

# Federal and State Regulations on Selling Jams and Jellies



## Standards of Identity<sup>4</sup>

**Jellies** - Jelled foods made from a mixture of one or a permitted combination of fruit juice ingredients described in 21 CFR 150.140(b). It may or may not include any combination of optional ingredients in 21 CFR 150.140(c). The jelly must have no less than 45 parts by weight of fruit juice ingredients measured in accordance with 21 CFR 150.140(d)(2) to each 55 parts by weight of saccharine ingredient as measured in accordance with 21 CFR 150.140(d)(4). The soluble solids content of the finished jelly must not be less than 65%.

**Jams/preserves** - Jams/preserves are viscous or semi-solid foods, each of which is made from a mixture composed of one or a permitted combination of the fruit ingredients in 21 CFR 150.160(b) and one or any combination of the optional ingredients in 21 CFR 150.160(c) that meets the specifications in 21 CFR 150.160(d). The mixture must be 45 [47 if using only group 1 fruits as defined in 21 CFR 150.160(b)] parts by weight of the fruit ingredients to each 55 parts by weight of the saccharine ingredient. The soluble solids content of the finished jam or preserve is not less than 65%.

## Introduction<sup>1,2,3</sup>

Jams, jellies, fruit butters, and preserves are shelf-stable food products. They contain high amounts of sugar and acid which lower the water activity and pH, respectively, of the product to minimize the growth of bacteria. Moisture migration, mold growth, and oxidation are reduced by hermetically sealing the jar. Important to the safety of jams and jellies is ensuring the pH of the product is below 4.6. Below this pH, *Clostridium botulinum*, a very serious human pathogen, cannot produce its deadly toxin.

Making low or no sugar jams, jellies, and preserves affects the type of pectin used to set the fruit and the microbiological safety and quality of the product. Sugar binds water in jams and jellies, reducing the water activity. Bacteria and molds grow well at high water activities and cause illness. By reducing the sugar in a jam or jelly recipe, the water activity is increased and pathogenic organisms can grow. Be sure to accurately follow verified recipes and process the jams and jellies well to kill pathogenic bacteria that may be present. 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. Pepper jellies and other vegetable jellies do not have as much acid naturally present as fruit jellies. Low acid foods, pepper and other vegetable jellies, have strict standards and regulations due to their enhanced safety risk. Be sure to check with your state on the production of low acid foods.

*The information below pertains to specific types of manufacturers. 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.*



## Standards of Identity<sup>4</sup>

**Fruit butters** - fruit butters are smooth semisolid foods made from a mixture of one or a permitted combination of the optional fruit ingredients in 21 CFR 150.110(b) and one or any combination of the optional ingredients in 21 CFR 150.110(c). The mixture must not be less than five parts by weight of the fruit ingredient to each two parts by weight of nutritive carbohydrate sweetener. The soluble solids content of the finished fruit butter must not be less than 43%.

## For Manufacturers Not Selling Directly to Consumers Federal<sup>25</sup>

In general, jam and jelly manufacturers are subject to the Current Good Manufacturing Practice, Hazard Analysis and Risk-based Preventive Controls for Human Food rule [21 CFR Part 117], also known as CGMP & PC rule, unless an exemption applies [21 CFR 117.5 for exemptions]. Under the Current Good Manufacturing Practice provisions, processors must address their personnel, plants and grounds, sanitary operations, sanitary facilities and controls, equipment and utensils, processes and controls, warehousing and distribution, holding and distribution of human food by-products for use as animal food and defect action level. Current Good Manufacturing Practices minimize the possibility for the physical, microbial, and chemical, including allergen, contamination of equipment, finished foods, and raw materials. Personnel must be trained to do their jobs, and to be trained in food safety and food hygiene [21 CFR 117.4].

