



# Business Resources

**We're here to help.** From financial support to help navigating requirements, we want to help make your business a success.

## City of Toledo Business Services

**Sandy Spang**  
sandy.spang@toledo.oh.gov  
419-245-1614

## Toledo-Lucas County Health Department

lucascountyhealth.com  
419-213-4096

## University of Toledo Minority Business Development Center

utoledo.edu/incubator/mbdc  
419-530-3344

## Chamber of Commerce Small Business Development Center

sbdc@toledochamber.com  
419-243-8191

## Assets Toledo Small Business Owner Support

assetstoledo.com  
419-251-9870

## Jumpstart For Entrepreneurs

jumpstartinc.org  
567-218-1717

## Toledo Bar Association Lawyer Referral Line

419-242-2000

## Score Small Business Mentors

score.org



## Doing Business in Toledo

Find more information at [toledo.oh.gov/business](https://toledo.oh.gov/business)



# Food on the Go

Anyone selling from food from a truck, trailer, cart, or other mobile rigs must follow state, county, and city regulations regarding mobile food.

**More info** [toledo.oh.gov/mobile-food](http://toledo.oh.gov/mobile-food)

**Questions** 419-936-2020

## Things to Remember

### Location

Operate anywhere you can park legally, in the direction of curbside.

Obtain permission to sell in a City park.

Use proper flashing lights and signage when stopping temporarily.

Keep the public right-of-way clear and allow for ADA compliant access.

Don't sell to someone in a vehicle that is stopped in traffic.

### Setup

Obtain permission to use City electrical outlets.

### Cleanup

Keep the area 15 feet around your truck clean.

Provide a trash receptacle for customers and keep it from overflowing.

Remove all your waste before leaving a location.

## Licenses and Inspections



**State of Ohio  
Transient  
Vendor License\***



**TLC Health Department  
Temp. or Mobile  
Food License**



**Fire Prevention Bureau  
Fire Safety  
Inspection**



**City of Toledo  
Mobile Food Unit  
Registration\*\***

\* required only if taxable items will be sold

\*\* tax registration, liability insurance, and all other requirements will be verified before your application will be accepted



City of Toledo

# Cottage Industry and Home Bakery

Applies to anyone producing and selling food out of their homes.

More info [agri.ohio.gov](http://agri.ohio.gov)

Questions 614-644-0720

## Cottage Industry

### Requirements

Exempt from being licensed or inspected

Produced at home

May only be sold from home, to a licensed establishment, or at a farmers market

Labeling is required

Must be items on the allowed list

### Allowed Items

Baked goods that do not require refrigeration, including unfilled baked donuts

Candy

Fruit jams, jellies, chutneys (non-acidified), and fruit butters

Flavored honey produced by an exempt beekeeper

Granola, granular bars dipped in candy

Maple sugar produced by and exempt maple syrup producer

Popcorn, flavored popcorn, kettle corn, popcorn balls, caramel corn

Waffle cones and waffle cones dipped in candy

Pizelles

Dry cereal and nut snack mixes with seasonings

Roasted coffee, whole beans or ground, flavoring permitted

Dry baking mixes in a jar or other packaging

Dry herbs, herb blends, tea blends, soup mixes, or seasoning blends

## Home Bakery

### Requirements

Licensed and inspected by Dept. of Ag.

Produced at home

May only be sold from home, to a licensed establishment, or at a farmers market

Labeling is required

No pets in the home, no carpet in the kitchen, and mechanical refrigeration below 45° F.



State of Ohio  
Vendor  
License\*



TLC Health Department  
Temporary Food  
License\*\*



Ohio Dept. of Agriculture  
Home Bakery  
Registration

\* required only if taxable items will be sold

\*\* required if home baker is selling potentially hazardous food to consumer

## Cottage Food Production Operation

### What is a Cottage Food Production Operation?

A “Cottage Food Production Operation” is defined in Chapter 3715 of the Ohio Revised Code to mean, a person who, **in the person’s home**, produces food items that are not potentially hazardous foods, including bakery products, jams, jellies, candy, fruit butter, and similar products specified in rules. These foods must be labeled properly, or they will be considered misbranded or adulterated.

“Home” means the primary residence occupied by the residence’s owner, on the condition that the residence contains only one stove or oven used for cooking, which may be a double oven, designed for common residence usage and not for a commercial usage, and that the stove or oven be operated in an ordinary kitchen within the residence.

