

ILLINOIS DEPARTMENT OF PUBLIC HEALTH  
OFFICE OF HEALTH PROTECTION  
DIVISION OF FOOD, DRUGS AND DAIRIES

TECHNICAL INFORMATION BULLETIN

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SUBJECT: Sanitation Guidelines for Farmers Markets, Producer Markets and Other Outdoor Food Sales Events

EFFECTIVE: April 30, 1999

SUPERCEDES:

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**GENERAL INTRODUCTION** - Farmers markets, festivals, fairs, harvest days and other outdoor food sales events are often heavily promoted community affairs that go far beyond simple fresh produce markets which are basically exempt from food safety regulations. This technical release will provide regulatory guidelines as well as the risks involved with various foods often sold at these outdoor events.

Illinois statutes and rules that provide the legal base for regulating Farmers Markets and other outdoor food sales events include the following:

Illinois Food, Drug and Cosmetic Act, 410 ILCS 620/1 et seq.  
Sanitary Food Inspection Act, 410 ILCS 650/1.1 et seq.  
Grade A Pasteurized Milk and Milk Products Act, 410 ILCS 635/1 et seq.  
Farm Products Marketing Act, 505 ILCS 75/2  
Illinois Egg and Egg Products Act, 410 ILCS 615/1 et seq.  
Illinois Retail Food Store Sanitation Code, 77 Ill. Adm. Code 760  
Illinois Food Service Sanitation Code, 77 Ill. Adm. Code 750

Every farmer, fruit and vine grower, and gardener has the undisputed right to sell the produce from his farm, orchard, vineyard and garden in any place or market, according to the Farm Products Marketing Act. The Illinois Egg and Egg Products Act allows farmers to also sell shell eggs directly to household consumers on the farm without candling or grading such eggs. Producers who choose to retail their unprocessed home grown produce and/or fresh cut herbs on their home premises or at a Farmers Market, usually do so with a minimum of regulation. The definition of "retail food store" in the Retail Food Store Sanitation Code, Section 760.20, specifically exempts "roadside markets that offer only fresh fruits and fresh vegetables for sale from code requirements."

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Stands and concessions that sell processed, prepared or packaged foods in addition to fresh fruits and vegetables are subject to inspection according to the Illinois Department of Public Health Food Service Sanitation Code or the Retail Food Store Sanitation Code. A "temporary retail food store" or "temporary food service" may operate at a fixed location for no more than 14 consecutive days. When any food stand or other outdoor concession operates for more than 14 consecutive days, the operation must then comply with all requirements of these food codes including food source, facilities, plumbing, equipment, labeling and food handling practices just as any other retail food store or food service.

**PERMITS/LICENSES** - Operators of stands and concessions who wish to sell products other than fresh produce must contact the local health department to obtain information about necessary food permits or licenses. Fresh produce without any processing, cutting, etc., as defined in the Farm Products Marketing Act, is exempt from inspections and licensing fees.

**VEHICLES** - During transportation and delivery, foods must be protected from insects, flies, dirt, handling, chemicals and other contamination. Delivery vehicles or other equipment used for such transportation must be constructed so as to be easily cleanable. Food products must be kept clean during transportation and delivery and protected from dust and especially pesticides, lubricants and other chemicals.

**PREMISES** - The operator of each stand or sales area is responsible for maintaining it in a neat, and clean sanitary condition. An adequate number of tightly covered waste containers must be provided for storage of garbage and refuse. These containers must be stored to eliminate potential for contamination of any food products. At the close of business, each stall holder shall clean the stall and surrounding area. No pets are allowed in the storage and display area. Food products must be enclosed and protected from pests overnight.

**FOOD PROTECTION DURING STORAGE, DISPLAY AND SALES** - Food on display in open air markets must be adequately protected from incidental public handling, dirt and other contamination. Foods must be stored off the ground or off the floor of the stand. Any prepared, processed, baked or cut food must be packaged or wrapped for protection (see labeling requirements). Any wrapping or container must be constructed of safe, new, food-grade materials.

All utensils, display cases, counters, shelves, tables and refrigeration equipment must be clean, sanitary, smooth, sealed and constructed of approved materials to prevent contamination of any food products.

