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EC1318 Revised 1951 Questions and Answers on the Nebraska Egg Law - Legislative Bill 106

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Questions and Answers on the Nebraska Egg Law

Legislative Bill 106

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,

EXTENSION SERVICE
UNIVERSITY OF NEBRASKA COLLEGE OF AGRICULTURE
AND U. S. DEPARTMENT OF AGRICULTURE
COOPERATING
W. V. LAMBERT, DIRECTOR

Questions and Answers Nebraska Egg Law

J. W. Goble

Marketing Specialist

1. What is the purpose of the egg law?
 - A. To improve and standardize the quality of eggs merchandised in Nebraska.
2. Is the 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.
3. Who is affected by the law?
 - A. Primarily dealers and merchandisers of eggs.
4. How will an egg law help producers?
 - A. It should increase consumer demand for high quality eggs. This demand should then be reflected in the prices that are received for such eggs.

General Requirements of Law

5. What grades are specified by the law?
 - A. Grade A--Extra large, large, medium, small.
Grade B--Extra large, large, medium, small.
Ungraded
6. What kinds of eggs are classified as "Ungraded"?
 - A. All eggs that have not been graded, and those that do not meet the quality or weight requirements for grade A or B must be labeled as "ungraded."

7. What are the weight requirements for eggs of extra large, large, medium and small size?

- A. Extra large--Minimum weight of 27 ounces per dozen.
Large--Minimum weight of 24 ounces per dozen.
Medium--Minimum weight of 21 ounces per dozen.
Small--Minimum weight of 18 ounces per dozen.

8. Are there minimum weights for individual eggs?

- A. Yes. Minimum weights for individual eggs at the rate per dozen have been designated.
Extra large--26 ounces per egg (on dozen basis).
Large--23 ounces per egg (on dozen basis).
Medium--20 ounces per egg (on dozen basis).
Small--17 ounces per egg (on dozen basis).

9. What is the minimum net weight per 30 dozen eggs?

- A. Extra large--50 1/2 lbs.
Large--45 lbs.
Medium--39 1/2 lbs.
Small--34 lbs.

10. What is the minimum quality standard within each grade?

- A. Grade A eggs must consist of edible eggs of which at least 80 per cent are A quality or better, 15 per cent may be B quality, and not over 5 per cent 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 per cent are B quality or better, 20 per cent may be below grade B but not to exceed 10 per cent dirties or checks not including leakers.

11. Can grade A eggs be mixed with those of grade B?
- A. Yes, provided the entire lot is labeled 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.
12. Into which grade should pullet eggs be placed?
- A. If pullet eggs weigh less than 18 ounces per dozen, they must be classified as ungraded. However, if they meet the quality and weight requirement for either grade A or B, no other classification or identification is necessary.

Requirements That Affect Producers

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 re-tailed, no license is required but the eggs must be labeled as "ungraded". Sales by producers to dealers are not affected.
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 labeled.
15. Must a producer candle his eggs?
- A. Under the law, eggs do not have to be candled by either producer, dealer or merchandiser. 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 obtain 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 obtaining 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.

Requirements That Affect Merchandisers

20. What are the labeling requirements of the Law?

Eggs when graded and intended for retail sale for human consumption, must bear on the box, carton or other container suitable signs, labels, stamps or stencils which plainly indicate in letters no smaller in size than 18 point ($3/16$ inch) type, the grade and size or weight class as provided in the standards designated by the Department of Agriculture and Inspection. The grade and size class must also be written upon the invoice by the wholesaler or dealer when the sale is to a retailer.

21. Is it permissible to use descriptive words in conjunction with the grade designation?

A. The terms "fresh", "country", "hennery", or words of similar meaning shall not be deemed to be a substitute for grade designations. Any advertising poster or sign indicating eggs for sale must plainly and conspicuously indicate the correct grade and weight by Nebraska Standards as "Grade A Extra Large", "Grade A Large", "Grade A Medium", "Grade A Small", "Grade B Extra Large", "Grade B Large", or "Ungraded."

22. If a hatcheryman buys eggs from a flock owner, then resells the eggs to another hatchery, must he comply with the egg law as to labeling for quality?

A. Labeling is required only when a sale is made to a retailer for retail sale. There are, however, rules on selling hatching eggs which come under the supervision of the National Poultry Improvement Plan with which participating hatcherymen must comply.

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

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

24. 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.

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

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

26. A grocer buys graded eggs from a wholesaler for sale in his store. The state inspector finds some eggs that do 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 (a) the amount of time that elapsed after the merchant received the eggs, (b) refrigeration facilities, and other details that would help determine who was responsible.

27. 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.

28. 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.

29. 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 labeled as "ungraded" or purchase graded eggs from some organization that distributes graded eggs to retailers.

30. 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 either be notified as to where he should appear for a written examination or an inspector will personally contact him.

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

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