

Bottling, Labeling, and Selling Honey in Florida¹

Nancy Gentry and James D. Ellis²

Honey Processors Covered by the Cottage Food Laws

In 2011, the Florida Legislature enacted HB 7209 (now Section 500.80, Florida Statutes) (<http://leg.state.fl.us/statutes/>) allowing individuals to manufacture, sell, and store certain types of “cottage foods” (including honey) in an unlicensed kitchen. “Cottage food operations,” as they are called, require no licensing or permitting from the Florida Department of Agriculture and Consumer Services (FDACS) and are not inspected by any other state government entity.

Beekeepers now qualify for this exemption (and may bottle at their residence) provided the beekeeper:

- does not exceed \$15,000 in annual gross sales;
- sells his/her honey direct to the consumer from his/her home, roadside stand, farmers market, or flea market;
- upon request provides the Florida Department of Agriculture and Consumer Services with written documentation to verify the operation’s annual gross sales; and
- does not engage in internet, mail order, consignment, or “wholesale” sales.

Cottage food products must be labeled in accordance with the requirements as outlined in Section 500.80 (5), Florida Statutes and United States Code of Federal Regulations Title 21, Part 101 (<http://www.gpo.gov/fdsys/pkg/CFR-2008-title21-vol2/xml/CFR-2008-title21-vol2-part101.xml>).

The honey must be pre-packaged (bottled or cut comb in containers) with a label affixed that contains the following information (printed in English):

1. **The name of the cottage food operation.** The beekeeper **must list his/her name on the label.** No fictitious names are permitted under the cottage food operation legislation.
2. **The full street address of the cottage food operation including zip code (post office box address does not qualify).**
3. **The name of the product.** The single word “honey” is acceptable. Honey as defined by The Florida Standard of Identity for Honey (Rule: 5K-4.027) “means the natural food product resulting from the harvest of nectar by honey bees and the natural activities of the honey bees in processing nectar. It consists essentially of different sugars, predominately fructose and glucose as well as other substances such as organic acids, enzymes and solid particles derived from honey collection. The color of honey can vary from nearly colorless to dark brown. The consistency can be fluid, viscous or partially to completely crystallized. The flavor and aroma vary, but are derived from the plant’s origin.” (<https://www.flrules.org/gateway/ruleNo.asp?id=5K-4.027>)
4. **The ingredients of the cottage food product, in descending order of predominance by weight.** If honey

1. This document is ENY-159, one of a series of the Department of Entomology and Nematology, UF/IFAS Extension. Original publication date January 2012. Reviewed April 2016. Visit the EDIS website at <http://edis.ifas.ufl.edu>.

2. Nancy Gentry, beekeeper and James D. Ellis, assistant professor, Department of Entomology and Nematology; UF/IFAS Extension, Gainesville, FL 32611.

contains any flavoring, spice or other added ingredient, then those additives must also appear on the label. For example, “lime essence honey.” See Florida Department of Agriculture & Consumer Services Rule 5K-4.027 (4) Standard Identity for Honey. (<https://www.flrules.org/gateway/ruleno.asp?id=5K-4.027>)

- 5. The net weight or net volume of the cottage food product.** The contents of the product should be expressed in net weight or net volume. The statement must be displayed in the bottom 30% of the label. The words “net weight” may be abbreviated (Net.Wt.)
- 6. Allergen information as specified by federal labeling requirements.** The Food Allergen Labeling and Consumer Protection Act requires food labels to identify in plain English if the product contains any of the eight major food allergens--milk, eggs, fish, crustacean shellfish, peanuts, tree nuts, wheat, and soybeans. The Act does not include honey, and honey is not listed as an allergen. Honey has been associated with infant botulism, and as such is considered a dietary risk for infants less than one year of age. It is recommended beekeepers display on their labels, “Do not feed to infants less than one year old.” See the following document for more information: <http://edis.ifas.ufl.edu/aa142>.
- 7. The following statement must be in at least 10-point type in a color that provides a clear contrast to the background of the label: “Made in a cottage food operation that is not subject to Florida’s food safety regulations.”**

The following is an example of the minimum information required on a cottage food product label for honey (except for the infant statement which is recommended but not mandatory):

Avoid any nutritional claims or health related statements on the label (for example “healthy,” “packed with energy,” “low in fat,” “good for allergies”) because such statements **would not** exempt the cottage food operation from displaying the FDA required nutritional content label.

Words preceding the word “honey,” such as “pure,” “natural,” or “all natural” are acceptable and reinforce the quality and purity of the product. The word “organic,” however, is not just an adjective, nor is it synonymous with “natural.” If you wish to produce or handle agricultural products that can be sold, labeled, or represented as “100 percent organic,” “organic,” “made with organic ingredients,” or “USDA Organic,” you must be certified by an

accredited certifying agent. More information on how to become certified can be found on the National Organic Program website (<https://www.ams.usda.gov/services/organic-certification/faq-becoming-certified>).

