
New Hampshire
*Department of Agriculture,
Markets & Food*

Selling Agriculture Commodities at Farmers Markets

By

Janis Conner, Inspector
Division of Regulatory Services
NH Dept. of Agriculture, Markets & Food

With farmers markets starting up across the state, the Division of Regulatory Services (DRS) wants producers to be aware of regulations pertaining to the labeling and/or registering of some agriculture commodities when offered for sale.

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 bought in for sale from a farm that is 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 for that matter, 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.

Pet Treats: Require an annual \$75 registration fee per variety. Labels must show name and address of manufacturer, product name, net weight, ingredient statement, and guaranteed analysis.

Maple Products: Only those 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 by 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. Grade is designated as Grade A: Light, Medium or Dark Amber, or Grade B. Syrup can only be labeled as “New Hampshire” syrup if produced in NH.

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

Eggs: There is no state license required to sell shell eggs in NH, provided 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 45oF. 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 the table, or on top of the 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.

Apples: Signage must show the name of the source, variety, grade, and size or count of the apples that are being offered for sale.

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.

For more information pertaining to the above listed commodities please visit www.agriculture.nh.gov and click on Division of Regulatory Services or call the office at (603) 271-3685.