

June 4, 2015

Dear Alberta Approved Farmers' Market Managers and Sponsors:

This is a little late in coming out this year but hopefully it provides you with some useful reminders. As always, this letter will also be posted on the website – www.sunnygirl.ca – for those who misplace it or want to share it with vendors and boards. It is also being sent to sponsors and/or board presidents this year.

Our Team of Three! Some of you met Christine Anderson last year who was covering for Marissa Brewer's maternity leave. Marissa is back and eager to hit the market trail. Marissa is a New Venture Specialist, working with new agricultural entrepreneurs and will work with the Farmers' Market Program one day a week. This is a great opportunity for me to share what is done in the Program with another Specialist in our branch and for you to have access to another coach/advisor/specialist who can advise you on all things farmers' market and help find answers to your regulatory questions. Just a reminder of our contact information:

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For toll-free calling within Alberta, dial 310-0000 first and then the number when prompted.

Market Numbers and Certificates: By now you should have received your approval certificates and market numbers for the past five years. Please display your certificates in the market.

In general, the numbers this year have improved over the previous year which is very positive. As more public markets open, it is even more important that everyone is diligent in meeting the minimum requirements in the Guidelines. This helps to distinguish approved markets from public markets.

If you want to discuss your numbers, please contact **Eileen Kotowich**.

www.sunnygirl.ca: All Alberta approved farmers' markets can be found online at www.sunnygirl.ca. Please check your market listing to ensure it is placed correctly on the map and that the information about the market is correct. If you see an error, make changes during

the year or add special markets, please contact **Delores Serafin** so she can update the online map information.

There are also other resources on the Sunnygirl website such as a sample vendor application, market rules, market manager job description, etc. Please feel free to download and customize for your market.

Approved Farmers' Market Program Guidelines: The Guidelines are available online at www.sunnygirl.ca under *How Do I Start an Alberta Approved Farmers' Market?* If you don't have a copy, are unable to print one or if you have any questions about the interpretation of the Guidelines, please contact **Eileen Kotowich or Marissa Brewer**.

Just a reminder of the prohibited items listed in the Guidelines. These items are **not allowed to be sold at any time**.

- Used, antique or flea market items
- Live animals, whether for sale or customer interaction
- Uninspected meat or meat products for human **AND/OR** animal consumption
- Raw milk or raw milk products for human **AND/OR** animal consumption with the exception of cheese made from unpasteurized milk that meets federal standards
- E-cigarettes or vapor cigarettes **<NEW>**
- Hatching eggs

Special Markets: As you are aware, we introduced a special market protocol a couple of years ago. This protocol affects the following special markets:

- Market in addition to what is normally offered during the season
- Market changing locations in order to participate in a community special event
- Market that happens outside the normal market season

Preapproval has already been granted for those special markets identified on the Map Brochure form. Alberta Health Services has been advised of these markets.

Written approval does need to be granted by either Eileen or Marissa for any additional markets. Why is this important? The Farmers' Market Permit issued by Alberta Health Services (AHS) is always location-specific so a change in venue means a new permit needs to be issued. Some permits are also specific to the dates and times so a change to either of these may require a new permit. AHS will not issue a new permit unless we have told them the special market is operating as an Alberta approved farmers' market.

Any special market requests must be made to either Eileen or Marissa **at least two weeks prior to the event**. This will allow time to issue the permission letter, for you to work with AHS on a new permit (if required) and a site inspection (if required). Keep in mind that our public health inspectors inspect a lot more than just farmers' markets and restaurants, so honoring this request is really important.

Mandatory Training: We have two online training courses; managers are required to take both and vendors only the food safety course.

Market Manager Training: Market Manager training focuses on understanding the Guidelines and the requirements of approved farmers' markets, roles of the different stakeholders with more clarity around the role of the manager and, the different pieces of legislation and associated regulations that impact markets and vendors.

