

Article 2

Shell Egg Regulations

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11 AAC 32.110. General requirements

(a) All Alaska produced shell eggs sold, displayed, offered for sale, or for shipment within the state for general consumption, shall conform to one of the Grade and Weight classes as stated in 11 AAC 32.120, and shall be labeled to conform with 11 AAC 32.130.

(b) All shell eggs shipped into the state for general consumption shall conform to one of the grade classes and weight classes as stated in 11 AAC 32.020. and shall be labeled to conform with 11 AAC 32.050.

History: In effect before 7/28/59

Authority: AS 03.05.010 - 03.05.080

11 AAC 32.120. Grade and weight classes

(a) The shell egg grades adopted and designated as official grades for the state are identical to those of the United States Department of Agriculture, presently in effect and as amended from time to time.

These regulations are adopted by reference. The official U.S. Standards, Grades, and Weight Classes for Shell Eggs, are published by the U.S. Department of Agriculture and are available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20250 and from State Division of Agriculture, Department of Natural Resources, P.O. Box 949, Palmer, Alaska 99645.

(b) Additional Permitted Tolerances.

(1) Within the maximum tolerance permitted, an allowance will be made at receiving points or shipping destination for one-half percent leakers in Grades AA, A, and B, and one percent in Grade C.

(2) At shipping destination an additional tolerance of five percent shall be permitted for checks. This tolerance is provided for the purpose of compensating for shell damage that might occur during extreme handling conditions and are not applicable to point of origin inspection.

(c) Weight Classes: The Weight classes adopted and designated as official for the State are identical to those of the United States Department of Agriculture, presently in effect and as amended from time to time.

These regulations are adopted by reference. The official U.S. Standards, Grades, and Weight Classes for Shell Eggs, are published by the U.S. Department of Agriculture and are available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20250 and from the State Division of Agriculture, Department of Natural Resources, P.O. Box 949, Palmer, Alaska 99645.

History: In effect before 7/28/59; am 1/5/60, Register 2

Authority: AS 03.05.010 - 03.05.080

11 AAC 32.130. Labeling cases, cartons, and other containers

(a) Standard shipping containers containing shell eggs shall be deemed to meet the requirements of this chapter when the name and address of producer, packer, or distributor of such eggs, and the grade and weight class of the eggs contained therein are legibly shown on one outward end of each container. The grade and Weight class shall be shown in letters not less than one-half inch in height.

(b) Cartons, boxes, bags, or other consumer packages containing eggs intended for sale by distributors or retailers shall be deemed to meet the requirements of this chapter when the name and address of the packer, distributor, producer, or retailer and the grade and weight class of the eggs contained therein are legibly and visibly shown on the front or top of each container. The grade and weight class shall be shown in letters not less than one-fourth of one inch in height.

(c) Whenever loose eggs, commonly referred to as bulk displays, are offered for sale to consumers in baskets, cases, boxes, or other containers, by distributors or retailers, the display containers shall be labeled to legibly and visibly show the name and address of the packer, distributor, or producer and the correct grade and weight class of the eggs contained therein, with legible letters not less than one-half inch high. The grade and Weight class shall be written or printed on, or otherwise attached to or clearly associated with, the containers or display of such eggs, and such designation shall be plainly visible to the public when the eggs or containers of such eggs are visible to the public.

(d) Inspection and/or labeling marks, having reference to shell eggs or shell egg products appearing on any container by reason of previous use shall be removed or obliterated before re-use.

(e) All label information required by this section shall be in the English language.

(f) All containers (including display containers of bulk eggs) of eggs not produced in the state shall contain the word "Imported" or the state of origin on the top facing of each container in legible and conspicuous letters not less than one-half of one inch in height. Standard shipping containers shall be deemed to meet the requirements of this chapter when the word "imported" or state of origin is on one outward end of each container.

History: In effect before 7/28/59; am 1/5/60, Register 2

Authority: AS 03.05.010 - 03.05.080

11 AAC 32.140. Ownership of eggs

All eggs shall be considered the property of the person in Whose possession or on Whose premises they are found except those in the custody of common carriers, or persons, firms, or corporations engaged only to transport eggs, or public warehouses where the owner is identified by record.

History: In effect before 7/28/59

Authority: AS 03.05.010 - 03.05.080

11 AAC 32.150. Misrepresentation

(a) Eggs shall not be offered for sale, exposed for sale, or held in possession with intent to sell in the state, if the package, container, or display, bears any statement or device which is false or misleading in any manner.

(b) The Word "fresh," "nulaid," "country," "henery," "day-old," "select," "certified," "best," "fresh-laid," "guaranteed," or any other similar descriptive terms are prohibited in connection with advertising or selling eggs unless such eggs conform to at least Grade A as defined in sec. 120 of this chapter.

(c) Eggs shall not be referred to as Alaskan or local eggs in any manner unless produced in Alaska.

(d) Eggs shall not be referred to in any manner as "airborne" unless transported into the state by aircraft.

