. Note, most of these are not allowed to be in products under the pickle bill.

Training and recipes:

A great way to help ensure the safety of the product that you sell is to follow a tested recipe. It is assumed that processors **have tested their products or otherwise know** that the products that they sell are safe. Excellent sources of approved recipes are:

- Ball Blue Book (1994 or more current only)
- Ball Canning web site: www.freshpreserving.com
- National Center for Home Food Preservation: www.uga.edu/nchfp/
- University of Wisconsin: www.foodsafety.wisc.edu/preservation.html

Questions about recipes? Contact Barbara Ingham (Extension specialist) 608-263-7383 or email Barbara Ingham at bingham@wisc.edu . Note, the statement “I’ve been making this same recipe for years and I have never made anyone sick” does not ensure that the recipe is safe!

What about...

Under the new law, there can be **no sales**:

- Out of your home or a store on your property
- Wholesale (resale by someone else)
- On consignment
- Via the internet OR out of state
- Of exempt foods (pickle bill products) along with licensed foods

As your business becomes more and more successful, you’ll want to consider becoming licensed. Contact the Wisconsin Department of Agriculture, Trade and Consumer Protection at 608-224-4682 to discuss obtaining a food processing license.

B. Ingham. Revised August 2012.