

# Federal and State Regulations on Selling Frozen and Dehydrated Foods



## Standards of Identity<sup>3</sup>

**Frozen**—Frozen foods should be prominently labeled as “frozen”.

**Frozen fresh**—Foods which were quickly frozen while still fresh may be labeled “frozen fresh” or “fresh frozen”.

**Dried or dehydrated**—a food which is dried or dehydrated should be labeled with a designation which includes one of these words, unless the name is one like “raisins” which consumers recognize as indicating a dried product.

## Introduction<sup>1,2</sup>

Freezing and dehydrating produce commodities, including fruits, vegetables, and nuts, are ways to increase the shelf life of the produce.

Freezing can preserve freshness and quality. Freezing does not kill bacteria on the product but it does prevent microbes from growing. Once a food is thawed, bacteria begin to grow and can spoil the produce, or if pathogenic (harmful), can cause foodborne illness. Be sure to store the fruit or vegetable at 0°F or below for the duration of its frozen life.

Drying is one of the oldest methods of food preservation. Water allows growth of bacteria on food. When a food is dried, it removes water that was available for microorganisms to use and prevents their growth. Water activity below 0.85 prevents bacterial growth. If the water activity is too high, pathogenic (harmful) bacteria can grow and cause illness. Water activity is a ratio that represents the water available for microorganisms to use for growth. It is different from moisture content which is the total water contained in a food. It is important to check dried foods for moisture as the introduction of water to a dehydrated food can reduce quality and increase the chance of microbial growth.

*The information below pertains to specific types of manufacturers (those who identify as a facility). Manufacturers that sell their product directly to consumers through farmers’ markets, roadside stands, or other similar venues should direct their attention to the “For Manufacturers Selling Directly to Consumers” portion of this document. Manufacturers that do not sell directly to consumers (those that sell to restaurants, grocery stores, or other manufacturers) should view the “For Manufacturers Not Selling Directly to Consumers” portion of this document, on the next page.*



# For Manufacturers Not Selling Directly to Consumers

## Freezing Recipes

[food.unl.edu/freezing](http://food.unl.edu/freezing)

[https://  
extension.missouri.edu/  
publications/gh1503](https://extension.missouri.edu/publications/gh1503)

[https://  
catalog.extension.orego  
nstate.edu/pnw214](https://catalog.extension.oregonstate.edu/pnw214)

## Federal<sup>4</sup>

The Current Good Manufacturing Practices, Hazard Analysis, and Risk-based Preventive Controls for Human Food Rule applies to facilities that freeze and dehydrate produce for human consumption in the United States and are required to register under section 415 of the Federal Food, Drug, and Cosmetic Act, unless otherwise exempt. Current Good Manufacturing Practices (CGMP) must be followed [21 CFR Part 117, Subpart B] by facilities that manufacture, process, pack, or hold frozen and dehydrated food. Subpart B does not apply to establishments solely engaged in hulling, shelling, drying, packing, and/or holding nuts (without additional manufacturing/ processing, such as roasting nuts). For example, farms that dry/dehydrate raw agricultural commodities to create a distinct commodity (such as drying/dehydrating grapes to produce raisins) without additional

manufacturing/processing are not subject to the preventive control requirements of part 117, but subpart B (CGMPs) applies to the packaging, packing, and holding of the dried commodities. CGMPs include personnel, plant and grounds, sanitary operation, sanitary facilities and controls, equipment and utensils, processes and controls, warehousing and distribution, and holding and distribution of human food by-products for use as animal food. Employees must be trained on how to maintain a sanitary environment and how to produce safe frozen and dehydrated fruits and vegetables.

When freezing and dehydrating, it is imperative to monitor the operating temperatures and humidity of the equipment and produce. Be sure to keep instruments calibrated and record temperatures, humidity, and times throughout processing. Facilities that freeze and dehydrate produce may be required to develop a food safety plan based on their Hazard Analysis and Identification of Risk-based Preventive Controls [21 CFR 117, Subpart C]. A food safety plan must include written documentation of a hazard analysis, preventive controls, (or reasons as to why a hazard does not need a preventive control), supply-chain program, if applicable, a recall plan, monitoring procedures verification procedures, and corrective actions, and validation documents for process preventive controls [21 CFR 117.126(b)(1) through (7)]. Conducting a complete and accurate hazard analysis is one of the most important steps in developing an effective, risk-based, and prevention-oriented food safety system.



# For Manufacturers Selling Directly to Consumers

## Illinois<sup>5,6</sup>

**Dried herbs**— Sales of dried herbs are permitted by an Illinois Cottage Food Operation.

**Frozen and dehydrated vegetables**—Dehydrated and frozen fruits and melons are allowed to be sold without a license, as long as no prohibited ingredients (such as meat, dairy, etc.) are included. However, dehydrated tomato and melon as well as frozen cut melon require a license.

**General Guidance**— Labeling and Signage requirements must be met. The name and residence of the person preparing and selling products as a cottage food operation must be registered with the county health department of a unit of local government where the cottage food operation resides. A fee may be charged for registration. The person preparing and selling products as a cottage food operation needs [Certified Food Protection Manager \(CFPM\) certification](#).

