



Written by [Michael Tennant](#) on January 31, 2014

Frosted: Health Department Shuts Down 11-year-old's Cupcake Business

Until Monday, 11-year-old Chloe Stirling of Troy, Illinois, was an American success story. She goes to school, plays soccer, and has — or, rather, had — not one but two part-time businesses, one of which brought in about \$200 a month. The success of her cupcake business, Hey, Cupcake!, caught the attention of the *Belleville News-Democrat*, which published a story about it on Sunday.



This being 21st-century America, however, such achievement could not go unpunished. And so, on Monday, the Madison County Health Department “called and said they were shutting us down,” Chloe’s mother, Heather Stirling, told the [St. Louis Post-Dispatch](#).

Chloe had been selling her cupcakes primarily to friends and family for \$10 a dozen or \$2 for a specialty cupcake. Her treats proved so popular that she occasionally donated them for fundraisers, including one for a classmate who was suffering from cancer in 2012. Helped by her mom’s generous offer to double whatever she earned, she was saving up for a car at age 16 and, eventually, her own bakery. (She also has a pet-sitting business with about a dozen clients.)

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Health department spokeswoman Amy Yeager told St. Louis’ [KMOV](#) that her department shuttered Hey, Cupcake! because it violated the county’s food ordinance and the Illinois State Food Sanitation Code. It seems that Chloe, under the mistaken assumption that she lives in a free country, had not first paid for the privilege of selling her cupcakes by getting a permit.

That’s not all. Heather Stirling told the *Post-Dispatch* that she was willing to pay for a permit or any other licenses necessary to keep Chloe in business. Then the health department bureaucrats dropped another bomb: In order for Chloe to continue hawking her wares, the family would have to “buy a bakery or build her a kitchen separate from the one we have,” Stirling said.

The Stirlings had already gone to the expense of buying a second refrigerator and extra shelving for the business, and Chloe’s grandparents had given her a stand mixer.

“But a separate kitchen?” Stirling asked incredulously. “Who can do that?”

Stirling’s remark inadvertently highlighted one of the main reasons for such regulations: They stifle competition against large, established businesses, who *can* afford expensive permits and separate kitchens.

Yeager, in typical bureaucrat fashion, insisted the health department was just doing its job in shutting down Hey, Cupcake! “The rules are the rules. It’s for the protection of the public health,” she told the *Post-Dispatch*, dismissing concerns over the public’s response to her department’s actions.

Not everyone is buying the public-health rationale, however.



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Post-Dispatch columnist [Pat Gauen](#) dug into the Illinois Food Handling Regulation Act and discovered a loophole: A person is permitted to prepare food, including cake, in his home kitchen for sale to the public provided he sells it at a farmers' market. "Where is the logic in a law that prevents the sale of Chloe's cupcakes in one venue but seems to make it perfectly legal to sell them in another?" Gauen perceptively inquired.

[Lenore Skenazy](#), author of *Free-Range Kids*, also found Yeager's excuse a bit wanting. "If you are buying cupcakes from a kid, you KNOW they're not being baked at Entenmann's headquarters," she wrote. "And that's a 'risk' you are taking." Even if one is taking a very small gamble in consuming homemade cupcakes, she added, "a society that doesn't even allow microscopic risks is a society more obsessed with rules and liabilities than gumption and frosting."

Besides, if Chloe's cupcakes ever did start sickening people, they would stop buying from her, and she'd be out of business in a hurry, health department or no health department. Meanwhile, despite the existence of the bureaucracy, people still occasionally get bad food from places that have jumped through all the mandated hoops. Gauen recalled that he'd "suffered a nasty case of food poisoning on Thanksgiving — probably from buffet food at a very nice restaurant in Wisconsin," though, oddly, he hastened to praise the health department "watchdogs" for "keeping us safe."

It is to be hoped that Chloe can get her business up and running again in spite of the government's hurdles. But time is money, and she's already lost out on some significant business. Her mom told KMOV that Chloe "received an additional 12 or 14 orders on Sunday after the article ran, and she couldn't fill any of them" after the health department's crackdown. In the future, customers may be wary of placing orders that might also go unfilled should the bureaucrats take a notion to cite Chloe for some other infraction of their Byzantine regulations.

And surely the next time this young lady hears "The Star-Spangled Banner," she will cringe a little at the notion that the United States is "the land of the free and the home of the brave." No, we're a bunch of micromanaged drones so fearful of the slightest risk that a girl with traits we should be encouraging instead sees her dreams shattered the moment she gets her first taste of success.



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