

RECENT CHANGES FOR FARMERS' MARKET VENDORS IN ALBERTA / INTRODUCING THE “MADE IN ALBERTA, BY ALBERTANS” LABEL

Posted on August 11, 2021

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Earlier this summer, the Alberta Ministry of Agriculture and Forestry (“**AAF**”) published revised [Alberta Approved Farmers' Market Program Guidelines](#) (“**New Guidelines**”) outlining various changes to requirements for farmers' markets and vendors operating at any one of approximately 140 AAF-approved farmers' markets across Alberta. The New Guidelines align with recent amendments to the *Food Regulation* allowing for the sale of “[low-risk home-prepared food](#)”. These changes were prompted by the Alberta Government's aim to reduce red tape, promote Alberta businesses and “buy-local” campaigns, and followed a period of consultation completed in 2020. For a discussion of other farm direct marketing methods like roadside stands, u-pick operations and municipal buying clubs, please see [this AAF factsheet](#).

As a reminder, in addition to the [Food Regulation](#), there are several provincial guidelines and fact sheets that apply to farmers' markets, including the [Alberta Food Retail and Foodservices Code](#) and the [Starting an Alberta Approved Farmers' Market](#) fact sheet. Moreover, operators and vendors should familiarize themselves with applicable federal acts and regulations as well as Canadian Food Inspection Agency (CFIA) and Health Canada policies and standards that relate to food safety in Canada.

Which key requirements are changing for farmers' markets and their vendors?

- There is no longer a minimum number of hours of operation per market day (whereas previously, there was a minimum of 2 hours per market day)
- A market may now operate for a minimum of 5 market days per market season as opposed to 10
- The minimum number of market vendors is 5, down from 10 (but still averaged over the market season)
- All new markets will be granted *conditional* approval for up to 2 years, even if not meeting (i) the 80/20 ratio of Alberta-based vendors who make/bake/grow products to out-of-province or commercial vendors; or (ii) the minimum vendor rule noted above
- Certificates for completion of food safety training courses no longer need to be posted at the vendor's market stall, but still must be kept on file, together with records of any relevant additional information as

set out in the [Alberta Food Retail and Foodservices Code](#), and food establishment permits issued pursuant to the [Food Regulation](#) must still be displayed

- Two types of “discouraged products” have been added in the New Guidelines, namely foreign (out of country) products and products made/baked/grown outside Alberta sold by home-based businesses/franchises/distributorships

Which key requirements are staying the same for farmers’ markets and their vendors?

- The 80/20 ratio itself for Albertan-made/baked/grown products is unchanged
- Before beginning operations, a market vendor must obtain a farmers’ market food permit from Alberta Health Services
- Vendors, market managers and those in care and control of food must be [certified](#) in food safety, through an approved [course](#)
- A market must obtain insurance and provide a certificate of insurance to AAF every year
- A new market needs to operate on a non-profit basis (either through non-profit incorporation or sponsorship), have approved market rules developed by the board of directors or advisory committee, have approved vendor rules, and three letters of support from leaders or businesses in the community
- The list of prohibited vendor products (i.e. products not allowed at any time, namely used, antique or flea market items, uninspected meat/meat products, raw milk or milk products, live animals, and hatching eggs)

What is the “Made in Alberta, by Albertans” logo and label all about?

On August 9, 2021, the Government of Alberta launched the “Made in Alberta, by Albertans” logo, with a label being launched later this year. AAF [indicated](#) that it will be holding consultations with farmers, consumers and processors over the rules for implementing this label and the label’s design. This initiative continues Alberta’s commitment to supporting local agriculture production and sales, as shown by the AAF-trademarked [Sunnygirl logo](#), created for use by Alberta-approved farmers’ markets.

How can McMillan help you navigate these changes?

With offices in Calgary and across the country, McMillan offers a wealth of experience in all aspects of the agricultural production, marketing and sales food chain. With expertise in food labelling (at the federal and provincial levels), municipal bylaws and policies and business incorporations, our firm is well-positioned to answer your questions and concerns about the changes for farmers’ markets and their vendors, plus the impact of the new Made in Alberta logo and label. Do not hesitate to contact us for more information.

by [Julia Loney](#), [Jacob Stucken](#)

A Cautionary Note

The foregoing provides only an overview and does not constitute legal advice. Readers are cautioned against making any decisions based on this material alone. Rather, specific legal advice should be obtained.

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