History: In effect before 7/28/59

Authority: AS 03.05.010 - 03.05.080

11 AAC 32.160. Inspection of imported eggs prior to shipment

(a) Eggs shipped into the state from other states shall be inspected by an authorized inspector within 72 hours of shipment and shall meet the grade, and marking requirements set forth in this chapter. Each case shall be legibly stamped with the United States Department of Agriculture official grade mark and date of inspection.

(b) Eggs shipped into the state from Canada shall be inspected by an official Canadian inspector within 72 hours of shipment and shall meet the grade, and marking requirements set forth in this chapter. Each case shall be legibly stamped with the official Canadian mark and date of inspection.

History: In effect before 7/28/59; am 1/5/60, Register 2

Authority: AS 03.05.010 - 03.05.080

11 AAC 32.170. Exemptions

(a) Eggs shall be exempt from this chapter when sold and packed on a contract basis for Governmental institutions, when such contracts specify inspection at point of origin by an authorized inspector.

(b) Eggs shall be exempt when being delivered to or when in possession of a dealer for candling or grading.

(c) Eggs produced in Alaska shall be exempt from the grading and labeling requirements of this chapter when sold by the producer direct to the consumer.

History: In effect before 7/28/59; am 1/5/60, Register 2

Authority: AS 03.05.010 - 03.05.080

11 AAC 32.180. Terms pertaining to egg quality

The standards of quality for individual eggs adopted and designated as official for the state are identical to those of the United States Department of Agriculture presently in effect and as they may be amended from time to time.

These regulations are adopted by reference. The official U.S. Standards, Grades, and Weight Classes for Shell eggs, are published by the U.S. Department of Agriculture and are available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20250 and from the State Division of Agriculture, Department of Natural Resources, P.O. Box 949, Palmer, Alaska 99645.

History: In effect before 7/28/59

Authority: AS 03.05.010 - 03.05.080

11 AAC 32.190. Definitions

Unless the context indicates otherwise, in secs. 100 - 190 of this chapter

(1) "authorized inspector" shall include the director, his duly authorized representatives, or any Government employed egg grading inspector;

(2) "candling" means the practice of examining the interior of an egg by the use of transmitted light for determining inedible eggs, and also for determining the condition of the shell, air cell, white, and yolk in classifying eggs as to quality;

(3) "consumer" means any person who purchases eggs for his or her own family use or consumption;

(4) "container" means any egg-shipping case or carton or any other similar device used for the purpose of holding or transporting eggs, or carton, box, bag, or any other similar device used for the purpose of consumer packaging in which eggs are sold;

(5) "director" means the Director of Agriculture of the State of Alaska;

(6) "distributor" means any person, firm, or corporation offering for sale or distributing eggs in the state to a retailer, cafe, restaurant, or any other establishment offering for sale to the public or to an institutional user and shall include

any person, firm, or corporation distributing eggs to his or its own retail outlets or stores but shall not include any person, firm, or corporation engaged only to haul or transport eggs;

(7) "eggs" means the eggs of a domesticated chicken hen, which eggs are in the shell;

(8) "general consumption," when applied to eggs, means shell eggs destined for sale to the general public either through stores, restaurants, mess halls, or in any other manner;

(9) "grade" applies to several or many eggs, such as a dozen, case, or load;

(10) "inedible eggs." Eggs of the following descriptions are classed as inedible: black rots, white rots, mixed rots (addled eggs), sour eggs, eggs With green whites, eggs with stuck yolks, moldy eggs, musty eggs, eggs showing blood rings, eggs containing embryo chicks (at or beyond the blood-ring stage), and any eggs that are adulterated as such term is defined pursuant to the Federal Food, Drug, and Cosmetic Act;

(11) "loss" means an egg that is inedible, smashed, or broken so that the contents are leaking, cooked, frozen, contaminated, or containing bloody whites, large blood spots, large unsightly meat spots, or other foreign material;

(12) "packer" means any person, firm, or corporation that is engaged in grading, shell treating, or packing shell eggs for sale to the public, direct or through distribution outlets of stores;

(13) "producer" means a person, firm, or corporation selling no eggs other than eggs produced by his or its own flock;

(14) "retailer" means any person, firm, or corporation selling or offering for sale eggs for general consumption in the state;

(15) "shipper" means any person, firm, or corporation shipping eggs into the state to a retailer, cafe, restaurant, or any other establishment offering for sale eggs to the public or for institutional use, and shall include any person, firm, or corporation distributing eggs to his or its own retail outlets or stores and shall not include any person, firm, or corporation engaged only to haul or transport eggs;

(16) "sold" or "sale" includes "offer for sale," "expose for sale," have in "possession for sale," "exchange," "barter" or "trade."

(17) "standard" refers to quality specification for a single egg. A group of these standards is combined in varying percentages of stated quality to make grades;

(18) "state" means the State of Alaska;

(19) "time of shipment" means immediately prior to the time eggs are accepted by the carrier transporting them into the state.

History: In effect before 7/28/59

Authority: AS 03.05.010 - 03.05.080