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HONEY SALES GUIDANCE DOCUMENT

PURPOSE

The purpose of this document is to provide guidance to state and local health authorities and other interested parties regarding licensure of raw and processed honey products.

BACKGROUND

Two statutory chapters that govern food licensing in Montana are the retail chapter and the wholesale chapter. Title 50 Chapter 50 of the Montana Code Annotated (MCA) regulates Farmer's Markets, Cottage Food, and Retail Food Establishments. Per this code, raw honey is included in the definition of a raw agricultural product, and therefore, does not need a license to be sold at retail, directly to a consumer.

Title 50 Chapter 57 of the MCA regulates wholesaling of food or the sale of food to an entity that then resells that food to a consumer. In chapter 57, honey is not specifically mentioned, however, a wholesale food manufacturing establishment means a facility and the facility's buildings or structures used to manufacture or prepare food at the wholesale level.

DEFINITIONS (Mont. Code Ann. § 50-31-103, 50-50-102, and 50-57-102)

- "Cottage food operation" means a person who provides, manufactures, or packages cottage food products only in a kitchen in a registered area of a domestic residence and only for direct sale to a consumer in this state.
- "Farmer's market" means a farm premises, a food stand owned and operated by a farmer, or an organized market authorized by the appropriate municipal or county authority under MCA 7-21-3301.
- "Processing" means cooking, baking, heating, drying, mixing, grinding, churning, separating, extracting, cutting, freezing, or otherwise manufacturing a food or changing the physical characteristics of a food and the enclosure of the food in a package.
- "Raw agricultural commodity" means any food in its raw, unaltered state, including fruits, vegetables, raw honey, and grains. A raw agricultural commodity may be in a container if putting the commodity in a container does not alter the raw state.
- "Regulatory authority" means the department, the local board of health, the local health officer, or the local sanitarian.
- "Retail" means the provision of food directly to the consumer.
- "Wholesale" means the sale or provision of food to a retail food establishment or to another person engaged in retail sales who sells or provides the food directly to the consumer.



RAW HONEY

The National Honey Board defines raw honey meaning honey as it exists in the beehive or as obtained by extraction, settling or straining without adding heat. This is honey that *has not* been heated for extraction from the comb, filtered, diluted, whipped, had flavor or sweetener added, or been processed by any other value-added method; see definition of processing above.

PROCESSED HONEY

Processed honey means honey that is no longer in its raw state—it is honey to which has added ingredients or has changes made to the characteristics of the raw honey in some way; see definition of processing above. This can include honey that has been heated for extraction, filtered, added ingredients such as flavorings, herbs or spices, diluted with sweeteners, has been pasteurized, or creamed/whipped.

LICENSURE

The requirement for licensure depends on the type of honey and whether the seller intends to sell honey directly to the consumer (retail) or if they intend to sell the product to another business who then sells the product to the consumer (wholesale).

- In general, the retail sale or direct to consumer sale of RAW honey does not require a license. More specifically:
 - Farmer's Markets: if the operator intends to sell only raw honey, they are not required to have a retail license to sell their product at a Farmer's Market (Definition of farmer's market above).
 - Cottage Food: the cottage food rule does require registration for the sale of honey outside of a Farmer's Market.
 - Retail Food: a retail food license is not required if an establishment plans to only sell RAW honey. However, it is required if the establishment intends to use a heat process to extract the honey from the comb, filter, add a flavor, whip or do any other added value process.
- A wholesale license is required if honey is provided to retail outlets for resale to the end consumer.
- Labeling requirements apply to all honey products. Please see the example honey label below which meets all of Montana's labeling requirements.



LABELING

Honey should be labeled in accordance with the FDA Guidance for Industry: [Proper Labeling of Honey and Honey Products](#). Since there are scenarios where a honey retailer would not need a license but would still be required to provide a label, we've made an example label below.

HONEY
Name of producer
Address (Physical Address—not PO Box)
City, State, Zip code
Net Wt. ___oz (___g)

FREQUENTLY ASKED QUESTIONS

Q: Do I need a license to sell only RAW honey directly to the consumer?

A: No, you may sell RAW honey directly to the end consumer without a license if the transaction is an in-person, face-to-face interaction. This includes at your home, farmer's markets, or craft fairs. You may also sell RAW honey at your own store without a license if it is the only food product you sell, or you only sell exempt foods that do not require a license, such as commercially prepackaged foods that are not potentially hazardous.

Q: Do I need a license to sell PROCESSED honey directly to the consumer?

A: The type of license will depend on the venues at which you wish to sell the PROCESSED honey directly to the consumer. Please contact your [local regulatory authority](#) for more information.

Q: Do I need a license to sell PROCESSED honey that I make at home and take to the farmer's market?

A: If you process honey at home, you may sell the PROCESSED honey at your home, farmers markets, or other venues such as craft fairs by completing a cottage food registration with your local regulatory authority. You may also sell this product under the Montana Local Food Choice Act.

Q: What if I want to sell my honey (RAW or PROCESSED) to other businesses such as a grocery store or gift shop?

A: A wholesale food license is required if the product is sold to another business that then sells it to the consumer. Please contact your [local regulatory authority](#) to obtain a wholesale license. More information on wholesaling is available online at [ehfs.mt.gov](#) under "Wholesale Food Establishments".



Q: What do I need to do to sell RAW or PROCESSED honey over the internet?

A: Contact your [local regulatory authority](#) to determine if licensing is applicable.

Q: How should I label my honey?

A: All honey sold in containers must be labeled with the product's identity (honey), contact information of the producer, and net weight, as shown above. You may call your product "honey" if there are no added ingredients or flavor. If flavor is added, it must be indicated in the name of the product. If sugar or other sweetener is added, then the name must indicate the product is a blend of honey and that sweetener. If anything is added to the honey, you must have an ingredient list with all ingredients listed from greatest to least amount. Additional information may be found on the Honey Board website at www.honey.com.

Q: Can I make health or nutrient claims on my honey label? Is a nutrition label necessary?

A: The FDA has very strict rules about health and nutrient claims on labels. Health claims are not allowed unless there is scientific proof. Nutrition labeling is only required under certain circumstances, please contact your local regulatory authority for more information.

Q: Do I need to put a warning on my label for infants?

A: Although it is not required, honey producers often include a statement like the following: "Warning: Honey should not be fed to infants under one year of age." Honey may contain *Clostridium botulinum* spores that can cause infant botulism, a rare but serious disease that affects the nervous system of young babies (under one-year-old). *C. botulinum* spores are present throughout the environment and may be found in dust, soil, and improperly canned foods. Adults and children over one year of age are routinely exposed to, but not normally affected by *C. botulinum* spores.