THE GEORGIA EGG LAW AND SUPPORTING REGULATIONS

GEORGIA
DEPARTMENT OF AGRICULTURE
THOMAS T. IRVIN
COMMISSIONER

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ARTICLE 8

26-2-260. 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.

(1) Within the intent and purpose of this article, eggs classified as:

(a) Storage eggs shall be construed to mean eggs which have been in cold storage for a period of 31 days or longer;

(b) 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.

(2) Each container of eggs must be labeled to show size or weight class and standard of quality.

(3) 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.

(a) The size or weight classes shall be:

Size or Weight Classes	Min. Net Wt. Per Dozen (Oz.)	Min. Net Wt. For Individ. Eggs At Rate Per Doz. (Oz.)	Min. Net Wt. Per 30 Dozen (Lbs.)
Jumbo	30	29	56
Extra Large	27	26	50 1/2
Large	24	23	45
Medium	21	20	39 1/2
Small	18	17	34
Pee Wee	15	14	28

The weight tolerance, per dozen, where eggs are sold at retail, shall not be more than two eggs of 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.

(4) 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-sixteenth 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-sixteenth 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 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 of 1946 are adopted by reference.

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

26-2-262.

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 persons 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.

(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 Chapter 2 of Title 26, 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.

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 the 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.

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 invoice of a sale to a consumer.

26-2-266.

(a) The Commissioner of Agriculture shall instruct the agriculture 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 judgement 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.

The Commissioner of Agriculture is authorized to promulgate, issue, and set up such additional rules, regulations, grades, standards, or otherwise as in his judgement 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.

(a) At the time of packing and candling of each case of eggs, the producer or dealer shall affix a label of 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 30 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 30 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 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 newspaper, 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. All eggs offered for sale at retail shall be properly classified in accordance with the following specifications:

(a) 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;
(b) The name of the state of origin of eggs may appear on the placard;
(c) The placard shall not be required when eggs are packed in properly labeled cartons. The eggs therein shall be required to come to the standard as placarded; and
(d) 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.

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.

(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.

Each egg 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.

(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.

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 violations of this article as soon as the evidence has been transmitted to them by the Commissioner of Agriculture.

CHAPTER 9

DEALERS IN AGRICULTURAL PRODUCTS

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ARTICLE 1

GENERAL PROVISIONS

2-9-1. Definitions.

As used in this article, the term:

(1) "Agricultural products" includes fruits, vegetables, eggs, and pecans but does not include dairy products, cotton, tobacco, grains, and other basic farm crops.

(2) "Dealer in agricultural products" means any person, association, itinerant dealer, partnership, or corporation engaged in the business of buying, receiving, selling, exchanging, negotiating, or soliciting the sale, resale, exchange, or transfer of any agricultural products purchased from the producer or his agent or representative or received on consignment from the producer or his agent or representative or received to be handled on a net return basis from the producer. The term "dealer in agricultural products" also includes any person buying, selling, processing, or shelling pecan nuts, including any and every kind and variety of pecan nuts.

(3) "Net return basis" means a purchase for sale of agricultural products from a producer or shipper at a price which is not fixed or stated at the time the agricultural products are shipped from the point of origin. The term includes all purchases made "at the market price," "at net worth," and on similar terms indicating that the buyer is the final arbiter of the price to be paid.

(4) "On consignment" means any receiving or sale of agricultural products for the account of a person, other than the seller, wherein the seller acts as the agent for the owner.

(5) "Producer" means any producer of agricultural products. (Ga. L. 1956, p. 617, § 1; Ga. L. 1957, p. 7, § 1; Ga. L. 1962, p. 127, § 1; Ga. L. 1962, p. 636, § 1; Ga. L. 1978, p. 1450, § 1; Ga. L. 1991, p. 1053, § 1; Ga. L. 1992, p. 2149, § 1.)

The 1991 amendment, effective July 1, 1991, substituted "dairy products, and pecans but does not include" for "and pecans but does not include dairy products," in paragraph (1).

The 1992 amendment, effective July 1, 1992, in paragraph (1), deleted "dairy products," following "eggs," and inserted "dairy products," following "but does not include."

RESEARCH REFERENCES

ALR.—State statute in relation to inspection and grading of grain as unlawful burden on interstate commerce, 19 ALR 164.

