



Steve Troxler  
Commissioner

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

Joseph W. Reardon  
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.

5/81, revised: 1/86, 4/92, 3/00, 6/03, 7/05, 7/06, and 3/07