



Selling Foods: Farm Direct to Consumer

South Carolina Department of Health and Environmental Control
Healthy People. Healthy Communities.

Objectives

- Retail, or wholesale?
- TCS food – define, describe
- Selling food with no permit
- Selling TCS foods at retail
- Labeling retail foods
- Process variances – specialized processes



Retail vs Wholesale

- Retail: selling direct from your business to the end consumer
- Wholesale: selling, or consigning, your product to other businesses for resale

TCS food (“Potentially Hazardous”)

- SC Reg. 61-25, Section 1-201.10(B)(127)
- **T**ime and/or **T**emperature **C**ontrol required for **S**afety
- Raw or heat-treated animal food
- Heat-treated plant foods
- Cut greens, tomatoes, melons, sprouts
- Water activity (Aw), pH, & other factors

Retailing food with no permit

- “Cottage food” – [SC Law 44-1-143 \(5/23/2022\)](#):
 - Only non-TCS foods
 - What was/is covered
 - Guidance forthcoming
 - No permit, no exemption



Retailing food with no permit

- SC Reg. 61-25, Section 8-301.12(A)(19-21) – Examples:
 - Dry herb or spice blends
 - Jams and jellies of acidic fruit, sugar & pectin
 - **Fruit** smoothies, prepared to order by the cup
 - Boiled peanuts, candied apples, soft drinks
 - Beverages from powdered commercial mix, prepared to order, served by the cup

Selling TCS Foods at Retail

- Non-exempt foods require an RFE permit
- SC Reg. 61-25, Section 8-301.11
 - Commercial kitchen required (GMP Guide)
 - New Small Business Checklist
 - Certified Food Protection Manager* required
 - Employee Health Policy required

*The Always Food Safe Company, LLC recently added to approved list

Selling TCS Foods at Retail

- Apply for RFE permit at nearest EA office
 - Form D1769 "Application & Permit Document"
- Follow SC Regulation 61-25
 - Common meal items
 - Specialized processes



Selling TCS Foods at Retail

- Shared kitchen may be an option
- Requires agreement with owner
 - Your hours of operation
 - Space & equipment used
- Copy of agreement part of permit application

Labeling Retail Foods

- “Cottage food” products
 - [SC Law 44-1-143 \(5/23/2022\)](#)
- All foods produced under RFE permit
 - SC Reg. 61-25, Section [3-602.11](#)

Specialized Process Variances

Specific process approval required

- Smoking/curing – preservation of meats
- Fermenting or direct acidification, canning of foods for preservation
- Reduced oxygen packaging
- Extracting & bottling juices
- Use of additives
- Certain other processes – [3-502.11, 3-502.12](#)



Specialized Process Variances

- Canning or bottling – 3 process options
 - Refrigerate $\leq 41^{\circ}\text{F}$, date mark ≤ 7 days (procedure only, with recipes)
 - Refrigerate $\leq 41^{\circ}\text{F}$, pH ≤ 4.1 (procedure & recipes, product assessment; self-test each batch)
 - Shelf stable: pH must be ≤ 4.6 (process letter/product assessment; procedure/recipes; BPCS certification; self-test each batch)

Specialized Process Variances

Applying for a variance

- Submit [Special Process Request, Form D1845](#)
- Or call to discuss, at 803-896-0535
- Guidance provided based on process details
- Submit requested procedures or HACCP plan, other required documentation
- *Work with us through review process*
- Approval letter

Questions?

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