

How safe are the food products you purchase (or sell) at the farmers' market?

By Pam Nelson

A Farmers' Market is a convenient source of locally produced food items, showcasing many small producers and growers. Vending at a Farmers' Market provides a great low-barrier market-entry opportunity for small producers to test their products and market acceptance.

It can also be a source of illness. In Canada numerous individuals have become ill with E.coli after consuming unpasteurized cheeses and fruit samples, and a number of products were pulled from markets after reported illness, with testing indicating incorrect pH levels of canned goods.

While a well-intentioned small producer is typically careful with their production, an increased exposure to harm for local consumers and increased financial risk for those Vendors may result from not being fully aware of the complex legal and regulatory environment they are conducting business in. It is never too late for every Vendor to consider where compliance practices can be improved. This article considers some of the most popular processed and confectionary items, such as jams, pickles and baked goods.



The primary Acts and Regulations governing such foods include [The Food and Drugs Act](#), [Consumer Packaging and Labelling Act](#), and the [Safe Food for Canadians Act](#). Authoritative bodies include the Canadian Inspection Agency, Health Canada, BC Center for Disease Control and Northern Health Authority.

With few exemptions, any food not prepared on site must be prepared in an approved kitchen which has been inspected by Northern Health, and a permit is required. Any home cooked or prepared foods are not to be served or sold to the public unless they fall into the defined and approved Low Risk category.

High risk foods are typically considered **not acceptable** for sale at temporary food markets. These high risk foods include but are not limited to: cabbage rolls, chop suey, some salsas, cakes/pastries with cheese, whipped cream or synthetic fillings, dairy products, foods containing eggs, garlic spreads, pesto, hummus, herb and flavored oils, some jams and jellies, pickled vegetables and relishes in vinegar base >4.7 pH, and processed beans and pies.

Low risk foods **may be acceptable** for home preparation and sale at temporary food markets, provided all guidelines are met, including signage that foods have been prepared in a 'non inspected kitchen', providing a satisfactory means of cleaning hands and utensils (Vendor use), running water with soap and paper towels when samples or product tastings are available, or hand wipes for prepackaged foods or whole fresh fruits and vegetables.³ Low risk foods include (but are not limited to) apple sauce, breads, buns, muffins (no dairy or cheese fillings), cakes, cinnamon buns (icing sugar only – no dairy icing), fresh fruits and vegetables, honey, jams and jellies with <4.6 pH or aw <0.85, pickled vegetables and relishes in vinegar base <4.6 pH, fruit-filled pies, popcorn, syrup, toffee, wine & herb vinegars, salsa (if no animal protein and thermally processed with 4.6 pH).

Additionally, most foods require a label that includes very specific ingredient, manufacture contact, nutrition and claims information, as well as specific font and language requirements. There are some labelling exemptions, however, most of the local market vendors do not fall within the general exemption rules. For example, one exemption from the label requirement includes one-bite confections that are sold individually. When that confection is sold together, in the same package, the product is no longer a one-bite confection and requires appropriate food labelling. When a vendor sells one (1) muffin, cookie or mini-cheesecake that one item is legally a one-bite confection. When two (2) of those products are sold and packaged together, they are no longer an individual one-bit confection. In this case, those two or more items must have packaging that includes all of the required labelling components.

The regulatory environment for food production is complex, and necessary to ensure quality and consistency of production, consumer safety, and lessen the exposure to litigation risk for producers. No one wants to accidentally expose their customers to risk of illness, and no business person I have ever met wants to increase their exposure to the risk of litigation or fines.

It is imperative that every entity, person, business or organization that is selling goods to the public be aware of the legislative environment within which they are doing business, and which exemptions, if any, apply to their products.

If you are unsure about the regulatory environment that you are conducting business in, do your research with the appropriate authorities, consult a Business Advisor or lawyer, and make yourself familiar with the production, packaging, labelling and reporting requirements for your products. That way, everyone wins.



Pamela Nelson, MBA is a retired Business Advisor and College Professor, now living, working and playing in the Cariboo region. Pamela has worked with WeBC as a Loans Analyst and Business Advisor, as a Technology Support Manager for a North American internet tech firm, as a Corporate Commercial paralegal for numerous BC and AB law firms, and as a private business consultant with a focus on Management and Marketing. Pamela has helped many small BC businesses launch, expand, and adopt technology, and has conducted many workshops in the non-profit sector with a focus on board and director management, management and marketing strategies, governance, and business compliance.

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