

# Q&A

## NEW FOOD RULES FOR SAN JOSE



## HEALTHY FOOD...COMING TO A NEIGHBORHOOD NEAR YOU!

New policies for growing, making, and selling food in San Jose are making it easier than ever to start a community garden or urban farm, open a certified farmers' market, or even sell your home-grown products to neighbors and local businesses. This guide answers questions about the new rules and provides links to resources to help you get started!



# NEIGHBORHOOD AGRICULTURE

## WHAT IS “NEIGHBORHOOD AGRICULTURE?”

New changes to the zoning code in San Jose allow for small-scale “neighborhood agriculture,”<sup>1</sup> which is a catchall term for growing food within the city. Neighborhood agriculture includes home gardens, community gardens, and urban farms. It’s allowed only in the following zoning districts:

- Agricultural
- Residential
- Open Space (with a conditional use permit)

Farms and gardens are not allowed in commercial, industrial, or downtown zones. See San Jose’s zoning map to find out where you can farm or garden: [www.sanjoseca.gov/index.aspx?NID=2520](http://www.sanjoseca.gov/index.aspx?NID=2520)

**Zoning Districts**  
*divide the City of San José into different areas where different activities can take place. For example, in residential districts you might find homes, schools, parks, playgrounds, and libraries.*

## THERE’S AN EMPTY LOT IN MY NEIGHBORHOOD THAT WOULD BE PERFECT FOR A GARDEN. CAN I USE IT FOR GROWING FOOD?

Under the zoning code, neighborhood agriculture can take place anywhere in a residential zone, including at a house or apartment, on a vacant lot, at a church or community center, or in a school yard.

## HOW BIG CAN OUR FARM OR GARDEN BE?

In a residential zone, your site will need to be smaller than one acre. Farms or gardens in agricultural or open space zones do not have size limitations.

## I DON'T OWN THE LAND WHERE I WANT TO GARDEN. WHAT SHOULD I DO?

If you rent your house or apartment, make sure to review your lease to determine whether and where you can grow food. If there's nothing in the document prohibiting you from gardening, you're probably free to do it, but it's always best to check with your landlord or property manager before you make any changes to the property.

On other private property (like a vacant lot or church), community groups may want to lease land from a property owner in order to grow food. See ChangeLab Solutions' toolkit *Ground Rules: A Legal Toolkit for Community Gardens* for a model lease agreement, sample garden rules, and a template for a gardener contract:

[www.changelabsolutions.org/publications/ground-rules](http://www.changelabsolutions.org/publications/ground-rules)

## WE'VE GROWN MORE VEGGIES THAN WE KNOW WHAT TO DO WITH. HOW CAN WE SHARE OUR BOUNTY?

Donating some or sharing with neighbors is an easy way to unload extra produce, get healthy food to people who need it, and make new friends!

If you are a little more business-minded, you can also sell your produce. Selling produce can be a great way to earn some additional income, but it does require the proper business licenses, health permits, and even insurance.

If you want to set up a farm stand on-site to sell your veggies, you'll need to follow the rules in the California Food Retail Code, which set basic standards for sanitation and health practices.<sup>2</sup>

To sell or donate veggies from your yard or from a farm or garden that isn't operated by the city, you'll have to limit your hours to between 9am and 9pm and have only two customers on-site at a time. If you plan to sell your produce regularly, you should also

look into registering as a small business (see the *Home-Based Food Businesses* section of this guide for more information).

To sell your veggies at a local farmers' market, you will need to become what's known as a "certified producer." For more information, see *California Certified Farmers' Markets and Farm Stands*, a fact sheet from ChangeLab Solutions, at [www.changelabsolutions.org/publications/CA-farmers-markets-farm-stands](http://www.changelabsolutions.org/publications/CA-farmers-markets-farm-stands)

## WE HAVE A FARM STAND AT OUR URBAN FARM. CAN WE TURN IT INTO A FARMERS' MARKET?

Yes, if your farm is located in a residential zone and it is located on the property of a school, church, library, or community center. You'll have to go through the process of establishing a certified farmers' market, become a certified producer, and recruit other certified producers to sell at your market. Remember, if you are running a farmers' market, you cannot resell produce grown by other farms or gardens; the farmers or their employees have to do the selling themselves. (See the Farmers' Markets section of this guide for more details.)

