

Selling food from a stall – food safety tips

People who manufacture, package, prepare, store, handle or sell food from stalls are subject to food safety laws. They will need to meet the requirements of the Food Act 1981, the Food Hygiene Regulations 1974 and/or possibly the Animal Products Act 1999 and Wine Act 2003. With some exceptions they will need to register their food activities. Information about this is in the ‘food regulatory information’ section.

It is illegal to sell food that is not safe. Safe food means that the food is unlikely to cause or lead to illness of, or injury to, the consumer.

The purpose of these food safety tips is to provide information to people who want to sell food from a stall (eg at a market) meet their food safety requirements. More information is in ‘Selling food from a stall – a guide to food safety regulation.’

Further help is available from your local council or the local council(s) where you operate your stall.

[Get contact details for your local council](#) (External website)

A handy definition when selling food from a stall

Readily perishable food – food that needs to be kept at certain temperatures (eg below 4°C or above 60°C) to minimise the growth of harmful microbes that can be present in the food. Food that meets both of the following criteria is considered readily perishable:

- the food may contain microbes that need to multiply in order to cause illness; and
- the food will support the growth of harmful microbes.

Foods that are readily perishable include:

- raw and cooked meat or foods containing raw or cooked meat, for example delicatessen foods, meat pies
- dairy products and foods containing dairy products, for example ice cream and dairy-based desserts
- raw and cooked seafood and foods containing seafood
- processed fruits and vegetables, for example salads and unpasteurised juices
- processed foods containing eggs, rice, pasta, beans, nuts or other protein-rich food, for example quiche and soya bean products
- foods that contain any of the above foods, for example sandwiches and wraps

- food that must be kept under temperature control to prevent toxins forming, for example, scombroid fish (such as tuna, kahawi, mackerel) that need to be kept chilled after capture to when they are cooked to minimise the formation of histamine.

Hygiene tips at stalls

Stall construction

Anyone operating a stall needs to ensure that it is constructed to help keep food safe.

Construction will need to take into account the type of food sold and what will protect it from contamination from:

- the elements;
- people and other activities at the stall;
- people and activities at adjoining stalls; and
- customers at the stall.

Where food is prepared or is sold unwrapped the construction will need to provide a greater level of protection (eg cover, sides) than where pre-packaged ambient temperature food is sold.

Surfaces directly in contact with packaging or food should not contaminate it and be:

- in good condition;
- free from potential wood/metal/rust splinters/things that could contaminate food; and
- impervious (waterproof) and able to be cleaned (and sanitised if needed).

Stall facilities

A stall-holder needs to provide facilities and equipment at the stall to help keep food safe.

Hygiene

Where unwrapped readily perishable food is handled or prepared facilities at the stall should enable:

- people handling food to wash and dry their hands;
- equipment and food surfaces to be regularly cleaned; and
- a supply of drinkable water is needed for hand washing and cleaning.

A stall selling pre-packaged food or fruit and vegetables or one offering taster samples for pre-packaged food may be able to use instead:

- hand-wipes at the stall and on-site services (eg those provided at a market)
- a spillages kit at the stall, and on-site services to deal with emergency cleaning.

It may be possible to clean the stall and equipment elsewhere (eg using facilities provided at the stall's home base) if a sufficient supply of clean equipment, utensils etc. are provided when trading and the local council finds the arrangement satisfactory.

Food temperature control

The operator should provide enough equipment at the stall when:

- cold food needs to be kept cold (eg no more than 4°C)
- frozen food needs to be kept frozen solid
- food needs to be cooked thoroughly
- hot food needs to be kept hot (eg above 60°C).

Good practices with chilled foods

Regularly check refrigerated/chilled food to make sure that it remains at or below 4°C.

If you don't have a portable refrigeration unit to transport or store chilled food use a chilly bin with a plentiful supply of cold slicker pads or ice to keep food cold. Replace thawed pads or ice.

Display chilled food out of direct sunlight. Use a refrigerated or chilled display that keeps food below 4°C. Alternatively display a sample of the food and serve customers from stock held below 4°C.

If readily perishable food is above 4°C

Harmful microbes can grow quickly to large numbers when the temperature increases. Food may spend short periods at temperatures above 4°C, eg when transferred between chilled storage, transport and display and when used eg as an ingredient. This total time should not exceed two hours.