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Hand washing is required when produce or any food item is sliced, cut or prepared on or off-site. Therefore, if foods are to be handled, hand washing facilities must be provided. Where water under pressure is not available, the minimum requirements for hand washing would be a pan with warm water or a thermos with spigot and a catch pan, soap and individual paper towels. All persons handling food products must conform to proper hygienic practices and be free from disease conditions which may contaminate food.

If ice is used to cool food products, beverages or beverage containers, it must be from an approved commercial source. All ice used for display must be properly drained. All potentially hazardous food, as defined in the Food Service Sanitation Code and Retail Food Store Sanitation Code, must be held at temperatures of 41EF. or less.

Live poultry and pets may be sold only if they can be segregated from the general food sales area and there are no local ordinances that prohibit it.

#### **FOODS ALLOWED AT A FARMERS MARKET WITH NO RESTRICTION**

**Fresh Fruits, Vegetables, Nuts, Seeds** - uncut, not processed in any way  
**Melons** - may be cut for display only  
**Popcorn, Other Seeds** - not sprouted, ground, etc.  
**Organic Foods** - not cut or processed  
**Fresh or Dried Herbs**

#### **FOODS ALLOWED AT A FARMERS MARKET WITH CERTAIN RESTRICTIONS**

Foods described below are prohibited at a farmers market or similar event without prior approval by the local health department as to approved source, ingredients, holding or storage equipment or other pertinent factors. Evidence that food products are from an approved source include invoices, bills of sale or other receipts. The Division of Food, Drugs and Dairies will also be able to verify that a product is processed in an inspected plant.

Non-potentially hazardous foods such as cookies, cakes and fruit pies which have not frequently been associated with foodborne illness may be prepared in non-commercial kitchens and sold, provided the sale is limited in nature, i.e., meets the time limitations of a temporary food stand as, for example, a fund raiser for a not-for-profit organization and is not a routine business. It is strongly recommended that this preparation take place in a controlled environment such as a club or church kitchen.

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**Shell Eggs** - All eggs must be cleaned, candled, graded, packed in new cartons, date marked and refrigerated if sold any place except on the farm where they were produced. The egg carton must be marked with a Julian pack date (counted from the first day of the year) and an expiration or sell by date of not more than 30 days from day of pack for Grade A and 15 days for Grade AA. Often, checking the Julian pack date or expiration date will indicate whether the egg cartons have been reused. A Department of Agriculture license is required for anyone who sells eggs anywhere except on the farm where the eggs were produced. For more information regarding these requirements and the Illinois Egg and Egg Products Act, contact Illinois Department of Agriculture, Bureau of Weights and Measures, P.O. Box 19281, State Fairgrounds, Springfield, IL 62794-9281, telephone 800/582-0468. *Salmonella enteritidis* (SE) is the pathogen of concern with fresh shell eggs. Since SE does not multiply below 45EF, eggs must be kept refrigerated.

**Cut melons** - Since cut melons support the survival and multiplication of foodborne pathogens, they must be covered/wrapped and iced, then any leftovers must be discarded after 4 hours. Clean, sanitary utensils must be used for cutting and display. The samples may not be dispensed by hand or on the end of a knife. Only single service articles (plates, forks, toothpicks, etc.) may be used for sampling.

**Mushrooms** - Commercially raised mushrooms including the common button mushroom, portabellas, shiitake, enoki, bavarian and others must have documentation showing their source. Wild mushrooms, such as the morel or sponge mushroom, may only be sold provided each mushroom has been individually examined and approved by an acknowledged mushroom expert. These credentials must be approved in advance by the local or state health department. Packaging materials for the common button and enoki mushrooms must have at least one or two 1/4" holes to allow the entry of oxygen, unless the mushrooms have been grown on sterile media. Toxin formation by *Clostridium botulinum* is a potential risk under anaerobic conditions with these mushrooms.

**Honey** - Honey must be from an inspected source (IDPH, FDA or another state). It is often heat treated to minimize mold spores. No other sweetener may be added to the honey, otherwise it cannot be called honey.

**Apple Cider** - Apple cider, packaged or in a container, must be pasteurized or show a warning statement on the label. A placard or sign nearby stating it is unpasteurized is also acceptable. After November 8, 1999, the warning statement must be on the label. If unpasteurized apple cider without a warning statement is found, please notify the nearest Division of Food, Drugs and Dairies Regional Office. Unpackaged apple cider and other fresh juices produced on-site are exempt from the warning statement.

