



# COMMONWEALTH of VIRGINIA

Department of Agriculture and Consumer Services

Division of Animal and Food Industry Services

*Office of Dairy & Foods*

PO Box 1163, Richmond, Virginia 23218

Phone: 800/552-9963 or 804/786-8899 • Fax: 804/371-7792 • Hearing Impaired: 800/828-1120

[www.vdacs.virginia.gov](http://www.vdacs.virginia.gov)

*Matthew J. Lohr*  
Commissioner

Dear Sir or Madam:

Thank you for your inquiry regarding starting a food business.

The following materials are enclosed: a step by step guide to starting your food business, the Virginia Food Laws, Good Manufacturing Practices, and other appropriate information pertaining to your food business.

If after reading the materials you have any questions, please call the Richmond office at 804-786-3520. If you wish to proceed further and are ready to send in the required information from Step 1 in the *Starting Your Food Business* guide, please mail your packet to:

VDACS-Office of Food Safety  
ATTN: Rick Barham  
P.O. Box 1163  
Richmond, VA 23218

Please be advised that section 3.2-5130 of the Virginia Food Laws **requires** that your firm be **inspected prior to starting your food operation**. Be sure to include the **Information Request Sheet** with your packet so that your assigned Food Safety Specialist will know how to contact you for a follow up inspection. **An inspection of your operation will not be conducted until all of the necessary information requested in the packet has been received.**

Also, it is important to mention that there is a **\$40.00 "inspection fee" required** for all of our firms. You will not be required to pay this fee at the time of your initial inspection; however, you will receive a bill during our next billing cycle. Should you have questions about this inspection fee, you may visit our website at <http://www.vdacs.state.va.us/fdsafety/index.html> and click on *Food Safety Inspection Fees—Frequently Asked Questions* or you may contact our office at (804) 786-3520.

In addition, if your proposal involves **acidified foods** (pickled products, salsa, barbecue sauces, hot pepper jelly, salad dressings, pumpkin butter, etc.), your process must be approved by a competent processing authority, as described in the *Starting Your Food Business* guide. **Please be sure to include a copy of your process approval letter when you submit your packet of information.**

Please remember that we are here to assist you in any way.

Sincerely,

A handwritten signature in black ink that reads 'Pamela Miles'.

Pamela W. Miles  
Program Supervisor  
Food Safety & Security Program

Enclosures



Place and location of product distribution:

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Water supply (please check one):      Private     Public

**\*If private, the water supply must be tested and the laboratory results must be attached, as outlined in “Step 1 – Water Sample.”**

If you have a private well, what type (bored, drilled, etc.): \_\_\_\_\_

Sewage disposal (please check one):    Private       Public

Do you have pets (such as dogs or cats) that live inside the home?

Yes       No

**\*If “Yes,” the food processing area, including any areas where ingredients and finished products are stored, must be completely enclosed/separated from the rest of the home; in order to be approved for home based food production. For example, food processing and storage areas must be fitted with a hinged door(s) that can be latched/closed shut.**

**\*Note: Placing pets in closed rooms in other areas of the home will NOT satisfy this requirement.**

**Please include this information when completing the diagram of your kitchen, in addition to the other required information, as outlined in “STEP 1 – Diagram.”**

**The presence of caged pets (such as hamsters, guinea pigs, reptiles, fish, reptiles, and birds) will not require the kitchen to be enclosed/separated from the rest of the home.**

# STARTING YOUR FOOD BUSINESS

The Virginia Department of Agriculture's Food Safety Program is charged with ensuring a safe, wholesome and properly labeled food supply for the citizens of the Commonwealth. The Program discharges this responsibility through conducting periodic unannounced inspections of food processors, food storage warehouses, and food retail stores. The Program monitors the food supply by making these inspections and through the collection of food samples to be analyzed for pesticide residues, mycotoxins, microbiological contamination, filth, standards, and labeling.

If you wish to begin a food processing operation the following information will need to be supplied to our office or to the inspector for evaluation prior to receiving an inspection.

