

## FARMERS' MARKET GUIDELINES

A Farmers' Market is a short-term operation for the sale of produce and prepared food products under the direction of a designated Market Coordinator. This guideline also applies to flea markets, craft sales, bake sales and other such establishments.

As consumers look to source locally produced food and support local economies by buying food produced close to home, the popularity of farmers' markets continues to grow. This document will assist entrepreneurs meet regulatory requirements for selling food at farmers markets.

This is a guideline only. Additional items may be required by the Public Health Inspector pursuant to the [Food and Food Handling Establishments Regulation - MR 339/88R](#), (*The Public Health Act*).

All markets must be approved by and receive an operating permit from a Public Health Inspector before opening.

## GUIDELINES FOR THE OPERATION OF A FARMERS' MARKET

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### 1. **Definitions:**

Farmers' Market: a short-term operation under the direction of a designated Market Coordinator that allows Vendors to sell produce or prepared food products. Also covers other types of temporary food markets such as flea markets, craft sales, bake sales and other such establishments.

Vendor: a person who rents or leases a stall or space at a Farmers' Market for the purpose of displaying or offering their own product for sale. Vendors are responsible for selling their own product and must be on site during the market.

Market Coordinator: a person who is responsible for ensuring the market is organized, designed, operated and maintained in accordance with this guideline and the regulation. They are also responsible for registering for the operating permit. A Market Coordinator may also be a vendor for their own product but shall not sell product on behalf of another vendor.

Potentially Hazardous Food: Any food that, given the right conditions of time, pH, temperature and water activity, can support the growth of pathogens. Pathogens are micro-organisms that cause disease, and include bacteria, viruses, parasites, protozoa and fungi.

### 2. **Responsibilities:**

The Market Coordinator as designated by the Health Permit is responsible for ensuring the market is designed, operated and maintained in accordance with the guideline and the [Food and Food Handling Establishments Regulation - MR 339/88R](#) , under *The Public Health Act*.

Vendors preparing non-potentially hazardous foods at home are allowed to sell foods listed on page 8 of this guideline.

Vendors who prepare or sell “potentially hazardous foods” listed on page 9 are required to obtain a separate health permit, as required under the regulation, and work out of a commercial facility such as a community kitchen.

For foods not listed, please contact your local [Public Health Inspector](#).

3. **Registration:**

- The Market Coordinator must register the Farmers' Market on the form provided by the Public Health Inspector at least **14 working days** before starting operation. See page 11 for registration form.
- As part of the registration, the Market Coordinator shall provide a list of known vendors along with their name(s), civic and mailing addresses and telephone information. The Coordinator must maintain and have on-site a current list of all vendors operating at the market, and a list of foods that vendors are proposing to sell. See page 12 for an example of a market vendor list.

4. **Permit:**

- No person shall operate a Farmers' Market unless in possession of a valid permit issued by the Public Health Inspector.
- Market Coordinators must post the permit in a conspicuous location visible to the public within the market place.
- Unless otherwise approved by a Public Health Inspector, the operation of a Farmers' Market is restricted to a maximum of two days per week.
- No person shall transfer or assign a permit without the approval in writing from the Public Health Inspector.

5. **Food Supplies:**

- To sell or serve unpasteurized milk, ungraded eggs, wild mushrooms, uninspected meat or poultry is prohibited at the Farmer's Market.
- Food shall be in sound condition, free from spoilage, adulteration, poisonous or toxic substances, filth or other contamination and shall be kept safe for human consumption.
- No person shall sell, offer for sale, deposit for sale or have in a Farmers' Market any food that is potentially hazardous unless prepared and packaged in an approved establishment. Potentially hazardous foods includes meat or meat products, poultry or poultry products, milk or milk products, or any food with these products as ingredients (e.g. perogies, cabbage rolls, sandwiches, and cream-filled pastries).  
Note: These products must be packaged and labelled by the approved establishment.
- No person shall use or sell food from hermetically sealed containers where that food was not prepared in a government inspected food processing plant. The exceptions are jams, jellies and pickles with a pH of 4.6 or lower.

