

THE GEORGIA EGG LAW AND SUPPORTING REGULATIONS



GEORGIA DEPARTMENT OF AGRICULTURE

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TITLE 26. FOOD, DRUGS, AND COSMETICS
CHAPTER 2. STANDARDS, LABELING, AND ADULTERATION OF FOOD
ARTICLE 8. EGGS

§ 26-2-260. DEFINITIONS

As used in this article, the term:

- (1) **"Cold storage"** means protected storage in a refrigerated place.
- (2) **"Commerce"** means interstate, foreign, or intrastate commerce.
- (3) **"Commissioner"** means the Commissioner of Agriculture of the State of Georgia.
- (4) **"Department"** means the Department of Agriculture of the State of Georgia.
- (5) **"Egg"** means the shell egg of the domesticated chicken, turkey, duck, goose, or guinea.
- (6) **"Egg handler"** means any person who engages in any business in COMMERCE which involves buying or selling any EGGs, as a poultry producer or otherwise, processing any EGG PRODUCTS, or otherwise using any EGGs in the preparation of human food.
- (7) **"Egg product"** means any dried, frozen, or liquid EGGs, with or without added ingredients, except products which contain EGGs only in a relatively small proportion or which historically have not been considered by consumers as products of the EGG food industry.
- (8) **"Quality"** means the inherent properties of any product which determine its relative degree of excellence.
- (9) **"Wholesaler"** means any person, firm, corporation, association, dealer, or broker selling or offering for sale, in or into this state, more than five cases of EGGs in any one week.

§ 26-2-261. CLASSIFICATION OF EGGS

- (a) Within the intent and purpose of this article, EGGs classified as:
 - (1) Storage EGGs shall be construed to mean EGGs which have been in COLD STORAGE for a period of 31 days or longer;
 - (2) Fresh EGGs shall be construed to mean EGGs which have been held in COLD STORAGE not longer than 30 days from the date they were packed.
- (b) Each container of EGGs must be labeled to show size or weight class and standard of QUALITY.
- (c) All EGGs sold or offered for sale by dealers, as designated by this article, shall be graded as to net weight and standards of QUALITY.
 - (1) The size or weight classes shall be:

Size or Weight Classes	<u>MINIMUM NET WEIGHT</u>		
	Minimum Net Wt. Per Doz. (Oz.)	For Indv. Eggs at Rate Per Doz. (Oz.)	Min. Net Wt. Per 30 Doz. (Lbs.)
Jumbo	30	29	56
Extra Large	27	26	50 ½
Large	24	23	45
Medium	21	20	39 ½
Small	18	17	34
Pee Wee	15	14	28

The weight tolerance, per dozen, where EGGs are sold at retail, shall be not more than two EGGs of the minimum net weight for individual EGGs at the rate per dozen. Not more than 5 percent tolerance of the minimum net weight for individual EGGs at the rate per dozen shall be allowed where EGGs are sold in wholesale lots.

(2) The QUALITY classifications for individual EGGs shall be:

(A) Grade AA:

- (i) Shell: clean, unbroken, practically normal.
- (ii) Air cell: one-eighth inch or less in depth, unlimited movement, and free or bubbly.
- (iii) Yolk: outline slightly defined, practically free from defects.
- (iv) White: firm, clear.

(B) Grade A:

- (i) Shell: clean, unbroken, practically normal.
- (ii) Air cell: three-sixteenths inch or less in depth, unlimited movement, and free or bubbly.
- (iii) Yolk: outline fairly well defined, practically free from defects.
- (iv) White: reasonably firm, clear.

(C) Grade B:

- (i) Shell: clean to slightly stained (but not more than one thirty-second of surface if localized or one-sixteenth of surface if scattered), unbroken, abnormal.
- (ii) Air cell: over three-sixteenths inch in depth, unlimited movement, and free or bubbly.
- (iii) Yolk: outline plainly visible, enlarged and flattened, clearly visible germ development but no blood, other serious defects.
- (iv) White: weak and watery, small blood and meat spots present (but not more than one-eighth inch in diameter aggregate).

(d) The *U.S. Standards, Grades, and Weight Classes for Shell Eggs*, Part 56, Subpart C, Paragraphs 56,216 and 56,217 established pursuant to the federal Agricultural Marketing Act of 1946 are adopted by reference.

(e) All of the classifications indicated in this Code section shall be determined by candling.

§ 26-2-262. REGISTRATION OF ENTITIES DEALING IN EGGS

All WHOLESALERS, commission merchants, brokers, retailers, and dealers of any kind or character who desire to sell or offer EGGs for sale in this state shall first file with the COMMISSIONER of Agriculture, upon forms furnished by the COMMISSIONER, the name of the firm or person desiring to offer EGGs for sale either by themselves or by their agent, together with the address of said firm or person and the type or kind of EGGs to be offered for sale.