Small or very small businesses that only perform on-farm production of jams and jellies from acid fruits and vegetables which must have a pH of 4.6 or below are recognized as exempt from PC rule. Very small businesses are also exempt from the qualified facility requirements [21 CFR 117.201]. If no exemptions apply, jam and jelly producers are required to develop a food safety

plan consisting of written documentation of a hazard analysis, any identified preventive controls or an explanation of why preventive controls are not required, a supply-chain program, a recall plan, procedures for monitoring preventive controls, corrective action procedures, and verification procedures, including validation of process preventive controls, (e.g., that microbial hazards are controlled by the canning process).

## For Manufacturers Selling Directly to Consumers

### Illinois<sup>5,6,7</sup>

**Jams, Jellies, and Preserves** - fruit jams, fruit jellies, fruit preserves, and fruit butters may be sold by a cottage food producer.

**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>8,9</sup>

**Jams and Jellies** - Traditionally prepared fruit-based jams and jellies, e.g., grape, strawberry, blueberry, raspberry, blackberry, etc. can be sold by a Home-Based Vendor.

**Fruit butters (e.g., apple, pear, pumpkin) and “low sugar” or “no sugar added” jams and jellies** - Not allowed to be sold by a Home-Based Vendor.

**General Guidance** - All Home-Based Vendors foods must have the following statement printed at a minimum type size of 10 points on product labels: “This product is home produced and processed and the production area has not been inspected by the State Department of Health.” The product must include a detailed label.



## Iowa<sup>10, 11</sup>

**Jams, jellies, and preserves** – Must meet the standard of identity for jams and jellies specified in Title 21 of the Code of Federal Regulations, Part 150. If they do, they can be sold without a license.

**General Guidelines** - Home food operations in Iowa are allowed to produce such food products. Non-Temperature Control for Safety food products can only be sold direct to consumer (face-to-face only) from the operator's home or at farmers' markets. No licensing or inspection of kitchen is required. Should have a simple label on the product.

## Kansas<sup>12</sup>

**Home canned fruit jams and jellies** – Home canned fruit jams and jellies as well as jams and jellies flavored with pepper-flavored vinegar or small amounts of pepper powder can be sold without a license, but must follow labeling requirements.

**Pepper jams and jellies** - Water activity must be tested. If product is determined to have a low water activity, product can be sold without a license. Otherwise, KDA license required.

**Low-sugar fruit jams and jellies** - Must be canned and shelf-stable. To determine shelf stability, the pH, water activity, and product formulation must be evaluated by an accredited lab. If the product is determined to be an acid food, formulated acid, or low water activity food, no license is required. Otherwise, KDA license required.

**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. GMPs are also essential to meeting current and future FDA and USDA food safety requirements, and are a key pre-requisite for Hazard Analysis and Critical Control Point (HACCP) programs, which are required for certain food products, including meat and poultry, juice, seafood, and some vacuum packed products, and by some food buyers.

## Michigan<sup>13</sup>

**Fruit jams and jellies**– if sold in glass jars that can be stored at room temperature (except vegetable jams/jellies), they meet the requirements for cottage foods and can be prepared in a home kitchen and sold directly to consumers without a license. Vegetable jams/jellies and fruit/vegetable butters (e.g., hot pepper jelly) must be produced in a licensed kitchen.

**General Guidelines**– Must follow labeling requirements and include the following statement: "*Made in a home kitchen that has not been inspected by the Michigan Department of Agriculture & Rural Development*" in at least the equivalent of 11-point font (about 1/8" tall) and in a color that provides a clear contrast to the background (All capital letters or upper/lower case are both acceptable).

### Verified Recipes

#### National Center for Home Food Preservation

<http://nchfp.uga.edu/>

[http://nchfp.uga.edu/how/can7\\_jam\\_jelly.html](http://nchfp.uga.edu/how/can7_jam_jelly.html)

[http://nchfp.uga.edu/publications/publications\\_usda.html](http://nchfp.uga.edu/publications/publications_usda.html)

[https://nchfp.uga.edu/publications/usda/GUIDE07\\_HomeCan\\_rev0715.pdf](https://nchfp.uga.edu/publications/usda/GUIDE07_HomeCan_rev0715.pdf)