6. **Food Protection:**

- Food and utensils shall be protected at all times from insanitary conditions and from potential contamination, including dust, insects, rodents, animals, unclean equipment and utensils, unnecessary handling, coughs, sneezes, flooding and drainage through the use of clean, new, approved packaging or display cases.
- Whole, uncut raw vegetables and fruit are excluded from the packaging requirements.
- Individually portioned products do not have to be individually wrapped, but must be kept covered to protect from contamination.
- No person shall sell or be in possession of any food that has been salvaged from fires, snow storms, floods, transport accidents, or other disasters.
- Food that is spoiled or damaged shall be promptly disposed of in accordance with regulations.
- Containers of food shall be stored a minimum of 15cm (6 inches) off the ground (floor).
- Packaged food shall not be stored in direct contact with water or undrained ice.
- Potentially hazardous foods requiring refrigeration shall be kept at an internal temperature of 5°C (41°F) or below.
- Frozen foods shall be kept frozen (-18°C/0°F or below).
- Only jars which are proper sealing (mason-type or equivalent) may be used for pickles and relish. These jars may be reused providing they are in good condition, clean and properly sterilized; however, rubber sealing rings and snap lids must be new.
- For vendors preparing food at the market, additional requirements will apply, as outlined in the [Temporary Food Service Establishment Guidelines](#).

## 7. **Labelling requirements for food:**

All home packaged food shall be labelled identifying the following:

- Producer/vendor name or identify code, and phone number
- Common name of the food
- Ingredient list
- Date the food was prepared

Individually unpackaged/portioned products do not require labeling, however labelling information must be readily available from the vendor.

Additional information on labels may be required to meet the Canadian Food Inspection Agency (CFIA) requirements. All prepackaged food products sold in Canada including sales at farmers' markets and similar events, must comply with the relevant federal legislation requirements for product labels.

CFIA information that requires to be listed on labels include:

- Food Vendor identity – name and principle place of business/operation (e.g. city, province)
- Common name of food product
- Net quantity (e.g. weight or volume)
- List of ingredients and allergens declaration
- Date markings (e.g. package on date), durable life date if product has a shelf life of 90 days or less
- Storage instructions, when different from normal room temperature, e.g. "Keep Refrigerated"
- Nutrition labelling/Nutritional Facts Table, unless exempt
- Bilingual labelling, unless exempt ([Bilingual food labelling](#))
- The declaration of a lot code (lot code could be a date of production)

Prepackaged foods sold only at a farmers' market by the individual who prepared and processed the product are usually exempt from carrying a Nutritional Facts Table. There are certain conditions in which a food loses this exemption (see [reasons for losing the exemption](#))

For further information on labelling requirements, vendors can visit the Canadian Food Inspection Agency website at: [Food labelling for industry](#)

## 8. **Equipment and Utensils:**

- All utensils, display cases, counters, shelves, tables, refrigerating equipment, sinks and any other equipment used in connection with a Farmers' Market operation shall be so constructed as to be easily cleaned and shall be kept clean and in good repair at all times.

**9. Sanitary Facilities:**

- The Market Coordinator shall ensure that the Farmers' Market is provided with at least one hand wash station that is easily accessible to all vendors on the premises, supplied with potable water and a receiving basin or other approved drainage system.
- The Market Coordinator shall ensure that the Farmers' Market is equipped with a minimum of two toilets and two handwashing stations, or an appropriate number based on the [Special Event Sanitation Guideline](#).
- Washroom facilities require to be easily accessible and maintained in a clean condition and in good repair.
- The Market Coordinator shall ensure that a supply of soap and single service towels are conveniently located at each hand wash station.
- Any other sanitary facility system approved by a Public Health Inspector.

**10. Grounds:**

- The Market Coordinator shall keep the area around the food booths and immediate adjacent grounds clean and free from litter and rubbish.
- The Market Coordinator shall ensure that a sufficient number of covered containers are provided to hold all garbage and refuse.

**11. Personal Hygiene:**

All persons handling food products shall conform to proper hygiene practices and be free from disease conditions which may contaminate foods (i.e. open sores, cold, flu).

Proper personal hygiene includes:

- Wear clean clothes with a clean apron, when handling food.
- Wear a hair restraint such as a hairnet, cap/hat or similar covering to effectively control hair, when handling food.
- Wash hands frequently with soap and water prior to handling food, when entering the food preparation areas and any time hands are contaminated or dirty.
- Do not wipe hands and utensils on clothing, aprons or towels.
- Do not eat while preparing food.
- Cover a cough or sneeze and then immediately wash hands.

