

LABELING REQUIREMENTS FOR HOME BASED VENDOR PRODUCTS (HBV)



Any food product provided by a HBV **shall** include a label which contains the following:

1. The name and address of the producer of the food product.
2. The common or usual name of the food product.
3. The ingredients of the food product, in descending order by predominance by weight.
4. The net weight and volume of the food product by standard measure or numerical count.
5. The date on which the food product was processed.
6. The following statement in at least 10 point type: “This product is home produced and processed and the production area has not been inspected by the State Department of Health”.
7. This labeling **must** be present with and/or on the food at the point of sale regardless of whether or not the product is packaged. Unpackaged food, such as some baked items, should be considered “labeled” when there is easily readable signage accompanying the food product stating all of the above listed items. Labeling (or signage) is not required for whole, uncut produce. A HBV food product which is not labeled according to Section 29(b)(5), is misbranded and may not be sold until the label is provided or corrected.
8. Food products being provided to consumers as open samples can be considered to be labeled when there is a nearby container of the same product labeled according to section 29(b)(5).
9. There is authority for the food safety agency to take action when a product is determined to be misbranded according to Section 29(b)(5), adulterated under IC 16-42-2, or a consumer complaint is received.
10. HEA 1309 provides a “buyer beware” responsible to the consumer of HBV food products. A primary “safety factor” for food products produced and sold under this new law will be the information provided on the required label. Because of this, labeling in strict accordance with section 29(b)(5) is of substantial public health significance. If a HBV food product fails to meet any of the requirements of section 29(b)(5), IT IS CONSIDERED TO BE MISBRANDED AND MUST BE REMOVED FROM SALE UNTIL THE LABEL CAN BE CORRECTED.

ALLERGEN WARNING REQUIREMENTS FOR HOME BASED VENDER PRODUCTS (HBV)

A home-based vender should include potential allergens on their label.

The law requires that food labels identify the food source names of all major food allergens used to make the food. This requirement is met if the common or usual name of an ingredient (e.g., buttermilk) that is a major food allergen already identifies that allergen's food source name (i.e., milk). Otherwise the allergen's food source name must be declared at least once on the food label in one of two ways.

The name of the food source of a major food allergen must appear:

1. In parentheses, following the name of the ingredient.
Examples: "lecithin (soy)," "flour (wheat)" and "whey (milk)"

OR

2. Immediately after or next to the list of ingredients in a "contains" statement.
Example: "Contains Wheat, Milk and Soy".

8 MAJOR ALLERGENS

"While more than 160 foods can cause allergic reactions in people with food allergies, the law identifies the eight most common allergenic foods. These foods account for 90 percent of food allergic reactions and are the food sources from which many other ingredients are derived.

The eight foods identified by the law are:

1. Milk
2. Eggs
3. Fish (e.g., bass, flounder, cod)
4. Crustacean shellfish (e.g., crab, lobster, shrimp)
5. Tree nuts (e.g., almonds, walnuts, pecans)
6. Peanuts
7. Wheat
8. Soybeans



These eight foods and any ingredient that contains protein derived from one or more of them are designated as "major food allergens" by FALCPA.

Food Allergen Labeling and Consumer Protection Act of 2004 (Public Law 108-282, Title II)

Johnson County Health Department