#### Wyoming Extension

<http://>

[www.wyomingextension.org/agpubs/pubs/B1210-3.pdf](http://www.wyomingextension.org/agpubs/pubs/B1210-3.pdf)

#### Ball™

<http://>

[www.freshpreserving.com/canning-101-getting-started.html](http://www.freshpreserving.com/canning-101-getting-started.html)

<https://>

[www.freshpreserving.com/recipes-0](https://www.freshpreserving.com/recipes-0)



## Minnesota<sup>14</sup>

**Fruit butters, Jams, Jellies, Preserves** - Exempt from licensing, except for non-tested recipes that add peppers, herbs, etc., will need to be tested and then submitted to MDA for approval consideration prior to production.

Adding alcohol, flowers, flavorings like lavender, or low acid ingredients is NOT allowed.

**General Guidelines** - Cottage food producers must do the following:

1. Register with the Minnesota Department of Agriculture (MDA) before selling exempt food regardless of the amount of food sold.
2. Take an approved food safety course once every three years while actively selling cottage food.
3. Register with the MDA each year food is sold under the Cottage Food Exemption.
4. Prepare and sell only NON-potentially hazardous food (such as baked goods, certain jams and jellies) and/or home canned pickles, vegetables, or fruits with a pH of 4.6 or lower.
5. Label food with your name and address, the date produced, and the ingredients, including potential allergens.
6. Display a sign that says "These products are homemade and not subject to state inspection." If you are selling on the Internet, post this statement on your webpage.
7. Deliver food directly to the ultimate consumer. The person who makes the food must be the same person who sells and delivers the food.
8. Sell from a private home, at farmer's markets, community events, or on the Internet.
9. Check with your local city, county, or township regarding business licensing or sales prohibitions due to zoning requirements.
10. Sell less than \$18,000 in a calendar year. If you sell between \$5,000 and \$18,000 per year, a \$50 fee applies to your registration.

## Missouri<sup>15, 16</sup>

**Jams, Jellies, and Preserves** - Generally jams and jellies may be produced in an uninspected kitchen; exceptions are sugar-free or no sugar added jams or jellies, ones made with fruit juices or jams or jellies made with non-standard ingredients (pepper jelly is an example).

**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 are sold only to the end consumer, • packaged foods must be labeled according to the code including a statement that the food was made in a kitchen not subject to inspection, or • a sign is posted at the stand for unpackaged foods, that they were prepared in an uninspected kitchen.



## Nebraska<sup>17</sup>

**Jams and Jellies**– You can sell traditional jams and jellies without a permit.

You must have a permit to sell jams and jellies that have jalapeno or other added ingredients. A permit is also required for vegetable jellies (rhubarb jelly made with pectin, not gelatin, is allowed to be sold without a permit).

**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. Labeling requirements must be met.

## North Dakota<sup>18, 19</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.

**Jams and Jellies** - The following are authorized for sale without a license or an inspection: Fruit jam, fruit jelly, and fruit preserves including, but not limited to apple, apricot, grape, peach, plum, quince, orange, nectarine, tangerine, blackberry, raspberry, blueberry, boysenberry, cherry, cranberry, strawberry, red currants, or a combination of these fruits . Freezer fruit jams may also be sold.

**General Guidelines**- Labeling and Handling Instructions guidelines must be met.

## Ohio<sup>20</sup>

**Jams and Jellies**– May be sold as a cottage food and do not require a license. Home processing of low acid jams/jellies (those with pH greater than 4.6 and a water activity greater than 0.85) are not all to be sold or distributed.

**General Guidance**– Products must be labelled with the Statement of Identity (the name of the food product), the net quantity of contents (the net weight, in both U.S. Customary System and International System units), ingredient list (listed in descending order of predominance by weight), statement of responsibility (the name and address of the business), and must contain the following statement ten-point type: “This Product is Home Produced”.

## South Dakota<sup>21, 22</sup>

**Jams, Jellies, Fruit Syrups, and most fruits** – May be sold without a license at farmers’ markets and roadside stands. Jams and jellies with a pH greater than 4.6 may not be sold without a license.