### What Foods are Permitted to be Manufactured for Sale or Distribution by a Cottage Food Production Operation?

Permitted foods are non-potentially hazardous bakery products (such as cookies, breads, brownies, cakes, fruit pies, etc.); candy (including no-bake cookies, chocolate covered pretzels or similar chocolate covered non-perishable items, jams; jellies; fruit butters; granola (including granola bars and granola bars dipped in candy); popcorn (including flavored popcorn, kettle corn, popcorn balls, caramel corn, but does not include un-popped popping corn); unfilled baked donuts; waffle cones; pizzelles; dry cereal and nut snack mixes with seasonings; roasted coffee (coffee may be whole beans or ground); dry baking mixes (for making items such as breads and cookies); dry herbs and dry herb blends; dry seasoning blends (such as dry barbecue rubs and seafood boils); dry tea blends; flavored honey; fruit chutney; maple sugar; and dry soup mixes containing commercially dried vegetables, beans grains, and seasoning.

### What Foods are NOT Allowed to be Manufactured for Sale or Distribution by a Cottage Food Production Operation?

A “Cottage Food Production Operation” is **not** permitted to process acidified foods, low-acid canned foods, potentially hazardous foods or non-potentially hazardous foods not listed above. *Low acid food* means any food with a finished equilibrium pH greater than 4.6 and a water activity greater than 0.85. *Acidified food* means a low acid food to which acids or acid foods are added (Ex. Beans, cucumbers, cabbage, puddings, etc.). *Potentially hazardous food* means it requires temperature control because it is in a form capable of supporting the rapid and progressive growth of infectious or toxigenic microorganisms (Ex. Raw or cooked animal products, cooked vegetables, garlic in oil, cheese cakes, pumpkin pies, custard pies, cream pies, etc.)

### What are the Requirements for the Labeling of Cottage Food Products?

A “Cottage Food Production Operation” is required to label all of their food products properly, which include the following information on the label of each unit of food product offered or distributed for sale:

1. Statement of Identity - the name of the food product;
2. Net Quantity of Contents - the net weight, in both U.S. Customary System and International System
3. Ingredient List - ingredients of the food product, listed in descending order of predominance by weight;
4. Statement of Responsibility - the name and address of the business;
5. The following statement in ten-point type: **“This Product is Home Produced.”**

An ingredient that is or contains protein from a "major food allergen" must have the presence of the allergen declared by common name in the ingredient statement **or** by placing the word “Contains” followed by the name of each major food allergen present in the food. The “Contains” statement must be immediately after or adjacent to the ingredient statement. The “major food allergens” are milk, eggs, fish, crustacean shellfish, tree nuts, peanuts, wheat, and soybeans. The type of tree nut (e.g., almonds, walnuts, pecans, etc.), fish (e.g., anchovies), and crustacean shellfish (e.g., crab, lobster, shrimp, etc.) must be declared.

Note: If nutrient content claims (i.e. low fat, salt free, etc.) or health claims (i.e. may reduce heart disease) are made, the product must bear all required nutritional information in the form of the Nutrition Facts panel. All labeling components are to comply with 21 CFR Part 101, food labeling. The FDA Food Labeling Guide is an excellent resource of the proper labeling of food products. The web-address for the FDA Food Labeling Guide is:

<https://www.fda.gov/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/LabelingNutrition/ucm2006828.htm>

### What does the Statement “This Product is Home Produced” Mean?

The statement means that the food product was produced in a private home that is not subject to inspection by a food regulatory authority.

### Where may Cottage Food Production Operations Sell Their Food Products?

Cottage Food Products may only be sold in Ohio. Cottage Food Products that are properly identified and labeled may be sold directly to the consumer from the home where the products are produced. They may also be sold through licensed grocery stores, registered farm markets, registered farmers markets, and sold and/or used in preparing food in a licensed restaurant. Cottage food may also be sold at festivals or celebrations, on the condition that the festival or celebration is organized by a political subdivision of the state and lasts for a period not longer than seven consecutive days. Cottage Foods cannot be sold through a distributor.

### Does a Cottage Food Production Operation Need to Acquire a License to Process and Package Food Products?

No. A “Cottage Food Production Operation” is exempt from inspection and licensing by the Ohio Department of Agriculture. However, all food products, including those produced and packaged by “Cottage Food Production Operations,” are subject to food sampling conducted by the Ohio Department of Agriculture to determine if a food product is misbranded or adulterated.