## STEP 1 (Required Information)

1. **Diagram:** A complete diagram of your processing area including location of storage areas, processing equipment, sinks, and location of wells and/or drainfield, if applicable.
2. **Recipe of Your Product:** List the exact measurements of ingredients for **each product** proposed. Include where the raw material is obtained, i.e., from a supermarket or fresh grown/harvested and indicate the name of the supply source. Please mark this sheet "Trade Secret" if you do not want this information subject to disclosure under the Virginia Freedom of Information Act. See Example 1, for an example of a recipe.
3. **A Process Flow Sheet:** This should be a **detailed** description of the processing steps in sequential order from raw material to finished product, including cooking times and temperatures. See Example 2.
4. **List of Finished Products:** Include how the finished products are stored, transported and/or displayed (refrigerated or held at room temperature and how packaged) until it reaches the consumer, and where it is to be distributed.
5. **Labels of Your Product:** Please submit samples of your labels. If you have not yet ordered labels, a proposed mock label will suffice. It is recommended that you have your labels reviewed prior to ordering, to avoid financial loss if revision of the labels is required. For net weight requirements, call Weights and Measures at (804) 786-2476. Additional labeling information can be obtained from [www.fda.gov](http://www.fda.gov). See labeling requirements and Examples 3, 4, & 5.
6. **Water Sample:** A current bacteriological sample analysis of your water indicating potability if you are on a private supply, such as a well. This sample must have been taken no more than one calendar year from the time the application is submitted. If you are on a public (municipal) supply, a sample analysis will not be necessary. You are responsible for finding a private lab to have your water tested. Your test results should be supplied to us with the rest of your information. Please, DO NOT send your water to the office for testing.
7. **Acidified Foods Only:** If your proposal involves acidified foods (pickled products, salsa, pumpkin/sweet potato butter, barbecue sauces, chow-chow, relishes, hot pepper jelly, hot sauces, etc.), or products containing garlic in oil, your process must be reviewed and approved by a competent processing authority, for safety purposes, and a **copy of the approval letter furnished with your application**. A list of process approval sources is available upon request from the Office of Food Safety. **See example 6 and 7 regarding process approval. Please be sure to include a copy of your process approval letter when you submit your packet of information.** Also, if your products are deemed acidified, you must complete a **FDA approved Better Process Control School and attach a copy of the certification, along with this application.**

8. **Product Code:** A product code should identify the product, production facility, date and year packed, and batch number. Any method of coding that is recognizable by the processor is acceptable. The product code allows record keeping and tracking of products in case of a recall. An explanation of your product coding plan, if one is used, should be provided. **A product code plan is required for acidified foods.**
9. **Information Request Sheet:** Please submit the Information Request Sheet for a Food Processing Operation along with **TWO COPIES** of the above requested information on 8 ½" x 11" sheets of paper to the Food Office. Include your name, the name of the proposed business, address, daytime phone number and time when you can be reached, in person. The submitted information must be reviewed before an inspection can be scheduled.

**\*\*IMPORTANT: TWO COPIES OF THE ABOVE REQUESTED INFORMATION, ALONG WITH THE INFORMATION REQUEST SHEET FOR A FOOD PROCESSING OPERATION, MUST BE SENT IN ON 8 ½" X 11" SHEETS OF PAPER TO THE FOOD OFFICE.**

## *STEP 2*

Provided the requested material has met proper requirements, a Food Safety Specialist will arrange a visit to your establishment and conduct an inspection based on the applicable laws and regulations. The general procedure is as follows:

1. **Overall Sanitation:** Processing, storage, and any adjacent areas will be inspected for general sanitation, including for insects, rodents and pets.
2. **Raw Materials:** The raw materials storage areas will be inspected to ensure that the raw materials are adequately protected from possible contamination. The Food Safety Specialist will also check raw ingredients for wholesomeness. For operation from a home kitchen, it is recommended that separate storage for commercial raw ingredients from domestic or personal use ingredients be provided. Raw ingredients that are capable of supporting the rapid and progressive growth of microorganisms (potentially hazardous foods, such as meats, eggs, dairy products, and seafood) will need to be maintained at an internal temperature of 45°F or below.
3. **Refrigeration:** Domestic use of your home refrigerator along with the added burden of commercial use often overloads the cooling capacity of the unit so that it is unable to render rapid and complete cooling. A separate refrigerator of adequate capacity is often the best solution for the home processor. The refrigerator you use should be equipped with an accurate thermometer for monitoring holding temperatures of food products, and such thermometers may be purchased at most hardware stores.
4. **Utensil/Equipment Storage:** Cleaning and sanitizing your equipment and utensils prior to using them is recommended. In addition, we recommend a separate storage area for those utensils and equipment you plan to use for your home business from those you would use in your personal kitchen.
5. **Processing Control:** The Food Safety Specialist would like to be able to watch you as you process. This would enable him/her to detect places in the process where the safety of the product might be compromised and suggest corrections. The following are some of the general items the Food Safety Specialist will check for while observing your operation: cross contamination; time/temperature abuses of potentially hazardous foods; improper thawing; failure to rapidly cool cooked potentially hazardous foods; failure to properly sanitize equipment and utensils; failure to wear the proper attire; failure to properly process or seal finished product; etc.