§ 26-2-263. LICENSE REQUIRED FOR WHOLESALER OR EGG HANDLER; GROUNDS FOR SUSENSION OR REVOCATION; TRANSFERABILITY; EXEMPTION

(a) It shall be unlawful for any person to engage in business as a WHOLESALER or as an EGG HANDLER without first obtaining a license from the COMMISSIONER. No license issued under this article shall be suspended or revoked except for health and sanitation reasons or violations of this article and until the licensee to be affected shall be provided with reasonable notice thereof and an opportunity for hearing, as provided under Chapter 13 of Title 50, known as the "Georgia Administrative Procedure Act." Licenses issued under this article shall be valid until suspended or revoked and shall not be transferable with respect to persons or location. There shall be no fee for such license.

(b) Food sales establishments licensed under Article 2 of this chapter, known as the "Georgia Food Act," and shell EGG HANDLERS registered under the United States Department of Agriculture shell egg surveillance inspection program shall be exempt from the provisions of subsection (a) of this Code section.

§ 26-2-264. SALES BY ENTITIES DEALING IN EGGS; EXEMPTION OF PRODUCERS FROM TAXATION AND LICENSING

It shall be unlawful for any WHOLESALER, commission merchant, broker, retailer, or dealer of EGGs, either by himself or by his agent, to offer for sale in this state any EGGs if this article has not been complied with, provided that nothing in this Code section shall be construed to repeal the exemption given the producer in the sale of commodities of his own production from taxation and licensing by existing laws.

§ 26-2-265. DEALER'S INVOICES OF SALES TO BE FURNISHED TO DEPARTMENT OF AGRICULTURE ON REQUEST; EXCEPTION FOR SALES TO CONSUMERS

All dealers, wholesale or retail, shall be required to furnish to the DEPARTMENT of Agriculture upon request a copy of the invoice of each sale of EGGs, the copy of invoice to show the person or firm to whom the sale was made, the address of such person or firm, and the kind and quantity involved in such sale, provided that nothing contained in this Code section shall be construed to require the filing of a copy of the invoice of a sale to a consumer.

§ 26-2-266. INSPECTORS AND ASSISTANTS; CONFISCATION AND DESTRUCTION OF EGGS FOUND UNFIT FOR HUMAN CONSUMPTION

(a) The COMMISSIONER of Agriculture shall instruct the agricultural sanitarians and agricultural inspectors of the DEPARTMENT of Agriculture to carry out this article. The COMMISSIONER is authorized in his discretion to select and appoint such other additional assistants as in his judgment he deems necessary to enforce this article.

(b) All such employees of the DEPARTMENT of Agriculture are authorized to confiscate and destroy all EGGs found to be unfit for human consumption.

§ 26-2-267. PROMULGATION OF RULES, REGULATIONS, GRADES, AND STANDARDS; POWERS OF INSPECTORS

The COMMISSIONER of Agriculture is authorized to promulgate, issue, and set up such additional rules, regulations, grades, standards, or otherwise as in his judgment are necessary to carry out the intent and purpose of this article. The sanitarians and inspectors authorized in Code Section 26-2-266 are authorized to exercise all the authority, powers, and privileges now delegated to the duly authorized food inspectors of the DEPARTMENT of Agriculture by existing law.

§ 26-2-268. INFORMATION LABELS AFFIXED TO CASES OF EGGS

(a) At the time of packing and candling of each case of EGGs, the producer or dealer shall affix a label not less than two inches by four inches or not less than eight square inches on one end of each case and on this label shall be legibly printed or stamped, in letters not less than one-fourth of an inch in size, the date when the EGGs were packed and candled or the expiration date, which shall not exceed 45 days from the date packed; the size and grade of the EGGs; and either the name and address of the packer or the U.S.D.A. assigned plant number or a state approved plant identification code. The name of the state of origin may be given. When EGGs are sold in cartons, the cartons must show the date packed or the expiration date, which shall not exceed 45 days from the date packed, and the grade and size, together with either the name and address of the packer or the U.S.D.A. assigned plant number or a state approved plant identification code. The state of origin may also be given.

(b) Abbreviations of any words in the classification or in designating the grade and size shall not be permitted. The information pertaining to the grade and size shall be shown in legible letters not less than one-fourth of an inch in size. The information pertaining to the name and address of the packer or the U.S.D.A. assigned plant number or a state approved plant identification code and the date packed or expiration date shall be legibly given. All wording on EGG cases and EGG cartons must be in the English language and must have prior approval from the Georgia DEPARTMENT of Agriculture before using.