Questions? Contact ODA Division of Food Safety; 1-800-282-1955 Ext 4366; E-mail: [foodsafety@agri.ohio.gov](mailto:foodsafety@agri.ohio.gov)

# **BASIC REQUIRED FOOD LABELING COMPONENTS LABEL EXAMPLE** **(COTTAGE FOOD PRODUCTION)**

*This label example is just one way to present the information required on a food product label. Information may be placed in different ways and may appear on more than one label. Labels must comply with all applicable regulations and all information must be accurate and not misleading.*

**Foods cannot be made with partially hydrogenated oils. Additional information can be found at**

<https://www.fda.gov/Food/IngredientsPackagingLabeling/FoodAdditivesIngredients/ucm449162.htm>

**Ingredient List** – Ingredients shall be listed by common or usual name in descending order of predominance by weight. Meaning, the ingredient that weighs the most is listed first, followed by the next heaviest ingredient, with the ingredient that weighs the least listed last. Any ingredient that is composed of two or more ingredients (sub-ingredients) must list those sub-ingredients parenthetically following the name of the ingredient. The label of any food that contains an ingredient that is or contains a protein from a “major food allergen” shall declare the presence of the allergen by its common or usual name either in the list of ingredients or placing the word “Contains” followed by the name of the food source from which the allergen is derived immediately after or adjacent to the list of ingredients (e.g. Contains: wheat, soy, milk, eggs, almonds).

Ref: ORC 3715.023; CFR 21, Part 101.4; FALCPA – Public Law 108-282, Title 2

**Statement of Identity** – The *Statement of Identity* is the name of the food. The name shall be the common or usual name of the food and shall accurately identify or describe the basic nature of the food or its characterizing properties or ingredients.

Ref: ORC 3715.023; CFR 21, Part 101.3

**Statement of Responsibility** – Shall include the:

Business Name  
Street Address  
City, State, Zip Code

All information in the *Statement of Responsibility* shall be continuous.

Telephone numbers, web-site addresses, and e-mail addresses are permitted, but not required. This type of extra information shall not be placed between the *Ingredient List* and the *Statement of Responsibility* and *cannot* be used in lieu of listing the business name, street address, city, state, and/or zip code.

Ref: ORC 3715.023

## **CHOCOLATE CHIP COOKIES**

**INGREDIENTS:** ENRICHED FLOUR (BLEACHED WHEAT FLOUR, MALTED BARLEY FLOUR, NIACIN, REDUCED IRON, THIAMINE MONONITRATE, RIBOFLAVIN, FOLIC ACID), BROWN SUGAR (MOLASSES, SUGAR), SEMI-SWEET CHOCOLATE CHIPS (SEMI-SWEET CHOCOLATE (SUGAR, CHOCOLATE LIQUOR, COCOA BUTTER), SOY LECITHIN, VANILLA), VEGETABLE SHORTENING (SOYBEAN AND COTTONSEED OIL, MONO- AND DIGLYCERIDES, ARTIFICIAL BUTTER FLAVOR, BETA CAROTENE (PRO VITAMIN A-ADDED FOR COLOR)), MILK CHOCOLATE CHUNKS (SUGAR, COCOA BUTTER, MILK, CHOCOLATE LIQUOR, SOY LECITHIN, VANILLIN), EGGS, MILK, BAKING POWDER (POTASSIUM BITARTRATE, CORN STARCH, BAKING SODA), NATURAL FLAVOR, SALT, BAKING SODA.

**Agriculture Cookie Co.**  
**8995 E. Main Street**  
**Reynoldsburg, OH 43068**

**NET WT 8 OZ (227 g)**

**This product is home produced.**

**Net Quantity of Contents** – The term “NET WEIGHT” - or an appropriate abbreviation - shall be used when stating the *Net Quantity of Contents* in terms of weight. The *Net Quantity of Contents* shall be declared in both the U.S. Customary System and the SI (metric system). The second declaration shall be stated parenthetically.

The quantity of contents shall be placed on the principal display panel. It shall be within the bottom 30 percent of the area of the label panel in lines that are generally parallel to the bottom of the package as it is designed to be displayed.

Ref: ORC 3715.023; CFR 21,  
Ref: Part 101.7; FPLA, Title 15 – Chapter 39, 1453(a) (2)

**Cottage Food Declaration** – Food products that are manufactured in compliance with Ohio’s Cottage Food Rules, must be properly labeled and bear the statement, “This product is home produced.” In 10-point type font.

The statement means that the food product was produced in a private home that is not subject to inspection by a food regulatory authority.

Ref: ORC 3715.023

ODA – Ohio Department of Agriculture  
CFR – Code of Federal Regulations  
ORC – Ohio Revised Code  
FPLA – Fair Packaging and Labeling Act

FALCPA – Food Allergen Labeling and Consumer Protection Act

The principal display panel (PDP) is that portion of the package label that is most likely to be seen by the consumer at the time of purchase.