6. **Plumbing:** Food manufacturing operations must be properly plumbed with hot and cold water under pressure and have adequate facilities for cleaning equipment. For proper sanitization, a 3-compartment sink is recommended, although, a 2-compartment sink can suffice. A conveniently located hand washing sink and a toilet facility of sanitary design is also required.
7. **Finished Product Storage:** Adequate storage that will protect the finished product from contamination should be provided. Example: Raw vs. Cooked.
8. **Record Keeping, Package & Label Review:** Where required by regulation, the appropriate records and labels should be maintained in good order and readily accessible for the Food Safety Specialist's review.
9. **Changes in Process/Addition of Products:** If you would like to make and sell additional food items, please send **TWO** copies of the new items, along with how the product is made, to the Virginia Department of Agriculture at the address listed on the cover page of this packet **PRIOR** to selling the said items. The same would hold true for any changes in your original process.

***Product Liability Insurance---*** This is not required by any law or regulation, but is something no processor, especially smaller ones, should be without.

## Example 1

### 1A. Trade Secret

Recipe: Toll House Chocolate Chip Cookies

2 ¼ c. all purpose flour  
1 tsp. Baking soda  
1 tsp. Salt  
1 c. shortening  
¾ c. granulated sugar  
¾ c. brown sugar  
1 tsp. Natural vanilla  
2 eggs  
2 c. semi-sweet chocolate morsels  
1 c. chopped nuts

### 1B. Recipe: Dill Pickles

2 ¼ lbs of 4 inch pickling cucumbers  
3 ¾ c. water  
3 ¾ c. white vinegar  
6 Tbsp. Pickling salt  
6-8 Tbsp. dill seed  
1 Tbsp. Mustard seed

NOTE: All measurements should be converted to a common measure, by **weight** (dry ounces, grams, pounds, etc.), to ensure that the ingredients are listed in descending order of predominance, by **weight**, on the product label.

For example, a cup of flour weighs more than a cup of marshmallows. Calculating accurate weights can be achieved by individually weighing each ingredient, on a kitchen scale, or by using an online conversion calculator, such as the following:

<http://www.onlineconversion.com/>

By doing so, you will be able to list the ingredients in the proper order, on your product labels.

## **Example 2**

### **2A. Flow Chart of Method of Making Toll House Cookies**

1. Wash hands thoroughly.
2. Wash and sanitize utensils and preparation area.
3. Assemble ingredients and equipment.
4. Preheat oven to 375°F.
5. Combine flour, baking soda, and salt in small bowl.
6. Beat butter, granulated sugar, brown sugar, and vanilla in large mixer bowl.
7. Add eggs one at a time to butter/sugar mixture, beating well after each addition.
8. Gradually beat in flour mixture.
9. Stir in chocolate morsels and nuts.
10. Drop by rounded tablespoons onto greased baking sheet.
11. Bake at 375°F for 9-11 minutes or until golden brown.
12. Let cool for 2 minutes, and then remove to wire racks to cool completely.
13. After cookies have cooled, place in packages.

