

481—34.7(137D) Packaging and labeling requirements.

34.7(1) *Legible labels.* All required labeling information shall be legibly written or printed on the label in a location that is easily identifiable by the consumer.

34.7(2) *Labels and packaging on homemade food items, exception.* A homemade food item shall be packaged in the home food processing establishment, and all required labeling shall be affixed to the homemade food item before it is delivered to the consumer, with the exception of a homemade food item picked up by the consumer in person at the home food processing establishment. In the case of the exception, the homemade food item shall still be protected from contamination and all required labeling information shall be provided to the consumer.

34.7(3) *Raw meat and poultry products.* Packaged homemade food items that contain raw meat or poultry shall be labeled with safe handling instructions informing the consumer how to safely store, prepare, and handle raw meat and poultry products in the home.

34.7(4) *Expiration date.* Refrigerated time/temperature control for safety homemade food items that are ready-to-eat foods shall be labeled with an expiration date not to exceed seven days from the date of preparation, and the date of preparation is counted as day one. Time/temperature control for safety homemade food items may be labeled with an expiration date that exceeds seven days if the expiration date has been determined to be safe by an accredited food science institution and documentation is provided to the regulatory authority upon request.

34.7(5) *Contents.*

a. A home food processing establishment shall label homemade food items with all of the following information:

(1) The name or license number of the home food processing establishment. If the name used on the label is different from the name stated on the issued home food processing establishment license, the license number shall be included in the labeling.

(2) The common or usual name of the food.

(3) The ingredients (including sub-ingredients) of the homemade food item in descending order of predominance by weight.

(4) The net quantity of contents (weight, volume, or numeric count).

(5) For refrigerated time/temperature control for safety foods, an expiration date based on food safety.

(6) The following statement: “This product was produced at a home food processing establishment.”

(7) If the homemade food item contains one or more major food allergens, an additional allergen statement identifying each major allergen contained in the food by the common name of the allergen.

(8) Labeling statements. Labels or other marketing materials associated with homemade food items must be truthful and not misleading.

b. Claims on labels or other marketing materials associated with homemade food items that are related to the following must conform to the United States Food and Drug Administration’s (FDA’s) Food Labeling Guide. A link to the labeling guide may be found on the department’s website or on the FDA’s website.

(1) Health claims;

(2) Qualified health claims;

(3) Nutrient content claims (i.e., low sodium, high fiber, low fat, sugar free); or

(4) Structure/function claims.

c. Homemade food items labeled or marketed as a special dietary use food must conform to 21 CFR Part 105. The home food processing establishment shall provide documentation, such as a nutritional analysis by an accredited food laboratory, to the regulatory authority upon request.

d. Labels or other marketing materials shall not contain any claims that the homemade food item can be used in the diagnosis, cure, mitigation, treatment, or prevention of disease.

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