Validity of discrimination in license statute or ordinance in favor of farmers selling their own products and against other persons dealing in farm products, 123 ALR 1051.

2-9-2. License Required.

It shall be unlawful for any dealer in agricultural products who comes within the terms of this article to engage in such business in this state without a state license issued by the Commissioner. (Ga. L. 1956, p. 617, § 3.)

RESEARCH REFERENCES

ALR.—Constitutionality, construction, and application of statutes relating to the purchase of farm and dairy products from producers for purposes of resale, 117 ALR 347.

Validity of discrimination in license statute or ordinance in favor of farmers selling their own products and against other persons dealing in farm products, 123 ALR 1051.

2-9-3. Application for license.

Every dealer in agricultural products desiring to transact business in this state shall file an application for such license with the Commissioner. The application shall be on a form furnished by the Commissioner and, together with such other information as the Commissioner shall require, shall state:

(1) The kind or kinds of agricultural products the applicant proposes to handle;

(2) The full name or title of the applicant or, if the applicant is an association or partnership, the name of each member of such association or partnership or, if the applicant is a corporation, the name of each officer of the corporation;

(3) The names of the local agent or agents of the applicant, if any; and

(4) The municipalities within which places of business of the applicant will be located, together with the street or mailing address of each such place of business. (Ga. L. 1956, p. 617, § 4.)

RESEARCH REFERENCES

ALR.—Right to enjoin business competitor from unlicensed or otherwise illegal acts or practices, 90 ALR2d 7.

2-9-4. Issuance of license.

Unless the Commissioner refuses the application on one or more of the grounds provided in Code Section 2-9-7, he shall issue to such applicant, upon the execution and delivery of a bond as provided in Code Section 2-9-5, a state license entitling the applicant to conduct business as a dealer in agricultural products. No fee for such license shall be charged. Such license shall be valid, until revoked or suspended as provided in this article. (Ga. L. 1956, p. 617, § 5.)

2-9-5. Bond—Required.

Before any license is issued the applicant shall make and deliver to the Commissioner a surety bond executed by a surety corporation authorized to transact business in this state. The bond shall be in the amount of at least $1,000.00 or in such greater amount as the Commissioner may determine, not exceeding an amount equal to the maximum amount of business done or estimated to be done in any month by the applicant. Such bond shall be upon a form prescribed or approved by the Commissioner and shall be conditioned to secure the faithful accounting for and payment to producers or their agents or representatives of the proceeds of all agricultural products handled or sold by such dealer. However, in lieu of a surety bond, the Commissioner may accept a cash bond, which shall in all respects be subject to the same claims and actions as would exist against a surety bond. (Ga. L. 1956, p. 617, § 6; Ga. L. 1991, p. 1053, § 2; Ga. L. 1992, p. 2149, § 2.)

The 1991 amendment, effective July 1, 1991, added the last two sentences.

The 1992 amendment, effective July 1, 1992, deleted the former last two sentences, which related to bonds required of certain persons, firms, or corporations purchasing dairy products.

2-9-6. Bond—Breach of conditions; complaint to Commissioner; hearing and settlement; action on bond; pro rata distribution of insufficient bond proceeds.

(a) Any person claiming that he has been damaged by any breach of the conditions of a bond given by a licensee as provided in Code Section 2-9-5 may enter a complaint to the Commissioner, which complaint shall be a written statement of the facts constituting the complaint.

(b) Upon the filing of such complaint in the manner provided in this Code section, the Commissioner shall investigate the charges made and at his discretion order a hearing before him, giving the party complained of notice of the filing of such complaint and the time and place of such hearing. At the conclusion of the hearing the Commissioner shall report his findings and render his conclusion upon the matter complained of to the complainant and respondent in each case, who shall have 15 days thereafter in which to make effective and satisfy the Commissioner's conclusions.

(c) If such settlement is not effected within such time, the Commissioner or the producer may bring an action to enforce the claim. If the producer is not satisfied with the ruling of the Commissioner, he may commence and maintain an action against the principal and surety on the bond of the parties complained of as in any civil action.

(d) If the bond or collateral posted is insufficient to pay in full the valid claims of producers, the Commissioner may direct that the proceeds of such bond shall be divided pro rata among such producers. (Ga. L. 1956, p. 617, § 7; Ga. L. 1982, p. 3, § 2.)

2-9-7. Denial, suspension, or revocation of license—Grounds generally.