## WHAT IF I WANT TO CAN MY TOMATOES AND MAKE SALSA? COULD I SELL THAT, TOO?

San Jose's zoning code specifies that you can also make and sell "value-added products" (food that is made by cooking or processing raw agricultural products) as long as the primary ingredients are grown on-site. For example, you could sell strawberry jam made from garden strawberries, or pickled beets harvested on-site. However, you need to make your value-added products in a kitchen that is approved by the Santa Clara County Department of Environmental Health. **To make and sell most prepared foods you will need to find a commercial kitchen to use.** However, a new state law allows you to sell certain foods made in your home kitchen with minimal permit costs (see the *Cottage/Home-Based Food Businesses* section of this guide for more details).

## DO THE NEW RULES AFFECT THE CITY-RUN COMMUNITY GARDEN PROGRAM?

Since 1977, San Jose has provided the opportunity for residents to cultivate their own vegetables, fruits, herbs, and flowers in city-run community gardens on public land. The zoning changes do not change the rules at these gardens. For more information about the program and to sign up for a plot, visit [www.sanjoseca.gov/index.aspx?NID=599](http://www.sanjoseca.gov/index.aspx?NID=599)

# COTTAGE/HOME-BASED FOOD BUSINESSES

## CAN I SELL FOODS THAT I MAKE AT HOME IN MY KITCHEN?

Yes! California's cottage food law (California Homemade Food Act, Assembly Bill 1616)<sup>3</sup> allows sales of certain foods produced in home kitchens. These foods are restricted to specified items that don't need refrigeration and are unlikely to spoil and make someone sick. The California Department of Public Health (CDPH) maintains the official list of allowed foods, which is subject to change, available at:

[www.cdph.ca.gov/programs/pages/fdbcottagefood.aspx](http://www.cdph.ca.gov/programs/pages/fdbcottagefood.aspx).

As of February 2013 the approved list is as follows:

- Baked goods without cream, custard, or meat fillings, such as breads, biscuits, churros, cookies, pastries, and tortillas
- Candy, such as brittle and toffee
- Chocolate-covered nonperishable foods, such as nuts and dried fruit
- Dried fruit
- Dried pasta
- Dry baking mixes
- Fruit pies, fruit empanadas, and fruit tamales
- Granola, cereals, and trail mixes
- Herb blends and dried mole paste
- Honey and sweet sorghum syrup
- Jams, jellies, preserves, and fruit butter that comply with the standard described in Part 150 of Title 21 of the Code of Federal Regulations.<sup>4</sup>
- Nut mixes and nut butters
- Popcorn
- Vinegar and mustard
- Roasted coffee and dried tea
- Waffle cones and pizelles

## CAN I START A COTTAGE FOOD OPERATION IN MY HOME ANYWHERE IN SAN JOSE?

Under the Home Occupation rules in the zoning code, you can operate a cottage food business if you live in the following zoning districts:<sup>5</sup>

- Residential
- Open Space
- Agricultural
- Pedestrian Oriented

If you live downtown or another district not listed above, you will not be allowed to operate a cottage food business unless you get a special exception from the planning department.

To find out what district you live in, see San Jose's zoning maps, available at: [www.sanjoseca.gov/index.aspx?nid=2037](http://www.sanjoseca.gov/index.aspx?nid=2037)

## HOW DO I START A COTTAGE FOOD BUSINESS?

In order to sell food you make at home, you need to get the right permits and follow some basic rules. These steps below will help you get started on the process.

- Step 1:** Choose the type of food product you want to make at home, and make sure it is approved by the California Department of Public Health (CDPH).<sup>6</sup>
- Step 2:** Decide where and how you want to sell your product. Specific requirements, permits, and fees vary depending on whether you plan to sell your products directly to customers ("direct sales") and/or to other businesses that will resell you products ("indirect sales").
- Step 3:** Get a business license from the City of San Jose.<sup>7</sup> If your home is not located in a Residential, Open Space, Agricultural, or Pedestrian Oriented Zoning District, get written approval from the City Department of Planning, Building, & Enforcement.<sup>8</sup>
- Step 4:** Apply for a Cottage Food Operator permit/license with the Santa Clara County Department of Environmental Health. You'll also be required to take a class and pass an exam on food safety.



