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EC1318 Questions and Answers on the Nebraska Egg Law Legislative Bill 106

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Oct. 1949

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Questions and Answers on the Nebraska Egg Law

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Legislative Bill 106

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Introduced by W. J. Williams of Buffalo and Ed Hoyt of Red Willow
Read first time January 11, 1949
Referred to committee on Agriculture
Sent to printer January 12, 1949

A BILL

FOR AN ACT to amend sections 81-270, 81-271, 81-272, 81-273, and 81-275, Revised Statutes of Nebraska, 1943, relating to agriculture; to provide for selling of eggs in containers bearing the proper grade; to provide that the Department of Agriculture and Inspection may make rules and regulations for establishing grades and standards for market eggs, and for maintenance of quality of eggs; to increase license fee for any person to engage in commercial buying of eggs; to provide for issuing of permit to grade or candle eggs and fee therefor; to eliminate the provision for a candler's license except where the applicant desires to engage in the business of candling eggs; to eliminate the provisions for storing and candling of eggs; and to repeal the original sections and also section 81-274, Revised Statutes of Nebraska, 1943.

Be it enacted by the people of the State of Nebraska,

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COOPERATIVE EXTENSION WORK IN AGRICULTURE AND HOME
ECONOMICS. UNIVERSITY OF NEBRASKA COLLEGE OF AGRICULTURE,
AND THE UNITED STATES DEPARTMENT OF AGRICULTURE COOPERATING,
H. G. GOULD, ASSOCIATE DIRECTOR, LINCOLN.

Questions and Answers on the Nebraska Egg Law

J. W. Goble

1. Is the enactment of an egg law a new type of legislation in Nebraska?
 - A. No. The present egg law which became effective August 27, 1949 is a revision of a previous law enacted in 1943.
2. Why was a revised law necessary?
 - A. The previous law was found too difficult to enforce and did not protect the consumer as to weights and quality of eggs offered for sale.
3. What is the purpose of the egg law?
 - A. To improve and standardize the quality of eggs merchandized in Nebraska.
4. Who is affected by the law?
 - A. Primarily dealers and merchandizers of eggs.
5. What grades are permitted by the law?
 - A. Grade A - Large and medium
Grade B - Large and medium
Ungraded
6. What kind of eggs are included under the classification, "ungraded"?
 - A. All eggs that have not been graded, those which are below the weight specifications for large or medium classification, and those which do not meet the quality requirements for grade A or B must be labelled as "ungraded."
7. What are the weight requirements for eggs of large and medium size?

- A. Large - minimum weight of 24 ounces per dozen
- Medium - minimum weight of 21 ounces per dozen

8. Could small eggs be included in a dozen if the total average weight came within the minimum requirements?

- A. No. Minimum weights for individual eggs at the rate per dozen have also been designated.

Large - 23 ounces per egg (on dozen basis)

Medium - 20 ounces per egg (on dozen basis)

9. Are there any tolerances for quality within each grade?

- A. Yes. Grade A eggs must consist of edible eggs of which at least 80 percent are A quality or better, 15 percent may be B quality, and not over 5 percent may be of quality below B in any combination but not including dirties or leakers.

Grade B shall consist of edible eggs of which at least 80 percent are B quality or better, 20 percent may be below grade B but not to exceed 10 percent dirties or checks not including leakers.

10. Can grade A eggs be mixed with those of grade B?

- A. Yes, providing the entire lot is labelled as grade B. Eggs of higher quality may be included without changing the grade, however, eggs of lower quality will cause the grade designation to be lowered. For example, B grade eggs can not be mixed with those of A grade without lowering the grade to that of B.

11. Into which grade should pullets' eggs be placed?

- A. If pullet eggs weigh less than 21 ounces per dozen, they must be classified as ungraded, however, if they meet the quality and weight requirements for either grade A or B, no other differentiation is made.

