



Department of Public Health and Human Services

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Cottage Food Internet Sales

This guidance document is intended to clarify the term “internet sales” in the direct sale of cottage food in the following definition:

"Direct sale" means a face-to-face purchase or exchange of the cottage food product between the manufacturer or packager of a cottage food product and a consumer or individual purchasing the cottage food product as a gift. The direct sale may not be by consignment or involve shipping or internet sales 50-50-102(6) MCA.

It is the interpretation of DPHHS that a Montana cottage food operator may advertise and coordinate the sale for their approved products via the internet, social media, other electronic communications or phone.

The legislative intent was to ensure that each individual purchasing a cottage food knows that the food is produced in an uninspected home kitchen, without restricting advertising to potential customers. This is done in two ways, the first is through labeling and the second is through the buyer receiving the product in a face to face transaction with the operator, as described in the definition above.

Examples of Sales:

Allowed:

- Purchaser pick up of products at the cottage food producers home
- Delivery of the products to the purchaser's home or an agreed upon meeting location by the producer

Not Allowed:

- Other third party delivery services such as a motorized or bike courier, USPS, UPS, FedEx, or any other mailing or shipping firm
- Amazon, ebay, or other similar services where the transaction does not include a face to face interaction between the buyer and seller