

# Home-Canned Foods

A Wisconsin law – sometimes called the “pickle bill” – allows limited sales of home-canned foods without a license. Previously you needed to register with the Department of Agriculture, Trade and Consumer Protection for these sales, but that is no longer necessary.

## Canned Products You May Sell Without a License

- Fruits and vegetables that are either:
  - Naturally acidic, or
  - 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 value, the more acidic the food.
- Examples of products allowed if they meet the pH requirement:
  - Pickled fruits and vegetables (not refrigerator pickles)
  - Sauerkraut
  - Salsas
  - Chutneys
  - Jams and jellies
  - Applesauce

## Sales Permitted

- No more than \$5,000 in sales per year
- Retail only (direct from producer to consumer)
- Only at community or social events, such as bazaars, or at farmers’ markets

## Signs and Labels Required

- Sign at the point of sale, stating, “These canned goods are homemade and not 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 private 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.

## Testing pH Suggested

- It’s best to use a pH meter, properly calibrated on the day used.

- University of Wisconsin-Extension information about pH and choosing a pH meter
- Short-range paper pH test strips, commonly known as litmus paper, may be used instead, if the product normally has a pH of 4.0 or lower and the paper's range includes a pH of 4.6.

## Training and Recipes

You are urged to educate yourself about proper food safety procedures. Some good sources:

- The Ball Blue Book (current edition, available in bookstores and online)
- The Ball Complete Book of Home Preserving (current edition, available in bookstores and from online vendors)
- [Ball Corp.](#)
- [The National Center for Home Food Preservation](#)
- [The University of Wisconsin-Extension](#)

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.

## Record-keeping Suggested

Written record of every batch of product made for sale, including:

- 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 is not required, but customers expect good sanitation. Here are some factors you should consider:

- Use clean equipment that has been effectively sanitized prior to use
- Clean work surfaces and then sanitize 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 to keep insects out
- Wash hands frequently while working
- Consider annual testing of water if using a private well

## Licensing Exemption for Home Bakers

On February 26, 2018, Lafayette County Circuit Court Judge Duane Jorgenson provided his final order in the *Kivirist et. al. v. WDATCP* case, dealing with an exemption from

licensing requirements for home bakers who make not-potentially hazardous baked goods. Listed below are components of the ruling that may be helpful.

### **Home Bakers**

The exemption from licensure applies only to people baking out of their homes. All commercial kitchens must follow the requirements of [Wis. Admin. Code ch. ATCP 70](#), related to food processing plants, and commercial kitchens must ensure that all producers and processors using their facilities are licensed.

### **Baked Goods**

The exemption from licensure applies only to flour-based “baked goods” as indirectly defined in the [Wis. Stat. § 97.29\(1\) \(b\)](#) definition of “bakery.” The court’s order did not address other processing activities, such as the cooking and drying of products like candies and other confectionaries. If you prepare items other than baked goods, then you must obtain a license to operate your business.

### **Potentially Hazardous Baked Goods**

You may only produce baked goods that are not-potentially hazardous, as that term is defined in [Wis. Stat. §§ 97.27\(1\) \(dm\)](#) and [97.30\(1\) \(bm\)](#), in order to be exempt from licensure. If you produce potentially hazardous baked goods, you must obtain a license to operate your business.

### **Direct Sales to Consumers**

Unlicensed home bakers must sell directly to consumers. If you plan to sell your baked goods wholesale—i.e., not directly to consumers—then you must obtain a license to operate your business.