



## Pickle Bill Fact Sheet

### Fact Sheet for Certain Home-Processed and Home-Canned Foods

This fact sheet addresses recent legislation (often referred to as the Pickle Bill) relating to certain home-processed and home-canned foods (Chapter 28A.15 Subd.10). The following requirements relate to this new legislation:

- Products covered by this legislation are pickles, vegetables, or fruits having an equilibrium pH value of 4.6 or lower. See attachment A for information regarding pH and acidity.
- This legislation does **NOT** cover sales of home-canned, low-acid foods such as peas, green beans, beets, or corn processed by either the use of a boiling water bath or by the use of a home pressure cooker.
- Sales of home-canned foods are limited to a maximum of \$5,000 per year.
- The individual who is selling home-processed or home-canned acid foods under this exemption should have available, upon request of the regulatory authority, documentation of the formulation (recipe) and the equilibrium pH results for the products being sold under this exemption.
- The food products can only be sold at community or social events or farmers' markets located in Minnesota. This includes:
  - county fairs and town celebrations
 but does **NOT** include:
  - craft shows or for profit events and sales to other businesses;
  - interstate or internet sales
  - sales from the home or business
- The seller must display a sign or placard at the point of sale which states:
  - These canned goods are homemade and not subject to state inspection
- Each food container must be labeled to include:
  - name and address of the person who processed and canned the goods;
  - date on which the food was processed and canned.
- Persons producing and selling these products are urged to:
  - successfully complete a better process school recognized by the Minnesota Commissioner of Agriculture
  - have the recipe and manufacturing process reviewed by a person knowledgeable in the food canning industry and recognized by the Minnesota Commissioner of Agriculture as a process authority.

This legislation requires that the home-processed and home-canned foods consists of either an acid food or an acidified food and only applies to pickles, vegetables or fruits. It does **NOT** apply to adding acid (i.e. vinegar) to pickled eggs, fish or meat, even if the product's final pH is 4.6 or less.

### EXAMPLES OF HOME-PROCESSED AND HOME-CANNED *FOODS THAT MIGHT BE ALLOWED TO BE SOLD*

- The final pH of the food must be 4.6 or less. *Acid foods*<sup>1</sup> are defined as foods that have a natural pH of 4.6 or less and *acidified foods* are defined as low-acid foods to which acid(s) or acid food(s) are added.
- The types of **foods that might be allowed** under this exemption include, but are not limited to, home-processed

home-canned sweet or dill pickles, tomatoes, salsa, apples, cherries, grapes, plums, peaches, flavored vinegars, and naturally fermented foods such as sauerkraut, pickles and KimChi (a Korean style of fermented vegetables) long as the final pH is 4.6 or less.

1 Code of Federal Regulations Title 21 Part 114.3

#### **EXAMPLES OF HOME-PROCESSED OR HOME-CANNED *FOODS THAT WOULD NOT BE ALLOWED TO BE SOLD UNDER THIS LEGISLATION.***

##### **Foods that are home-processed or home-canned that are not pickles, vegetables or fruits**

- e.g., home-canned fish, pickled eggs, and meat are not allowed.

##### **Foods that have a pH of 4.6 or greater**

- The following foods have a natural pH above 4.6: artichokes, asparagus, beans (lima, string, kidney, Boston sty soy, waxed) beets, broccoli, Brussels sprouts, cabbage, carrots, cauliflower, horseradish, sweet corn, egg plant, mushrooms, peas, most all peppers, potatoes, squash, spinach, and vegetable soups.
- Therefore, these foods are not allowed unless the pH of these foods is reduced to pH 4.6 or less.

##### **Foods that require refrigeration**

- Fresh-processed (not canned) foods that require refrigeration such as fresh salsa, pesto, etc. are not allowed.

#### **WHAT ABOUT THE OTHER FARMERS MARKET OR COMMUNITY EVENT EXCLUSION THAT APPLIES TO NON-POTENTIALLY HAZARDOUS FOODS?**

This exclusion (Subd. 9) allows individuals to sell home-processed, non-potentially hazardous food at a community event or farmer's market with gross receipts of \$5,000 or less in a calendar year from the prepared food items. It allows homemade foods such as cakes, fruit pies, bread rolls, lefse and maple syrup made in a person's home as long as the other provisions in the exclusion are met.

#### **INTERNET LINKS THAT PROVIDE ADDITIONAL INFORMATION OF HOME PROCESSING AND HOME CANNING OF FOODS**

The following links provide information on home processing and home canning:

- USDA Complete Guide to Home Canning ([PDF: 275 KB / 23 pages](#))
- [Home Food Preservation](#)
- [Colorado State Food & Nutrition Fact Sheets](#)
- [Home Canning](#)
- Numerous other links can be found just by typing in home-canned foods or pickles in a search engine such as [Google Search](#).

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#### **Attachment A**

##### **FOR EXCLUSION 28A.15 Subd. 10**

#### **What is pH?**

pH measures the amount of acidity or alkalinity using a numerical scale between 1 and 14. A pH value of 1 is most acidic, a pH value of 7 is neutral and values above 7 are referred to as basic or alkaline.

#### **How is pH measured?**

The pH meter is an electronic instrument used to measure pH by the use of an electrode. There are desktop units and pocket size units. The latter would be the unit of choice for most people that are testing their home-processed or home-canned foods because they are smaller and much less expensive (around \$100.00 or less).

Paper strips that measure pH are not that accurate and rely on a color change in the paper. Therefore, paper strips would not be applicable for testing acidified or acid foods.

### **What is equilibrium pH?**

Equilibrium pH is the final pH of a food product after the acidulant (food acid) reaches equilibrium (same pH value) with the food itself. For example, the initial pH of fresh cucumbers in vinegar will not have the same pH as the vinegar until equilibrium has been obtained.

### **What are the procedures for testing pH?**

The equilibrium pH for food products less than 2 months from the date of processing will require that the food sample be finely ground in a blender prior to testing the pH.

For foods with a process date greater than 2 months, the pH may be taken of the brine only since the contents should be in equilibrium.

### **Who can test for pH?**

The pH result(s) could be obtained either by the person who processed the food, if that person is capable of performing an accurate pH analysis, or from a private laboratory that conducted the analysis.

If one pH analysis is being provided by the person under this exemption, that individual should follow the exact recipe and procedures for each batch of food made. This will help ensure a consistent pH similar to the initial one noted in the analysis.

A separate pH test is required for each different product offered for sale under this exemption.

### **Examples of pH for different foods**

dill pickles (pH 2.6-3.8), tomatoes (pH 3.7-4.9), distilled water (pH 7), garlic (pH 5.3-6.3).

### **Where can one find pH values for common foods?**

The pH values for many common foods can be found on the [U. S. Food and Drug Administration Center for Food Safety and Applied Nutrition web site](#).

**MDA Contact**

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