NORTH CAROLINA EGG LAW

CHAPTER 106, ARTICLE 25A

GENERAL STATUTES OF NORTH CAROLINA

Article 25. North Carolina Egg Law, (1955, c. 213) repealed by 1965 c. 1138, s. 3
Article 25A. North Carolina Egg Law (As Amended in 1969 and 1973

Statute 106-245.13. Title-This article is named and may be cited as the North Carolina Egg Law an eggs sold in the State of North Carolina. Words used in the singular form in this article shall include and vice versa as the cause may require. (1965, c. 1138, s. 1)

Statute 106-245.14. Definition of terms-The following words, terms and phrases shall be construed for the purpose of this article as follows:

(1) "Authorized representative" means the commissioner or any duly authorized agent or employee who is assigned to carry out the provisions of this article.

(2) "Candling and grading" means selecting eggs as to their conformity to the standards of quality and size or weight class preparatory to marketing them as a specific grade and size or weight class.

(3) "Commissioner" means the North Carolina Commissioner of Agriculture.

(4) "Consumer" means any person who purchases eggs for his or her use or his or her own family use or consumption and not for resale.

(5) "Container" means any box, case, basket, carton, sack, bag, or other receptacle containing eggs. "Sub-container" means any container used within another container.

(6) "Distributor" means any person, producer, firm or corporation offering for sale or distributing eggs to a retailer, cafe restaurant, or any other establishment offering for sale to consumers, including but institutional consumers as defined in this article. Distributors also shall include any person, producer corporation distributing eggs to his or its own retail outlets or stores but shall not include any person, corporation engaged only to haul or transport eggs.

(7) "Eggs" means product of a domesticated chicken in the shell or as further processed egg product.

(8) "Facilities" means any room, compartment, refrigerator or vehicle used in handling eggs in any manner.

(9) "Grades" shall mean and include specifications defining the limits of variation in quality of two or more eggs.

(10) "Institutional consumer" means a restaurant, hotel, licensed boarding house, commercial bakery institution in which eggs are prepared as food for use by its patrons, residents or patients.

(11) "Law" means the provisions of this article and all rules and regulations issued hereunder.

(12) "Lots" means a physical grouping of eggs or containers with eggs therein, as determined by the
Carolina Department of Agriculture.

(13) "Marketing of eggs" or "market" means for sale, offer for sale, gift, barter, exchange, advertising, marking, labeling, grading, or other preparatory operation or distribution in any manner of eggs or containers of eggs as defined in this article.

(14) "Packer" means any person, that is engaged in grading, shell treating or packing eggs for sale to consumers, direct or through distribution outlets or stores.

(15) "Person" means and includes any individual, producer, firm, partnership, exchange, association, receiver, corporation, or any other business organization and any member, officer, or employee thereof.

(16) "Retailer" means any person who markets eggs to consumers.

(17) "Size or weight class" means a classification of eggs based on weight at the rate per dozen.

(18) "Standards for quality" means specifications of the physical characteristics of any or all of the component parts or the individual egg.

Statute 106-245.15. Labeling- No person shall market to consumers, institutional consumers or retail outlets any eggs unless there is clearly designated therewith on the container the grade and size or weight class established in accordance with the provisions of this article and such eggs shall conform to the designated grade and size or weight class, (except when sold on contract to a U.S. governmental agency): provided, however, a producer marketing eggs of his own production shall be exempt for this section when such marketing occurs on the premises where the eggs are produced, processed, or when ungraded sales do not exceed 30 dozen per week. (1955, c. 213, s. 7; 1965, c. 1138, s. 1; 1973, c. 739, s. 1.)

Statute 106-245.16. Standards, grades and weight classes- The Board of Agriculture shall establish and promulgate such standards of quality, grades and weight classes for eggs sold or offered for sale in interstate commerce to protect the consumer and the institutional consumer from eggs which are injurious or likely to be injurious to health by reason of the condition of the shell, or contents thereof, or by reason of the manner in which eggs are processed, handled, shipped, stored, displayed, sold or offered for sale. Such standards of quality, grades and weight classes as are promulgated and established by the Board shall also promote honesty and fair dealing in the poultry industry. Such standards, grades and weight classes may be modified or altered by the Board whenever it deems necessary (1965, c. 1138, s.1; 1969, c. 139, s. 1.)

Statute 106-245.17. Stop sale- If an authorized representative of the North Carolina Department of Agriculture shall determine, after inspection, that any lot of eggs is in violation of this article, he may issue a "stop sale order" as to such lot or lots of eggs and forthwith notify the owner or custodian of such eggs of the reason for its issuance. A stop sale order shall prohibit the further marketing of the eggs subject to it until such eggs are released by the State agency. (1965, c. 1138, s.1.)

