



# Selling home-canned foods: *Do it safe, do it legal*

WISCONSIN DEPARTMENT OF AGRICULTURE, TRADE & CONSUMER PROTECTION ■ DIVISION OF FOOD SAFETY

Photo by Ron Derge

*A new law called Wisconsin Act 101 allows you to sell some home-canned foods without a license under certain circumstances. This new exception to licensing requirements is explained below. It is important to remember that you are legally liable for what you sell, regardless of whether you are licensed. Please note that this is a narrow exception to the law, and you still need a commercial kitchen and a license to produce most foods for sale in Wisconsin.*

*If you have any question about what products you can sell or the conditions you need to meet, please call 608-224-4682 or email [food@wi.gov](mailto:food@wi.gov).*

## Canned products you can sell without a license

- ✓ You **can sell** fruits and vegetables that are naturally acidic or have been acidified by pickling or fermenting.
- ✓ The products must have an equilibrium pH of 4.6 or lower. This is a measure of acidity. The lower the pH number, the more acidic the food.
- ✓ Examples of allowable products:
  - Pickled fruits and vegetables (**not** refrigerator pickles)
  - Salsas
  - Chutneys
  - Sauerkraut and kimchi
  - Jams and jellies

## Canned products you cannot sell without a license

- ✓ You **cannot sell** processed fruits or vegetables with an equilibrium pH higher than 4.6.
- ✓ Examples of prohibited products:
  - Low-acid vegetables – artichokes, asparagus, corn, all types of beans, beets, broccoli, Brussels sprouts, cabbage, carrots, cauliflower, horseradish, egg plant, mushrooms, peas, most peppers, potatoes, squash, spinach
  - Fish
  - Meat
  - Pickled eggs

## Registering

- ✓ Annual registration with the Food Safety Division of the Wisconsin Department of Agriculture, Trade and Consumer Protection
- ✓ No fee
- ✓ Expires every March 31
- ✓ Only individuals – no legal entities like corporations
- ✓ Forms available:
  - Online [www.datcp.state.wi.us](http://www.datcp.state.wi.us)
  - Email [food@wi.gov](mailto:food@wi.gov)
  - Phone 608-224-4682

## Sales

- ✓ No more than \$5,000 **per household** per year
- ✓ Retail only (direct from producer to consumer)
- ✓ At community or social events, farmers' markets, or farm roadside stands in Wisconsin
- ✓ No sales:
  - Out of your home
  - Wholesale (resale by someone else)
  - On consignment
  - Via the internet
  - Out of state

## Signs and labels required

- ✓ Sign at the point of sale, stating that the products "are homemade in a kitchen that has not been subject to state inspection."
- ✓ Product labels must include:
  - Name and address of the person who did the canning
  - Date of canning
  - Statement – "This product was made in a home not subject to state licensing or inspection."
  - All ingredients in descending order of prominence, including the common name for any ingredient that originates from milk, eggs, fish, shellfish, tree nuts, peanuts, wheat or soybeans  
*These are ingredients that can cause severe allergic reactions in some people, who must be able to recognize when they are present.*

## Training and recipes

- ✓ You must:
  - ✓ *Either* complete a home-canning safety course offered by University of Wisconsin-Extension or other training approved by the Food Safety Division
  - ✓ *Or* use recipes and processes from:
    - *The Ball Blue Book* (available in bookstores and online)
    - *The Ball Complete Book of Home Preserving* (available in bookstores and online)
    - The Ball web site  
[www.freshpreserving.com](http://www.freshpreserving.com)
    - The National Center for Home Food Preservation web site  
[www.uga.edu/nchfp](http://www.uga.edu/nchfp)
    - The University of Wisconsin-Extension  
<http://www.foodsafety.wisc.edu/preservation.html>
    - *Or* use recipes and processes reviewed by a person who is recognized by the Division of Food Safety as an authority on preparing and canning food.

## Testing pH required

- ✓ pH (acid level) must be 4.6 or lower
- ✓ Test the first batch of each recipe you make during the license year
- ✓ Use a pH meter that is properly calibrated on the day used
- ✓ May use short-range paper pH test strips (litmus paper) instead, if the product normally has a pH of 4.0 or lower and the paper's range includes a pH of 4.6.
- ✓ University of Wisconsin-Extension information about pH and choosing a pH meter:  
[http://www.foodsafety.wisc.edu/assets/pdf\\_Files/What\\_is\\_pH.pdf](http://www.foodsafety.wisc.edu/assets/pdf_Files/What_is_pH.pdf)

## Record-keeping required

- ✓ Written record of every batch of product made for sale, including:
  - Name of the product
  - Recipe, including procedures and ingredients
  - Amount canned and sold
  - Canning date
  - Sale dates and locations
  - Gross sales receipts
  - Results of any pH test

## Sanitation

- ✓ Inspection not required, but customers expect good sanitation:
  - Use clean equipment that has been effectively sanitized prior to use
  - Clean work surfaces with bleach water before and after use
  - Keep ingredients separate from other unprocessed foods
  - Keep household pets out of the work area
  - Keep walls and floors clean
  - Have adequate lighting
  - Keep window and door screens in good repair
  - Wash hands frequently while working
  - Consider annual testing of water if using a private well
- ✓ To consult a food safety inspector, call [608-224-4682](tel:608-224-4682) or email [food@wi.gov](mailto:food@wi.gov)

## Questions?

- ✓ About legal requirements:
  - Wisconsin Department of Agriculture, Trade & Consumer Protection, Division of Food Safety
  - Call [608-224-4682](tel:608-224-4682)
  - Email [food@wi.gov](mailto:food@wi.gov)
- ✓ About canning processes and recipes:
  - University of Wisconsin-Extension, food scientist Dr. Barbara Ingham
  - Call [608-263-7383](tel:608-263-7383)
  - Email [bingham@wisc.edu](mailto:bingham@wisc.edu)