



“KOMBUCHA – The Newly Emerging - Ancient Beverage”

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Manufactured Food Regulatory Program Alliance Meeting
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Andrew M. Cuomo
Governor

Richard A. Ball
Commissioner

MISSION

- To ensure a safe food supply and mitigate economic fraud.
- To facilitate production and marketing of processed food and farm products.

“WHAT IS IT.....”



KOMBUCHA



Kombucha is a fermented beverage made from brewed tea and sugar that is gaining popularity throughout New York and the US. It can be found in health food stores, retail food stores, and farmers’ markets.



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CONCERNS:

- *Unstable food*
- *Biological (pathogen, mold, or wild culture growth)*
- *Chemical (potential for acidosis, or alcohol development)*
- *Refrigeration?*
- *Maintain a level of less than 0.5% alcohol by volume*



SCOBY - Symbiotic Culture of Bacteria and Yeast



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RECOGNIZED EXPERT

“Kombucha Brewing Under the Food and Drug Administration Model Food Code: Risk Analysis and Processing Guidance”

Brian A. Nummer, PhD Retail-Foodservice
Food Safety Consortium
Utah State University Cooperative Extension



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DEPARTMENT REQUIREMENTS

Wholesale Distribution

Adherence to a process review conducted by a recognized process authority, or

- Peer reviewed scientific journal article - (Nummer)
- A current Article 20-C Food processing establishment license.
- Compliance with 1NYCRR Part 261 – Current good manufacturing practices.
- Compliance with 1NYCRR Part 59.1 – Packaging and labeling of food (including “**Keep Refrigerated**” statement for unpasteurized kombucha).



DEPARTMENT REQUIREMENTS

Retail Manufacture and Sale

Adherence to a process review conducted by a recognized process authority, or

- Adherence to a variance as required under 1NYCRR Part 271.9 – Retail food store sanitation regulations, compliance and enforcement.
- A current Article 20-C Food Processing Establishment license
- Compliance with 1NYCRR Part 271 - Retail food store sanitation regulations.
- Compliance with 1NYCRR Part 59.1 – Packaging and labeling of food (including “Keep Refrigerated” statement for unpasteurized kombucha).



OUTREACH

Met with the “Kombucha Brewers International Organization”

- Spring 2016

- Industry demonstrated a need for regulatory direction.
- Food Safety concerns addressed
- Alcoholic beverage?
- “.25% - .3% Alcohol, never over .5%” Well, maybe.
- CCP? Refrigeration? Pasteurization?



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Developed the Kombucha Guidance Document



CURRENT GUIDANCE: MANUFACTURE AND SALE OF KOMBUCHA

Kombucha is a fermented beverage made from brewed tea and sugar that is gaining popularity throughout New York and the US. It can be found in health food stores, retail food stores, and farmers' markets. Kombucha teas are considered *food* and therefore subject to regulation by the Department of Agriculture & Markets (Department). Most kombucha is intended to be sold in unpasteurized form, with refrigeration as the control to prevent further fermentation, and maintain a level of less than 0.5% alcohol by volume. Kombucha produced with a level greater than 0.5% alcohol by volume is subject to state regulation by the New York State Liquor Authority (SLA). For more information please contact SLA at: <https://www.sla.ny.gov/>

Hazards of kombucha include: Biological (pathogen, mold, or wild culture growth, Chemical (potential for acidosis, or alcohol development), Physical (unstable food, possible container integrity).

Department requirements for producing kombucha for **wholesale distribution** are as follows:

- Adherence to a scheduled process/process review conducted by a recognized process authority, or
 - Peer reviewed scientific journal article
- A current Article 20-C Food processing establishment license.
- Compliance with INYCRR Part 261 – Current good manufacturing practices.
- Compliance with INYCRR Part 59.1 – Packaging and labeling of food (including "Keep Refrigerated" statement for unpasteurized kombucha).

Department requirements for producing kombucha at **retail** are as follows:

- Adherence to a variance as required under INYCRR Part 271.9 – Retail food store sanitation regulations, compliance and enforcement.
- A current Article 20-C Food Processing Establishment license
- Compliance with INYCRR Part 271 - Retail food store sanitation regulations.
- Compliance with INYCRR Part 59.1 – Packaging and labeling of food (including "Keep Refrigerated" statement for unpasteurized kombucha).

Transportation, storage, and display requirements:

Unpasteurized Kombucha contains live cultures and can continue to ferment and raise alcohol content over time, especially if transported, stored or displayed without refrigeration. Unpasteurized kombucha must be refrigerated at or below 41°F at all times. Improperly refrigerated unpasteurized kombucha may be subject to Department Food Seizure.

The Department may collect samples of kombucha routinely, or at any time there is information indicating unpasteurized kombucha may have been transported, stored, or sold in a manner in which continued fermentation may have occurred. Kombucha found by Laboratory analysis to contain greater than 0.5% alcohol by volume, and not produced under SLA licensure, will be subject to Department Food Seizure.

Available references:

1. Listing of Department Recognized Process Authorities
2. Nummer, B. (2013). *Kombucha Brewing Under the Food and Drug Administration Model Food Code: Risk Analysis and Processing Guidance. Journal of Environmental Health, 76 (4), 8-11.*
3. INYCRR Part 261 – Current good manufacturing practices: <http://www.agriculture.ny.gov/FS/industry/04cires/goodmanufpracticesCIR933.pdf>
4. INYCRR Part 271 - Retail food store sanitation regulations: <http://www.agriculture.ny.gov/FS/industry/04cires/rulesandregsretailCIR962.pdf>
5. New York State Food Labeling Guide: <http://www.agriculture.ny.gov/FS/pdfs/FS1514.pdf>



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OUTREACH

Kombucha Guidance Document

- **Currently have about 12 licensed wholesale kombucha manufacturers in New York State**
- **Firms are inspected annually**
- **Samples collected periodically and tested for alcohol content**



Thank You

Questions?



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