



Marketing Regulations

Guide to Farming in New York State

#27

Revised
6/15/07

Selling Plants

If you sell plants for landscape use including bedding plants, perennials, shrubs and trees grown in a nursery or greenhouse, you will need to obtain a Nursery, Greenhouse and Plant Dealer license from NYS Dept. of Agriculture & Markets. If you sell cut flowers or houseplants the license is not required. As a plant seller your greenhouse/nursery crops are subject to inspection to protect the customer from potentially diseased or insect infested plant materials.

For licensing information, contact the NYS Ag & Markets Division of Plant Industry - www.agmkt.state.ny.us/PI/PIHome.html or call the Albany office - 518-457-2087; Regional Inspectors will visit your production facility to inspect plants before you begin sales and thereafter annually. There is a fee for the license.

Selling Produce

No licenses are required. Produce must be sold free of debris and in clean containers. Bulk displays are not subject to grading, labeling or packaging.

Grade and Standards: Some produce is subject to USDA grade and quality standards if packaged; this includes: potatoes, apples, lettuce, and grapes. Grade, quantity of contents, name and address of producer are required on all closed packages. NYS Agriculture & Markets enforces quality and grade standards. For grading information consult the following website for fact sheets pertaining to each of the above crops: www.agmkt.state.ny.us/FS/general/farmprods.html

Follow Good Agricultural Practices: In order to protect food from microbial contamination, producers should follow good agricultural practices. To prevent contamination of produce and water supplies, follow good sanitation practices, avoid introducing raw manure into fields, test irrigation and wash water for bacteria, change wash water regularly. Test water for bacteria annually and maintain good records. For information consult: www.gaps.cornell.edu or call 315-787-2625.

Slaughter and Sale of Farm-raised Meats

Poultry exemption: Farm-raised poultry is exempt from NYS and USDA inspection if the farmer raises and slaughters under 1000 chickens or 250 turkeys or equivalent species like ducks and geese. If you raise more than the 1000 bird equivalents per year, the birds must be processed in a licensed facility and stamped if for commercial/retail sale.

Other Meats (beef, lamb, goat, pork): These farm-raised meats must be processed in a USDA licensed facility if intended for commercial/retail sale. These meats can be processed in NYS custom exempt slaughter plant and sold direct from farm to consumer. Further processing of meat such as making sausage, etc. must be done in a USDA certified facility or NYS certified processing facility/kitchen holding an Article 20-C license.

Exotic Animals: bison, deer, rabbits, and ratites must be slaughtered in a NYS Custom Exempt Plant. Inspection is not necessary for retail sales (to end user).

For questions about meat slaughter and sales, contact NYS Ag & Markets - 518-457-4492

More details can be found in the publication: *Resource Guide to Direct Marketing of Livestock and Poultry* available from NY Farms! 888-NYFARMS (888-693-2767)

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Selling Eggs

Egg cartons must be marked with grade and size. Eggs may be sold in bulk displays but grade and size must be indicated. Eggs should be washed and candled. Cartons must include the name and address of producer and the date packed. For a fact sheet on egg sales consult:

www.agmkt.state.ny.us/FS/general/farmprods.html

Selling Honey and Maple Syrup

These products are exempt from licensing if you do not add ingredients or repack. Production facilities must be clean and sanitary. If you make specialty flavored honey or maple products, you must have an Article 20-C license. Maple syrup is subject to grade identification. For more information on the sale of Maple Syrup request Circular 947 from the NYS Dept. of Agriculture & Markets or check this website for a copy: www.agmkt.state.ny.us/FS/general/farmprods.html

For all other food inspection questions, contact NYS Dept. of Agriculture & Markets – Division of Food Safety & Inspection,
at 518-457-4492 or www.agmkt.state.ny.us/FS/FSHome.html

Making/Selling Wine

Regulations can be found at the following website: www.abc.state.ny.us - NYS Liquor Authority, Division of Alcohol Beverage Control (ABC), Albany. There are 4 types of winery licenses that apply to the following situations: individuals who make wines without having a vineyard; a retail facility that retails wines but is neither a producer or processor of grapes; a **farm winery** must have its own vineyard and processing facilities and any purchased grapes must be 100% NY grown; a special farm winery does not have its own processing facility but works with another established wine processing facility. Farm wineries may sell their own wine at their wineries, at NYS Farmers Markets and to restaurants and retail stores in NYS.

For assistance in developing a farm winery consult the following sources:

New York Wine & Grape Foundation: www.newyorkwines.org, 585-394-3620

Cornell Enology & Viticulture Program – Geneva: www.nysaes.cornell.edu/fst/faculty/henick/ or call 315-787-2277

NYS Liquor Authority (ABC) License contact information:

Downstate – 212-961-8385

Hudson Valley – 518-474-3114

Central NY – 315-428-4198

Western NY – 716-847-3035

Cornell Grape Program - www.fruit.cornell.edu/grapes.html



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Cider

Requires an Article 20-C license for processing. Good manufacturing practices must be followed. Apples must be firm and washed. Pasteurization or Ultra Violet treatment is required. HACCP plans are required for cider and juice processing facilities if selling wholesale. For information contact: Division of Food Safety & Inspection, at 518-457-4492 or www.agmkt.state.ny.us/FS/FSHome.html

Milk

Processing facilities are regulated by the NYS Department of Agriculture & Markets Division of Milk Control and Dairy Services - www.agmkt.state.ny.us/DI/DIHome.html or 518-457-5731 - Bill Fredericks.

The primary resource to familiarize yourself with in the development of your plant is New York State Department of Agriculture and Markets Circular 958 (Part 2), which covers the rules and regulations for operating a milk processing facility in NY.

Milk can not be transported from a farm to a processing facility without a license and dairy products processed in your home kitchen or a commercial kitchen can not be sold to the general public. You must have and maintain a certified milk processing plant on your farm if you plan to sell dairy products to the public.

Once a plan has been developed, you may also want to contact the Cornell Department of Food Science Cooperative Extension (www.foodscience.cornell.edu/extension.htm) or the Dairy Plant at SUNY Morrisville. They offer instructional programming schools/workshops for dairy processors and have staff that may be able to help review your plans and offer advice.

Selling Raw Milk

Due to the potential liabilities of selling unpasteurized milk to the public, it is highly discouraged by the State and the Cornell University Department of Food Science. However it can be legal. The selling of raw fluid milk can be done, given your farm applies for permits and meets several additional tests and requirements that other milk processing facilities do not have to meet.

Hard cheese made from raw milk cheese may be sold to the public if labeled *raw milk cheese* and aged at least 60 days. A permit is still required.

