

Cake Making Under Connecticut's Cottage Food Law

By: Julia Singer Bansal, Senior Legislative Attorney
December 20, 2019 | 2019-R-0315

Issue

May individuals with a [cottage food operation license](#) make and sell cakes?

Summary

Yes; cottage food operation licensees may make and sell cakes, subject to limitations related to food safety ([CGS § 21a-62b et seq.](#), as amended by [PA 19-18](#) and [PA 19-177](#)). The state's cottage food law establishes certain labeling requirements for food, including cakes, prepared by a cottage food operation licensee (see below).

Since October 2018, the Department of Consumer Protection (DCP) has been accepting cottage food operation license applications from individuals who (1) produce cottage food products only in their private residential dwelling's home kitchen and for sale directly to consumers and (2) do not operate as a food service establishment (e.g., restaurant), food retailer, distributor, or manufacturer. Licensees may not have annual gross sales over \$25,000.

Licenses are only available to individuals seeking to prepare nonpotentially hazardous foods. Products are "potentially hazardous food" if they require time and temperature control for safety to limit pathogenic microorganism growth or toxin formation, consistent with the Food and Drug Administration's Food Code definition for time and temperate control and adopted by the public health commissioner by reference. DCP has classified certain food products as generally non-hazardous, including cakes and cupcakes. Other foods may be approved upon [application](#) to DCP.

Generally, cakes made with commercial shelf-stable frosting; fondant; or other non-dairy, egg-free frostings and fillings are permitted (see below). A cottage food operation licensee cannot make cheese cakes or cakes filled with fresh fruit or custard, for example. But cakes may contain fruits or vegetables that have been incorporated into the batter and baked.

Licensees making cakes are subject to the same food safety requirements as other cottage food operation licensees, including requirements related to food preparation, handling, and storage.

Frosting and Icing Guidance

DCP has issued [guidance](#) on buttercream frostings and fillings. The following are generally acceptable for use in cakes manufactured under the state's cottage food law:

1. store-bought, self-stable prepared frosting;
2. fondant;
3. frosting or icing that does not contain butter, eggs, cream, or cream cheese; and
4. frosting or icings that contain shortening and commercially produced meringue powder.

Other frosting or icing ingredients may also be permissible. DCP suggests that licensees consult recipes that have been deemed non-hazardous and have their frostings or icings tested by a food testing laboratory for pH and water activity.

Labeling Requirements Applicable to Cakes (CGS § 21a-62g)

The cottage food law and related DCP guidance requires licensees that sell prepackaged food to include an affixed label that contains the following information in English:

1. the cottage food operation's name and address;
2. the product's common or usual name;
3. the product's ingredients and sub-ingredients, in descending order of predominance by weight;
4. the net weight or net volume of the product;
5. allergen information, as specified by federal labeling requirements, including information on milk, eggs, tree nuts, peanuts, and wheat; and

6. the following statement printed or handwritten in at least 10-point type in a clear and conspicuous manner that provides contrast to the background label: “Made in a Cottage Food Operation that is not Subject to Routine Government Food Safety Inspection.”

DCP guidance states that for larger wedding cakes, birthday cakes, and other specialty cakes that are not easily packaged, licensees must include on the invoice all the information that must normally appear on the product label; the invoice must be delivered with the cake. (Smaller cakes must be boxed, with the required label affixed to the box.)

JSB:kl