More information about registering Cottage Food Operations (CFOs), including the application and a checklist, may be found on Santa Clara County Department of Environmental Health's website at:

[www.sccgov.org/sites/deh/Consumer%20Protection%20Division/Program%20and%20Services/Food%20Safety%20Program/Pages/California-Homemade-Food-Act--AB-1616-\(GATTO\).aspx](http://www.sccgov.org/sites/deh/Consumer%20Protection%20Division/Program%20and%20Services/Food%20Safety%20Program/Pages/California-Homemade-Food-Act--AB-1616-(GATTO).aspx)

## HOW DO I FIND A FOOD SAFETY CLASS?

Currently, the CDPH is not offering the required food safety handling classes directly. However the Santa Clara County Department of Environmental Health offers classes and a list of local providers. CDPH also provides a list of several online courses that will satisfy the requirement. Online courses range in cost from \$10 to \$15 and are offered in multiple languages including English, Spanish, Chinese, Korean, and Vietnamese.

A list of food safety course providers from SCCDEH is available at: [www.sccgov.org/sites/deh/Consumer%20Protection%20Division/Program%20and%20Services/Food%20Safety%20Program/Documents/fscproviders.pdf](http://www.sccgov.org/sites/deh/Consumer%20Protection%20Division/Program%20and%20Services/Food%20Safety%20Program/Documents/fscproviders.pdf)

A list of State of California approved training programs can be found here:

[www.ansica.org/wwwversion2/outside/ALLdirectoryListing.asp?menuID=212&prgID=228&status=4](http://www.ansica.org/wwwversion2/outside/ALLdirectoryListing.asp?menuID=212&prgID=228&status=4)

## WHAT PERMITS WILL I NEED FOR MY COTTAGE FOOD BUSINESS?

The primary permit you will need is from the Santa Clara Department of Environmental Health. The primary purpose of the Cottage Food Operator permit is make sure that homemade foods for sale are safe and free from toxins and harmful bacteria. The chart below explains the two types of permits you can apply for, depending on where and how you want to sell your products.

## SANTA CLARA COUNTY COTTAGE FOOD PERMITS:

Allowed Sales	Examples	Permit Fee	Permit Requirements
<b>Class A Permit: Direct Sales Only</b>			
<p><b>Direct Sales:</b> Selling directly or “face-to-face” with your customers</p> <p><b>Direct Sales Allowed Range:</b> Anywhere in California</p>	<ul style="list-style-type: none"> <li>• From home</li> <li>• Farmers’ market</li> <li>• Community Supported Agriculture (CSA)</li> <li>• Holiday craft fair</li> <li>• Online (must deliver in person)</li> </ul>	<p><b>\$219/year</b></p> <p><i>Plus \$219/hr for complaint inspection or re-inspection</i></p> <p><i>Additional fees required for selling at a certified farmers’ market (\$99/year) or a public event such as a bake sale, holiday party, or festival (\$99/event)</i></p>	<ul style="list-style-type: none"> <li>• Permit Application</li> <li>• Documentation of Planning Dept Approval</li> <li>• Certificate of complete Food Handler/Processor Course</li> <li>• Sample Label</li> <li>• Proof of Potable Water onsite</li> <li>• Proof of Sanitary Sewage Disposal</li> </ul> <p><b>Self-Inspection Checklist</b></p> <p><b>No Onsite Inspection Required</b></p>
<b>Class B Permit: Direct AND Indirect Sales</b>			
<p><b>Same as above, AND:</b></p> <p><b>Indirect Sales:</b> Selling to other businesses that will then resell your product to customers</p> <p><b>Indirect Sales Allowed Range:</b> Within the county where the product was made</p>	<p><i>Same as above, and:</i></p> <ul style="list-style-type: none"> <li>• Retail food stores</li> <li>• Restaurants</li> <li>• Other third parties (e.g., a food truck, day care center, or vending machine operator)</li> </ul>	<p><b>\$635/year</b></p> <p><i>Plus \$219/hr for complaint inspection or re-inspection</i></p> <p><i>Additional fees required for selling at a certified farmers’ market (\$99/year) or a public event such as a bake sale, holiday party, or festival (\$99/event)</i></p>	<ul style="list-style-type: none"> <li>• Permit Application</li> <li>• Documentation of Planning Dept Approval</li> <li>• Certificate of complete Food Handler/Processor Course</li> <li>• Sample Label</li> <li>• Proof of Potable Water onsite</li> <li>• Proof of Sanitary Sewage Disposal</li> </ul> <p><b>Annual Onsite Inspection Required</b></p>

Current as of April 19, 2013. For more information, see <http://tinyurl.com/cqryzqh>.

