

**Mendocino County Agricultural Commissioner's Office**  
**Quick Check Synopsis for certified producers participating in a Certified Farmers Market.**

## **When we inspect a Certified Farmers Market, these are the requirements we will be checking for:**

This synopsis sheet covers the sections of the California code of regulations (CCR) and the Food & Agricultural code (FAC) that certified producers must comply with to sell their products at a certified farmers' market. The code section is listed followed by a brief summary of the requirement for that code section.

1. **FAC 47002.** California farmers may transport for sale and sell California-grown fresh fruits, nuts, and vegetables that they produce, directly to the public, at a certified farmers' market. All fresh produce sold shall comply with the CCR's Minimum grade standards. All products sold in closed consumer containers(or pre-bagged) must be labeled with IRQ  
Identity (I) - name of the product  
Responsibility(R) - Name of produce, city, and zip code  
Quantity (Q) - weight of package
2. **FAC 47002(e).** A certified producer shall provide to individuals, organizations, or entities that subsequently sell the produce directly to end users (ex. Chef, restaurant) a memorandum/ receipt which includes the identity of the producer, the address of the producer, and the identity and quantity of the produce purchased.
3. **FAC 47022.1** It is unlawful to deceptively prepare, pack, place, deliver for shipment, load, ship, transport, or sell any products.
4. **FAC 47022.2** It is unlawful to mislabel any products, or place or have any false or misleading statement.
5. **FAC 47022.3** It is unlawful to falsify documents or make false statements regarding size, maturity, condition, or quality of products offered for sale.
6. **FAC 47022.4** It is unlawful to remove or dispose any product, or their containers to which any warning tag has been affixed by an enforcing officer for non-compliance.
7. **FAC 47022.5** It is unlawful to refuse to submit for inspection any container, load, or display of products to an enforcing officer or to refuse to stop any vehicle for inspection which contains products.
8. **FAC47022.6** Refusing to allow inspection of any property used in the sales, storage, or production of agricultural products by an enforcing officer is unlawful.
9. **FAC 47022.7** It is unlawful to alter in any way any certified producer's certificate, any certified famers' market certificate, any notice of violation, or other document issued by an enforcing officer.
10. **CCR 1392.1(d)** An individual can sell agricultural commodities exempt from size, standard pack, and labeling requirements at a certified farmers' market only by being the certified producer of the agricultural products.
11. **CCR 1392.1(e)** Fresh Fruits, nuts, and vegetables may be sold for commercial resale only when such products comply with all applicable size, standard pack, standard container, and labeling requirements.

12. **CCR 1392.1(g)** Excluding fresh fruits, nuts, and vegetables, all other agricultural products as defined under FAC 47000.5(a), which are sold or offered for sale at a Certified farmers' market, must comply with all applicable laws and regulations regarding quality and labeling.
13. **CCR 1392.4(a)** It is unlawful for a certified producer to sell agricultural products not of their own production. The certified producer's immediate family or employee(s) may act for and sell the certified producer's agricultural products. All certifiable agricultural products offered for sale at market must be listed on the certified producer's certificate.
14. **CCR 1392.4(c)** It is unlawful to sell nonagricultural products in the certified section of a certified farmers' market. See FAC section 47004 on this sheet for more information regarding market sections.
15. **CCR 1392.4(d)** An embossed copy of the certified producers certified producers certificate must be conspicuously posted at the point of sale. The CPC must be valid for the current year as well.
16. **CCR 1392.4(e)** Any agricultural products sold by weight must use a type of scale approved by the Department of Food and Agriculture and shall be tested and sealed for use by a county inspector annually.
17. **CCR 1392.4(f) 1** A certified producer shall not represent, nor be represented by more than two other certified producers in a 12- month period.
18. **CCR 1392.4(f) 2** each producer's certified agricultural products need to be physically separated and identifiable by each producer's CPC at the point of sale. One easy method to satisfy this regulation is to have several tables, each table having a separate producer's commodities.
19. **CCR 1392.4(f) 3** The name of the certified producer for whom another certified producer is selling shall appear on the certificate of the certified producer that is conducting sales at a certified framers market.
20. **CCR 1392.4(f) 4** The name of the certified producer who is selling the products of another producer shall appear on the certificate of the person for whom the certified producer is selling.
21. **CCR 1392.4(f) 5** A certified producer shall offer for sale on each market day a greater volume of certified agricultural products which they have produced than the volume offered for sale for the other certified producer.
22. **CCR 1392.4(H)** If a certified producer is representing for sale a product(s) as organic they shall conspicuously post at the point of sale a copy of his/her current State of California organic registration and if applicable, documentation of organic certification.
23. **CCR 1392.4(i)** Any person selling organic products or representing products as organic on behalf of another producer at a certified farmers' market shall conspicuously post at the point of sale a photocopy of the represented certified producers' current State of California organic registration and if applicable, documentation of organic registration.
24. **CCR 1392.4(j)** A certified producer shall not sell or represent for sale sprouts of his/her own production with less than 50% of the seeds, legumes or nuts in any package or container having emerged.
25. **CCR 1392.5(c)** Upon request by a county inspector or market manager, a producer shall provide certificates, documentation, information, or any other identification required to show that these laws and regulations are in compliance by the certified producer.

