



— Department of —  
Health & Human Services

110 Fifth Street, Suite 500  
Salem, New Jersey 08079  
856-935-7510 ext. 8448  
Fax 856-935-8483

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## Unregulated Food Exemptions

According to the Chapter 24 Retail Food Code in New Jersey, food which is offered to the public for sale or service must be prepared in a commercially approved and inspected kitchen, however some exemptions apply. Commercially packaged items that are unopened and still in their original container or wrappers, that do not require refrigeration as well as some foods that are made in a private home kitchen are exempt if **all** of the following conditions are met:

- 1) The food is being sold or offered as part of a function such as a fundraising event for a charitable organization or club. The exemption does not apply to a mobile vendor offering food routinely as a matter of business.
- 2) The food must not be potentially hazardous. Generally speaking, food that is made from meats, dairy, cut fruits and vegetables, or requires refrigeration or cooking to kill or keep harmful organisms from growing, would not meet the requirement and therefore cannot be prepared in a private home. However foods that once prepared, do not require refrigeration or heat to prevent the growth of harmful organisms may be exempt. To be certain, you must contact the health department for a determination.
  - The following are examples of foods that are not regulated and may be prepared in a private home if all conditions are met. Baked goods such as fruit pies, baked pumpkin and custard pies, brownies, cakes, cookies and similar items that do not require refrigeration. Examples of baked goods that would **not** be allowed include in which the final product contains cream or cheese based icings and fillings, cheesecakes or pudding based pies that require refrigeration.
  - The following are examples of non-potentially hazardous foods that are commercially prepared and packaged and do not require refrigeration: candy, chips, soda, bottled water, beef jerky, unopened jars and can goods, etc. These types of items may also be offered if all conditions are met.
- 3) As a final condition of this exemption, the consumer must be informed that the food was prepared in a kitchen that is not subject to regulation and inspection by the health department, by the posting of a clearly visible placard. The health department will supply you with this placard upon receiving and approving the list of items you intend to offer.

If you would like to have an event and offer food that meets the above requirements, simply fill out the following page and submit it to the health department. You may mail or fax the following affidavit or contact the number above for an email address.



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**Unregulated Food Affidavit**

I, the undersigned, am the duly authorized representative of:

\_\_\_\_\_  
(Name and address of Organization or Affiliation)

I hereby certify as per NJAC 8:24 – 1.5 that my organization/affiliation is selling and/or donating non-potentially hazardous goods only. I understand that during:

\_\_\_\_\_ (name of event) on \_\_\_\_\_ (date of event)

the consumer shall be informed by a clearly visible placard at the sales or service location that the food is prepared in a kitchen that is not subject to regulation and inspection by the health authority. Furthermore, if my organization decides to sell any potentially hazardous food items, we are subject to application review and approval and shall be inspected by the health department before we can sell those items. For further clarification on what non-potentially hazardous foods are, feel free to contact our office at 856-935-7510 ext 8448.

Please provide a brief description of the specific items that will be sold and/or donated at the event:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*I hereby swear (or affirm) that the statements, brief description made and answered by me are true. I am aware that if any of these statements and brief description made by me is willfully false, then I am subject to criminal prosecution for false swearing; and that filing a fraudulent affidavit could result in the assessment of civil penalties.*

Date: \_\_\_\_\_

\_\_\_\_\_  
(Print Name & Title as the company official)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Telephone number)