The Santa Clara Department of Environmental Health is required to publish a list of all the permits you may need to start your cottage food operation. CalGOLD (California Governments Online Desktop) is also a helpful resource to determine what permits you might need in starting your business: [www.calgold.ca.gov](http://www.calgold.ca.gov)

## I'VE GOT MY PERMITS, AND MY DELICIOUS TORTILLAS ARE READY TO GO. WHERE CAN I SELL THEM?

According to San Jose's current Home Occupation zoning code, you are allowed to sell in your own home between the hours of 9am and 9pm as long as there are no more than two customers in your house at one time.<sup>9</sup> This is to make sure that there's not a huge traffic jam or parking problem with people lined up to buy your healthy treats.

If you have a Class A permit, you can expand your "direct sales" to holiday markets, swap meets, or farmers' markets. Keep in mind that selling at many public venues, like farmers' markets, require you to get an additional permit from the County Department of Environmental Health to sell your goods. With a Class B permit you can expand your reach by engaging in "indirect sales" to local grocery stores or restaurants that will resell your foods to their customers. See the table on Cottage Food Business Guidelines for more information.

## WHAT ABOUT SELLING MY COTTAGE FOODS ONLINE?

Yes. You can advertize and receive payments online and on the phone. However you must deliver the food products in person. Cottage Food Operations are not allowed to ship products via mail, UPS/FedEx, or courier service.

## MAKING AND SELLING FRUIT EMPANADAS IS A LOT OF WORK! CAN I HIRE SOMEONE TO HELP ME RUN MY COTTAGE FOOD BUSINESS?

Yes, you can hire up to the equivalent of one full-time employee. That means you can either hire one full-time person or a few part-time people, as long as the total hours they work do not add up to more than 40 per week. Family members and household residents do not count toward your employee limit.

If you decide to hire employees, you'll also want to make sure you are complying with employment laws, including paying at least minimum wage and having workers' compensation coverage in case of an injury.

For more information about being an employer or starting a business in Silicon Valley, visit: [www.businessownerspace.com](http://www.businessownerspace.com)

## DOES MY HOMEMADE PRODUCT NEED TO HAVE ALL THE INFORMATION I SEE ON OTHER FOOD PACKAGES IN THE GROCERY STORE?

The good news is that as long as you don't make any health or nutritional claims about your product<sup>10</sup>, you don't need to go through the hassle and expense of sending your product to a lab and get all the nutrition facts and percentages of daily allowance required of commercial products. That said, you'll still have to let people know what they're eating. You're required to label your food items with the following information:

- "Made in a Home Kitchen" prominently displayed in 12pt font
- Name of product
- Name of your business along with the street address<sup>11</sup>, city and zip code
- All ingredients (by weight order)
- Major allergens contained in the food
- Net quantity (weight, count, or volume). Must be in both English and metric units
- Registration or permit # (for "Class B" permits you must also include "Santa Clara" as the county where the permit was issued).

If you, a store, or a restaurant is selling your food product without packaging, there needs to be a clear menu label or sign that indicates the product is homemade. More information about cottage food labeling requirements can be found on the CDPH website at: [www.cdph.ca.gov/programs/Documents/fdbCFOLabel.pdf](http://www.cdph.ca.gov/programs/Documents/fdbCFOLabel.pdf)

## CAN I MAKE IT RICH OFF MY HOME FOOD BUSINESS?

If your business is successful, you may one day be rolling in dough – and not just the flour kind! But the cottage food law was meant to help people starting out who can't afford to build or rent a commercial kitchen.

According to the law, cottage food businesses cannot sell more than \$35,000 worth of food in a year, starting in 2013. That amount will increase to \$45,000 in 2014 and level out at \$50,000 from 2015 onward. If you start selling more than the maximum, chances are your business is successful enough to move outside the home into a full commercial kitchen. Then the sky's the limit!