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**Baked Goods** - Potentially hazardous baked goods such as cream or custard filled items, egg-based or custard pies (pumpkin, custard, etc.) must be produced and packaged in an inspected facility and held under refrigeration of 41EF. or less. Non potentially hazardous baked goods such as cookies, cakes or fruit pies may be prepared in non-commercial kitchens and sold, provided the "bake sale" is limited in nature (less than 14 days of consecutive operation, a fund raiser for a not-for-profit or charitable organization, not a regular commercial business). Labeling requirements must be met.

**Herb Vinegars** - Herb vinegars will be allowed, provided commercial vinegar which has a controlled pH is used and labeling requirements are followed.

**Flavored oils** - Garlic-in-oil may be sold only if it is produced in a commercial processing plant under inspection. Other flavored oils besides garlic-in-oil have not been epidemiologically implicated in foodborne illness outbreaks. Therefore, they do not require acidification and are not considered potentially hazardous. Labeling requirements must be followed.

**Candies, and Caramel Apples** - Candies, caramel apples and other confectioneries frequently have an inhibitory high sugar content and growth of pathogens is unlikely.

**Ice Cream** - Ice cream may be sold if it is manufactured in a licensed dairy plant or in a retail food establishment from commercially pasteurized ice cream mix or from pasteurized milk and pasteurized eggs.

**Other Foods** - Products must be individually assessed.

### **FOODS PROHIBITED AT A FARMERS MARKET OR FROM OUTDOOR SALES** -

**Home Made Ice Cream** - Ice cream made at home is prohibited.

**Raw Milk, Cheese, Yogurt or Other Dairy Products** - Prohibited by the Grade A Pasteurized Milk and Milk Products Act. Raw dairy ingredients are commonly contaminated with *Listeria monocytogenes*, *Salmonella* or other pathogens. All Grade A dairy products must be pasteurized and processed in a licensed dairy plant.

**All Home Canned Foods** - All low acid canned foods in hermetically sealed containers have a risk from surviving *Clostridium botulinum* and subsequent formation of toxin unless a stringent scheduled process is followed. Some recipes for apple butters, jams and jellies may have been adapted to use a sugar substitute, pectin or fruit juice in place of sugar which will not give the same protection as a high sugar content. Without

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process controls and product analysis, it is extremely difficult to distinguish between safe and unsafe products. Therefore, home canned foods may not be sold to the public.

**Home Vacuum Packaged Products (of any type)** - The risk of *Clostridium botulinum* and other anaerobic pathogens occurs without strict controls and an approved HACCP plan. Food products vacuum packaged at home are not allowed.

**Home Butchered Meat, Poultry or Wild Game Animals** - Home-butchered meat and poultry which has not received an ante mortem and post mortem inspection, is for the use of the owner and his/her family alone and may not be sold, according to Agriculture laws. Wild game may only be donated to charitable or not-for-profit organizations or it may be for personal use.

**Home prepared sandwiches** - All potentially hazardous foods must be prepared on-site in an inspected facility or be prepared in another inspected facility. Sandwiches prepared at home may not be sold to the public.

**Garlic-in-oil** - Garlic-in-oil may only be sold if processed in an inspected, commercial processing plant where it has been acidified to certain specifications (usually with citric acid). Garlic-in-oil is frequently contaminated with *Clostridium botulinum* spores and has been implicated in several foodborne outbreaks.

**Pickles, Relishes, and Salsa** - Because of the wide variation in ingredients, pH, and processing methods, these products must be produced in a commercial processing plant.

**LABELING** - All prepackaged foods must comply with minimum labeling requirements. This information may be provided as a label on the package or container, on a sign or placard or as a recipe available to the consumer.

- 1) common name of the product
- 2) name, address and zip code of the packer, processor, manufacturer, etc.
- 3) net contents
- 4) list of ingredients in descending order of predominance by weight
- 5) a list of any artificial color, artificial flavor or preservatives used.

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No nutrition labeling is required unless a health claim is made (relieves or cures some disease or condition, for example) or a nutrition claim is made (no fat, low salt, etc.). Food products that are manufactured in a processing plant and repacked for retail sale do require nutrition labeling (Nutrition Facts Panel). When the nutritional profile of the product has been changed, i.e. sesame seeds or egg wash is added to frozen bread dough, no nutritional labeling is required. Foods prepared at the retail level are exempt from nutritional labeling. For more information about health and nutrient claim requirements, contact the Division of Food, Drugs and Dairies.