The Commissioner may decline to grant a license or may suspend or revoke a license already granted if he is satisfied that the applicant or licensee has:

(1) Suffered a money judgment to be entered against him upon which execution has been returned unsatisfied;

(2) Made false charges for handling or services rendered;

(3) Failed to account promptly and properly or to make settlements with any producer;

(4) Made any false statement or statements as to conditions, quality, or quantity of goods received or held for sale when he could have ascertained the true condition, quality, or quantity by reasonable inspection;

(5) Made any false or misleading statement or statements as to market conditions or service rendered;

(6) Been guilty of a fraud in the attempt to procure or in the procurement of a license; or

(7) Directly or indirectly sold agricultural products received on consignment or on a net return basis for his own account, without prior authority from the producer consigning the same or without notifying such producer. (Ga. L. 1956, p. 617, § 11.)

2-9-8. Denial, suspension, or revocation of license – Notice and hearing.

Before the Commissioner refuses a license or suspends or revokes any license, he shall give the applicant or licensee ten days' notice, by registered or certified mail, of a time and place of hearing. At such hearing the applicant or licensee shall be privileged to appear in person or by or with counsel and to produce witnesses. If the Commissioner finds that the applicant or licensee has committed any violation of this article or any of the rules or regulations promulgated hereunder, the Commissioner may refuse, suspend, or revoke such license. He shall give immediate notice of his action to the applicant or licensee. (Ga. L. 1956, p. 617, § 12.)

Cross references.—Authority of Commissioner to impose penalty in lieu of other action, § 2-2-10.

2-9-9. Consignment records; settlement with producer.

(a) Every dealer in agricultural products, upon the receipt of agricultural products on a consignment basis and as he handles and disposes of the same, shall make and preserve for at least one year a record thereof, specifying:

(1) The name and address of the producer consigning such agricultural products;

(2) The date of receipt;

(3) The kind and quality of such products;

(4) The amount of goods sold;

(5) The name and address of the purchaser, provided that where sales total less than $5.00 in value, such sales may be made to the order of "cash";

(6) The selling price; and

(7) The items of expenses connected therewith.

(b) An "account of sales," together with payment in settlement for such shipment, shall be mailed to the producer within 48 hours after the sale of such agricultural products, unless otherwise agreed in writing. (Ga. L. 1956, p. 617, § 8.)

2-9-10. Investigations.

(a) Upon the complaint of any interested person or upon his own initiative, the Commissioner shall have the power to investigate:

(1) The record of any applicant or licensee;

(2) Any transaction involving the solicitation, receipt, sale, or attempted sale of agricultural products;

(3) The failure to pay proper and true accounts and settlements at prompt and regular intervals;

(4) The making of false statements as to condition, quality, or quantity of goods received or in storage;

(5) The making of false statements as to market conditions with intent to deceive;

(6) The failure to make payment for goods received; or

(7) Other alleged injurious transactions.

(b) For the purposes specified in subsection (a), the Commissioner or his agents may examine the ledgers, books of accounts, memoranda, and other documents which relate to the transaction involved, at the place or places of business of the applicant, or licensee, and may take testimony thereon under oath. (Ga. L. 1956, p. 617, § 9.)

2-9-11. Inspections of damaged shipments; certificate.

Whenever produce is shipped to or received by a licensed dealer for handling, purchase, or sale in this state at any market point and the dealer finds the produce to be in a spoiled, damaged, unmarketable, or unsatisfactory condition, unless both parties waive inspection before sale or other disposition thereof, the dealer shall cause the produce to be examined by an inspector assigned by the Commissioner for that purpose. The inspector shall execute and deliver a certificate to the applicant stating the day, the time, and the place of the inspection and the condition of the produce and shall mail or deliver a copy of such certificate to the shipper. (Ga. L. 1956, p. 617, § 10.)

Cross references. – Duty of railroad companies to furnish refrigerator cars to growers of peaches, apples, etc., for transportation of such products. § 46-9-90 et seq.

2-9-11.1. Ownership of agricultural product harvested by dealer, his agent or employee, or independent contractor retained by dealer; prompt payment; certificate of receipt and quality.

(a) In the absence of a written contract between the producer and a dealer in agricultural products to the contrary, any agricultural product which is harvested by a dealer, an agent or employee of a dealer, or an independent contractor retained by a dealer or which is delivered to a dealer or an agent or employee thereof on the farm or at a facility of the dealer shall become the property of the dealer at the time of delivery and the dealer shall become obligated to pay the agreed-upon price as provided in subsection (b) of this Code section.