## 12. Food Sampling

All samples offered by vendors must meet the following criteria:

- Non-perishable food samples must be stored in rigid, covered containers until serving.
- All samples must be pre-cut away from the sales unit.
- All samples of potentially hazardous foods must be prepared in a permitted kitchen facility.
- Samples should be of adequate size and proportionally spaced to minimize customer handling.
- All samples must be held and dispensed under clean and sanitary conditions. (e.g. toothpicks provided for sampling).
- All vendors giving free samples **MUST** provide a waste container in a prominent place and labeled for use by the public.
- Keep potentially hazardous food **cold** at 41°F (5°C) or colder – or **hot** 140°F (60°C) or hotter.
- Adequate cooking equipment, probe thermometers and hot and cold storage facilities with appropriate thermometers must be provided for the food being handled.
- Avoid touching food with bare hands, use utensils such as disposable gloves, tongs, scoops or clean napkins.
- Food handlers shall wear clean full length aprons or smocks and hair restraints, when handling food.

## 13. Foods Prepared and Sold

**Preparing, serving and selling food from a home-based business for public consumption is prohibited. This includes, selling direct to customers or online e-commerce.**

<https://www.gov.mb.ca/health/publichealth/environmentalhealth/protection/home.html>

The sole exception to this is non-potentially hazardous foods can be sold at a farmer's market, flea market, craft sale or at bake sales, in accordance with the Farmers' Market Guidelines. Non-potentially hazardous foods, must be shelf stable, not require refrigeration, have a water activity of 0.85 or less, or a pH of 4.6 or less and not able to support the growth of pathogens and toxins. It is the responsibility of the vendor who prepares non-potentially hazardous foods at home and sells at farmers' markets, that their foods meet all these criteria.

Examples of Non-Potentially Hazardous Foods which **MAY** be Prepared at Home and Sold only at a Farmers' Market:

- Bread & Buns
- Brownies
- Butter Tarts
- Cakes e.g. – carrot cake, etc. with sugar icing (no whipping cream, synthetic cream or whipped topping products)
- Cereal Products
- Cinnamon Buns
- Cookies
- Dried and Freeze Dried Fruit & Vegetables
- Dry Rice
- Flaked Pastry with Fruit Filings
- Fresh Fruit & Vegetables (whole, uncut)
- Fruit Rollups
- Fruit-filled Pies and Fruit-filled Tarts
- Fudge
- Hard Candy
- Honey
- Hot Cross Buns
- Jam & Jelly (pH 4.6 or less or Aw of 0.85 or less)
- Matrimonial Cake
- Muffins
- Noodles (Dry Only)
- Peanut Brittle
- Pickles (vegetable and fruit in vinegar based brines, with a finished pH of 4.6 or lower)
- Popcorn
- Preserves (fruit soaked with sugar)
- Pumpkin Seeds
- Relish – with a pH of 4.6 or lower (vinegar-based)
- Rice Crispie Cake
- Spices
- Sunflower Seeds
- Toffee
- Wine Vinegar

**Any other non-potentially hazardous food products approved by the Public Health Inspector.**



## Examples of Potentially Hazardous Foods:

These foods **SHALL NOT** be sold at a Farmers' Market unless prepared at an approved Food Handling Establishment and conform to all other applicable regulations.

- Antipasto
- Cabbage Rolls
- Canned foods with pH above 4.6
- Chocolate (unless used as an ingredient that has undergone a cooking process above 71°C (160° F) e.g. fudge, chocolate chip cookies etc.)
- Cole Slaw
- Cream-filled or custard filled pastries
- Dairy Products (cheese, yogurt, ice cream, milk, etc.)
- Fish and Shellfish
- Fruit Juice
- Garlic Spreads
- Homemade Soups
- Hummus
- Kimchi
- Kombucha
- Meat or Meat Products
- Perogies
- Pickled Eggs
- Pies with Meringue (egg product)
- Pumpkin Pie
- Salsa
- Sauerkraut
- Sundried Tomatoes in Oil
- Unpasteurized Apple Cider
- Whipped Butter
- Whipped Icings (with water activity at or above 0.85 or pH above 4.6)

### ***Any other “potentially hazardous food” item.***

Foods are on this list because they are commonly implicated in food poisoning illness outbreaks. They require special care and handling during preparation. Approved food handling establishments have the equipment and facilities to produce these foods in a safe manner.

