

March 30, 2020

To: Certified Farmers' Market Managers and Certified Producers

RE: Sales of Pre-bagged Produce and Best Practices

CDFA has received inquiries regarding produce being sold at certified farmers' markets that are compiled from multiple producers and sold in one to-go bag. The department is also receiving requests for guidance on Market Best Practices.

To-go bags are permitted to be sold via the market manager or by the certified producer themselves. The sale can take place via an application prior to pick-up, like an e-cart service, or at the time of pick up. There may also be an option for a pre-selected ready to-go bag to be purchased, or for the purchaser to be specific about the produce they wish to purchase.

Food and Agricultural Code (FAC) Section 47002(d) and (e) allows the resale of produce if it is being sold directly to the end user. If the sale is taking place through the market manager, the certified producer must provide the manager with a memo that includes: the identity of the producer, the address of the producer, and the identity and quantity of the produce sold (see below). If the grower is selling pre-ordered to-go bags, no such memo is required.

FAC Section 47002.

California farmers registered or certified pursuant to this chapter as direct marketing producers may transport for sale and sell California-grown fresh fruits, nuts, and vegetables that they produce, directly to the public, and shall be exempt from size, standard pack, container, and labeling requirements at an outlet or location operated by an individual, organization, or entity that is regulated pursuant to this chapter or is recognized by a regulation adopted pursuant to Section 47001 and is otherwise authorized by local ordinances, subject to the following conditions:

(a) All fresh fruits, nuts, and vegetables sold shall comply with the California Code of Regulations governing maturity and quality.

(b) No exemption granted by this section supersedes the provisions of federal marketing orders, state marketing orders, or any health and safety laws, regulations, or ordinances.

(c) All fresh fruits, nuts, and vegetables sold in closed consumer containers shall be labeled with the name, address, and ZIP Code of the producer, and a declaration of identity and net quantity of the commodity in the package.



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(d) If a farmer selling produce pursuant to this section implements any exemption to size, standard pack, container, or labeling requirements as provided by this section, those sales may only be conducted as direct sales to any of the following:

(1) Consumers who are end users.

(2) Individuals, organizations, or entities that subsequently sell the produce directly to end users.

(3) Individuals, organizations, or entities that distribute the produce directly to end users at no cost to those end users.

(e) A farmer selling produce under paragraph (2) or (3) of subdivision (d) shall provide the individual, organization, or entity a memorandum that lists the identity of the producer, the address of the producer, and the identity and quantity of the produce purchased. A bill of sale or a container label including this information shall meet the requirements of this subdivision.

Market Managers will need to work with their local Environmental Health agencies to ensure all local laws, regulations, and ordinances are being met.

The following list is a compilation of what some markets are doing to keep patrons and vendors as safe as possible during this COVID-19 outbreak.

- * Increase social distancing between non-related customers while shopping and paying and create entry/exit points that serve as crowd control
- * Encourage farmers to use separate employees to accept payment and restock tables
- * Ensure each farmer has hand sanitizer or a hand-washing option
- * Provide additional hand washing stations throughout the market area
- * Not allow sampling and on-site hot/prepared food sales
- * Increase cleaning frequency of tables and payment devices
- * Eliminate non-essential services (entertainment, crafts, knife sharpening etc.)
- * Continue to accept government nutrition funds such as EBT/WIC.
- * Collaborate with local food banks to eliminate any waste of products

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Sincerely,

A handwritten signature in blue ink, appearing to read "Steve Patton". The signature is fluid and cursive, with a large initial "S" and "P".

For

Steve Patton, Branch Chief

cc: Hyrum Eastman, CDFA County/State Liaison