

Selling Honey in Texas

When you are deciding to sell honey, there are 5 areas of jurisdiction you will need to comply with:

- 1) Texas Department of State Health Services – to sell honey as food in Texas, you will need to follow the rules for and obtain a food manufacturing licenses.
- 2) FDA Food Facility Registration
- 3) FDA Food Labeling
- 4) Local Health Department Guidelines
- 5) Homeowner or Deed Restrictions



Texas Food Manufacturing license from Texas Department of State Health Services

You will need a *Texas Food Manufacturing* license for packing honey. The license application may be found at the following website: www.dshs.state.tx.us/foods.

In the left side column you will see “License Applications”. Clicking on this brings up another page. Scroll down that page to the Foods license applications. The correct license is the one that says “Initial, Renewal, or Change of Ownership”. You can apply and pay the license fee “online” or print off the Adobe version and mail in a hard copy with your payment. If you have any questions on filling out the license application you may call our licensing department at 512-834-6626.

What about using my home kitchen?

In Texas there is a prohibition of manufacturing or holding of food at a private residence for wholesale or for sale at a retail outlet (including farmers markets) as follows:

Texas Administrative Code 229.183(3) Living areas. *No manufacturing or holding of foods for distribution shall be conducted in any room used as living or sleeping quarters. All food manufacturing and storage shall be separated from any living or sleeping quarters by complete partitioning.*

Manufacturing and/or storage of food products may be permitted at a private residence if the following conditions are met: (build a facility at your own house)

- The room used is completely partitioned from living, eating, or sleeping quarters.
- The room used has an exterior entrance.
- The room used meets all applicable requirements of the 25 TAC 229.210-222 (also known as the *Current Good Manufacturing Practice and Good Warehousing Practice in Manufacturing, Packing, or Holding Human Food*).
- Your firm obtains the appropriate license from this department.

You will want to become familiar with the “Current Good Manufacturing Practices” which may be found on the Foods homepage as follows: click on Rules/Regulations, then click on General Food and Drug. Then click on sections 229.211-229.222. These are the regulations that govern the manufacturing facility and the storage facility for manufactured food.

You can also find additional information at the home page of the www.dshs.state.tx.us/foods. Look for frequently answered questions which cover numerous topics of interest with search capability.

FDA Food Labeling

General food labeling information source is the "FDA Food Labeling Guide" publication which was written in a more user friendly way to help business label products properly. It may be found by searching on the internet (FDA Food Labeling Guide) or simply go to the following website: <http://www.fda.gov/Food/GuidanceComplianceRegulatoryInformation/GuidanceDocuments/FoodLabelingNutrition/FoodLabelingGuide/default.htm>

There is an additional labeling recommendation for honey. That is a warning on the label not to feed honey to infants under one year old. Bruce Boynton, CEO at the National Honey Board has indicated that this remains a voluntary warning on honey. In other words, while it can certainly be recommended that the statement be included on your label, it cannot be required. The statement that is commonly used is the following: "Do not feed honey to infants under one year of age".

FDA Food Facility Registration

Once you send in your food manufacturing license application, there is also a FDA Food Facility Registration that is required by all food manufacturers and wholesalers. You will need to check if there is a fee to register but it *is required by law to file*. The registration is easy and its purpose is to have your firm on record so that your firm can be contacted in case of any food alerts. You will want to visit their website at: <http://www.access.fda.gov/>. If you have any trouble registering on-line, just call their toll free number at 1-800-216-7331. Note: if you are only selling your honey directly to the consumers that will not reuse the honey in any other sale of products (making cookies, bread,...) (i.e. not to other business) then you do not need to register with the FDA.

Local Health Departments and Homeowner Regulations

Also, you will want to check your local health department as they may also issue a permit or license for your operation. Also, they may have additional requirements in addition to the Good Manufacturing Practices.

Homeowner's Associations can have regulations or even deed restrictions against food or manufacturing in the neighborhood. So check with them as well.

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