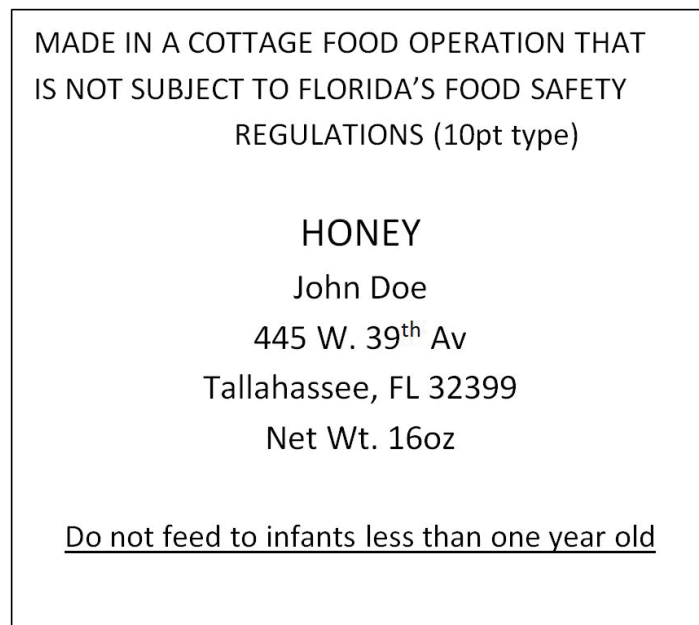


Figure 1. Example of the minimum information required on a cottage food product label for honey.

There is no official standard for “Raw Honey,” so the name is essentially just an advertising gimmick used to convince customers the honey has not been filtered or heated. When customers ask for “Raw Honey,” they want honey that has only been strained, so avoid labeling or selling honey as “raw” unless it will meet the customer’s expectations.

Honey may also be designated according to floral or plant source (for instance “orange blossom honey”) if it comes predominately from that particular source and has the scientific properties corresponding with that origin. Beekeepers should avoid preceding the floral source with the word “Pure” since bees do not exclusively use one floral source.

A cottage food operation may only sell cottage food products that it stores on the premises of the cottage food operation. Beekeepers may only sell honey that they store on the premises of the cottage food operation.

A cottage food operation must comply with all applicable county and municipal laws and ordinances regulating the preparation, processing, storage, and sale of cottage food products by a cottage food operation or from a person’s residence. Check with local authorities and farmers markets before selling to the public.

The Florida Department of Agriculture and Consumer Services may investigate any complaint which alleges that a cottage food operation has violated an applicable provision of this chapter or rule adopted under this chapter (Section 500.80 Florida Statutes) (<http://www.flsenate.gov/Laws/Statutes/2012/500.80>).

Only upon receipt of a complaint may the Florida Department of Agriculture and Consumer Services's authorized officer or employee enter and inspect the premises of a cottage food operation to determine compliance with this chapter and FDACS rules as applicable.

Honey Processors NOT Covered by the Cottage Food Industry

Honey processors who are **not exempt** under cottage food operations (Section 500.80 Florida Statutes) meet the following criteria:

- gross sales exceed \$15,000 annually;
- sells his/her honey by internet, mail order, consignment, or at “wholesale”

These honey processors must be properly permitted by the Florida Department of Agriculture and Consumer Services and must bottle honey in a certified food establishment. Beekeepers owning a Food Establishment will apply for a Food Permit; (see Retail Food Establishment Permitting Requirements: <http://www.freshfromflorida.com/fs/permitrq.html>).

Beekeepers not owning a Food Establishment but wanting to lease, rent, or use a Food Establishment for bottling, must submit to FDACS a *Commissary Letter of Agreement* certifying that the owner of the Commissary gives permission to bottle on the premises. The premises will be inspected annually by the Department of Agriculture & Consumer Services. Honey must be stored on the commissary premises and not private residences. Beekeepers selling their honey at a location other than the commissary are required to hold a Mobile Food Vendor license.

Free copies of these documents may be obtained from FDACS, Division of Food Safety by calling (800) 245-5520 or visiting their website (<http://www.freshfromflorida.com/fs/forms.html>).

Honey processors in this category are *prohibited* from displaying on their label, “Made in a cottage food operation that is not subject to Florida’s food safety regulations.”

Net quantity of contents on label must be expressed in both metric (grams, kilograms, milliliters, liters) and US Customary System (ounces, pounds, fluid ounces).