If you are ready to move into a commercial kitchen but can't afford to build your own, you can opt to rent a shared commercial kitchen, or you may find a restaurant willing to rent its kitchen space to you after hours. Sometimes it may be possible to use your local church or community center if its kitchen is properly certified.

## WILL I NEED TO UPGRADE MY KITCHEN TO PASS A HEALTH INSPECTION?

Not necessarily. You'll need to make sure you can follow sanitary procedures according to the California Retail Food Code.<sup>12</sup> For people starting a home food business that only sells directly to customers, you'll need to do a "self-inspection" to make sure your kitchen and home are safe and healthy places to make, package, and store food. For those planning on selling indirectly through other businesses, you must undergo an annual inspection by the Santa Clara County Department of Environmental Health.<sup>13</sup> Also, if a customer gets sick and files a complaint, you may also face an in-home inspection and have to pay the associated fees.

## CAN I STILL COOK DINNER FOR MY FAMILY WHILE MAKING FOODS TO SELL?

No. You will not be allowed to conduct any home-related activities, including cooking meals or doing laundry, in the kitchen while you are using it for business purposes. Also, small children and pets are

not allowed in the kitchen while you are preparing food to sell. So get a babysitter and a dog gate, and plan to make those fruit tamales when your family won't need the kitchen. And, smoking is not allowed in areas where food is being made, handled, or stored.

## HOW CAN COTTAGE FOOD BUSINESSES SUPPORT HEALTHY FOOD ACCESS FOR MY FAMILY AND NEIGHBORS?

While Cottage Food Operations (CFO's) are limited to only making items that are shelf stable, like breads, pastries, and jams, there are many ways these small businesses can increase food security and health. One significant benefit of CFOs is that they allow people to supplement their income, which can allow them greater ability to make healthy food choices. Here are some other ideas for how CFOs can improve healthy access in your neighborhood:

### **1. Make and sell healthier options by:**

- Using fresh fruits and vegetables in your products when possible, like dried fruit snacks made from garden produce.
- Putting whole grains in your baked goods.
- Creating lower fat and sugar versions of your foods, consistent with any other regulations.<sup>14</sup>
- Making healthy herbal blends or medicinal teas.

### **2. Trade your pies and empanadas for fresh produce from your neighbor's back yard or local community garden.**

### **3. Use the sale of prepared foods as a way to financially support your garden or farm.**

### **4. Sell healthy homemade snacks like dried fruits and nuts at your local corner store. Offer tastings to build your market and help people make healthy choices.**

## FARMERS' MARKETS<sup>15</sup>

### I'D LIKE A FARMERS' MARKET IN MY NEIGHBORHOOD. HOW CAN I MAKE IT HAPPEN?

The best place to start is by talking to your neighbors to gauge interest in a new market. A successful farmers' market needs community support to thrive. Find out who would shop at the market and what kinds of foods they would like to see. Also be sure to connect with local institutions like schools, churches, libraries, and community centers, which can be valuable partners.

### CAN ANYONE START A FARMERS' MARKET?

To run a certified farmers' market, you need to be a nonprofit group, a government agency, or a certified producer (e.g., a farmer).<sup>16</sup> Residents interested in starting a farmers' market can choose to partner with an existing organization or certified producer, or they can form their own organization. The Pacific Coast Farmers' Market Association (PCFMA), which manages many markets in the Bay Area, can be a helpful partner and resource.

More information about the Pacific Coast Farmers' Market Association is available at: [www.pcfma.com](http://www.pcfma.com)

### WHERE CAN A FARMERS' MARKET LOCATE?

Certified farmers' markets are allowed in the following districts:

- Residential (only on certain sites)
- Commercial
- Downtown
- Industrial Park<sup>17</sup>
- Agricultural
- Open Space<sup>18</sup>

In residential districts, farmers' markets must be located on property belonging to local institutions such as schools, churches, libraries, or community centers.

