

### Cider \* ♦

Bottle labels must state the name of the producer, volume of contents, name of preservative (if applicable), the term "Pasteurized" or "Not Pasteurized" or "Unpasteurized." The word "Fresh" may only be used if the cider is raw, has never been frozen or heated, and contains no preservatives. Per FDA rule, cider being offered for sale "off premises" must be pasteurized. A farmers market is considered an extension of the producer's farm. Therefore, unpasteurized cider may be sold at markets providing the vendor is the processor of the cider. Cider must be kept at a temperature of 45 °F or set in ice. Also, the volume must be represented as well as the price clearly displayed.

### Eggs \* ♦

There is no state license required to sell shell eggs in NH, providing the farm has fewer than 3,000 laying hens. Carton labels must state the grade, size, or the term "Not Sized," and the word "Fresh." A "Sell By" date/code is not required. FDA and some local health officials, require that eggs held for retail sale must be refrigerated at a temperature less than 45 °F. This temperature must be maintained during storage, transportation, and at the point of sale. We recommend that cartons of eggs be stored in a cooler containing ice packs when being transported to and from markets and when being sold at the market. We discourage displaying a full carton of eggs out on a table, or on top of a cooler, as some vendors like to do to advertise that they're offering eggs for sale. An empty carton may be used for this purpose. The price must be clearly displayed.

### Soaps, Lotions and Other Sundries ♦

Handmade soaps and other non-food items shall be sold by weight or volume, display unit price and total price.

*For additional information and a complete and official version of the Divisions' laws and administrative rules:*

***Please visit our newly designed website: [www.agriculture.nh.gov](http://www.agriculture.nh.gov) & click on the Division of Regulatory Services or the Division of Weights & Measures***

#### To contact DRS and DWM:

25 Capitol St.  
P.O. Box 2042  
Concord, NH 03302-2042  
DRS Tel: (603) 271-7761  
DWM Tel: (603) 271-3700  
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If you would like additional electronic copies of this document go to:  
<http://www.agriculture.nh.gov/publications-forms/documents/selling-at-farmers-markets.pdf>

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## New Hampshire Department of Agriculture, Markets & Food

### Selling Agricultural Commodities at Farmers Markets in New Hampshire

*Information Provided by:*

**Division of  
Regulatory Services  
&  
Division of  
Weights & Measures**



# FARMERS MARKETS

## Division of Regulatory Services (DRS) \* & Division of Weights & Measures (DWM) ♦



The following are commonly sold commodities at farmers markets and depict the DRS & DWM laws and rules on licensure and certification of commercial scales, registration, labeling, package requirements and method-of-sale. Please note, this brochure is intended for educational purposes and is not a complete representation of the DRS and the DWM laws and administrative rules. Regulations pertaining to DRS are noted with an asterisk (\*) and DWM regulations are noted with a diamond (♦).

### Scales: Licensure & Certification ♦

All commercial weighing and measuring devices need to be *licensed annually*. An initial device license application is on the Division website. There is an annual fee for each commercial device licensed. *All commercial devices must be inspected and tested annually and display a NH certification stamp bearing the current year or the preceding year.* The stamp indicates that a device is legal for trade and has been tested & left in proper working condition. All commercial scales must be NTEP approved (i.e. legal for trade). A copy of the license shall be posted and made available upon request.

### Scale Maintenance: Zero Balance & Leveling of the Device ♦

A scale must indicate zero when nothing is on the platter or in the pan. For digital indicating scales, the digital display would show zero(s) and for analog devices such as hanging scales, the indicator would point to zero. It is also necessary to regularly check the level of the scale, especially if the scale is being moved from one location to another (e.g., to and from a farmers market) or simply being moved to clean under or around the scale. Customers must be able to see the indicator and the operation of the scale.

### “Local” or “Native” \*

The use of the term “Local” or “Native”, defined by RSA 426:5, requires that those terms only be used in reference to New Hampshire grown or produced products. Even if vegetables are brought in for sale from a farm that’s within a couple of miles from the border of a surrounding state it cannot be sold as “local.” This becomes extremely important when customers begin seeking “local corn.” We advise vendors and stores to simply post a sign stating the name of the farm where the commodity was sourced. Customers will be responsive knowing that the source is located only down the road, even when it’s located in a neighboring state.

### Organic Labeling \*

Farmers and vendors who use the word “organic” to describe their products or practices in the marketplace must comply with the USDA organic regulations. Most farms and businesses that grow, handle, or process organic products must be certified, with only a few exceptions. Producers and handlers that sell less than \$5,000 per year of organic products are exempt from certification.

### Produce ♦

Produce must be represented either by weight, measure, or count depending on the item for sale. For more information, see the DWM website. All items weighed and sold must include deductions for tare weight (plastic bags, containers, bag closure devices and rubber bands, etc.). *All pre-packaged items sold by weight must be labeled with the net weight, unit price and total price.*

### Meats ♦

Meat and packaged meat products must be sold by weight and labeled with net weight, unit price and total price. The place of origin shall be indicated on pre-packaged meats.

### Pet Treats \* ♦

Pet treats require an annual \$75 registration fee per variety. Labels must show name and address of manufacturer, product name, net weight, unit price and total price, ingredient statement, and guaranteed analysis.

### Maple Products \* ♦

Only maple products that are 100 % pure maple syrup, cream, and sugar, are regulated by DRS. All other products that are made with maple syrup are regulated under NH Dept. of Health & Human Services. Syrup must be labeled with the name and address of the producer, manufacturer or distributor, true name of the product, volume, and grade. Syrup can only be labeled as “New Hampshire” syrup if produced in NH. Additionally, the net weight (maple candy) or volume (syrup) must be represented, and the price must be clearly displayed.

### Honey Products \* ♦

Labels must state the name and address of the producer, manufacturer, or distributor, true name of the product, net weight, price, grade or “not graded.”

### Apples \* ♦

Signage must show the name of the source, variety, grade, and size or count of the apples offered for sale. Apples shall be sold by volume, weight, or count. Also, the price must be clearly displayed.