(c) Words or phrases tending to becloud or nullify the proper classification of EGGs shall not be permitted. Each word of the classification, including the name of the state of origin, shall appear in the same size type and color in any printed advertisement. Abbreviations of any word in the classification or in designating the size and grade to which EGGs belong shall not be permitted. Every person advertising EGGs for sale, at retail or wholesale, in newspapers, by window displays, or otherwise shall set forth in the advertisement the classification as to size and grade of the EGGs offered for sale. The classification shall be set forth in letters equal in size to those advertising the EGGs for sale.

§ 26-2-269. PLACARD TO BE DISPLAYED; CONTENTS

All EGGs offered for sale at retail shall be properly classified in accordance with the following specifications:

- (1) A heavy cardboard or placard, not less than eight by eleven inches, shall be conspicuously displayed at all times on or over each receptacle containing EGGs offered for sale, setting forth in letters not less than one inch in height, plainly and legibly, the classification as to QUALITY and weight;
- (2) The name of the state of origin of EGGs may appear on the placard;
- (3) The placard shall not be required when EGGs are packed in properly labeled cartons. The EGGs therein shall be required to come up to the standard as placarded; and
- (4) Restaurants, hotels, or other eating places shall be required to display a placard where it can be easily seen by customers or, in lieu thereof, to place this information on the menu.

§ 26-2-270. RECIPROCAL MARKETING AGREEMENT TO VARY LABELING REQUIREMENTS

The COMMISSIONER of Agriculture is authorized to enter into reciprocal marketing agreements with other states to vary the labeling requirements provided in this article. Such agreements shall not vary the standards of QUALITY and weights provided in this article, it being the purpose and intent of this Code section to promote and encourage interstate marketing of EGGs and to authorize variations of labeling as required in this article where such variations will promote and encourage the marketing of EGGs.

§ 26-2-271. "WITHHOLD FROM SALE ORDERS"; COST OF INSPECTION AND RELEASE

- (a) Inspectors or sanitarians of the DEPARTMENT of Agriculture, upon determining that this article or the rules and regulations promulgated for its enforcement are being violated, may put "Withhold From Sale Orders" on all EGGs being sold or offered for sale in violation of this article or the regulations thereof and shall report the circumstances to the COMMISSIONER of Agriculture for his action.
- (b) EGGs upon which "Withhold From Sale Orders" have been issued shall not be sold or otherwise disposed of until such "Withhold From Sale Orders" have been canceled by the COMMISSIONER or his duly authorized agents. The cost of the inspection and release shall be paid by the offender.

§ 26-2-272. LICENSING OF CANDLERS AND GRADERS OF EGGS; PROMULGATION OF RULES AND REGULATIONS REGARDING QUALIFICATIONS; TEMPORARY WORK WITHOUT LICENSE

Each candler and grader of EGGs offered for sale shall obtain a license from the DEPARTMENT of Agriculture at no cost, after demonstrating to the satisfaction of the DEPARTMENT his capability and qualifications as an EGG candler and grader. The COMMISSIONER of Agriculture is authorized to establish by rule and regulation the minimum qualifications for EGG candlers and graders. With the approval of the COMMISSIONER, any person may candle and grade EGGs not to exceed 14 days, pending licensing by the DEPARTMENT, provided that during this period the employer of such

temporary candler and grader shall be accountable for the actions of such candler and grader while acting in such capacity.

§ 26-2-273. REFRIGERATION AND OTHER HANDLING REQUIREMENTS

(a) All shell EGG producers shall refrigerate EGGs upon gathering such EGGs. EGGs shall be graded and packed within a reasonable period of time from gathering.

(b) After washing, processing, and packaging, EGGs shall be transported, stored, and displayed at an ambient temperature not to exceed 45 degrees Fahrenheit until sold at retail or used by any commercial establishment or public institution.

§ 26-2-274. PENALTY; DUTY OF PROSECUTING ATTORNEYS TO PROSECUTE VIOLATIONS

Any person, firm, or corporation who violates any provisions of this article shall be guilty of a misdemeanor. It shall be the duty of the prosecuting attorney of the appropriate court to prosecute all persons charged with the violation of this article as soon as the evidence has been transmitted to them by the COMMISSIONER of Agriculture.

**RULES
OF
GEORGIA DEPARTMENT OF AGRICULTURE**

40-3 EGG INSPECTION

**CHAPTER 40-3-1
LABELING, INSPECTION, VIOLATIONS**

40-3-1-.01 Open Dating on Egg Cases and Egg Cartons. All eggs that are sold, offered for sale or stored for sale at retail or wholesale shall use an OPEN DATE to express the PACKING DATE or the EXPIRATION DATE.

