

Certified Farmers' Market Manager Frequently Asked Questions

- Q:** Is a market operator required to pay \$2.00 for each vendor whose products were presented for sale on each market day? What about services?
- A:** \$2.00 is required to be paid to CDFA's Direct Marketing Program for every vendor who offers products for sale on each market day. If a certified producer is selling on behalf of another certified producer, even if they are in the same vendor stand, \$4.00 must be paid to CDFA by the market operator. A market operator does not have to pay the \$2.00 vendor fee for "services" being offered at a certified farmers' market (i.e. face painting, massage, informational booths) (Food and Agricultural Code section 47021(a)).
- Q:** Is honey a certifiable agricultural product?
- A:** Yes; honey is a certifiable agricultural product and can be listed on a certified producer's certificate (California Code of Regulations section 1392.2(l)).
- Q:** Are honey products certifiable agricultural products?
- A:** No; unprocessed beeswax, honeycomb, pollen, propolis, and royal jelly can be sold in the clearly defined marketing area where only agricultural products may be sold because they are agricultural products, but they are not certifiable agricultural products and cannot be listed on a certified producer's certificate (Food and Agricultural Code section 47000.5(a)(1)). Furthermore, candles, lotions, and balms are not agricultural products for the purpose of direct marketing (Food and Agricultural Code section 47000.5(a)(2)).
- Q:** Are foraged mushrooms allowed to be sold in the clearly defined marketing area where only agricultural products may be sold?
- A:** No; foraged foods are not agricultural products for purposes of direct marketing (Food and Agricultural Code section 47005(a)(2)).
- Q:** When a certified producer is selling on behalf of another certified producer, can they sell the other producer's processed agricultural products?
- A:** No; the certified producer may only sell certified agricultural products on behalf of another certified producer. The certified producers must be cross referenced, and all products being sold must be listed on the respective certified producer's certificate. Each certified producer's certified agricultural products being offered



for sale shall be separated and identifiable by each certified producer's valid certificate at the point of sale. Additionally, the certified producer's selling on each other's behalf must maintain records for not less than three years, as specified in the California Code of Regulations section 1392.4(e).

Q: Can wine and hard cider be sold at a certified farmers' market?

A: Wine can only be sold in the clearly defined marketing area where only agricultural products may be sold, and the certified producer must have a certified producer's certificate for the grapes or other agricultural products grown by the winegrower (Business & Professions code section 23399.4). The Department of Alcohol and Beverage Control considers hard cider as wine, and therefore the same rules are applicable.

Q: If a certified producer is selling a product in a closed consumer container, is an IRQ (identity/responsibility/quantity) statement required?

A: Yes; any product that is being sold in a closed consumer container must have an IRQ statement on the container (Food and Agricultural Code section 47002). Open consumer containers do not require an IRQ statement **IF** they are sold by weight.

Q: Can hemp be sold at a certified farmers' market?

A: Hemp can potentially be sold as nursery stock or as an herb in the clearly defined marketing area where only agricultural products may be sold within a certified farmers' market (California Code of Regulations section 1392.2(l)). However, all other applicable laws and regulations still must be strictly adhered to, including, but not limited to: California Industrial Hemp Program; Nursery Stock Registration & Certification Programs; and local ordinances.

Hemp by-products such as sunscreen, shoes, balms, clothes, soaps, etc. are not agricultural products for the purposes of direct marketing and cannot be sold in the clearly defined marketing area where only agricultural products may be sold. (Food and Agricultural Code section 47000.5(a)(2)).

Q: Can Christmas trees or wreaths be sold at a certified farmers' market?

A: Christmas trees are not agricultural products for purposes of direct marketing (California Code of Regulations section 1392.2(j)). Wreaths are value added products that are crafted together (California Code of Regulations section 1392.2(k)). Wreaths are not agricultural products for purposes of direct marketing. Christmas trees and wreaths cannot be sold in the clearly defined

marketing area where only agricultural products can be sold (Food and Agricultural Code section 47000.5(a)(2)).