The 8 major food allergens are milk, eggs, tree nuts (e.g., almonds, walnuts, pecans), peanuts, wheat, soybeans, fish (e.g., anchovies) and Crustacean shellfish.

# Home Bakeries

## **What is a Home Bakery?**

A “Home Bakery” is defined in Chapter 911 of the Ohio Revised Code to mean, “Any person who owns or operates a home bakery with only one oven, in a stove of ordinary home kitchen design and located in a home, used for baking of baked goods to be sold.” “Home” means the primary residence occupied by the residence’s owner, on the condition that the residence contains only one stove or oven used for cooking, which may be a double oven, designed for common residence usage and not for a commercial usage, and that the stove or oven be operated in an ordinary kitchen within the residence.

## **What foods are permitted to be manufactured for sale or distribution by a Home Bakery?**

A “Home Bakery” is permitted to manufacture non-potentially hazardous bakery products (such as cookies, breads, brownies, cakes, fruit pies, etc.), and potentially hazardous bakery products (such as cheese cakes, cream pies, custard pies, pumpkin pies, etc.) which require refrigeration. *Potentially hazardous food* means the food requires temperature control, because it is in a form capable of supporting the rapid and progressive growth of infectious or toxigenic microorganisms.

## **What are the requirements for the labeling of Home Bakery products?**

A “Home Bakery” is required to label all of their food products properly, which includes the following information on the label of each unit of food product offered or distributed for sale:

1. Statement of Identity - the name of the food product;
2. Net Quantity of Contents - the net weight, in both U.S. Customary System and International System
3. Ingredient List - ingredients of the food product, listed in descending order of predominance by weight;
4. Statement of Responsibility - the name and address of the business.

The label of bakery items that require refrigeration must bear the declaration, “Keep Refrigerated” or other similar statement.

An ingredient that is or contains protein from a “major food allergen” must have the presence of the allergen declared by common name in the ingredient statement **or** by placing the word “Contains” followed by the name of each major food allergen present in the food. The “Contains” statement must be immediately after or adjacent to the ingredient statement. The “major food allergens” are milk, eggs, fish, crustacean shellfish, tree nuts, peanuts, wheat, and soybeans. The type of tree nut (e.g., almonds, walnuts, pecans, etc.), fish (e.g., anchovies), and crustacean shellfish (e.g., crab, lobster, shrimp, etc.) must be declared.

Note: If nutrient content claims (i.e. low fat, salt free, etc.) or health claims (i.e. may reduce heart disease) are made, the product must bear all required nutritional information in the form of the Nutrition Facts panel.

All labeling components are to comply with 21 CFR Part 101, food labeling. The FDA Food Labeling Guide is an excellent resource of the proper labeling of food products. The web-address for the FDA Food Labeling Guide is:

<https://www.fda.gov/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/LabelingNutrition/ucm2006828.htm>

## **Where may Home Bakeries sell their food products?**

Properly labeled Home Bakery products may be sold from your Home Bakery and through grocery stores, convenience stores, farm markets, farmers markets, and other retail establishments. Home Bakery products may also be served as a food item offered by restaurants. Retail establishments are subject to all applicable rules and regulations administered by local health departments, local zoning, and other agencies. Furthermore, Home Bakeries may distribute their products outside of the state of Ohio.

## **Does a Home Bakery need to acquire a license to process and package food products?**

A “Home Bakery” must be licensed and inspected by the Ohio Department of Agriculture, Division of Food Safety.

## **Does my home kitchen meet the requirements for a “Home Bakery” license?**

To be a “Home Bakery”, the household kitchen must have walls, ceilings, and floors that are in good repair, clean, and easily cleanable. The kitchen may not have carpeted floors. The home must be free of pests. No pets are permitted in the home. The kitchen must be maintained in a sanitary condition. Equipment and utensils must be maintained and be kept in sanitary condition. There must be a mechanical refrigerator, equipped with a properly located thermometer, capable of maintaining 45 degrees Fahrenheit or less. If the home is served by a private well, the well must be tested annually for coliform bacteria, having a negative test result within the past year. Proof of the well test result must be provided to the inspecting food safety specialist. Labels are to be available for review at the time of inspection.

## **Is there a license fee?**

Yes. The annual fee for a Home Bakery license is \$10.

To arrange for an inspection, contact: ODA Division of Food Safety; 1-800-282-1955 Ext 4366; E-mail: [foodsafety@agri.ohio.gov](mailto:foodsafety@agri.ohio.gov)

# BASIC REQUIRED FOOD LABELING COMPONENTS

## LABEL EXAMPLE

Labels must comply with all applicable state and federal regulations. Labeling regulations applied to a home bakery are the same as those applied to other food processors. All information on the label must be truthful and not misleading. This label example is just one way to present the required information.