Successful completion of market manager training is **mandatory** for all market managers within **one** year of becoming a manager of an approved farmers' market. The manual and multiple choice test is available online at www.sunnygirl.ca. When taken as a home study course, a passing grade of 80% is required in order to receive your certificate of completion. Any questions regarding the content of the manual or to request a paper copy should be directed to **Eileen Kotowich**.

Food Safety Training: The safety of the food being sold at approved farmers' markets is critical to the success of farmers' markets in Alberta. Alberta Health, Alberta Agriculture and Forestry (AF) and AHS are committed to ensuring market managers and vendors have a minimum level of food safety training.

The Farmers' Market Home Study Course, developed and maintained by AHS, is **mandatory** for all market managers **and** food and agricultural vendors (including BC fruit vendors) *who have not already completed a food sanitation and hygiene training program and who are not required to complete the food safety training described under Section 31 of the Food Regulation*. If any of you or your vendors have completed one of these other courses, you are not required to complete the home study course.

If you aren't sure who should take the course, consider this: **If a vendor can touch the food directly, they need to take the course.** This also includes those home based business vendors who may only be sampling their commercially prepared products, e.g. Epicure or Sunset Gourmet.

The Farmers' Market Home Study course must be completed within **one year** of becoming a manager or vendor. It can be found online at: www.sunnygirl.ca or if you require a paper copy, please contact **Eileen Kotowich**.

Upon successful completion of the course (passing grade of 80%), you will be sent a certificate by AHS which is valid for three years. **Market managers and vendors should be displaying their food safety certificates at the market, including those certificates issued for any of the other courses.** This shows our customers that all food vendors have at least a minimum level of training and really care about the safety of the food they are selling. For vendors who are selling at multiple markets, a copy of the certificate is acceptable for display purposes.

If you haven't already done so, please send a copy of your food safety certificate to Eileen either by mail, fax or email. We don't know you have taken the course without seeing the certificate and decisions about your approval status can be impacted.

Insurance: All approved farmers' markets are required to provide proof of liability insurance in order to retain approval status. You will be contacted approximately six weeks before we need a copy of your certificate of insurance. Please pay attention to the deadline date in your letter as your approval status may be impacted if we don't receive the new certificate of insurance in time.

Keep in mind that the market liability insurance does **not** extend to vendors and their products. Vendors are advised to secure their own insurance in order to be protected from liability claims. Members of the Alberta Farmers' Market Association can take advantage of their group policy. Contact them directly at 1-866-754-2362 or visit their website at www.albertamarkets.com for more information.

Legislative Enforcement: The following are some reminders about specific pieces of legislation. Refer to the Market Manager Training manual for a more complete list. If you have any questions about the legislation, contact **Eileen Kotowich, Marissa Brewer** or the appropriate enforcement agency for clarification.

The farmers' market manager is the first point of contact for public health inspectors, inspectors from other departments/agencies and the farmers' market specialist. Market managers need to be fully aware of legislation that impacts the vendors who sell at their markets because compliance is a requirement, not an option. Managers have the responsibility to ensure vendors are complying with all legislation and to prevent vendors from selling products that are in clear violation of any legislation and not just the Food Regulation.

Earlier this year, we published six regulatory fact sheets aimed at farm direct marketers and others selling direct to consumer. These fact sheets are available online at [http://www1.agric.gov.ab.ca/\\$department/deptdocs.nsf/all/agdex13504](http://www1.agric.gov.ab.ca/$department/deptdocs.nsf/all/agdex13504) or in hard copy by calling our Publications Office at 780-427-0391 and ordering by Agdex number. Dial 310-0000 first for toll-free access.

