

# Fact Sheet # 29 Marketing Regulations



## Selling Plants or Floriculture/Horticulture Crops

As a plant seller your greenhouse/nursery crops are subject to annual inspection to protect the customer from potentially diseased or insect infested plant materials. For information on becoming a licensed grower or nursery agent, contact the [Massachusetts Department of Agricultural Resources](#) (MDAR) at (617) 626-1801.

## Selling Produce

No licenses are required. Produce must be sold free of debris and in clean containers. Bulk displays are not subject to grading, labeling, or packaging. Produce must be sold whole [uncut].

## Grade and Standards

Some produce is subject to USDA grade and quality standards if packaged; this includes: potatoes, apples, lettuce, and grapes. Grade, quantity of contents, and name and address of producer are required on all closed packages.

MDAR enforces quality and grade standards. For grading information contact the [Crop Inspectional Services](#) division (Lee.Corte-Real@state.ma.us; (617) 626-1776).

## Follow Good Agricultural Practices

In order to protect food from microbial contamination, many purchasers require producers to follow Good Agricultural Practices (GAPs). To prevent contamination of produce and water supplies, follow good sanitation practices, avoid introducing raw manure into fields, test irrigation and wash water for bacteria, and change wash water regularly. Test water for bacteria annually and maintain good records. For information consult [MDAR](#) or the UMass Extension's [Agriculture and Landscape](#) program at (413) 545-0895. Cornell University offers GAP training programs [online](#) throughout the year.

Farm-raised meats must be processed in a USDA licensed facility if intended for commercial/retail sale [see Fact Sheet #28]. These meats can be processed in a custom exempt slaughter plant if not intended for sale. Further processing of meat, such as making sausage, must be done in a USDA certified facility. Poultry must be processed in a USDA licensed facility or in a state inspected facility. The MA-MPPU can also be used by state licensed users.

For questions regarding meat slaughter and sales, consult the [Massachusetts Food Protection Program](#) at (617) 983-6700 or refer to the Department of Health's [website on food safety regulations](#).

## Selling Livestock

The regulations for selling live livestock vary by species and are explained in the Code of Massachusetts Regulations:

Cattle – [330 CMR 4](#)

Swine – [330 CMR 11](#)

Horses – [330 CMR 16](#)

There are currently no regulations set for sheep and goats. To know what kind of license you need, please contact MDAR. They will assess the activity the you are engaged in and make a determination as to whether you need a dealer's license or not. You can contact Michael Cahill, MDAR Director of the Division of Animal Health at (617) 626-1794 or by e-mail at [michael.cahill@state.ma.us](mailto:michael.cahill@state.ma.us).

## Selling Live Poultry

Refer to Code of Massachusetts Regulation – [330 CMR 5](#)

You can transport your own animals without a dealer/transporter license, however if you are offering a service to move other people's animals, you must have a dealer/transporter license. You will be issued a metal license plate by MDAR which you must display when transporting your birds. You must also keep records of the number of birds you transported and to where. It is illegal to sell, offer for sale, barter, or give away living baby chickens, ducklings or their fowl under two months of age unless you are selling them to others to raise. Massachusetts law requires that all live poultry or hatching eggs moving within the Commonwealth originate from current certified Salmonella pullorum clean flocks. The testing is free and can be arranged by calling MDAR at (617) 626-1795.

## Selling Eggs

Egg cartons sold at retail outlets must be marked with grade and size. Eggs may be sold in bulk displays but grade and size must be indicated. Eggs should be washed and candled [to check for abnormality and cracks]. Cartons must include the name and address of producer and the date packed. For more information on egg quality and grading standards consult MDAR's Poultry Division [online](#) or by phone at (617) 626-1796.



## Selling Honey and Maple Syrup

These products are exempt from licensing if you do not add ingredients to or repack them. Production facilities must be clean and sanitary. If you make specialty flavored or otherwise processed honey or maple products, you may need a license from your local board of health. If you produce honey for sale, your hives must be

inspected annually by MDAR. See their Apiary Inspection [webpage](#) or call (617) 626-1802 to register.

Maple syrup is subject to grade identification – see the Massachusetts Maple Producers' Association [website](#) for [maple syrup grade descriptions](#).

## Wine or Beer

The Massachusetts Alcoholic Beverages Control Commission (ABCC) issues “farmer-winery” and “farmer-brewer” licenses and pouring permits. Annual fees range from \$22 to \$111, depending on the size of your operation. To apply for a license, contact the [ABCC](#) at (617) 727-3040, extension 21 or [tstriane@tre.state.ma.us](mailto:tstriane@tre.state.ma.us).

## Cider

If you plan on selling your cider directly to consumers, you'll need a retail food establishment permit from your local board of health. A retail processor is exempt from the FDA's Juice Hazard Analysis and Critical Control Points (HACCP) regulation, but must comply with FDA's food labeling regulation by listing a warning statement on packaged juice or cider that it has not been pasteurized .

To sell cider as a wholesaler (sales to someone other than the final consumer), you must obtain a license from the [Food Protection Program](#). See their guidelines for information on processing and sanitary requirements. All juice and cider wholesalers must evaluate their processing operations using HACCP principles and must treat (pasteurize)their juice/cider to achieve the 5-log pathogen reduction. Employees involved in developing or implementing a HACCP plan must be trained in HACCP principles.

## Milk

Processing facilities are regulated by MDAR through its [Milk Marketing Program](#). All milk dealers must have a dealer's license and processors must have a milk plant permit (must be a Grade A dairy). Any milk being transported from farm to processing plant must be sampled and tested for quality and safety characteristics. MDAR's Hauler-Sampler Program offers technical assistance in this area. MDAR also performs inspections of milk tankers. Contact the [Dairy Program](#) at (617) 626-1813 for more information.

## Selling Raw Milk

Selling of raw milk to the public involves greater potential liabilities than selling pasteurized milk or selling to a processing plant. However, raw milk can command higher prices. Massachusetts law does not expressly prohibit the sale of raw milk, but certain towns may. Check this [map](#) or with your local board of health to find out if you can sell raw milk in your area. If it is allowed, the milk must adhere to particular regulations, including being inspected

by MDAR, labeling the product as raw milk from a Grade A Dairy with an expiration date no greater than 5 days from when the container was filled, and including on the label a warning that the milk is not pasteurized. Other restrictions apply, such as that the milk must not be stored in a bulk tank for any more than 48 hours before being bottled. Contact MDAR's Dairy Program at [617] 626-1813 for details.

The Massachusetts Chapter of the [Northeast Organic Farming Association](#) (NOFA) provides information for producers of raw milk and coordinates the [Raw Milk Network](#). To learn more about the network, contact Winton Pitcoff, Organic Dairy Coordinator at [413] 498-2721.