**If a food product is not on this list, it does not mean that it cannot be sold at a Farmers' Market, just that it must be prepared in an approved Food Handling Establishment.** Your local church hall, community center, or legion may be places to make inquiries. They may already have the facilities needed to obtain a permit. You can also talk to other established food businesses in your community or other vendors at the market.

## 14. Other

- Manitoba Agriculture webpage lists commercial permitted community kitchens available for rent:

<https://www.gov.mb.ca/agriculture/food-and-ag-processing/starting-a-food-business/community-kitchens.html>

Once you have located a facility, check with your local public health inspector to make sure it meets the regulatory requirements. You will also need to obtain your own permit to prepare or process the food product, separate from any permit that the facility may already have.

- **Certified Food Handler Training** program, please check the Manitoba Health webpage for more information at [Certified Food Handler Training Program | Health | Province of Manitoba \(gov.mb.ca\)](https://www.gov.mb.ca/health/publichealth/food-safety/certified-food-handler-training-program)

For further information, contact your local Public Health Inspector and visit the Health Protection Unit's website at:

<https://www.gov.mb.ca/health/publichealth/environmentalhealth/protection/food.html>

TEMPORARY FOOD MARKET REGISTRATION FORM  
[www.manitoba.ca/healthprotection](http://www.manitoba.ca/healthprotection)

MARKET NAME: \_\_\_\_\_  
DATE: FROM: \_\_\_\_\_ TO: \_\_\_\_\_  
HOURS OF OPERATION: \_\_\_\_\_  
MARKET LOCATION: \_\_\_\_\_  
STREET ADDRESS: \_\_\_\_\_ CITY: \_\_\_\_\_ POSTAL CODE: \_\_\_\_\_  
SITE TELEPHONE: \_\_\_\_\_

<b>MARKET COORDINATOR INFORMATION</b>		
NAME: _____		
MAILING ADDRESS: _____	CITY: _____	POSTAL CODE: _____
EMAIL: _____	TELEPHONE: _____	FAX: _____
ASSOCIATED BUSINESS NAME (IF APPLICABLE): _____		
BUSINESS ADDRESS: _____	CITY: _____	POSTAL CODE: _____

**MARKET OWNER/OPERATOR:** (Person or Company Applying for Permit)  
Company Name \_\_\_\_\_  
Partnership \_\_\_\_\_  
Sole Proprietorship \_\_\_\_\_  
Company Contact Person: \_\_\_\_\_ Driver's License # \_\_\_\_\_  
STREET ADDRESS: \_\_\_\_\_  
CITY: \_\_\_\_\_ PROVINCE: \_\_\_\_\_ POSTAL CODE: \_\_\_\_\_  
TELEPHONE: \_\_\_\_\_ CELL: \_\_\_\_\_ EMAIL: \_\_\_\_\_

<p><b>PLAN SUBMITTED (Required)</b> - A detailed drawing showing overall layout of the market <b>MUST</b> be provided. Include booths, hand wash stations, cleaning area, washrooms, etc. Plan previously Submitted to PHI (PHI Initial _____ ) <input type="checkbox"/> Attached</p> <p><b>FOOD VENDORS:</b> <b>List of Vendors/Operators</b> and the food products they are selling <b>MUST</b> be provided to the PHI <b>and updated as required.</b> List has been reviewed by Applicant to ensure those participating in the Market meet health protection requirements.</p> <p><b>Only vendors selling NON-potentially hazardous foods may operate under a Market permit. All others will require their own permit from a Public Health Inspector.</b></p>
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*Signature represents the Market Operator is are aware it is their responsibility to ensure the temporary food market is organized and operated in compliance with all applicable Acts and Regulations and is familiar with the Farmers' Market Guidelines, which also applies to flea markets, craft sales, bake sales and other such establishments.*

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE OF OWNER/REPRESENTATIVE

