

# 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*



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**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%.

*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, below.*

## 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** - Traditional jams, jellies, and preserves made from high-acid fruits and using full sugar recipes can be sold by a Home-Based Vendor. This is the only home-canned food allowed.

**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** - 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>10, 11, 12</sup>

**Jams, jellies, and preserves** – Home-canned jams, jellies, and preserves may be sold at a farmer’s market, if each batch is tested for pH or Aw and labeling requirements are followed.

## Kansas<sup>13</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.

## Michigan<sup>14</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 and packaging requirements.

### 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

<https://ucanr.edu/sites/camasterfoodpreservers/files/335828.pdf>

#### Ball™

<http://www.freshpreserving.com/canning-101-getting-started.html>

<https://www.ballmasonjars.com/recipes?fdid=recipes>

## Minnesota<sup>15</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 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>16, 17</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. Products must be sold only to the end consumer. Labeling and signage requirements must be followed.

## Nebraska<sup>18</sup>

**Jams and Jellies**— Traditional jams and jellies may be sold without a permit.

Jams and jellies that have jalapeno or other added ingredients require a permit. 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>19, 20</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. Fruit butters are allowed.

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

## Ohio<sup>21</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>22, 23</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>24, 25</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** - 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://utia.tennessee.edu/humphrey/wp-content/uploads/sites/121/2020/05/Low-or-No-Sugar-in-Jams-Jellies-and-Preserves.pdf>
- <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/current/title-21/chapter-I/subchapter-B/part-117#sp21.2.117.b>
- <sup>5</sup> <https://extension.illinois.edu/food/selling-food>
- <sup>6</sup> <https://dph.illinois.gov/topics-services/food-safety.html>
- <sup>7</sup> <https://www.ilstewards.org/policy-work/illinois-cottage-food-law/>
- <sup>8</sup> <https://ag.purdue.edu/departments/foodsci/home-based-vendors.html>
- <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/food/farmers-market-requirements>
- <sup>12</sup> <https://dia.iowa.gov/cottage-food-law>
- <sup>13</sup> <https://www.bookstore.ksre.ksu.edu/pubs/MF3138.pdf>
- <sup>14</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>15</sup> <https://www.mda.state.mn.us/food-feed/cottage-food-law-guidance>
- <sup>16</sup> <http://health.mo.gov/safety/foodsafety/pdf/FarmersMarketsBrochure.pdf>
- <sup>17</sup> <http://health.mo.gov/safety/foodsafety/pdf/JamsJelliesBakedGoodsBrochure.pdf>
- <sup>18</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>19</sup> <https://www.legis.nd.gov/information/acdata/pdf/33-33-10.pdf>
- <sup>20</sup> <https://www.health.nd.gov/regulation-licensure/food-and-lodging/cottage-food>
- <sup>21</sup> <https://agri.ohio.gov/wps/portal/gov/oda/divisions/food-safety/resources/cottage-food>
- <sup>22</sup> <https://doh.sd.gov/food/farmers-markets.aspx?>
- <sup>23</sup> <https://extension.sdstate.edu/food/farmers-market>
- <sup>24</sup> [https://datcp.wi.gov/Pages/Programs\\_Services/FSHomeCannedFoods.aspx](https://datcp.wi.gov/Pages/Programs_Services/FSHomeCannedFoods.aspx)
- <sup>25</sup> <https://datcp.wi.gov/Documents/HomeCannedFood%20FD-PUB-61-web.pdf>
- <sup>26</sup> 21 CFR 150 <https://www.ecfr.gov/current/title-21/chapter-I/subchapter-B/part-150?toc=1>



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