
Rules of
Department of Agriculture
Division 90—Weights and Measures
Chapter 36—Egg Quality Program

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**Title 2—DEPARTMENT OF
AGRICULTURE**
Division 90—Weights and Measures
Chapter 36—Egg Quality Program

**2 CSR 90-36.010 Enforcement of Missouri
Egg Laws**

PURPOSE: Under Missouri Egg Laws and the United States Department of Agriculture's Shell Egg Surveillance regulations, this rule establishes the regulations governing the selling, trafficking in, delivering, transporting, marketing, processing and distribution of eggs.

Editor's Note: The secretary of state has determined that the publication of this rule in its entirety would be unduly cumbersome or expensive. The entire text of the material referenced has been filed with the secretary of state. This material may be found at the Office of the Secretary of State or at the headquarters of the agency and is available to any interested person at a cost established by state law.

SUMMARY: AMS-PY Instruction 910-1 (Revised), Shell Egg Surveillance Inspection Instructions prescribes the procedures for registering egg handlers, identifying and handling restricted eggs and making inspections and related record work. 7 CFR, Part 2856, and amendment issued in 46 FedReg, No. 149 (pages 39566-39573) states the regulations governing the grading of shell eggs and United States standards, grades and weight classes for shell eggs. Public Law 91-597, House Resolution 19888, Egg Products Inspection Act, provides for the inspection of certain egg products by the United States Department of Agriculture; restriction on the disposition of certain qualities of eggs; uniformity of standards for eggs in interstate or foreign commerce; and cooperation with state agencies in administration of this Act and for other purposes.

(1) All advertising including newspapers, handbills, radio and window signs shall carry the full, correct and unabbreviated designation of size and quality as provided by law. Persons selling eggs from door to door, if not entirely of their own production, must have the container properly labeled as to size and quality.

(2) All persons licensed under the provisions of this rule shall keep on file for a period of two (2) years a true and complete record of all eggs purchased or sold with the following exceptions: no record need be kept of the

name and address of the person from whom the eggs are bought when such person is the original producer of the eggs and the quantity purchased is less than thirty (30) dozen; no record need be kept of eggs sold at retail; records need not show size and quality of eggs bought from original producers or exchanged between wholesalers. With the previous exceptions, this record will show the name and address of the person, firm or corporation from whom eggs were purchased and to whom sold. Such record to show the size and quality of such eggs in each transaction after they have been graded and also the number of dozens or cases included in such transaction, and the dates thereof.

(3) The director of the Department of Agriculture, or duly authorized agents, upon determining that the provisions of this rule, or the rules promulgated for its enforcement, are being violated may place "Stop Sale Notice" on all eggs being sold or offered for sale in violation of the provisions of this rule or the regulations thereunder and shall report the circumstances to the director of the Department of Agriculture for action. Eggs which have had "Stop Sale Notice" applied shall be rehandled and regraded for size and quality within forty-eight (48) hours from the time such "Stop Sale Notice" was applied. Upon failure to bring the eggs into compliance with this rule, the director of the Department of Agriculture will take necessary steps to cause the eggs to be condemned, denatured, processed, destroyed or otherwise disposed of by court action.

(4) Identification of Graded Eggs in Containers.

(A) Eggs packaged in containers by licensed dealers for supply or sale to retailers must be identified on each container with either the name and address (city and state), or approved identification number of the dealer under whose authority the eggs were packed and the day, month and year when the eggs were graded. Either a normal dating procedure or a numerical code based on the day of the year may be used (Example: July 1, 1966 or 182-6; July 2, 1966 or 183-6); and

(B) The identification shall be stamped or printed in bold, legible type upon each container with letters no less than three-sixteenths of an inch (3/16") in height. The term container includes box, basket, carton, sack, bag, case or other receptacle.