## HOW CAN WE HELP MAKE SURE THE FOOD WE SELL IS AFFORDABLE FOR EVERYONE IN OUR NEIGHBORHOOD?

All certified farmers' markets in San Jose are required to accept CalFresh Electronic Benefits Transfers (EBT) and Farmers' Market Nutrition Program coupons issued through the Women, Infants, & Children (WIC) program.<sup>19</sup> All markets operated by the Pacific Coast Farmers' Market Association (PCFMA) accept CalFresh, WIC, and Senior Farmers' Market Program coupons. PCFMA also operates a *Market Match* bonus program: CalFresh customers receive an additional \$5 after spending \$10 at the market. More information about PCFMA's *Market Match* program available at: [www.pcfma.com/pcfma\\_marketmatch.php](http://www.pcfma.com/pcfma_marketmatch.php)

The Ecology Center offers resources and technical assistance to market managers throughout California on accepting EBT at farmers' markets: [www.ecologycenter.org/ebt/](http://www.ecologycenter.org/ebt/)



## WHAT IF I DON'T LIVE IN SAN JOSE? HOW DO I FIND OUT THE FOOD RULES FOR MY CITY?

Some of the rules described in this guide are state laws, like the cottage food law and the regulations involving certified farmers' markets. But specific rules about neighborhood agriculture, whether or not you can sell on-site, and other local laws will vary. Contact your local city planning department to find out more.

The State of California Office of Planning and Research (OPR) publishes a *Directory of California Planning Agencies*. The 2012 edition is available at: [www.opr.ca.gov/docs/2012DOPA.pdf](http://www.opr.ca.gov/docs/2012DOPA.pdf)

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<sup>1</sup>See San Jose, Cal. Code of Ordinances §20.200.798. 2012: "Neighborhood agriculture" means a use that occupies less than one acre for the production of food or horticultural crops to be harvested, sold or donated or for animal husbandry in compliance with **Title 7** of this Code. Neighborhood agricultural use may be a principal or an accessory use on a site. Value-added products, where the primary ingredients of the product are grown and produced on-site, are included as a part of this use. Limited sales and donation of fresh food and/or horticultural products grown on site may occur on site as a part of a neighborhood agriculture use, subject to the provisions of Part 9 of **Chapter 20.80**, if applicable. Sales, pick-ups, and donations of fresh food and horticultural products grown on-site are also considered a part of a neighborhood agriculture use, subject to the provisions of Part 9 of **Chapter 20.80**, if applicable.

<sup>2</sup> California's Retail Food Code is available at: [www.cdph.ca.gov/services/Documents/fdbRFC.pdf](http://www.cdph.ca.gov/services/Documents/fdbRFC.pdf)

<sup>3</sup> Text of Assembly Bill 1616 available at:  
[http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201120120AB1616](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201120120AB1616)

<sup>4</sup> 21 C.F.R. § 150.110 – 150.161.  
[www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcfr/CFRSearch.cfm?CFRPart=150&showFR=1&subpartNode=21:2.0.1.1.29.2](http://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcfr/CFRSearch.cfm?CFRPart=150&showFR=1&subpartNode=21:2.0.1.1.29.2)

<sup>5</sup> Cottage Food Operations were recognized as a home occupation under city zoning code in March, 2013: San Jose, Cal., Ordinance 29218 (March 5, 2013); The zones where home occupations are allowed: San Jose, Code of Ordinances §§20.30.100, 20.20.100, 20.75.200.

<sup>6</sup> The CDPH's "Approved Cottage Food List" is available at:  
[www.cdph.ca.gov/programs/pages/fdbcottagefood.aspx](http://www.cdph.ca.gov/programs/pages/fdbcottagefood.aspx)

<sup>7</sup> The Business Tax Registration Form from the San Jose Department of Finance is available at:  
[www.sanjoseca.gov/DocumentCenter/View/3000](http://www.sanjoseca.gov/DocumentCenter/View/3000)

<sup>8</sup> More information about contacting the City of San Jose Department of Planning, Building, & Enforcement available at: [www.sanjoseca.gov/planning](http://www.sanjoseca.gov/planning)

<sup>9</sup> San Jose, Cal. Code of Ordinances, § 20.80.710 (2012).

<sup>10</sup> More information about food label claims is available on the FDA's website:  
[www.fda.gov/food/guidancecomplianceregulatoryinformation/guidancedocuments/foodlabelingnutrition/foodlabelingguide/ucm064908.htm](http://www.fda.gov/food/guidancecomplianceregulatoryinformation/guidancedocuments/foodlabelingnutrition/foodlabelingguide/ucm064908.htm)

<sup>11</sup> You must include your street address unless your Cottage Food Operation is listed in a current telephone directory.