### **2B. Flow Chart of Method of Making Dill Pickles**

1. Wash hands thoroughly.
2. Wash and sanitize utensils and preparation area.
3. Assemble ingredients and equipment.
4. Wash cucumbers thoroughly with a vegetable scrub brush, remove stems and cut off a slice from each end.
5. Combine water, vinegar, and pickling salt in a saucepan and heat until the mixture boils to prepare the brine.
6. Pack the cleaned cucumbers loosely into hot, clean pint canning jars, leaving ½ inch of headspace.
7. Add 3-4 tsp. of dill seed and a ½ tsp. of mustard seed to each jar.
8. Using a wide-mouth plastic funnel, ladle the hot brine over the cucumbers.
9. Remove the funnel and work a narrow rubber spatula around the jar's sides to release trapped air bubbles.
10. Add additional brine if needed to maintain the ½ inch headspace.
11. Wipe the jar and rim with a clean, damp paper towel.
12. Place a prepared lid and screw band on the jar and tighten.
13. Place each jar into the canner as it is filled. The jars should not touch.
14. Cover the canner and process filled jars in boiling water for 10 minutes...begin counting the processing time when the water is boiling.
15. Let jars cool and then check lids for proper sealing.
16. Label and let stand one week before using.

## PRODUCT LABELING

There are two types of “Point of Sale” you must consider with your product labels: Self-service and Custom/On-demand.

- 1. Self-service** - the customer picks up/selects the item they want instead of you serving it from inside a display case or tub. Products packaged for self-service sale must be labeled and adequately packaged to protect them from contamination.

**The following situations require an affixed product label:** sale over the internet; farmer’s markets; flea markets; curb or tailgate markets; trading posts; retail stores.

### Example 3

#### **3A. Label for Toll House Chocolate Chip Cookies**

##### TOLL HOUSE CHOCOLATE CHIP COOKIES

INGREDIENTS: Bleached, enriched wheat flour (bleached wheat flour, malted barley flour, niacin, iron, thiamin mononitrate, riboflavin, folic acid), semi-sweet chocolate chips (sugar, chocolate, cocoa butter, milkfat, soy lecithin (an emulsifier), natural and artificial flavor), pecans, vegetable shortening (partially hydrogenated soybean and cottonseed oils, mono and diglycerides), sugar, brown sugar (sugar, cane molasses), eggs, sodium bicarbonate, salt, vanilla.

Grannie’s Cookies  
111 Happy Lane, Anytown, VA 22554

Net wt 10 oz (283g)

#### **3B. Label for Dill Pickles**

##### DILL PICKLES

INGREDIENTS: Cucumbers, water, white distilled vinegar (5%, 50 grain acidity), pickling salt, dill seed, mustard seed.

Just Like Mom’s  
12345 Memory Lane, Hometown, VA 22319

Net wt 16 oz (454g)

**2. Custom or On-demand Service Foods:** Food such as wedding or special event cakes that are not sold in packaged form can be exempt from individual labeling requirements. Also, if the product is served on demand from a secure bulk container or display case and the customer must ask you for the product, it is exempt from labeling. However, the ingredient information must be available upon request by the consumer.

A copy of my product label is attached.

My product will not require a label as it will be sold custom/on demand **OR** from a secured bulk container on demand

## **Example 4: Nutritional Labeling Exemptions for Small Businesses**

### **Introduction**

Section 403(q) of the Federal Food, Drug and Cosmetic Act requires that packaged foods and dietary supplements bear nutrition labeling unless they qualify for an exemption. 21 CFR 101.9(j)(1) and 21 CFR 101.9(j)(18) for foods and 21 CFR 101.36(h) for dietary supplements outlines the requirements to qualify for the exemption. A business may be exempt from the requirement of including a "Nutrition Facts" panel on its food packages and "Supplement Facts" panel on its dietary supplement packages.

The exemption under 21 CFR 101.9(j)(1) applies to retailers with annual gross sales of less than \$500,000, or with annual gross sales of food to consumers of less than \$50,000. The exemption under 21 CFR 101.9(j)(18) and 21 CFR 101.36(h) is based on the number of employees and number of product units sold. The exemption applies to businesses with fewer than 100 employees and products fewer than 100,000 units. The number of employees is based on the average number of full time equivalent employees. No exemption may be taken if a company has more than the number of employees listed regardless of number of units produced. **If a company has less than 10 employees and products less than 10,000 units sold, there is no need to file for an exemption.**

A "product" is a food with the same brand name and statement of identity.

A "unit" is a package or, if unpacked, the form in which the product is offered for sale.

"Company" includes domestic and international affiliates.

