Sanitary Regulations for Direct Marketing

The Department of Agriculture and Markets regulates retail food establishments in New York State—including direct marketing businesses like roadside farm markets, on-farm outlets and community farmers markets—with respect to compliance with New York State food sanitation requirements contained in Article 17 of the Agriculture and Markets Law.

Roadside stands, on-farm outlets and farmers markets are NOT considered by the Department to be "retail food stores" and are NOT required to meet the strict sanitary guidelines required by regular retail food stores or food processing establishments. Generally roadside stands, on-farm outlets and farmers markets are permitted to sell farm produced foods such as the following:

1. Fresh whole fruits and vegetables (uncut)
2. Eggs (only if clean and properly refrigerated at 45°F or less)
3. Grains and legumes
4. Honey and maple syrup

While subject to regular inspection, direct marketing businesses selling only these products are usually inspected by the Department only in the event a consumer complaint is received.

All packaged food products sold at roadside stands, on-farm outlets and farmers markets must be properly labeled in accordance with New York State food labeling requirements. Misrepresenting store bought baked goods as "homemade" or "home baked" and market bought fresh produce as "home grown" is prohibited.

The Department permits direct marketing businesses to sell other foods including certain highly perishable products like meat and dairy products (including hard and soft cheeses), if the products are:

1. Processed at an approved food processing facility
2. Prepackaged and properly labeled
3. Kept at required cold temperatures to prevent spoilage or contamination

No packaging, cutting, slicing or portioning of fruits and vegetables, meat, dairy products or ready-to-eat food is permitted by the Department at roadside stands, on-farm outlets and farmers markets unless the proper "retail food store" sanitary facilities are provided (see Department Circular 962, "Rules and Regulations Relating to Retail Food Stores"). These facilities would include running hot and cold water, equipment cleaning and sanitizing facilities, handwashing facilities and toilet facilities.

Certain food products may not be sold at roadside stands, on-farm outlets and farmers markets.
These include:

1. Home-canned or jarred fruits and vegetables, pickled products, sauces, relishes and other low-acid foods (unless manufactured "under a Department-approved processing method at an inspected facility).  
2. Cream, custard, pumpkin, meat or other single-crust pies or cream or cheese-filled baked goods (unless prepared in an approved, inspected baking facility, packaged and properly refrigerated).  
3. Any other prepared foods made with highly perishable ingredients for immediate consumption or reheating (unless manufactured and vended under proper food processing and vending licenses).

For additional information on sanitary regulations, contact:

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Albany, New York 12235

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For direct marketing assistance, telephone:  
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