



Agriculture and Markets

February 14, 2025

The following questions were submitted to the New York State Department of Agriculture and Markets by the organizers and participants of the 2025 Mid-Winter Maple Classic Conference held January 10-11, 2025 in Syracuse, NY. The answers reflect the Department's current policies and supersedes any prior guidelines.

- 1. If a sugar maker purchases sap from another farmer and boils it into syrup at their own farm, does this require a 20-C license?**

No, maple sap is considered a raw agricultural commodity and its sale or transfer does not require a 20-C license.

- 2. Is the allowance for "Bourbon Barrel Aged" Maple Syrup exclusive to bourbon? What if it is aged in the barrel of other spirits, such as gin, apple brandy, whiskey, etc.?**

No, this allowance is not exclusive to bourbon.

The following labeling requirements apply to all flavored maple syrups:

- Any flavored maple syrup must identify the added flavoring in the product name on the principal display panel in a manner that gives prominence to both the characterizing added flavor(s) and the maple syrup. For example, "Bourbon Barrel Aged Maple Syrup," "Apple Brandy Barrel Aged Maple Syrup," and "Cinnamon Infused Maple Syrup."*
- All flavored maple syrup products are required to have an ingredient statement on the information panel of the label/bottle.*
- Flavored maple syrup may not be labeled with the Grade on the principal display panel. It is optional but the grade may be used when listing maple syrup as an ingredient in the ingredient declaration section.*

(As per New York State Liquor Authority Advisory #2019-1, any beverage or food containing .5% or more of alcohol by volume is considered an alcoholic beverage and subject to their jurisdiction.)

3. If syrup is color graded correctly when it is packaged but darkens out of grade overtime, will the Department of Agriculture and Markets penalize the producer?

All grade requirements must remain unchanged from packaging through point of sale to the retail customer. This is the same as any other graded product, such as apples, potatoes, eggs, maple syrup, etc. As a general procedure for all commodities, when all grade and label requirements do not match that of the product, making the label false or misleading, a violation is written and it is the Department's regulatory responsibility to remove the product from sale.

The Department allows the retailer to decide the disposition of the lot in violation through one of the following methods:

- *removing the lot from sale and returning the product to the packer/distributor to bring the lot into compliance.*
- *destroying the product.*
- *re-grading the product and/or relabeling the lot to bring it into compliance (this is not allowed at retail for maple syrup and eggs because of unavailability of grading equipment).*

Upon any kind of violation, a warning letter is written to the retailer and sometimes also to the producer, distributor, or packer.

4. Is lot code required by NYS law? Federal law?

Neither NYSAGM nor the FDA mandate a lot or batch code be used on maple syrup. However, both agencies would recommend the use of lot or batch coding to enhance operational efficiency and regulatory compliance.

The NYS Maple Association's 2018 Best Practices document does recommend a batch number be assigned to every bottle. As stated in that document, "Assign a batch number when packaging any syrup. Batch number should be logged with drum number(s) or production date, and date packaged. Batch number should be on every retail package. It is a good idea to keep a small sample jar of the batch for a period of time greater than the anticipated product shelf life. Maintain a record where consumer package went for wholesale sales. (See appendix A, figure 5 for template log) Keep those logs for at least 3 years from the date of disposition.

In the absence of lot or batch numbers, any documented regulatory safety issues could affect all product produced.

- 5. Can a producer say Maple Syrup infused with [item here] and still be in compliance with the standard of identity?**

Please refer to the answer for question #2.

- 6. I can't afford a filter press, so I must use cloth filters. So, my syrup is never quite crystal clear. Am I in violation of the grade standard?**

Grade A is required to not be turbid, regardless of how this is achieved.

- 7. Can I sell processing grade syrup in a retail container if I don't call it "maple syrup"?**

No, Processing Grade Maple Syrup may not be sold, offered for sale or distributed in retail food stores or directly to consumers for household use.

The name "Processing Grade Maple Syrup" must conspicuously appear on the principal display panel of the food's label, and the words "For Food Processing Only" and "Not for Retail Sale" must also conspicuously appear on the food's principal display panel near the food's name and in a size reasonably related to the size of the name of the food.

To call this exact product anything other than what it is can be considered misbranding.

- 8. Are syrup bottles required to have a tamper evident seal?**

No, maple syrup is not required by law to have tamper-resistant packaging. It has become an industry standard to produce products in tamper-resistant packaging to enhance consumer trust by ensuring the safety and integrity of the product.

- 9. Is it legal to sell syrup made from sap collected in galvanized buckets?**

Food contact surfaces must be corrosion-resistant when in contact with food. While galvanized steel is coated with zinc to prevent rusting, it can corrode under certain conditions, especially when exposed to acidic or salty foods. This corrosion can lead to the leaching of zinc into the food, potentially causing contamination. Therefore, the Department does not recommend galvanized steel for direct food contact due to its potential risk. If galvanized steel buckets are to be used, the Department recommends a food grade liner to prevent direct contact.