If any nutrient content claim (e.g., "low fat") or health claim is made, the small business exemption is not applicable. Also, this exemption deals only with the necessity of having the "Nutrition Facts/Supplement Facts" panel, and has **no effect on the mandatory labeling information** (i.e., statement of identity, quantity of contents, ingredient statement, name and address of responsible firm).

The firm claiming the exemption must file a notice with the Food and Drug Administration **annually**. A suggested form to use to claim the exemption may be obtained from the following sources:

- Online submission or hard copy application at the center's website  
<http://www.cfsan.fda.gov/~dms/sbelform.html>.
- Email your request for an application to [Sbusiness@cfsan.fda.gov](mailto:Sbusiness@cfsan.fda.gov) or [Small.Business.Notification@cfsan.fda.gov](mailto:Small.Business.Notification@cfsan.fda.gov)
- Call or fax in your request for an application at (301) 436-2375 or fax at (301) 436-2639.

You can also submit your firm's small business exemption notification by fax, email or postal mail.

The address to mail your notification:

**Center for Food Safety and Applied Nutrition  
Food and Drug Administration  
HFS--810  
5100 Paint Branch Parkway  
College Park, Maryland 20740-3835**

**\*\*\*If FDA does not hear from you, they will no longer list your firm as a small business with products that are exempt from mandatory nutrition labeling.\*\*\***

### **Example 5: Labeling Requirements**

#### **Product Name:**

- Must be on the **front** panel.
- Must be an accurate description of the product.
- Must be in bold print.
- Must be the largest type on the panel.

#### **Net Weight:**

Please contact Weights and Measures for net weight quantity requirements at (804) 786-2476.

AGAIN, PLEASE NOTE THAT THE PRODUCT NAME AND THE NET WEIGHT STATEMENT ARE THE TWO ITEMS THAT ARE **REQUIRED** TO BE ON THE FRONT PANEL.

#### **Ingredients Statement:**

Can be on the front panel if desired. If the vendor elects not to place the statement on the front panel, then it must be on the panel or display area directly to the right of the front panel. In extreme instances where this space is not available or where it is not feasible to place the information to the right (i.e. the package is extremely thin, with little or no side panel), one may proceed directly to the right of the unavailable panel.

There must be a parenthetical listing of ingredients in most instances.

Ingredients must be listed in descending order of predominance (most first and least last).

Minimum size for ingredients is 1/16 of an inch in height. There is no maximum size limit.

#### **Name and Address of Manufacturer, Distributor, or Packer:**

Can be on the front panel, if desired. If the vendor elects not to place the statement on the front panel, then it must be on the panel or display area directly to the right of the panel. In extreme instances where this space is not available or where it is not feasible to place the information to the right (i.e. the package is extremely thin with little or no side panel), one may proceed directly to the right of the unavailable panel.

Minimum size for manufacturer name and address is 1/16 of an inch. There is no maximum size limit.

Manufacturer name and address must be placed together (they must not be separated).

**Nutritional Labeling Information:**

Can be on the front panel, if desired. If the vendor elects not to place the information on the front panel, then it must be on the panel or display area directly to the right of the front panel. In extreme instances where this space is not available or where it is not feasible to place the information to the right (i.e. the package is extremely thin with little or no side panel), one may proceed directly to the right of the unavailable panel. **See example #4 to see if the product qualifies for an exemption from this labeling.**

**Example 6: Acidified Food Process Approval**

The Acidified Foods Regulations require that a qualified person who has expert knowledge establish the scheduled process for an acidified food.

**A scheduled process can be obtained in the following way:**

1. *Submission to a competent processing authority:*

If a processor has an unapproved recipe and process, he/she should submit that recipe and process to a competent processing authority for their review. If the processing authority determines that the process is safe, a letter will be furnished, stating that fact. **The processor must then follow the approved process exactly.** The processor may contact a commercial establishment that reviews processes and tests products for pH. We have compiled a list of laboratories and processing authorities that offer food product testing. The processor may contact these establishments to inquire about the cost and availability of a process review.

## **List of Laboratories that are Processing Authorities for Low Acid and Acidified Foods**

The following is a list of laboratories that act as processing authorities for Low Acid Canned Foods (LACF) and Acidified Foods (AF). These laboratories also offer a range of other food analysis services. Please contact the laboratory or visit their website in order to obtain a complete listing of services offered. A nationwide listing of laboratories can also be found by visiting the IFT Services Directory at <http://servicesdirectory.ift.org/cms/>.