## Indiana<sup>7,8</sup>

**Frozen and dehydrated produce**, except for dehydrated tomato and frozen cut or dehydrated melon, are allowed to be sold by a home-based vendor. Labeling requirements must be followed. All home-based vendors must obtain a food handler certificate from a certificate issuer that is accredited by the American National Standards Institute.

## Iowa<sup>9, 10</sup>

**Dehydrated foods**- Most foods that do not need to be kept hot or cold for safety may be sold directly to the consumer without a license, provided they meet certain labeling requirements. Batch testing is not required, but the producer is required to provide documentation that their product is non-TCS when it is not obvious.

**Frozen foods**— Temperature-controlled foods must be produced in a licensed facility.

## Kansas<sup>11</sup>

**Fresh, dried, or freeze-dried uncut fruits, vegetables, or herbs (tomatoes, melons, okra, apples, basil)**- may be sold without a license. They may be home-grown. Any pesticide use must comply with label directions.

**Certain cut produce and cut herbs (other than cut tomatoes, melons, or leafy greens), cut berries, cut herbs, cut carrots, etc.**- can be frozen, fresh, or dried. If product is blanched before freezing and has a pH above 4.2, licensing is required for frozen foods. If not blanched first, no licensing required.

**Fruit leathers (apricot leather, other fruits)**- No license is required.

## Drying Recipes

<https://food.unl.edu/article/drying-foods>

<http://nchfp.uga.edu/how/dry/csudryvegetables.pdf>

<http://nchfp.uga.edu/how/dry/herbs.html>

<http://nchfp.uga.edu/how/dry/csudryfruits.pdf>

<https://extension.psu.edu/lets-preserve-drying-fruits-and-vegetables-dehydration>

<https://extension.umn.edu/preserving-and-preparing/drying-food>

**Cut leafy greens (fresh or dried), cut or torn lettuce-** requires KDA food establishment license at production facility and point of sale. Must be sold at or below 41 degrees F.

**Certain cut produce (fresh or dried) (melons, tomatoes)-** requires KDA food establishment license at production facility and point of sale

**General Guidelines-** While not all food producers and processors are legally required to follow specific regulatory requirements due to the type of products they produce, all can and should utilize some basic Good Manufacturing Practices (GMPs), which are the basic sanitary and processing requirements necessary to ensure the production of safe food. Standard hygiene and sanitation requirements must be followed.



### Michigan<sup>12</sup>

**Dried Products-** Dry herbs, dry herb mixtures, and dehydrated vegetables or fruits may all be made in a home kitchen.

**Frozen products --** Ice and ice products are not allowed to be sold by a home kitchen.

**General Guidelines–** Labeling and packaging requirements must be followed.

### Minnesota<sup>13</sup>

**Dried, Dehydrated, Roasted Products-** fruits, fruit leather, herbs, vegetables, vegetable leathers, and chips are exempt from licensing.

**Frozen—**frozen produce is not allowed without licensing.

**General Guidelines-** Cottage food producers must register with the MDA before selling exempt food regardless of the amount of food sold and register each year. Producers must take an approved food safety course once every three years while actively selling cottage food. Labeling requirements must be followed. Sales limits apply.

### Missouri<sup>14</sup>

**Dry pasta, coffee, and dried fruits-** examples of foods that vendors are allowed to sell because they are Non Potentially Hazardous Food.

**Frozen—**no mention of frozen foods.

**General Guidelines-** Products are exempt if the seller is the producer of the food or an immediate family member residing in the producer's household and familiar with the food. Foods must be sold only to the end consumer. Labeling and signage requirements must be followed.

### Nebraska<sup>15</sup>

**Fresh or dried herbs-** can be sold without a permit.

No mention of other dried or frozen fruits and vegetables.

**General Guidelines-** A clearly visible placard is required at the sale location stating the food was prepared in a kitchen that is not inspected or licensed by the regulatory authority. A producer may need a current Food Handlers Permit or a special farmers' market permit.



## North Dakota<sup>16, 17</sup>

The ND Cottage Foods Act allows for the sale of uninspected, homemade cottage food products to an informed, end consumer for at-home consumption.

Home-processed fresh cut fruits and vegetables that are dehydrated or freeze dried and have a safe moisture level are authorized for sale under the Cottage Food laws.

Home-processed fresh cut fruits and vegetables that are blanched and frozen are also allowed.

Dry herb, dry herb blends, and seasoning blends are allowed.

**General Guidance**– Labeling and Handling Instructions guidelines must be met.



## Ohio<sup>18</sup>

**Dried herbs, dry herb blends, dry seasoning blends, and dry tea blends**– may be sold as a cottage food and do not require a license. Dehydrated fruits or herbs are not allowed. Freeze drying is not permitted as a Cottage Food Production Operation.

**General Guidance**– Products must be properly labeled. The label must contain the statement: “This Product is Home Produced.”

## South Dakota<sup>19</sup>

**Vegetables packed and frozen for preservation**– cannot be sold under the home-processed food law. (Some exceptions apply.)