(5) Identification of Graded Eggs in Bulk. All eggs in bulk, packed in cases, graded for retail sale, must be accompanied by grading certificates bearing the name and address

(city and state) or approved identification number of the dealer under whose authority the eggs were packed and the date when the eggs were graded. The identification may be stamped or printed in bold, legible type with letters no less than three-sixteenths of an inch (3/16") in height upon a grading certificate of strong paper approximately five inches (5") long and three inches (3") wide shall be placed under the top flat above the first layer of eggs, or the information may be stamped or printed on the outside of the egg case.

AUTHORITY: section 196.354, RSMo 1986. Original rule filed April 27, 1964, effective May 7, 1964. Amended: Filed April 1, 1966, effective April 11, 1966. Emergency rescission filed Dec. 10, 1981, effective Jan. 1, 1982. Rescinded: Filed Dec. 10, 1981, effective Jan. 1, 1982. Emergency rule filed Dec. 10, 1981, effective Jan. 1, 1982, expired March 1, 1982. Readopted: Filed Dec. 10, 1981, effective March 11, 1982.*

** Original authority: 196.354, RSMo 1955, amended 1995.*

**2 CSR 90-36.020 Repackaging of Eggs at
Retail Level**

PURPOSE: This rule establishes requirements for repackaging of shell eggs at the retail level.

(1) It shall be unlawful for any handler or retailer to pack eggs into consumer-size containers other than during the original candling and grading operations except under the following stipulations:

(A) The retail location offering the eggs for sale shall make a written request and obtain written permission from the Department of Agriculture to repackage eggs. The request must include the name and location of the store. If there are multiple store locations, only one (1) letter will be required with all store locations listed in the letter;

(B) A retailer shall only repackage clean and sound shell eggs which originate from properly labeled consumer-size containers that have been damaged or their contents damaged. These eggs shall be placed in new, clean containers that are properly labeled. Eggs or the original egg cartons must not be washed or cleaned in any way for use because of the many possibilities of bacterial introduction. All original egg cartons must be destroyed immediately upon removal of eggs. The repacked eggs shall meet USDA standards for consumer Grade B eggs. Eggs in the repacked consumer-size container shall be no less than medium in size;

(C) The consumer-size egg container which contains eggs that have been repacked shall be labeled with a statement declaring that the eggs in such containers were repacked by the retail store offering such eggs for sale, name of the retail store, its location and the oldest candling date which appeared on the consumer-size egg container or containers from which the repacked eggs originated. The candling date may be handwritten or stamped in ink. The repackaged egg container shall also be labeled "Grade B Medium" and contain a statement indicating that some of the eggs may be larger than indicated on the carton;

**Original authority: 196.354, RSMo 1955, amended 1995.*

(D) The labeling on the consumer-size container used for the repackaged eggs shall meet the type and lettering size requirements as required on the original consumer-size containers. The additional labeling information required on repacked egg containers shall be in bold face type with lettering no less than one-eighth inch (1/8") in height;

(E) Once eggs have been repacked they are the responsibility of the retailer who must accept loss if eggs are classified as stop sale. Eggs under an official stop sale by the Department of Agriculture must be sent back to the dealer for regrading regardless of who is responsible for the eggs. Retailers are not grading stations. Only licensed dealers have the authority to grade and pack shell eggs; and

(F) The Department of Agriculture shall grant permission to repackage eggs at the retail level when a written request is made by a retailer. This request will be automatically renewed on an annual basis providing the retailer has not violated any segment of the repackaging rules. A retailer violating the repackaging rules shall be subject to penalties, as provided by section 196.361, RSMo (1986) of the Missouri Egg Law, and upon having two (2) or more violations of 2 CSR 90-36.020 during any twelve (12)-month period the retailer's permission to repack eggs shall be revoked for a period not to exceed ninety (90) days. Once a retailer's permission to repackage eggs has been revoked twice, the retailer will be subject to permanent suspension of permission to repackage eggs, at the discretion of the Department of Agriculture. A retailer who has received written permission from the Department of Agriculture to repackage eggs shall post such license in a conspicuous location in the place of business to which it applies.

AUTHORITY: section 196.354, RSMo 1986.
Original rule filed April 12, 1985, effective June 27, 1985.*