



County of Fresno

DEPARTMENT OF AGRICULTURE

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AGRICULTURAL COMMISSIONER/
SEALER OF WEIGHTS & MEASURES

“Direct Marketing of agricultural products benefits the agricultural community and the consumer by, among other things, providing an alternative method for growers to sell their products while benefiting the consumer by supplying quality produce at reasonable process.”

- California Food and Agriculture Code
Section 47000(a)

What can be sold in the Certified Section at a Certified Farmers Market (CFM)?

(l) Certified Agricultural Products:

Certifiable Agricultural Products, which are certified under the jurisdiction of the county agricultural commissioner ..., include fresh fruits, nuts, vegetables, shell eggs, honey, flowers, and nursery stock. All commodities must be listed on the Certified Producer Certificate (CPC) and grown by the producer (or secondary producer; see below).

- Title 3 California Code of Regulations
Section 1392.2 Definitions (l)

(m) Noncertifiable Agricultural Products:

Noncertifiable agricultural products include all certified agricultural products that have been processed, those products other than certified agricultural products noted in (l) above from any tree, vine or plant and their flowers (including processed products such as jams, jellies, pickles, olive oil, etc), livestock (including rabbits) and livestock products, and fish and shellfish produced under controlled conditions in waters or ponds located in California. All Noncertifiable Agricultural Products must be of your own production but will not be listed on your CPC.

- Title 3 California Code of Regulations
Section 1392.2 Definitions (m)

(u) Processed Agricultural Products:

Processed agricultural products shall be defined as agricultural products that have been altered or prepared by such means as, but not limited to, slicing, juicing, drying, shelling, smoking, freezing or cooking, provided, however, that the seller has produced all of the ingredients contained in the final product. The only exceptions to this production requirement shall be the

inclusion of food coloring, pectin, rennin/rennet or ingredients used as preservatives, seasonings, and flavorings.

- Title 3 California Code of Regulations
Section 1392.2 Definitions (u)

(v) Preservative. An additive, substance or ingredient(s) added to agricultural products to prevent decomposition due to chemical change or microbial action and/or to protect against decay, discoloration or spoilage. Preservatives include, but are not limited to: sulfites added to dried fruits, dried vegetables or wine; sugar added in the making of jams, jellies and preserves; salt or salt brine solution for curing olives; or vinegar for pickling of products such as, but not limited to, beans, asparagus and cucumbers.

(w) Seasoning. Seasoning shall be defined as salt or spice used in food preparation.

(1) Spice. Spice shall be defined as any of various aromatic plant products used in food preparation. Spices include, but are not limited to the following granulated or powdered salts or spices: chili powder, black pepper, ginger, garlic, onion, jalapeno, cinnamon and nutmeg.

(x) Flavoring. A substance, additive or ingredient, which may itself include seasonings or preservatives, that imparts flavor to a food without changing the consistency of or rendering unidentifiable the original product. Flavorings include, but are not limited to: liquid, powder or natural smoke, hickory, vanilla extract, nut oil, and soy sauce.

- Title 3 California Code of Regulations
Section 1392.2 Definitions (v) – (x)

CFM Producer/Vendor Requirements

Producer must grow all product sold at a CFM

- Failure to do so is a serious violation and will result in a fine of up to \$1000 and/or suspension from participation in CFMs for up to 18 months

All Certified Agricultural Products sold must be listed on your CPC

- Failure to list Certified Agricultural Products on your CPC may result in a fine of up to \$150

Must have a current, embossed CPC

- Failure to obtain a current embossed CPC is a serious violation and will result in a fine of up to \$1000 and/or denial of a CPC for up to 18 months

Current, embossed CPC must be conspicuously posted at point of sale

- Failure to conspicuously post a current, embossed CPC at point of sale may result in a fine of up to \$150

All products sold in closed consumer containers or pre-bagged AND sealed must be labeled with Identity, Responsibility, and Quantity (IRQ)

Identity (I): Name of Product (ie. Carrot, peach, etc.)

Responsibility (R): Name of producer, city, and zip code

Quantity (Q): weight of package in standard units (lbs, ozs, kgs, etc)

- Failure to list the IRQ on closed consumer packages or sealed bags may result in a fine of up to \$150

The only people who may sell on behalf of the Certified Producer are immediate family members and/or actual wage employees

- Failure to have proper person(s) selling on behalf of a Certified Producer may result in a fine of up to \$150
- Commission sales and/or buying and selling between Certified Producers is a serious violation and may result in a fine of up to \$1000

If selling product as organic there must be a current state organic registration and certification (if applicable) posted with the CPC

- Failure to post state organic registration may result in a fine of up to \$150

If your market rules allow you (the Primary Certified Producer) to sell for another Certified Producer (the Secondary Certified Producer), the following requirements must be met:

- 1. Cannot sell for more than two other Secondary Certified Producers*
 - Selling for more than two Secondary Producers may result in a fine of up to \$400
- 2. Primary and Secondary Certified Producers must be cross-referenced on each other's CPCs and have all current, embossed CPCs posted at point of sale*
 - Failure to be cross-referenced on each other's CPCs may result in a fine of up to \$150
 - Failure to post all current, embossed CPCs may result in a fine of up to \$150
- 3. Secondary Certified Producer's product(s) must be separated and identifiable from the Primary Certified Producer's product(s) at the point of sale*
 - Failure to separate Primary and Secondary product(s) may result in a fine of up to \$150
- 4. Primary Certified Producer must keep a record of the dates and quantities of product(s) sold for Secondary Certified Producers for three years*
 - Failure to keep these records may result in a fine of up to \$150

Repeat violations within 24 months can increase your fine amount above that which is stated in the above scenarios.

- California Food and Agricultural Code
Section 47025

If you are selling 25 pounds or more of any one commodity or selling to an entity that will subsequently sell to the end user (such as a restaurant), you must furnish a memorandum along with the sale. The memorandum must list the identity of the producer, the address of the producer, identity of the product(s) being sold, and quantity of product purchased.

Individual Market rules may be more restrictive than California laws and regulations – be familiar with your market’s rules.

All Health Department and local requirements must be met by markets and their vendors. Contact your local municipalities and County Department of Public Health for more information on applicable laws, regulations, and rules.

California Laws and Regulations

This document is meant to give Certified Producers a *brief* overview of *some* of their roles and responsibilities when agreeing to participate in CFMs. *Failure to follow all applicable laws, regulations, and rules may result in fines, suspension, and/or revocation of your CPC.* For a full listing of all California laws and regulations pertaining to Certified Producer and CFM responsibilities, please reference the following:

[California Food and Agriculture Code](#)

Division 17. Fruit, Nut, and Vegetable Standards

Chapter 10.5 Direct Marketing

[Title 3 California Code of Regulations](#)

Division 3. Economics

Chapter 1. Fruit and Vegetable Standardization

Subchapter 4. Fresh Fruits, Nuts and Vegetables

Article 6.5. Direct Marketing