Agdex #	Publication Name
844-1	Farm Direct Marketing: Know the Regulations – General Legislation
844-2	Farm Direct Marketing: Know the Regulations – Food Labels
844-3	Farm Direct Marketing: Know the Regulations – Food Claims
844-4	Farm Direct Marketing: Know the Regulations – Meat and Meat Products
844-5	Farm Direct Marketing: Know the Regulations – Poultry and Poultry Products
844-6	Farm Direct Marketing: Know the Regulations – Fruits, Vegetables and Products

- 1. Food Regulation:** Under the Alberta Food Regulation, stallholder responsibilities are clearly stated. In addition, it is very clearly stated that the farmers' market permit holder,

i.e. the farmers' market manager, must ensure that stallholders comply with the Food Regulation. In simple terms, by allowing vendors to break the law, you are breaking the law and the farmers' market permit for the market could be revoked, resulting in loss of approval status. Loss of approval status means you will be operating as a public market where all food vendors must be individually permitted and producing their food products in a permitted facility.

According to the Food Regulation, each approved market must be issued a food permit by AHS. **This permit should always be on display in your market.** Contact your public health inspector if you have any questions about your food permit or with regards to any food items being sold at your market. If you are having a vendor meeting early in the year, consider inviting your health inspector so all food vendors can be updated on any changes.

On April 14, 2015, we offered a webinar on the Food Regulation. It was taped and is available for viewing at:

[http://www1.agric.gov.ab.ca/\\$Department/deptdocs.nsf/All/explore14025](http://www1.agric.gov.ab.ca/$Department/deptdocs.nsf/All/explore14025)

One of Eileen's and Marissa's roles is to be your liaison with AHS management. Over the years, a common complaint from vendors and market managers has been the inconsistent interpretation of the *Public Health Act* Food Regulation between markets. AHS has implemented provincial standard operating procedures (SOPs) for approved farmers' markets resulting in more consistent interpretations of the Food Regulation across the province. Keep in mind that a health inspector will always have the authority to make decisions to protect public health. This means that an inspector witnessing something in our markets that would negatively impact public health is required to take action immediately, even if that action is different from what you had experienced before. In addition, every market is different with respect to location and the amenities available at that location so an inspector can never treat two markets exactly the same. The same vendor may also be treated differently at each market he/she attends because of these different circumstances. I will send out a separate document with some of the more common AHS expectations in the next few weeks.

Concession vendors: I have had quite a few questions lately about concession vendors and how they fit into the markets. Concession vendors and food trucks should be reported on your vendor listing just like any other vendor. If they are making the product they are selling, they fall into the 80% Food category. If the food they are selling does not require a lot of value adding such as a hot dog vendor who purchases his wieners and buns from a store, they fall into the 20% Other category.

AHS, on the other hand, does treat concession vendors differently under the Food Regulation. In their eyes, a concession vendor or food truck is NOT a farmers' market vendor which simply means they do not fall under the market's farmers' market permit and they cannot sell home produced foods. All foods sold through a concession or food truck must come from an approved source. i.e. permitted facility, and be prepared in a commercial kitchen by a permitted vendor. In essence, they are no different than a restaurant. I know in the past some of our smaller markets were allowed to have a vendor set up a lunch that was prepared at home. AHS is getting much stricter on this, making this

sort of arrangement a thing of the past. Work with your health inspector to be sure your concession vendors are in full compliance.

We also have markets whose concession vendor is a local non-profit group using the concession proceeds as a fundraiser for their organization. These fall under yet another section of the Food Regulation where home prepared foods are allowed. Again, work with your health inspector to ensure this vendor is in compliance with the Food Regulation.

2. **Product Labelling:** As per the Canadian Food Inspection Agency (CFIA) website, *“The food label is one of the most important and direct means of communicating product information between buyers and sellers. It is one of the primary means by which consumers differentiate between individual foods and brands to make informed purchasing choices.”* The label serves three primary functions:

- Provides basic product information
- Provides health, safety and nutrition information
- Acts as a vehicle for food marketing, promotion and advertising

All **pre-packaged** food products, regardless of where they are sold, are required to have a label with the following information:

- Common name of product
- Net quantity
- List of ingredients in descending order (including food allergens)
- Durable life date, if 90 days or less
- Storage instructions, if required
- Name and address of person making the product (including postal code)
- Allergens
- Nutrition fact table – unless exempt
- Bilingual labelling – unless exempt

It is **not sufficient** to simply have the ingredient list available when selling a prepackaged product. Ingredients must be part of the product label.

