

## Quick Tips for Farmers' Market Vendors in Wisconsin

Wisconsin has a vibrant local foods culture, and you are sure to find customers eager for your products. Be sure to follow the rules that govern preparation and sale to help ensure public health and protect your brand!

**UPDATE<sup>^</sup>:** In December 2022, a Wisconsin judge ruled that individuals may sell homemade, shelf-stable foods produced in Wisconsin directly to consumers in the state. The ruling expands a prior exemption for baked goods to include candies and fudge, doughnuts, dried products, and more. Questions? Call the Licensing Specialists 608-224-4923.

Traditionally, a license was required to prepare and sell food in Wisconsin. Over the years, some changes have allowed home- or farm-based food preparation and sales. A license is still required to prepare food that will be sold **wholesale** (to another business) and for **food sold outside the state of Wisconsin**.

### No License Required

- **Apple Cider.** Cider must be pressed and bottled by the vendor. Cider must be fully labeled including approved warning statement if unpasteurized/unheated (raw).
- **Canned Fruit/Pickled Vegetables/Jams and Jellies.** Home-canned fruits, pickled vegetables, jams and jellies made in Wisconsin may be sold at farmers' markets in the state without a license. Items must be low-pH (4.6 or below), canned in a home kitchen, and sales are limited to \$5,000 per person per year. Canned goods must be properly labeled, including an ingredient statement, and a notice posted at the point of sale letting consumers know the product is homemade and not subject to state inspection.
- **Cookies, cakes, and other homemade items<sup>^</sup>.** Home-prepared not potentially hazardous treats may be sold directly to consumers. Items such as cookies and cakes, doughnuts and even roasted coffee beans may now be prepared in your home kitchen without a license and sold directly to consumers in Wisconsin. Items that **would not be allowed** have cream or custard fillings, butter cream frosting or are otherwise potentially hazardous and requiring refrigeration. Be sure to clearly label all allergens!
- **Candies and confections<sup>^</sup>.** Chocolates, fudge and other non-potentially hazardous confections may be made in a home kitchen and sold directly to consumers.
- **Dehydrated or dried fruits, grains, herbs, vegetables<sup>^</sup>** may now be prepared in a home kitchen and sold to consumers within the state. Dry soup mixes and tea blends may be prepared at home and sold.
- **Field-Dried Vegetables.** No license is required for sale of peppers or dry beans that are dried naturally in the field. Product must be protected from spoilage and contamination during the natural drying process.
- **Fresh fruits and Vegetables.** Share the bounty of your harvest! You may rinse in clean water, remove roots and package in bulk for delivery. Not allowed: cutting or slicing, peeling, or other processing.
- **Honey.** No license required for honey sold as beekeeper's own and no added color, flavors, or ingredients, including air incorporated by whipping. Must be appropriately labeled.
- **Maple Syrup.** Producers of maple syrup may bottle and sell their product at farmers' markets as long as only exempt products are sold by the producer, e.g. fresh fruits and vegetables, honey, sorghum, cider, and/or maple syrup. Product must be fully labeled.

A 2011 Wisconsin law, sometimes called the 'pickle bill', allows limited sales of home-canned acid or acidified foods without a license. Product must be produced in a home kitchen, sales are limited to \$5,000 per year, and must be direct to consumers; farmers' markets are one of the approved sales locations. Labeling of the product must include: *"This product was made in a private home not subject to state licensing or inspection."* Information [here](#) or <https://datcp.wi.gov>



## License Required

A license is required either to sell or to process some products that may be sold at a farmers' market. Smaller businesses may hold a license in a church kitchen, at a local community center, or at a dedicated shared-use facility (entrepreneurial center). While some may choose to build a dedicated processing facility on their property, most start out using a shared space.



Potentially hazardous items such as eggs, fresh meats, and dairy products that require refrigeration will generally require a **mobile retail license**. Other **licenses apply to the production or manufacture of a certain types of foods or beverages**. Local ordinances may require further licensing. Examples of items where a license of some sort is generally required include:

- **Bakery items** that are potentially hazardous due to a cream or custard fillings or buttercream frosting, or items like cheesecake must be prepared in a commercial kitchen under license and kept cold. A mobile retail license would be required for sale of potentially hazardous goods.
- **Beef, pork, lamb, poultry and other meat items** must be processed in a licensed meat establishment and require a mobile retail license for sale at a farmers' market.
- **Dairy products** such as fluid milk, cream, butter, cheese, yogurt and more require must be processed at a licensed facility and a mobile retail license is required for sales at farmers' markets.
- **Eggs** from the farm find eager customers at farmers' markets. A mobile retail license is required for vending.
- **Fish and seafood** sold at a farmers' market must be processed at a licensed retail food establishment or food processing plant. Mobile retail license required.
- **Juice products** produced on-site or sold at a farmers market require license for manufacture and/or vending.
- **Pet foods** must meet standards similar to human foods and must be manufactured under license.
- **Processed fruits and vegetables**, including frozen, cut, peeled or sliced fruits and vegetables must be produced under a license for sale at farmers' markets. A mobile retail license would be required for items that must be kept cold.
- **Sauces and condiments** such as apple or tomato sauce may be exempted from licensing under the 'pickle bill', but other shelf-stable sauces, dressings, and condiments must be prepared under a license.

**Licensing Specialists** at the Wisconsin Department of Agriculture, Trade, and Consumer Protection (DATCP) will direct vendors to the licensing requirements for their individual business. Contact DATCP Licensing Specialists at 608-224-4923 or [datcpdfslicensing@wi.gov](mailto:datcpdfslicensing@wi.gov)

NOTE: Vendors from **outside of Wisconsin must comply with Wisconsin regulations to sell in the state**. To find out more, click on these links or enter these terms in your favorite search engine:

- [Direct Marketing of Meat and Poultry](#) (Wisconsin). Web page.
- Wisconsin [Local Food Marketing Guide](#). 109 pages. Chapter 4 (Rules, Regulations and Liability) (2014)
- Selling [Home Canned Foods](#) (Wisconsin). Web page. (2011)
- Selling [Maple Syrup](#) in Wisconsin. Web page.



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**NOTE: In spite of what many web sites say, Wisconsin does not have a cottage food law! Please refer to official documents for accurate, up-to-date information.**

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