Assembly bill 1871 became effective January 1<sup>st</sup> 2015. It contains several revisions and new laws to the California Food and Agricultural code regarding direct marketing. The following synopsis summarizes the new and amended code sections for certified producers selling Agricultural commodities at a certified farmers' market.

**New code Section 890-** Misrepresenting agricultural products with regard to area of production, the identity of the producer selling product, or the methodology of production are misdemeanor violations carrying a fine not to exceed \$ 2,500, six months in jail or both.

Section **43100-** is amended to allow the same penalties created in section 890 to be used for false or misleading use of the term "California grown"

**New code section 4700.5-** defines " agricultural product" as a fresh or processed product produced in California, including fruits, nuts, vegetables, herbs, mushrooms, dairy, shell eggs, honey, pollen, unprocessed bees wax, propolis, royal jelly, flowers, grains, nursery stock, livestock meats, poultry meats, rabbit meats, and fish. The section further defines "nonagricultural products" as services, arts, crafts, bakery, candies, soaps, balms, perfumes, cosmetics, pottery, clothing, fabrics, pastas, compost, fertilizers, candles, ceramics, foraged foods, and types of wares. This new definition of agricultural products clarifies what may or may not be sold in the area designated as a CFM. All nonagricultural products stated above **may not** be sold in the area designated as a CFM.

**New Section 47004-** requires market managers to establish a "clearly defined marketing area" where only agricultural products may be sold. All certified producers will be required to post a conspicuous sign that contains the **farm or ranch name, the county of production, and a statement that they only sell what they grow or similar representation.** Producers are still required to post their CPC.

**Section 47004(cont.)** – Requires all processed products to state on the label or bulk sales signage a similar statement that those products were grown by the producer and state the city in which the farm is located. In addition, every processed product shall be identified by a registration number or other identifying reference to the facility where the food was processed or another required labeling statement in accordance with California Health and Safety Code. Per 47004, no sale of fresh whole fruits, nuts, vegetables or flowers shall be allowed to be sold in an area adjacent to the area known as a CFM. However, mushrooms and fresh herbs **may** be sold in the area adjacent to the CFM.

**New Section 47020-** Commissioners are required to perform at least one production site inspection on all new producers. This section also requires the application to include a declaration by the producer that they are knowledgeable and intend to produce in accordance with Good Agricultural Practices as outlined in the *Small Farm Food Safety Guidelines* published by CDFA.

**Amended section 47021-** The fee paid to CDFA by the market operator will increase from \$0.60 to \$2.00 per every vendor under market control each market day. This includes food, crafts, and other types of wares and services.

If you have any questions regarding AB 1871 or any other questions pertaining to direct marketing, please feel free to contact us at the office and we will be happy to help you.

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