**Dried herbs, fruits, and some vegetables**– Are allowed for sale under the home-processed food law. They do not require approval from a third party processor. Contact an SDSU Extension Food Safety Specialist for recommendation on safely dehydrating foods.

**General Guidance**- All products must have official verification from a third-party processing authority in writing. Products must be clearly labeled and include the disclaimer that states the following: “This product was not produced in a commercial kitchen. It has been home-processed in a kitchen that may also process common food allergens such as tree nuts, peanuts, eggs, soy, wheat, milk, fish, and crustacean shellfish.”

## Wisconsin<sup>20, 21</sup>

A retail food license or food processing plant license is required to make and sell food items to the public. A person is not required to obtain a license to sell retail food products that the person prepares and cans at home in Wisconsin if the food products are pickles or other processed vegetables or fruits with an equilibrium pH of 4.6 or lower.

**General Guidance**– Products must be sold at a community or social event or a farmers’ market in Wisconsin. Sales limits apply. Labeling and signage requirements must be followed. The Division of Food Safety strongly encourages attending proper training and the use of standardized recipes for canning allowable products.

# Resources

- <sup>1</sup> [https://www.fsis.usda.gov/wps/portal/fsis/topics/food-safety-education/get-answers/food-safety-fact-sheets/safe-food-handling/freezing-and-food-safety/CT\\_Index](https://www.fsis.usda.gov/wps/portal/fsis/topics/food-safety-education/get-answers/food-safety-fact-sheets/safe-food-handling/freezing-and-food-safety/CT_Index)
- <sup>2</sup> [https://www.fsis.usda.gov/wps/portal/fsis/topics/food-safety-education/get-answers/food-safety-fact-sheets/safe-food-handling/shelf-stable-food-safety/ct\\_index](https://www.fsis.usda.gov/wps/portal/fsis/topics/food-safety-education/get-answers/food-safety-fact-sheets/safe-food-handling/shelf-stable-food-safety/ct_index)
- <sup>3</sup> <https://www.fda.gov/ICECI/ComplianceManuals/CompliancePolicyGuidanceManual/ucm074581.htm>
- <sup>4</sup> <https://www.ecfr.gov/current/title-21/chapter-I/subchapter-B/part-117>
- <sup>5</sup> <http://web.extension.illinois.edu/cottage/foods.cfm>
- <sup>6</sup> [www.ilga.gov/legislation/ilcs/fulltext.asp?DocName=041006250K4](http://www.ilga.gov/legislation/ilcs/fulltext.asp?DocName=041006250K4)
- <sup>7</sup> <https://ag.purdue.edu/department/foodsci/home-based-vendors.html>
- <sup>8</sup> [https://www.in.gov/isdh/files/HEA\\_1309\\_guidance\\_final\\_6\\_11\\_09.pdf](https://www.in.gov/isdh/files/HEA_1309_guidance_final_6_11_09.pdf)
- <sup>9</sup> <https://dia.iowa.gov/food/farmers-market-requirements>
- <sup>10</sup> <https://dia.iowa.gov/cottage-food-law>
- <sup>11</sup> <https://www.bookstore.ksre.ksu.edu/pubs/MF3138.pdf>
- <sup>12</sup> [http://www.michigan.gov/mdard/0,4610,7-125-50772\\_45851-240577--,00.html](http://www.michigan.gov/mdard/0,4610,7-125-50772_45851-240577--,00.html)
- <sup>13</sup> <https://www.mda.state.mn.us/food-feed/cottage-food-law-guidance>
- <sup>14</sup> <http://health.mo.gov/safety/foodsafety/pdf/FarmersMarketsBrochure.pdf>
- <sup>15</sup> [http://www.nda.nebraska.gov/publications/foods/food\\_safety\\_farmers\\_markets\\_craft\\_shows.pdf](http://www.nda.nebraska.gov/publications/foods/food_safety_farmers_markets_craft_shows.pdf)
- <sup>16</sup> <https://www.health.nd.gov/regulation-licensure/food-and-lodging/cottage-food>
- <sup>17</sup> [https://www.health.nd.gov/sites/www/files/documents/Files/HR/FL/Cottage%20Foods/Summary%20of%20Cottage%20Foods%20\\_Final%20Document%2021220.pdf](https://www.health.nd.gov/sites/www/files/documents/Files/HR/FL/Cottage%20Foods/Summary%20of%20Cottage%20Foods%20_Final%20Document%2021220.pdf)
- <sup>18</sup> <https://agri.ohio.gov/wps/portal/gov/oda/divisions/food-safety/resources/cottage-food>
- <sup>19</sup> <https://doh.sd.gov/food/farmers-markets.aspx?>
- <sup>20</sup> [https://datcp.wi.gov/pages/programs\\_services/FSHomeCannedFoods.aspx](https://datcp.wi.gov/pages/programs_services/FSHomeCannedFoods.aspx)
- <sup>21</sup> <https://datcp.wi.gov/documents/homecannedfood%20fd-pub-61-web.pdf>

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