(b) A dealer in agricultural products shall make prompt payment for agricultural products purchased in this state. Prompt payment shall mean payment 20 days following delivery, as provided in subsection (a) of this Code section, unless explicitly stated otherwise in a written contract agreed to by the producer and dealer in agricultural products.

(c) Unless explicitly stated otherwise in a written contract, at the time of delivery as specified in subsection (a) of this Code section, the dealer and the producer in agricultural products shall jointly issue a certificate of receipt and quality to the producer or the producer's agent. The certificate of receipt and quality shall contain information, including but not limited to the:

(1) Name and address of the dealer in agricultural products;

(2) Name and address of the producer;

(3) Delivery date and time of receipt;

(4) Description of the product as to identity, quantity, quality, condition, and grade of the product;

(5) Price per unit; and

(6) Terms of the transaction.

Information contained in the certificate of receipt and quality pertaining to quality, quantity, and price shall be presumed to be satisfied unless such agricultural product is inspected and a certificate stating the product is in a different condition is issued by an inspector pursuant to Code Section 2-9-11 within 48 hours of delivery of the agricultural product to the dealer.

(d) This Code section does not preclude the producer from commencing and maintaining an action against the dealer as in any civil action. (Code 1981, § 2-9-11.1, enacted by Ga. L. 1992, p. 1282, § 1; Ga. L. 1993, p. 440, § 1.)

Effective date. – This Code section became effective July 1, 1992.

The 1993 amendment, effective January 1, 1994, designated the existing provisions as subsection (a), at the end of subsection (a), substituted "as provided in subsection (b) of this Code section" for "therefor unless such agricultural product is inspected and a certificate stating that the agricultural product is in a spoiled, damaged, or unmarketable condition is issued by an inspector pursuant to Code Section 2-9-11 within 48 hours of delivery of the agricultural product to the dealer," and added subsections (b), (c), and (d).

Code Commission notes. – Pursuant to § 28-9-5, in 1992, "agreed-upon" was substituted for "agreed upon."

2-9-12. Sales, etc., of substandard products prohibited.

(a) It shall be unlawful for any dealer in agricultural products to sell, offer for sale, or possess any agricultural product that does not comply with the standards of quality established by the Commissioner under authority of law or with the laws and rules and regulations pertaining to such product.

(b) It is the intent and purpose of this Code section to prevent the sale of agricultural products that do not comply with the laws, standards of quality, and rules and regulations pertaining thereto. (Ga. L. 1962, p. 127, § 2.)

RESEARCH REFERENCES

Am. Jur. 2d.—3 Am. Jur. 2d, Agriculture, §§ 52-54.

ALR.—State statute in relation to inspection and grading of grain as unlawful burden on interstate commerce, 19 ALR 164.

2-9-13. Rules and regulations.

The Commissioner shall adopt and enforce rules and regulations deemed necessary to carry out this article. (Ga. L. 1956, p. 617, § 13.)

2-9-14. Injunctions.

In addition to the other remedies provided in this article and notwithstanding the existence of any adequate remedy at law, the Commissioner is authorized to apply to the superior court, which court shall have jurisdiction, upon hearing and for cause shown, to grant a temporary or permanent injunction, or both, restraining any person from violating or continuing to violate this article or from failing or refusing to comply with this article or any rule or regulation adopted by the Commissioner as provided in this article. Such injunction shall be issued without bond. (Ga. L. 1956, p. 617, § 15.)

2-9-15. Applicability of article.

This article shall not apply to:

(1) Farmers or groups of farmers in the sale of agricultural products grown by themselves;

(2) Persons who buy for cash, paying at the time of purchase in United States currency, certified check, cashier's check, or the equivalent; or

(3) Holders of food sales establishment licenses issued pursuant to Article 2 of Chapter 2 of Title 26, the "Georgia Food Act." (Ga. L. 1956, p. 617, § 2; Ga. L. 1978, p. 1450, § 2; Ga. L. 1991, p. 1053, § 3; Ga. L. 1992, p. 2149, § 3.)

2-9-16. Penalty.