**Foods cannot be made with partially hydrogenated oils. Additional information can be found at <https://www.fda.gov/Food/IngredientsPackagingLabeling/FoodAdditivesIngredients/ucm449162.htm>**

**Ingredient List** – Ingredients shall be listed by common or usual name in descending order of predominance by weight. Meaning, the ingredient that weighs the most is listed first, followed by the next heaviest ingredient, with the ingredient that weighs the least listed last. Any ingredient that is composed of two or more ingredients (sub-ingredients) must list those sub-ingredients parenthetically following the name of the ingredient. The label of any food that contains an ingredient that is or contains a protein from a “major food allergen” shall declare the presence of the allergen by its common or usual name either in the list of ingredients or placing the word “Contains” followed by the name of the food source from which the allergen is derived immediately after or adjacent to the list of ingredients (e.g. Contains: milk, eggs, wheat, soy).

Ref: CFR 21, Part 101.4; FALCPA – Public Law 108-282, Title 2

**Statement of Identity** – The *Statement of Identity* is the name of the food. The name shall be the common or usual name of the food and shall accurately identify or describe the basic nature of the food or its characterizing properties or ingredients. Foods that have a Standard of Identity must conform to all requirements of the standard

Ref: CFR 21, Part 101.3

**Statement of Responsibility**  
– Shall include the:  
Business Name  
Street Address  
City, State, Zip Code

All information in the *Statement of Responsibility* shall be continuous. If the business name is listed in the local telephone directory, the street address may be omitted. If the business name is listed in the local telephone directory, a Post Office Box may be used in place of the street address.

Telephone numbers, web-site addresses, and e-mail addresses are permitted, but not required. This type of extra information shall not be placed between the *Ingredient List* and the *Statement of Responsibility*.

Ref: CFR 21, Part 101.5

# *Buttermilk Chess Pie*

INGREDIENTS: FILLING: BUTTERMILK (CULTURED PASTEURIZED SKIM MILK AND MILK, SODIUM CITRATE AND SALT), SUGAR, BUTTER (CREAM (MILK)), MOLASSES, EGG, EGG YOLK, CORNMEAL, CORNSTARCH, SALT, NATURAL FLAVOR. CRUST: ENRICHED FLOUR (BLEACHED WHEAT FLOUR, MALTED BARLEY FLOUR, NIACIN, REDUCED IRON, THIAMINE MONONITRATE, RIBOFLAVIN, FOLIC ACID), SUGAR, SALT, SOYBEAN OIL, BUTTER (CREAM (MILK)), WATER.

**Agriculture Cookie Co.**  
8995 E. Main Street  
Reynoldsburg, OH 43068

**BEST BY**  
**APR 14 2019**

**NET WT 8 OZ (227 g)**

**Keep Refrigerated**

**Net Quantity of Contents** – The term “NET WEIGHT” - or an appropriate abbreviation - shall be used when stating the *Net Quantity of Contents* in terms of weight. The *Net Quantity of Contents* shall be declared in both the U.S. Customary System and the SI (metric system). The second declaration shall be stated parenthetically.

The quantity of contents shall be placed on the principal display panel. It shall be within the bottom 30 percent of the area of the label panel in lines that are generally parallel to the bottom of the package as it is designed to be displayed.

Ref: CFR 21, Part 101.7  
Ref: FPLA, Title 15 – Chapter 39, 1453(a) (2)

**Perishable Food Sale and Date** - Home Bakery products that begin to diminish in quality in 30 days or less must be marked with a sale date that is easily understood by the consumer. The date indicates the period of peak quality. The period of peak quality is determined by the manufacturer. ORC 3715.171

**Keep Refrigerated** – ODA recommends any product requiring refrigeration for food safety or to maintain quality bear the declaration “Keep Refrigerated” or a similar declaration to that effect.

ODA – Ohio Department of Agriculture  
CFR – Code of Federal Regulations  
ORC – Ohio Revised Code  
FPLA – Fair Packaging and Labeling Act  
FALCPA – Food Allergen Labeling and Consumer Protection Act

The principal display panel (PDP) is that portion of the package label that is most likely to be seen by the consumer at the time of purchase.

The 8 major food allergens are milk, eggs, tree nuts (e.g., almonds, walnuts, pecans), peanuts, wheat, soybeans, fish and Crustacean shellfish.