### **North Carolina State University**

**Raleigh, NC 27695**

**(919) 515-2951**

[http://www.ncsu.edu/foodscience/extension\\_program/food\\_product\\_testing.html](http://www.ncsu.edu/foodscience/extension_program/food_product_testing.html)

### **ABC Research Corporation**

3437 SW 24<sup>th</sup> Avenue

Gainesville, FL 32607

(352) 372-0436

[www.abcr.com](http://www.abcr.com)

*Specializes in: Product development, analytical/research microbiology, and process approval for acidified and low acid foods.*

### **Add Testing & Research, Inc.**

19 Addison Place

Valley Stream, NY 11580

(516) 568-9197 Fax (516) 568-3147

[www.addtestinglab.com](http://www.addtestinglab.com)

Specializes in: Chemical and microbiological analysis (including Salmonella and Listeria), nutritional labeling analyses, and process approval for acidified and low acid foods.

### **Cornell University**

*Food Science and Technology*

*NY State Agricultural Extension*

*430 West North Street*

*Geneva, NY 14456*

*(315) 787-2273*

*Dr. Olga Padilla-Zakour*

Specializes in: Product development and process approval for acidified and low acid foods.

### **FMC Corporation**

*Attn: Terry L Heyliger, Manager*

*2300 Industrial Avenue*

*Madera, CA 93639*

*(559) 661-3162*

[www.fmcfoodtech.com](http://www.fmcfoodtech.com)

Specializes in process approval for acidified and low acid foods.

**National Food Laboratories**

*6363 Clark Avenue  
Dublin, CA 94568-3026  
(925) 828-1440  
[www.theNFL.com](http://www.theNFL.com)*

Specializes in: process approval for acidified and low acid foods.

**PHF Specialists**

*P.O. Box 7697  
San Jose, CA 95052  
(408) 275-0161  
[www.phfspec.com](http://www.phfspec.com)*

Specializes in process approval for acidified and low acid foods.

**Sani-Pure Food Laboratories**

*178-182 Saddle River Road  
Saddle Brook, NJ 07663-4619  
(201) 843-2525  
[www.sanipure.com](http://www.sanipure.com)*

Specializes in: Low acid canned foods, acidified foods, shelf life testing and general lab testing. Process approval, depends on item.

**Strasburger & Siegel, Inc.**

*7249 National Drive  
Hanover, MD 21076  
(410) 712-7373  
[www.sas-labs.com](http://www.sas-labs.com)*

**Specializes in: Processes approval for acidified and low acid foods, nutritional labeling, and general lab testing.**

**Winston Laboratories, Inc.**

*25 Mount Vernon Street  
Ridgefield Park, NJ 07660  
(9201) 842-9800  
[www.winstonlabs.com](http://www.winstonlabs.com)*

Specializes in: Process approval of low acid and acidified food development, HACCP plans, nutritional labeling, and general lab testing.

***Other good sources for information include:***

**Center for Food Safety and Applied Nutrition (CFSAN)**

200 C Street SW

Washington, D.C. 20204

[www.cfsan.fda.gov](http://www.cfsan.fda.gov)

**Food & Drug Administration (FDA)**

[www.fda.gov](http://www.fda.gov) (select "FOODS")

*All processors of Low Acid Canned Food (LACF) and Acidified Foods (AF) participating in interstate commerce are required to register their establishments and file processing information for all products with the FDA using the appropriate forms. Forms are available by phone at 301-436-2411, electronically at <http://www.cfsan.fda.gov/~comm/lacf-toc.html> or by sending a request to [LACF@fda.hhs.gov](mailto:LACF@fda.hhs.gov).*

*If you have questions, please contact the Food and Drug Administration at 301-436-2411 Monday through Friday between the hours of 8:00 am to 12:00 p.m. and 1:00 p.m. to 4:30 p.m. Eastern Time.*

*Processes of LACF and AF manufacturers must also be evaluated by the Virginia Department of Agriculture and Consumer Services, Office of Food Safety. Please call (804) 786-3520 or visit our website for more information [www.vdacs.virginia.gov](http://www.vdacs.virginia.gov).*