Many vendors are now opting to sell their items individually, i.e. cupcakes or cookies selected from a bulk container by the customer. When a product is being packaged on site, a product label is not required. However, an ingredient list **must** be available for customers to see.

If baking is frozen and thawed to be sold at market, it requires a durable life date on the label. While vendors do not have to label the baking as previously frozen, they also cannot indicate it is “fresh” either verbally or on the label.

There are very specific conditions that must be met if vendors are going to make any type of claim about their food products, either verbally or in writing. Gluten free is one example of a claim. The Food and Health Unit of Alberta Agriculture and Forestry has produced three short animated videos to help food manufacturers decide if they want to meet the needs of

the growing allergy and gluten free market. It can be found at: www.agriculture.alberta.ca/foodandhealth. Please share with your food vendors.

Nutrition labelling is not required for most foods sold at farmers' markets. However, there are foods which do not receive this exemption regardless of where they are sold. Check the CFIA website for more information.

The CFIA recently replaced the Guide to Food Labelling and Advertising with their Industry Labelling Tool. The tool is the food labelling reference for all food inspectors and stakeholders in Canada. It provides consolidated, reorganized and expanded labelling information. This tool provides information on:

- Food Products that Require a Label
- General Principles for Labelling and Advertising
- Labelling Requirements Checklist

It can be found online at: www.inspection.gc.ca under the FOOD tab in the top bar.

3. **Eggs:** Uninspected, ungraded eggs can be sold at a farmers' market directly to end consumers for their own personal use provided that:
 - the eggs are produced on the producer's own farm;
 - the eggs are clean, have no visible cracks and are not leaking and;
 - the eggs are kept at an ambient temperature of 7° C or less.

Eggs must be packed in clean containers that are **conspicuously labelled with the word "UNINSPECTED" in letters that are at least 2 centimetres high**. If uninspected eggs are being sold in recycled cartons, the grade must be covered up. According to labelling regulations, the name of the grading station on recycled egg cartons should also be covered. In addition, the carton must be labelled with the producer's name and address.

Eggs **must not** be sitting out on a vendor's table because the ambient air temperature is too warm. One carton can be displayed to attract customers' attention, but the eggs for sale should be held in a cooler that can maintain the cool temperatures. Eggs in an open refrigeration unit can be displayed provided the air temperature around the eggs is less than 7° C. Placing a thermometer in the cooler is strongly advised.

Cracked eggs cannot be sold because research has shown that cracked eggs can become contaminated very quickly, especially if laid in dirty egg boxes. Once contaminated, the egg contents can't be sterilized by normal practices such as washing.

It is **illegal** for vendors to sell uninspected and ungraded eggs that were produced on someone else's farm.

Uninspected eggs cannot be used as an ingredient in a product destined for sale. This means vendors cannot use their own uninspected farm eggs in their baking nor can they purchase uninspected eggs from another vendor to use in their baking or pickling.

4. **Meat:** Any meat, such as beef, pork, lamb, bison, poultry and farmed deer and elk being offered for sale in Alberta must be government inspected and approved fit for human consumption. Meat being brought in from another province must have been slaughtered in a federal facility. It is the manager's responsibility to ask for proof of government inspection.
5. **Functional foods and/or natural health products:** Sales of functional foods or natural health products are allowed at farmers' markets **provided the manufacturer is licensed with Health Canada and has received their approval.** If you have any vendors who want to sell these products, send them directly to Health Canada at 1-866-225-0709.

