



SELLING SPECIFIC PRODUCTS

VALUE ADDED & PROCESSED PRODUCTS

In Idaho, there are a variety of rules and regulations that apply to the production and sale of value added products. Below, you will find a brief overview of requirements for selling specific valued added products, the agency, or agencies, with regulatory oversight for each type of product and links to agency websites where you can find more detailed information. Rules and regulations undergo continuous review and are revised from time to time. All agencies, descriptions, and links provided below were current at the time of publication. It is your responsibility to ensure the rules you are complying with are the most current. Please visit the websites provided and contact the overseeing agencies to assure you are aware of, understand, and are operating within the most current regulatory framework for each product you produce and sell.

COSMETICS & BODY CARE PRODUCTS

Many farmers and ranchers create body care products with the animal or plant ingredients they've grown. These value added products can include lotions, soaps, essential oils, body scrubs, and more. The Food and Drug Administration (FDA) oversees the production of most body care products. The specific rules and regulations on their production depends on the product type, which is defined by the intended use of the product and the product's advertising. The FDA classifies body care products into three potential categories: cosmetics, drugs, and soaps. The labeling requirements and other regulations vary depending on the product category. Contact the FDA for more information!

Related Websites:

<https://www.fda.gov/cosmetics>

[https://www.fda.gov/cosmetics/cosmetics-labeling](https://www.fda.gov/cosmetics/cosmetics-guidance-documents/good-manufacturing-practice-gmp-guidelinesinspection-checklist-cosmetics)

[practice-gmp-guidelinesinspection-checklist-cosmetics](https://www.fda.gov/cosmetics/cosmetics-labeling)

<https://www.fda.gov/cosmetics/cosmetics-labeling>

SOAPS

Soaps are a classification that needs special explanation. The FDA's definition of soap is as follows:

- ✓ the bulk of the nonvolatile matter in the product consists of an alkali salt of fatty acids and the product's detergent properties are due to the alkali-fatty acid compounds, and
- ✓ the product is labeled, sold, and represented solely as soap [21 CFR 701.20].

If the product's ingredients differ from the above requirement, or the product offers other benefits in line with the intended uses of cosmetics or drugs, (i.e., imparting fragrance to the user or being antibacterial) it would be classified as a cosmetic or drug, or both.

True soaps, according to the above definition, are regulated by the Consumer Product Safety Commission, not the FDA.

Related Websites:

<https://www.cpsc.gov/>

DIETARY SUPPLEMENTS

The FDA defines dietary supplements as a product (other than tobacco) that is:

- ✓ Intended to supplement the diet that bears or contains one or more of the following dietary ingredients: a vitamin, a mineral, an herb or other botanical, an amino acid, a dietary substance used by humans to supplement the diet by increasing the total daily intake, or a concentrate,

metabolite, constituent, extract, or combination of all of these ingredients.

- ✓ Intended for ingestion in pill, capsule, tablet, or liquid form.

You as the producer are legally responsible for ensuring your product is safe for consumption. The Food and Drug Administration (FDA) has regulations on what claims can be made to supplements, especially claims to cure or treat diseases. Contact the FDA or your local health district to ensure your compliance with applicable laws before printing product labels. To manufacture a dietary supplement you are required to be registered with FDA.

The responsibility for licensing, inspecting, and enforcement of regulations is delegated to the state of Idaho's seven health districts. For specific information about food permits, contact your local health department.

Related Websites:

<https://www.fda.gov/food/dietary-supplements>
<https://healthandwelfare.idaho.gov/health-wellness/community-health/food-safety>

PROCESSED FOODS

A processed food is one that has been cooked, preserved, or otherwise altered from its raw state to prepare for human consumption. Processed foods do not include produce that has been washed or trimmed for sale. All businesses selling processed foods directly to the consumer at farmers markets, on-farm, or any other location must obtain a Food Establishment license from the local District Health Department.

The Idaho State Department of Agriculture's (ISDA) Idaho Preferred program has published a guide on starting a specialty food business that provides more information on processed food production, *Starting a Craft Food Business in Idaho: A Comprehensive Guide for Idaho Craft Food Producers*.

Related Websites:

<https://healthandwelfare.idaho.gov/health-wellness/community-health/food-safety>

COTTAGE FOODS

Cottage foods are a subset of processed foods in Idaho Food Code that can be prepared in a person's home or other location with minimal regulatory oversight. To qualify as a cottage food, the product must not require time and/or temperature control for safety. Examples of cottage foods include any baked goods that do not require refrigeration such as jams and jellies, honey, dried fruits, dry herbs, seasonings and mixtures, cereals, vinegar and flavored vinegars, popcorn and popcorn balls, or tinctures that do not make medicinal claims. Cottage food operations must first secure a Food Establishment Permit from the local Public Health district before selling their products to any third party.

Related Websites:

<https://healthandwelfare.idaho.gov/health-wellness/community-health/food-safety>

CHEESE, BUTTER, & OTHER DAIRY PRODUCTS

Dairy farmers who produce value-added dairy products, including butter and cheese must obtain a Milk Producer License and Milk Processing Plant License from the Idaho State Department of Agriculture (ISDA).

Related Website:

<https://agri.idaho.gov/main/licenses/>

WINE, BEER, & HARD CIDER

Every winery, brewery, or cidery must have a Federal Basic Permit and undergo inspection from the U.S. Department of the Treasury Alcohol and Tobacco Tax and Trade Bureau (TTB). Idaho State Liquor Dispensary (ISLD) enforces state liquor laws. If you produce only alcoholic beverages, you must li-

cense your facility through the ISLD. If you also produce food or non-alcoholic drinks, you must also receive a Food Processer License from the Idaho State Department of Agriculture (ISDA).

Related Websites:

<https://www.ttb.gov/about-ttb/contact-us>

<https://liquor.idaho.gov/>

<https://agri.idaho.gov/main/licenses/>