12. Of what value will an egg law be to producers?

- A. It should increase consumer demand for high quality eggs. This demand should then be reflected to producers of such eggs in the prices they receive.
13. What must producers do to comply with the law?
- A. The law applies only to those producers who are retailing eggs. If ungraded eggs are retailed, no license is required but the eggs must be labelled as "ungraded." Sales by producers to dealers are not effected.
14. Suppose a farmer sells a few dozen eggs each week to friends. Is that considered "retailing" under the law?
- A. The law makes no exceptions as to what constitutes a retail sale. All eggs must be labelled.
15. Does a producer have to candle his eggs?
- A. Under the law, eggs do not have to be candled by either producer, dealer or merchandizer. However, under the Pure Food Law, it is unlawful to offer for sale inedible eggs; therefore candling would be the only method of avoiding violation of the Law.
16. If a producer retails eggs, must he secure a license? If so where does he get it?
- A. A license is necessary only if "graded" eggs are sold. To procure a license, an application should be made to the State Department of Agriculture, Bureau of Dairies and Foods. The applicant will then be notified where and when examination will be given or an inspector may call upon him giving him the necessary information about securing the license.
17. Does a producer need a license to sell eggs?
- A. A producer does not need a license for selling ungraded eggs to a dealer.
18. Does a producer need a license to retail ungraded eggs?

A. No.

19. If a producer desires to sell graded eggs at retail, what kind of license must be procured?

A. A grader's permit.

20. If a hatcheryman buys eggs from a flock owner, then re-sells the eggs to another hatchery, must he comply with the egg law as to labelling for quality?

A. Labelling is required only when a sale is made to a retailer for retail sale. There are, however, rules on selling hatching eggs which comes under the supervision of the National Poultry Improvement Plan with which hatcherymen should be familiar.

21. A produce station purchases eggs from a producer, then sells them to a grocery store in case lots. How should the eggs be labelled?

A. Eggs intended for retail must be labelled either as "ungraded" or as grade A or B whichever grade is applicable, with the proper weight designation except for those classified as ungraded.

22. A grocer has been buying eggs from producers on a case count basis. Can he continue doing this?

A. Yes. The law, however, states that payment can be made only for edible eggs. The only way to avoid violation of this provision would be to candle all of the eggs and deduct the number of inedible eggs from the total number of eggs received before making payment to the producer.

23. A retail merchant desires to candle and grade eggs. Is it necessary for him to procure a license?

A. Yes. Any person or firm that wishes to candle or grade eggs must secure a license from the Nebraska State Department of Agriculture.

24. A grocer buys graded eggs from a wholesaler for sale in his store. The state inspector finds some eggs that do

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not conform to the designated grade. Does the grocer have any protection? Who is liable?

A. The law provides that the retailer shall be given an invoice by the wholesaler showing the grade of eggs being received by the merchant. The inspector will have to decide where the violation took place depending upon the amount of time that elapsed after the merchant received the eggs, refrigeration facilities and other details that would help determine who was responsible.

25. How long can a grocer keep eggs of a designated grade before the quality would lower, causing the indicated grade on the container to be in error?

A. It is dependent upon the quality of the eggs when purchased and the conditions under which they are held.

26. What is the best method of maintaining the quality of eggs by merchants?

A. Keep the eggs refrigerated. Eggs displayed on open counters lose their quality rapidly. Inspectors are going to insist that eggs be held under proper conditions in the stores, just as they now require for meats, milk, and other perishable foods.

27. A merchant sells only a few dozen eggs per week which does not justify grading eggs. What should he do?

A. He should either sell all eggs labelled as "ungraded" or purchase graded eggs from some organization that distributes graded eggs to retailers.

28. A merchant in western Nebraska desires an egg grading license. Where can he get it?

A. He should make a written application to the Nebraska State Department of Agriculture, Bureau of Dairies and Foods. The merchant will then be either notified as to where he should appear for a written examination or an inspector will personally contact him.

29. Would a grocer need a license to sell ungraded eggs?

A. Yes. The law states that "any person, firm, co-partnership, association or corporation desiring to purchase eggs for resale, use in a commercial hatchery, consignment, storage, or processing, shall first secure a permit authorizing the applicant for such permit to engage in such commerce."