There continue to be new vendors wanting to bring in products such as kombucha, kefir, etc. Health Canada made a ruling last year that these products are not considered natural health products and so are subject to provincial food legislation. We have agreed with AHS that a vendor at an Alberta approved farmers' market will only be allowed to sell these products if they are being produced and packaged in a commercial kitchen by a fully permitted individual. Vendors must be able to provide proof that the product is acceptable to AHS prior to selling.

6. **Cottage Wines:** Cottage wines are allowed for sale at approved farmers' markets. A licensed cottage winery can apply at an approved farmers' market and upon acceptance, will receive an extension to their existing license from the Alberta Liquor and Gaming Commission. This license **must** be posted at the market.
7. **Textiles:** The federal *Textile Labelling Act* requires that consumer textile articles bear accurate and meaningful labelling information to help consumers make informed purchasing decisions. The Act prohibits the making of false or misleading representations and sets out specifications for mandatory label information such as:
 - the fibre content information expressed in percentages by mass
 - the dealer's full name and postal address or a CA identification number

For more information, go to www.competitionbureau.gc.ca and click on the TOOLS tab in the top bar. Contact the Competition Bureau directly at 1-800-348-5358.

8. **Cosmetics:** Under the Food and Drugs Act, a cosmetic is defined as:

"Any substance or mixture of substances manufactured, sold or represented for use in cleansing, improving or altering the complexion, skin, hair or teeth, and includes deodorants and perfumes."

Every manufacturer and importer of cosmetics is required to submit a completed Cosmetic Notification form for each cosmetic intended for sale. It is the vendor's responsibility to ensure compliance with all regulations. For any questions regarding cosmetics, contact Health Canada at 780-495-2626 or go to:

<http://www.hc-sc.gc.ca/cps-spc/cosmet-person/notification-declaration/index-eng.php>.

9. **Organic Certification:** Products produced and sold only in Alberta are not subject to the Organic Products Regulations. If a vendor markets his/her products as organic, they are expected to demonstrate that the product is organic. Request a copy of the organic certification certificate if you have vendors who are making organic claims.

Reseller's Product: If you have Alberta producers who are supplying the market with sufficient product to satisfy consumer demand, **product from other provinces or re-sellers must be taken off the tables.** For example if you have Alberta producers providing the market with sufficient potatoes to meet customer needs, any BC vendor or re-seller **must** remove potatoes from their tables. Province/country of origin labelling is **required** for out-of-province and out-of-country products.

Up to 20% of the vendors in a market may sell products which they have not made, baked or grown. However, it is fraudulent for a vendor to claim a product has been made, baked or grown by the vendor when it is in fact a resale item.

Taber corn: Taber corn is a very popular item in markets across the province, attracting customers because of the name. Many Taber corn vendors purchase corn from a corn producer in southern Alberta and then resell it at markets around the province. It is within the manager's authority to ask for proof of authenticity for any corn labelled as Taber corn. All vendors should be able to provide the manager with a producer name and contact information for verification purposes.

Sunnygirl Logo: The Sunnygirl is the official mark of approved farmers' markets and, along with the Approved Farmers' Market Program, is owned by the Province of Alberta. This logo helps the consumer identify that the market is approved and is affiliated with a chain of high quality markets offering Alberta-produced products that consumers can trust. If you are an Alberta approved farmers' market, you should use the Sunnygirl logo in your promotions and on your signs. Contact **Eileen Kotowich** to get a copy of the logo.



Email addresses: We use email addresses to send managers information about the Program as well as information about upcoming events that may be of interest to you and your vendors. We would like to have as complete an email list as possible because sometimes postal mail is not an option for getting time sensitive information out to you. *If you or someone on your market board is willing to share their email address, please contact **Delores Serafin**.* Please be assured, under Freedom of Information and Protection of Privacy legislation, we are not allowed to share our lists – even with our colleagues.

I hope all of you have a wonderful market season. If you have any questions or concerns, please do not hesitate to contact any of us.

Sincerely,

A handwritten signature in cursive script, appearing to read "E. Kotowich".

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