If readily perishable food has been at more than 4°C for two hours or less, chill it to below 4°C immediately.

If readily perishable food has been above 4°C for more than two hours or when the length of time it has been at this temperature is unknown, throw it out.

Put out small amounts of samples/tasters and regularly replenish them. Use-up the 'old' samples before the new ones. Regularly replace used/dirty containers with clean ones.

Food transport, storage and display

Food can face microbial, physical and chemical hazards if not transported, stored or displayed properly. A stall operator needs to use practices that will keep food safe. Readily perishable food kept between 4°C and 60°C could make people ill.

Transport food to a stall:

- keeping uncooked food apart from cooked or ready-to-eat food;
- using clean, covered containers that are kept in good condition; and
- keeping parts of vehicles used to carry food clean and free from things that could contaminate it.

Store and display food at a stall:

- off the ground;
- protected from the elements, windblown dust, birds, pests and pets;
- in clean wrapping, or in a display cabinet or in a clean, covered container, particularly if it is ready-to-eat; and
- using equipment that is kept in good condition.

Operating the stall

People

Safe food starts with people that handle it and who understand and follow good hygiene practices. Providing ready access to facilities will help them to do this.

- People who have cold or flu symptoms or who have had sickness or diarrhoea within the previous 48 hours or anyone with sores/lesions on their hands, neck or head should not be involved in preparing or handling food.
- Always wash and dry your hands thoroughly before handling or touching food, especially after going to the toilet, handling rubbish or pets, etc.
- Gloves don't replace hand washing and don't stay clean. If you use them change them between activities, eg, after handling uncooked food and before handling ready-to-eat food. Thoroughly wash and dry your hands when replacing gloves.

- Wear clean overclothing, eg an apron, when handling unwrapped food to protect the food from becoming contaminated by everyday clothing.
- If possible have someone handling money who is not handling unwrapped food.
- Make sure that everyone involved with food understands how to handle food safely and hygienically. This might involve some simple training in good practices and supervision until they get it right.

Preparing and handling food

Harmful microbes can be transferred to food during preparing and handling that could make people ill.

Where there is unwrapped food at the stall:

- always wash hands before touching food and follow good hygiene practices (see 'People' section);
- use clean utensils (eg tongs) whenever possible to handle unwrapped food;
- keep readily perishable food either chilled (eg no more than 4°C) or hot (eg above 60°C);
- keep food covered to protect against contamination;
- regularly clean surfaces and equipment used for food, or change them and use clean replacements;
- use clean wrapping and packaging materials that do not taint or contaminate food – take care if reusing food packaging; and
- keep washed containers clean and check them for any contamination before using.

Cleaning and maintenance

Keeping working areas and equipment clean and in good condition prevents the build-up of harmful microbes and chemicals which could contaminate food and make people ill.

- keep the stall, food surfaces and equipment clean, including any surfaces used for food preparation, storage and display, food containers and utensils used for food;
- regularly clear rubbish from the stall and storage areas and dispose of it so that it does not attract pests; and
- keep the stall, food surfaces, containers and other equipment in a good condition. Replace surfaces and equipment that becomes cracked, damaged or broken.

Food composition and labelling

It is important that customers know what they are about to buy. Anyone who sells food from a stall is responsible for meeting the composition and labelling requirements of the Australia New Zealand Food Standards Code (the Code). Consumers must not be misled by information provided with food.

Food labelling needs to be in accordance with Code, and requirements include:

Pre-packaged products need to have information in English (it's OK to have other languages as well) on a label on the package that is clear enough to read and includes:

- an accurate description of the food;
- the name and address of the manufacturer or supplier (in New Zealand or Australia);
- quantity marking (e.g. net weight);
- appropriate date marking;
- a statement of ingredients; and
- nutrition information (if required).

Information on a label is very important as it helps food to be traced if anything goes wrong.

Labels must also provide, if appropriate:

- any specific standard that the food has to meet;
- warning and/or advisory statements for certain ingredients, and
- instructions for storage and use.

Unpackaged foods are exempt from most labelling requirements but a stall-holder needs to be able to tell a customer, if asked, what the ingredients are.

! Customers with allergies will want to know what is in food. Foods that most frequently cause allergic reactions include cereals, shellfish, eggs, fish, milk, nuts, sesame seeds, peanuts, soybeans, sulphites, wheat and bee products such as royal jelly, pollen and propolis.