The following is an example of minimum requirements for labeling for honey processors selling wholesale, retail, mail order or internet sales or whose grosses exceed \$15,000 annually (except for the infant statement which is recommended but not mandatory):

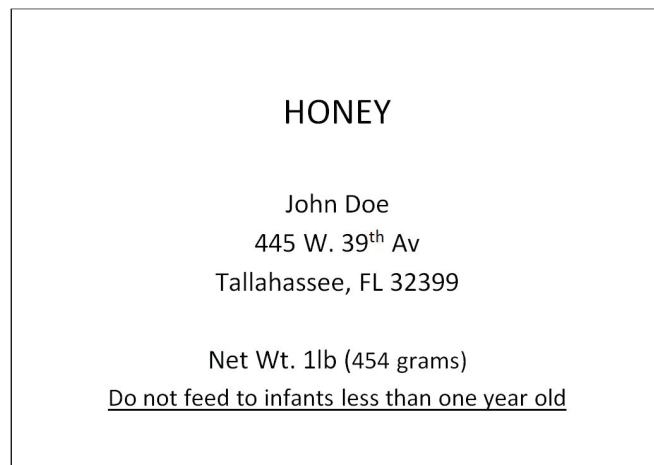


Figure 2. Example of minimum requirements for labeling for honey processors selling wholesale, retail, mail order or internet sales (except for the infant statement which recommended but not mandatory).

Nutritional Labeling

Nutritional labeling is mandatory for most foods. Honey processors who must include a nutritional food label on their honey should refer to the United States Code (USC) of Federal Regulations, Title 21, Part 101 (<http://www.gpo.gov/fdsys/pkg/CFR-2008-title21-vol2/xml/CFR-2008-title21-vol2-part101.xml>). See also National Honey Board (<http://www.honey.com/nhb/industry/labeling-information/>).

Products sold by companies qualifying for small business exemptions are one exception to the nutritional labeling requirement. Small business exemptions are available for products sold in small volume (fewer than 100,000 units per year) and by small companies (fewer than 100 employees). To apply for the exemption, contact the Food and Drug Administration's Office of Food Labeling at 301-436-2371 or visit their website for the proper forms. If you are not an importer, have fewer than 10 full-time employees, and sell fewer than 10,000 total units, you do not have to file a notice of exemption (<http://www.fda.gov/food/guidanceregulation/guidancedocumentsregulatoryinformation/ucm2006867.htm>).

If you use certain descriptors such as “healthy” on your label, there must be a nutritional label on the product—even

if the product is otherwise exempt. Whenever a nutrient content claim is made on a label, the claim must be accompanied by a “referral statement” directing the consumer to the panel on which the nutritional fact information is located (i.e., “See side panel for nutritional information”).

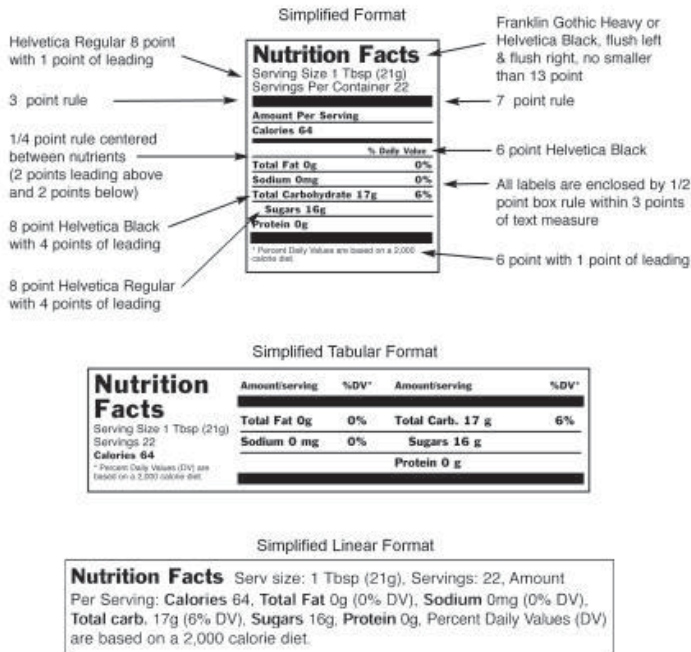


Figure 3. Sample nutritional label for a one-pound jar of honey. Credits: National Honey Board (<http://www.honey.com/nhb/industry/labeling-information/>)

The most common mistakes made in honey labeling (including cottage food operations and honey processing) are:

- Placing the net contents in the upper part of the label—it must be in the lower 30%;
- Using an improper “Net Weight” statement;
- Omitting a portion of the address, particularly the zip code;
- Claiming a “pure” flora source; and
- Improperly identifying a blended honey with a single floral source.

Additional Resources

For further information regarding bottling, labeling, and selling of honey in Florida, contact the Florida Department of Agriculture and Consumer Services, (850) 245-5520 (<http://www.freshfromflorida.com/fs/contact.html>).

For further information on Cottage Foods Legislation please visit FDACS, Division of Food Safety website (<http://www.freshfromflorida.com/fs/>).