



Farm Direct Marketing, Producer-Processed Products

The Oregon Farm Direct Marketing Rules adopted under OAR 603-025-0215 thru 603-025-0275, exempts farm direct marketers from ODA licensing for production and sales of processed products they produce from the agricultural products they grow. All sales must be directly to the end retail consumer.

Consignment sales of producer-processed products is permitted.

Direct retail sales of the following producer processed products are exempt from ODA licensing:

- Fruit based syrups, fruit in syrup, preserves, jams, or jellies
- Processed fruits or vegetables
- Fruit or vegetable juices
- All producer-processed products **must be acidic foods**, which means bottled, packaged or canned foods that meet any of the following requirements:
 - Having a naturally occurring equilibrium pH of 4.6 or below; or
 - Having been lacto-fermented to decrease the equilibrium pH of the food to 4.6 or below; or
 - Having a water activity (a_w) greater than 0.85 and having been acidified to decrease the equilibrium pH of the food to 4.6 or below.

Principal Ingredients

Under the Farm Direct Marketing Rule, the processor must grow all of the principal ingredients used in production of their producer-processed products. For example, an individual producing strawberry jam under the Farm Direct Marketing Rule must grow all of the strawberries used in production. Similarly, an individual producing salsa must grow all of the tomatoes, onions, peppers and garlic used in salsa production. However, farm direct marketers are not required to grow herbs, spices, salt, vinegar, pectin, lemon or lime juice, honey and sugar for use in their producer processed products.

Every step necessary to prepare the farm direct products for sale must be conducted in a facility located where the farm direct products were grown.

Approved Process for Acidified Foods

Acidic foods products with water activity greater than 0.85 and having been acidified to decrease pH to 4.6 or below must be produced using an established safe process. This can be accomplished by using a recipe contained in one of the following publications:

- *United States Department of Agriculture Complete Guide to Home Canning, 2009 Revision
- *Pacific Northwest Extension publications produced cooperatively by Oregon State University, Washington State University, and the University of Idaho.
- *So Easy to Preserve by the University of Georgia Cooperative Extension, 5th Edition

Alternatively, a process and product formulation that has been approved by a recognized process authority may be used. A recognized process authority may be contacted through the Oregon State University, Department of Food Science and Technology Extension Service.

Labeling

All producer-processed products must be labeled with the following:

- Product identity
- Net weight
- An ingredients statement (including any major allergens)
- The complete physical address of the agricultural producer

Following statements must be in a prominent location in legible, all capital, and bold-face type no less than one-eighth inch:

- **“THIS PRODUCT IS HOMEMADE AND IS NOT PREPARED IN AN INSPECTED FOOD ESTABLISHMENT”**
- **“NOT FOR RESALE”**

For acidic fruit and vegetable juices that have not received a 5-log reduction of the most resistant microorganism of public health significance, the following warning statement must be used:

- **“WARNING:** This product has not been pasteurized and therefore may contain harmful bacteria that can cause serious illness in children, the elderly, and persons with weakened immune systems. Keep refrigerated.”
 - o The word **“WARNING”** shall be capitalized and shall appear in bold type.
 - o The warning statement shall be set off in a box by use of hairlines.

Producer-Processed Food Records

Processing and production records for foods that are acidified to decrease the pH to 4.6 or below must be maintained to show that the process and product formulations comply with all critical factors mandated by a recognized process. Finished pH values and equilibrium pH values must be recorded for each batch. Additionally, if an electronic pH meter is used, it must be calibrated, and pH meter calibration records must be maintained. If processing records show that the process is not within approved process standards, then the product may not be sold. In addition to documenting important safety values, the farm direct marketer must also maintain sales records that include product(s) sold, price, quantity sold and a current rolling total of year-to-date sales. Copies of all records must be maintained for a period of three years.

Sales Limitation

There is a \$50,000 annual sales limitation on the total amount of producer processed acidic foods such as canned fruit, syrups, preserves, jam, jelly, salsa, pickles, fruit and vegetable juice, and lacto-fermented foods. Once a firm exceeds this \$50,000 limitation, they are required to obtain an ODA license.

Consignment Sales

In addition to selling their own products, farm direct marketers may also sell producer-processed products from other farm direct marketers under consignment. Consignment agreements can only take place between two farm direct marketers from the same county or adjoining counties. Products sold under consignment must be clearly identified with the name and address of the consigning (original) agricultural producer. Consignment sales logs must be maintained that include the name, complete physical address, and phone number of the agricultural producer and documentation of the quantity of items sold under consignment. There are no gross annual sales limitations for items sold under consignment.

Third Party Services

Farm direct marketers may work with third party services that assist in the aggregation, delivery, marketing, or other facilitation of sales of agricultural products. Third party services cannot be farm direct marketers themselves; nor can they consign, store, warehouse, or purchase for sale said products.