<sup>12</sup> The full text of the California Retail Food Code is available at:  
[www.cdph.ca.gov/services/Documents/fdbRFC.pdf](http://www.cdph.ca.gov/services/Documents/fdbRFC.pdf)

<sup>13</sup> "California Homemade Food Act- AB 1616 (GATTO)." Santa Clara County Department of Environmental Health (updated February 12, 2013). Available at:  
[www.sccgov.org/sites/delc/Consumer%20Protection%20Division/Program%20and%20Services/Food%20Safety%20Program/Pages/California-Homemade-Food-Act--AB-1616-\(GATTO\).aspx](http://www.sccgov.org/sites/delc/Consumer%20Protection%20Division/Program%20and%20Services/Food%20Safety%20Program/Pages/California-Homemade-Food-Act--AB-1616-(GATTO).aspx)

<sup>14</sup> 21 C.F.R. § 150.110 – 150.161 provides specific information for nutritive sweetener solids in Fruit Butters, Jellies, Preserves, and Related Products; see  
[www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcfr/CFRSearch.cfm?CFRPart=150&showFR=1&subpartNode=21:2.0.1.1.29.2](http://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcfr/CFRSearch.cfm?CFRPart=150&showFR=1&subpartNode=21:2.0.1.1.29.2). Labeling foods as lower fat or sugar constitutes a nutrition claim and would require sending the food to a lab for analysis to produce a nutrition facts panel (otherwise not required).

<sup>15</sup> See: San Jose, Cal. Code of Ordinances § 20.200.185 (2012):

**20.200.185 Certified Farmers' Market**

A "certified farmers' market" means a food facility as defined under Section 27521 of the California Health and Safety Code, as the same may be amended from time to time, whose location and operation meet all of the following criteria and standards:

- 
- A. Have been certified by the Santa Clara County agricultural commissioner through the issuance of a current and valid certified farmers' market certificate; and
  - B. Are and remain in full conformance at all times with all state and local laws, and related regulations and guidelines, applicable to a certified farmers' market under Chapter 10.5 (commencing with Section 47000) of Division 17 of the California Food and Agricultural Code, as these state and local laws, regulations and guidelines may be amended from time to time.

<sup>16</sup> More information about becoming a certified producer through the County Agriculture Commission: [www.sccgov.org/sites/ag/Farmers%27%20Markets/Pages/Farmers%27-Markets.aspx](http://www.sccgov.org/sites/ag/Farmers%27%20Markets/Pages/Farmers%27-Markets.aspx)

<sup>17</sup> San Jose, Cal., Code of Ordinances §§ 20.30.100, 20.40.100, 20.50.100, 20.70.100 (2013).

<sup>18</sup> San Jose extended allowed zones for farmers markets to Agricultural and Open Space districts in March, 2013. San Jose, Cal., Ordinance 29218 (Mar. 5, 2013).

<sup>19</sup> The WIC Farmers' Market Nutrition Program is administered by the California Department of Public Health. Both the farmers' market and each producer in the market who wants to accept WIC vouchers must be certified by the state. See [www.cdph.ca.gov/programs/wicworks/Pages/MarketManagers-HowToApply.aspx](http://www.cdph.ca.gov/programs/wicworks/Pages/MarketManagers-HowToApply.aspx) for more information.

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## ABOUT THE CAMPAIGN FOR HEALTHY FOOD SAN JOSE

Led by The Health Trust and funded through the Santa Clara County Department of Public Health, The Campaign for Healthy Food San Jose was a year-long coalition started in September 2011. The Campaign sought to produce changes in city policies that would increase access to fresh fruits and vegetables in neighborhoods with the highest need, and promote use of EBT for purchases. Campaign partners included City of San Jose Department of Planning, Building and Code Enforcement, City of San Jose Department of Parks, Recreation and Neighborhood Services, FIRST 5 Santa Clara County, Pacific Coast Farmers' Market Association, and Working Partnerships USA.

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*Photos by Tim Wagner for HEAC and Lydia Daniller*

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