Any dealer in agricultural products who violates any of the provisions of this article or who interferes with an agent of the Commissioner in the enforcement of this article shall be guilty of a misdemeanor. (Ga. L. 1956, p. 617, § 15.)

RULES
OF
GEORGIA DEPARTMENT OF AGRICULTURE
EGG INSPECTION

CHAPTER 40-3

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40-3-3 EGG BREAKING ROOM SANITATION

April 4, 1994 (Rev.)

RULES
OF
GEORGIA DEPARTMENT OF AGRICULTURE
EGG INSPECTION

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40-3-1-.03	*Unfit Eggs*
40-3-1-.04	*Determining Violator of the Georgia Egg Law and Rules and Regulations*

40-3-1-.01 Open Dating on Egg Cases and Egg Cartons. All eggs which 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). The Expiration Date shall not exceed thirty (30) days from the date the eggs were washed, candled and 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.

Authority GA. L. 1935, p. 364; O.C.G.A. Sec. 26-2-260 et seq. ***History****. Original Rule entitled "Forms to be Filled and Filed by Dealers (Inclusive)" adopted. F. June 30, 1965,* ***Repealed****: New Rule entitled "Open Dating on Egg Cases and Egg Cartons" adopted. F. Mar. 15, 1994; eff. Apr. 4, 1994.*

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.

Authority GA. L. 1935, p. 364; O.C.G.A. Sec. 26-2-260 et seq. ***History****. Original Rule entitled "Certificates of Registration of Dealers" adopted. F. Jun. 30, 1965.* ***Repealed****: New Rule entitled "Inspection of Eggs" adopted. F. Mar. 15, 1994; eff. Apr. 4, 1994.*

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 bold ring stage), or any other eggs that are filthy, decomposed, or putrid shall be deemed to be inedible.

Authority GA. L. 1935, p. 364; O.C.G.A. Sec. 26-2-260 et seq. ***History****. Original Rule entitled "Certificate of Registration of Dealers (Second Part)" adopted. F. June 30, 1965.* ***Repealed:*** *New Rule entitled "Inspection of Eggs" adopted. F. Mar. 15, 1994; eff. Apr. 4, 1994.*

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.

Authority GA. L. 1935, p. 364; O.C.G.A. Sec. 26-2-260 et seq. ***History****. Original Rule entitled "Determining Violator of the Georgia Egg Law and the Rules and Regulations" adopted. F. Mar. 15, 1994; eff. Apr. 4, 1994.*

April 4, 1994

RULES
OF
GEORGIA DEPARTMENT OF AGRICULTURE
EGG INSPECTION

CHAPTER 40-3-2
EGG PROCESSING PLANTS

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40-3-2-.01 Egg Processing Plants, Etc.

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

Authority GA. L. 1935, p. 364, as amended; O.C.G.A. Secs. 26-2-261, 26-2-260. et seq. ***History.*** *Original Rule entitled "Classification of Eggs" adopted, F. and eff. Jun. 30, 1965.* ***Repealed:*** *New Rule entitled "Egg Processing Plants, Etc." adopted. F. Mar. 15, 1994; eff. Apr. 4, 1994.*

RULES
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GEORGIA DEPARTMENT OF AGRICULTURE
EGG INSPECTION

CHAPTER 40-3-3
EGG BREAKING ROOM SANITATION

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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.

Authority GA. L. 1935, p. 364, as amended. O.C.G.A. Sec. 26-2-260 et seq. ***History.*** *Original Rule entitled "Inspection Fee" adopted. F. June 30, 1965.* ***Repealed:*** *New Rule entitled "Egg Breaking Room Sanitation" adopted. F. Mar. 15, 1994; eff. Apr. 4, 1994.*

April 4, 1994 (Rev.)

03 LC 28 1195/AP

House Bill 757 (AS PASSED HOUSE AND SENATE)
By: Representatives Smith of the 129th, Post 2, Mosley of the 129th, Post 1, and Barnes of the 84th, Post 2

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 26-2-268 of the Official Code of Georgia Annotated, relating to information labels affixed to cases of eggs, so as to provide for the use of certain labeling information concerning expiration dates on eggs; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 26-2-268 of the Official Code of Georgia Annotated, relating to information labels affixed to cases of eggs, is amended by striking subsection (a) and inserting in lieu thereof a new subsection (a) to read as follows:
"(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 ~~30~~ 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 ~~30~~ 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."

SECTION 2.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.