(a) Definitions:

1. **Open Date:** Means the use of letters (for the month) together with number(s) (for the day of the month).
2. **Pack Date:** Means the date the eggs were washed, candled, and packed.
3. **Expiration Date:** Means the last date the eggs shall be sold at retail or wholesale.

(b) Manner of Expressing the OPEN DATE: OPEN DATING shall consist of a combination of three letters (for the month abbreviation) and number(s) for the day of the month. Example: JUN 10

(c) Manner of Expressing the PACK DATE: A PACK DATE shall be the use of an OPEN DATE (as defined in 40-3-1-.01(b) of these Regulations) with no words, numbers or letters preceding or following the OPEN DATE. Example: JUN 10

(d) Manner of Expressing the EXPIRATION DATE: An EXPIRATION DATE shall be the use of an OPEN DATE (as defined in 40-3-1-.01(b) of these Regulations) preceded by the abbreviation "Exp." [Example: EXP Jun 10] or the use of an OPEN DATE (as defined in 40-3-1-.01(b) of these Regulations) preceded by the term "Sell By" [Example: Sell by JUN 10], or "Not to be Sold After" [Example: Not to be Sold After JUN 10]; or "Best Before" [Example: Best Before JUN 10] or words of similar import. The EXPIRATION DATE shall not exceed 45 days from the date packed.

(e) Prohibited Acts: The following acts and the causing thereof are hereby prohibited.

1. Eggs are not to be sold or offered for sale at retail or wholesale after the EXPIRATION DATE.
2. Eggs are not to be sold or offered for sale that do not meet the *U.S. Standards, Grades, and Weight Classes for Shell Eggs* Part 56, Subpart C, Paragraphs 56.216 and 56.217 established pursuant to the Federal Agricultural Marketing Act of 1946.

40-3-1-.02 Inspection of Eggs. The Commissioner of Agriculture, or his authorized representative, shall have the authority, right and privilege to enter the place of business of any wholesaler, retailer, warehouse, cold storage house, or other storage places, trucks or carriers where eggs are stored and inspect any eggs therein; and, shall have the right and privilege to inspect all books, records and invoices that, in their judgement, would enable them to make a more accurate examination or inspection of eggs.

40-3-1-.03 Unfit Eggs. No person shall sell, offer or expose for sale, or have in his possession for sale, eggs for human consumption that are inedible or adulterated. Eggs that are filthy, putrid, decomposed, or otherwise unfit for food in whole or in part, shall be deemed to be adulterated. Eggs which contain black rots, white rots, mixed rots, (addled eggs), sour eggs with green whites, eggs with stuck yolks, moldy eggs, eggs showing blood rings, eggs containing embryo chicks (at or beyond the blood ring stage), or any other eggs that are filthy, decomposed, or putrid shall be deemed to be inedible.

40-3-1-.04 Determining Violator of the Georgia Egg Law and the Rules and Regulations.

(1) For the purpose of determining who is responsible for a violation of Section 26-2-261 of the Official Code of Georgia Annotated it will be presumed that a shipment of eggs was of the same grade when delivered to the retailer as shown by the inspection at the end of a five day period following their delivery to the seller provided the retailer has kept the eggs until the time of inspection under refrigeration of a temperature of not more than 45 degrees Fahrenheit.

(2) The packer will be presumed to be responsible for all labeling and dating on cases and cartons of eggs.

**CHAPTER 40-3-2
EGG PROCESSING PLANTS**

40-3-2-.01 Egg Processing Plants, Etc. No person shall operate an egg processing plant, and egg candling room or an egg breaking plant before the plant has been approved by the Commissioner of Agriculture or his duly authorized agent.

**CHAPTER 40-3-3
EGG BREAKING ROOM SANITATION**

40-3-3-.01 Egg Breaking Room Sanitation.

(1) Minimum Requirements: Minimum Requirements for Egg Breaking Rooms shall be as follows:

- (a) The floor shall be constructed of smooth concrete or tile, with proper drainage facilities.
- (b) The room shall be so constructed as to be equipped with hot and cold running water.
- (c) The walls shall be so constructed that at least six (6) feet of the wall space, from floor level, shall be constructed of a washable material.
- (d) The lighting shall be sufficient and adequate.
- (e) All openings shall be screened.
- (f) All equipment shall be of stainless steel, or its equivalent, to assure proper sanitation.
- (g) Refrigeration shall be adequate to assure standards of quality.

(2) Standards. Frozen egg products shall not be sold or offered for sale in the State of Georgia unless such products conform with the standards established for such products by the Commissioner of Agriculture.

FOR FURTHER INFORMATION, PLEASE CONTACT:

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