It is important that a stall-holder can tell them whether unpackaged food that is not labelled contains:

- any allergen as an ingredient of the food; and
- whether any allergens might have come into contact with the food during processing and packaging.

This might happen if preparation surfaces and equipment have been used with other foods that contain allergens.

- Food sold from a stall for the sole purpose of charitable or community fund raising event for no personal gain, (such as at a school gala or church fete) does not need to be labelled, but a stall-holder must be able to tell a customer, if asked, what ingredients are in the food.
- Some things cannot be added to food, while others can only be added in small amounts (eg colours and preservatives). Anyone using food additives should check with the Code to see whether there are any limitations.
- The composition of some foods is regulated (eg certain constituents of fruit juices, the pH of bottled fruit and vegetables, the amount of milk fat in ice cream, that iodised salt must be used in baking bread). Anyone making food should check with the Code for any regulation that applies.
- Food must not be mis-represented (eg by saying it is home-made when it comes from a supermarket, or a product of NZ when it has been imported, or containing a higher proportion of a main ingredient than it does).

The Food Standards Code can be accessed at:

[Food Standards Code](#)

A guide to whether food needs labelling, and what needs to be on a label is at:

[Food Labelling Guide](#)

A guide to which foods need a nutrition information panel (NIP), and developing a NIP for a product is at:

[Nutrition Information Panel Calculator](#)

Organic food

Organic food needs to meet the same safety and suitability requirements as any other food sold in New Zealand. It must also meet the same labelling and composition standards.

Information about selling organic produce in New Zealand can be found at:

[Organics](#)

Handy hints for stall-holders

You can use the table below to identify the food that you will be selling at a stall, and how you will be operating to meet food safety and hygiene requirements. Guidance on the law is in the ‘Selling food from a stall – a guide to food safety regulation.’

I sell this/these food(s): [tick box(es) that apply]	My business currently operates with: [tick box that applies]			My business is currently exempt from registration Exempt
	RMP	FSP	FHR	
<input type="checkbox"/> Fresh/frozen raw meat	<input type="checkbox"/>	<input type="checkbox"/>	Not available	Not available
<input type="checkbox"/> Fresh/frozen processed meat	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Not available
<input type="checkbox"/> Fish/shellfish	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Not available
<input type="checkbox"/> Fruit/vegetable	Not available	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> (state why)
<input type="checkbox"/> Bread	Not available	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> (state why)
<input type="checkbox"/> Pies/cakes	<input type="checkbox"/> If meat or fish	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> (state why)
<input type="checkbox"/> Honey	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> (state why)
<input type="checkbox"/> Milk/butter/cream	<input type="checkbox"/>	<input type="checkbox"/>	Retail only <input type="checkbox"/>	<input type="checkbox"/> (state why)
<input type="checkbox"/> Eggs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Small producer only (APA) <input type="checkbox"/>
<input type="checkbox"/> Wine, cider, fruit wine ¹ - subject to Wine Act 2003	<input type="checkbox"/> WiSM	<input type="checkbox"/> WiSM exempt	<input type="checkbox"/> WiSM exempt	<input type="checkbox"/> Small producer only (WA)
<input type="checkbox"/> Beer, spirits ¹	Not available	<input type="checkbox"/>	<input type="checkbox"/>	Not available
<input type="checkbox"/> Catering/breakfast tent	Not available	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> (state why)
<input type="checkbox"/> Other type of food	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> (state why)
<input type="checkbox"/> the stall construction enables the storage, handling and display of safe food				
<input type="checkbox"/> there's sufficient equipment and facilities at the stall to meet requirements for:				
<input type="checkbox"/> preparing food hygienically <input type="checkbox"/> handling food hygienically <input type="checkbox"/> personal hygiene				
<input type="checkbox"/> storing/displaying cold food <input type="checkbox"/> serving/packaging food <input type="checkbox"/> storing/displaying hot food				
<input type="checkbox"/> cleaning/sanitising <input type="checkbox"/> water supply <input type="checkbox"/> waste water disposal <input type="checkbox"/> solid waste disposal				

¹ Liquor licensing also applies at retail. Wine makers are required to operate a Wine Standards Management Plan (WiSM).