



## SELLING BAKED GOODS IN WI UPDATED

As of December 28, 2022, Wisconsin **home bakers** are now free to legally sell “not-potentially hazardous” baked goods and those goods that do not directly go into the oven directly to customers, including at the Main St. Farmers Market!

From [www.wisconsincottagedfood.com](http://www.wisconsincottagedfood.com), the following outlines what you need to do to sell baked goods along with best practices.

### What is a “Not-Potentially Hazardous” Baked Good and “Goods that do not directly go into the oven”?

- A “not-potentially hazardous” baked good is one that can safely remain unrefrigerated.
- **UPDATED:** Most goods that “do not directly go into the oven” include, but are not limited to, cocoa bombs, fudge, most candies, roasted coffee, Rice Krispie treats, fried doughnuts and other items that do not need to be time/temperature controlled for food safety are now allowed.
- While most cookies, muffins, cakes, and breads are typically “not-potentially hazardous” and have a low moisture content that inhibits mold growth, not all are. *For example, some baked goods with vegetables as an ingredient, such as zucchini bread or pumpkin muffins, may not qualify as non-hazardous as they could be too moist.*
- Foods with cream filling, custard, meat, or icing made with dairy products are potentially hazardous and are **definitely not** allowed.
- **UPDATED:** Cottage food laws only apply to food products, **NOT** food service. You cannot slice a cake/pie/bread etc. while at the market and sell them. This is considered food service and would require various other licensing including being produced in commercial kitchen. *You can, however, have sliced or cut items on a plate, securely packaged and ready to sell prior to arriving at the market. For example, before arriving at the market, you can slice a pie, place a slice on a plate or in a container, securely wrap it and have it available to sell.*
- If you are at all unsure if your item is “not-potentially hazardous”, you can submit the recipe to a science lab that can test for the official non-hazardous definition per the FDA Food Code of a water activity value of .85 or less. When in doubt, always err on the side of caution. A list of commercial labs can be found at [www.villageofbaldwin.com](http://www.villageofbaldwin.com) (search “farmers market”)

## How should my baked goods be labeled?

Although there currently are no specific labeling requirements for selling baked goods in WI, **Baldwin's Main St. Farmers Market requires** that you label your baked goods with four things:

- 1) The statement that *"This product was made in a private home not subject to state licensing or inspection."*
- 2) A list of ingredients in descending order of prominence, including any allergens. The eight most common allergens are milk, eggs, fish, crustacean shellfish, tree nuts, wheat, peanuts, or soybeans.
- 3) The date the baked good was made.
- 4) Your name/business name and contact information.

**Where can I sell my baked goods?** Under current law in WI, you are:

Allowed:

- Direct to consumer sales, including:
  - Selling from your home, such as a customer coming to pick up an order
  - Farmers' markets
  - Community events
  - CSA boxes
  - Taking orders directly from customer (i.e. someone places a birthday cake order with you)
- Selling within Wisconsin

Not allowed:

- Wholesale sales to restaurants or other retail businesses
- Selling to other states besides Wisconsin

Be sure to check with your municipality or county as they may have local regulations regarding home-based businesses.

## How Much Money Can I Make?

- Under the current rules, there is no gross sales cap for selling baked goods. You can currently earn as much as you want out of your home kitchens.

## Resources

<https://www.wisconsincottagedfood.com/>

<http://homemadeforsale.wixsite.com/homemadeforsale>