**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 “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, egg, soy, wheat, milk, fish, and crustacean shellfish.”



## Wisconsin<sup>23, 24</sup>

**Jams and Jellies** - Fruit and vegetable jams are allowed to be sold without a license if they have an equilibrium pH of 4.6 or lower.

**General Guidance** - To sell without license, no more than \$5,000 in sales per year, direct from producer to consumer, only at community or social events, such as bazaars, or at farmers’ markets.



## Resources

- <sup>1</sup> <https://ag.tennessee.edu/fcs/Pages/Food/JamsJellies.aspx>
- <sup>2</sup> <http://ucanr.edu/sites/cottagefoods/files/199766.pdf>
- <sup>3</sup> <http://blog.extension.uconn.edu/2015/08/19/home-canning-food-safety-and-botulism/>
- <sup>4</sup> 21 CFR 117(b) <https://www.ecfr.gov/cgi-bin/text-idx?SID=01afb009a9de6f6797d02757e59ef157&mc=true&node=pt21.2.117&rgn=div5#sp21.2.117.b>
- <sup>5</sup> <http://web.extension.illinois.edu/cottage/foods.cfm>
- <sup>6</sup> <http://web.extension.illinois.edu/cottage/business.cfm>
- <sup>7</sup> <https://www.ilstewards.org/policy-work/illinois-cottage-food-law/>
- <sup>8</sup> <https://ag.purdue.edu/foodsci/pages/in-hea-1309-info.aspx>
- <sup>9</sup> <https://www.extension.purdue.edu/extmedia/FS/FS-18-W.pdf>
- <sup>10</sup> <https://store.extension.iastate.edu/Product/15225>
- <sup>11</sup> [https://dia.iowa.gov/sites/default/files/documents/2016/07/basic\\_requirements\\_for\\_farmers\\_markets.pdf](https://dia.iowa.gov/sites/default/files/documents/2016/07/basic_requirements_for_farmers_markets.pdf)
- <sup>12</sup> <https://www.bookstore.ksre.ksu.edu/pubs/MF3138.pdf>
- <sup>13</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>14</sup> <https://www.mda.state.mn.us/food-feed/cottage-food-law-guidance>
- <sup>15</sup> <http://health.mo.gov/safety/foodsafety/pdf/FarmersMarketsBrochure.pdf>
- <sup>16</sup> <http://health.mo.gov/safety/foodsafety/pdf/JamsJelliesBakedGoodsBrochure.pdf>
- <sup>17</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>18</sup> <https://www.legis.nd.gov/information/acdata/pdf/33-33-10.pdf>
- <sup>19</sup> <https://www.health.nd.gov/regulation-licensure/food-and-lodging/cottage-food>
- <sup>20</sup> <https://agri.ohio.gov/wps/portal/gov/oda/divisions/food-safety/resources/cottage-food>
- <sup>21</sup> <https://doh.sd.gov/food/farmers-markets.aspx?>
- <sup>22</sup> <https://extension.sdstate.edu/food/farmers-market>
- <sup>23</sup> [https://datcp.wi.gov/Pages/Programs\\_Services/FSHomeCannedFoods.aspx](https://datcp.wi.gov/Pages/Programs_Services/FSHomeCannedFoods.aspx)
- <sup>24</sup> <https://datcp.wi.gov/Documents/HomeCannedFood%20FD-PUB-61-web.pdf>
- <sup>25</sup> 21 CFR 150 [https://www.ecfr.gov/cgi-bin/text-idx?SID=1c8978d7d9015c56c6fed1063ed6a916&mc=true&tpl=/ecfrbrowse/Title21/21cfr150\\_main\\_02.tpl](https://www.ecfr.gov/cgi-bin/text-idx?SID=1c8978d7d9015c56c6fed1063ed6a916&mc=true&tpl=/ecfrbrowse/Title21/21cfr150_main_02.tpl)

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