The Recommended Food Safe Best Practices for Producing Maple Syrup In New York State, that was published by the NYS Maple Association and Department of Agriculture and Markets addresses galvanized steel as follows:

“All sugarhouse equipment that comes in contact with syrup should be lead-free, stainless steel or other food-grade materials. Don’t use galvanized or brass plumbing materials for sap transfer. Food preparation surfaces should be of impermeable, food-safe materials that can be cleaned and sterilized as needed to eliminate microbial growth.”

“Buckets with lead in soldered joints or galvanized buckets should not be used as this metal can leach into the sap.”

10. Is it legal to pack syrup in used barrels that were used for something other than syrup? If so, how do I clean them to ensure no residue of the previous liquid?

Food Grade barrels that have only stored food and are designed for reuse can be cleaned and sanitized. Proper cleaning and sanitizing should be performed according to the recommendation of the specific barrel company. When allergenic food was previously used in the container, i.e. milk, it is recommended an allergen test kit specific for use on rinse water be used to validate and confirm removal of allergen.

11. For odd-shaped bottles that require a tied-on tag instead of a label, what is the label law?

Labeling information must be on the tag and the tag attached to the product. When a properly labeled tag is attached to a product, it meets the labeling requirements.

12. Can I reuse glass bottles for retail sales?

Not under the current maple exemption. If any business chooses to reuse glass bottles, it will need a written and approved method to address the proper cleaning and sanitizing of the bottles and that would require a 20-C license.

13. Am I required to put both English and metric weight/volume on label?

Yes, please visit the Department’s website for specific labeling guidance:
[Food Labeling | Agriculture and Markets](#)

14. Not clear when we don't need to put full mailing address on label?

The full mailing address does not need to be on the label when the full business address is listed in a current city or telephone directory. If it is listed in a current directory, then the street address can be omitted and only the name of the business, city, state and zip code need to be on the label.

Please visit the Department's website for specific labeling guidance.

[Food Labeling | Agriculture and Markets](#)

15. What are the requirements for a 20-C kitchen?

If a firm operates retail from their 20-C facility, then the Retail Food Regulations serve as the guide to what is required.



CIR962 Rules and
Regulations Relating t

If the firm manufacturer operates for wholesale or off-site retail, then they are covered by Good Manufacturing Practices (GMPs)

<https://www.ecfr.gov/current/title-21/chapter-I/subchapter-B/part-117>

16. Does nutrition information need to be included on the label?

Many maple producers may qualify for the small business nutritional labeling exemption. This exemption only applies if a nutritional claim is not made, i.e. Fat Free. If a claim is made, then a nutritional fact statement is required. Please see additional information at this link: <https://www.fda.gov/regulatory-information/search-fda-guidance-documents/small-business-nutrition-labeling-exemption-guidance>

17. Why can't I just skim mold off the top and keep using the maple syrup?

Mold has root-like structures called hyphae that are not always visible and near impossible to remove from a fluid-based product.

18. Why does density need to be so precise?

The range of 66.0 to 68.9 percent was determined by the industry.

19. Can I make infused syrup without a certified kitchen?

Yes, provided the ingredient used to infuse the syrup meets the criteria stated in the 276.4(a) exemption. Visit the Department's website for more information: [mapleandhoneyexemptionguidance.pdf](#)

20. When is maple syrup no longer Pure maple syrup?

Any maple syrup that is flavored or has added ingredients is no longer pure maple syrup. Please see question #2 for labeling requirements.

21. When I run low, I buy a barrel of syrup from a neighbor. Must I call myself a packer and have a 20-C kitchen?

Yes, as per exemption 276.4(a), the buying of maple syrup from any other entity would then require a 20-C Food Processing license.

22. Why can't I make cotton candy without a 20-C?

Maple cotton candy can now be made without a 20-C license. Please visit the Department's website for more information:

<https://agriculture.ny.gov/system/files/documents/2024/07/mapleandhoneyexemptionguidance.pdf>

Before the exemption was amended, it previously said the addition of "any other" ingredient required a 20-C license. Maple cotton candy traditionally mixes maple and regular sugar in the machine.

Please note, home processors cannot make and sell cotton candy because most cotton candy machines are considered "commercial equipment," which is not permitted as a home processor.

23. What determines whether you need a 20-C license or kitchen exemption or nothing for specialty products? Coated nuts, mustard, bbq sauce, flavored spreads, etc.

The Department takes factors such as the product, equipment used, and intended avenues of sale into account to determine whether the Maple/Honey Exemption, Home Processing Exemption, or 20-C license applies.

Please reach out to the office closest to you for any additional questions:

Albany	Brooklyn	Buffalo	
(518) 457-4492	(718)722-2876	(716) 847-3185	
Hauppauge	New Windsor	Rochester	Syracuse
(631) 952-3079	(845) 220-2047	(585) 427-2273	(315) 487-0852