Statute 106-245.18. Container labeling-(a) Any container or sub-container in which eggs are marketed shall bear on the outside portion of the container, but not be limited to the following:

(1) The applicable consumer grade provided for in this article.

(2) The applicable size or weight class provided for in this article.

(3) The word "eggs".

(4) The numerical count of the contents.

(5) The name and address of the packer or distributor. Words and numerals used to designate the grade shall be clearly legible, bold-faced type at least 3/8 inch in height. Any person intending the reuse of a container shall obscure any inappropriate labeling thereon and relabel the container in accordance with this section prior to refilling the container with eggs. In any case, the address of the packer or distributor shall be shown in letters not exceeding 3/8 inch in height.

(b) The term "fresh" may only be applied to eggs conforming to the specifications for Grade A or better quality, descriptive term other than applicable grade and size may be applied. (1965, c. 1138, s. 1; 1973, c. 139, s. 1.)

Statute 106-245.19. Invoices- (a) Any person, except a producer marketing eggs to another person for candling and grading, when marketing eggs to a retailer, institutional consumer, or other person shall furnish an invoice at the time of delivery an invoice showing date of sale, name and address of the seller, name and address of the purchaser, quantity, grade and size-weight classification.
A copy of such invoice shall be kept on file by both the person selling and the purchaser at their respective places of business for a period of at least 30 days. (1955, c. 213, s. 7; 1965, c. 1138, s. 1)

**Statute 106-245.20. Advertisement**

No person shall advertise eggs for sale at a given price unless the unabbreviated grade or quality and size-weight are conspicuously designated in block letters at least as the tallest letter in the word "eggs" or the tallest figure in the price, whichever is larger. (1955, c. 213, s. 7; 1965, c. 1138, s. 1)

**Statute 106-245.21. Rules and regulations**

The North Carolina Board of Agriculture is authorized to adopt, from time to time, such rules and regulations as may be necessary to administer and enforce provisions of this article. Such rules and regulations shall be published and copies thereof made available to interested parties upon request therefor. (1955, c. 213, s. 8; 1965, c. 1138, s. 1)

**Statute 106-245.22. Sanitation; exemption**

(a) Any person engaged in the marketing of or the processing of eggs for marketing shall, in addition to maintaining egg handling facilities in a manner commensurate with laws governing food establishments, keep the eggs in the proper environment, in accordance with regulations promulgated by the North Carolina Board of Agriculture, to maintain quality. In addition, any container, including the packaging material therein, when used for the marketing of eggs shall be clean, unbroken and free of foreign odor. In all instances eggs shall, so far as possible and by use of all reasonable means, be protected from being soiled or dirtied by foreign matter. When cleaning is necessary a sanitary method approved by the Commissioner shall be employed.

(b) repealed (1973, c. 739, s. 3)

**Statute 106-245.23. Power of the Commissioner**

- The Commissioner, or his authorized agents or representatives, may enter, during the regular business hours, any establishment or facility where eggs are bought, stored, offered for sale, or processed, in order to inspect and examine eggs, egg containers, premises, and to examine the records of such establishments or facilities, thereto. (1955, c. 213, s. 10; c. 1138, s. 1)

**Statute 106-245.24. Penalty provisions**

(a) Any person who violates any provision of this article is guilty of a misdemeanor, punishable by a fine of not less than twenty-five dollars ($25.00) and not more than two hundred dollars ($200.00), or imprisonment for not more than 30 days or both.

(b) In addition to the criminal penalties provided for above, the Commissioner of Agriculture may apply by equity to a court of competent jurisdiction, and such court shall have jurisdiction and for cause shown to grant temporary or permanent injunction, or both, restraining any person from violating, or continuing to violate any provision of this article.

(c) Any proceeding for a violation of this article may be brought in the county where the violator resides, has a place of business or principal office or where the act or omission or part thereof, complained or occurred. (1955, c. 213, s. 12; 1965, c. 1138, s. 1)

**Statute 106-245.25. Reporting violations**

- Nothing in this article shall be construed as requiring the Commissioner to report for criminal prosecution violations of this article whenever he believes that the public interest will be adequately served and compliance with the article obtained by a suitable written notice or warning. (1965, c. 1138, s. 1)

**Statute 106-245.26. Remedies**

- Each remedy provided in this article shall be in addition to, and not exclusive of any other remedy provided for in this article. (1965, c. 1138, s.1)

**Statute 106-245.27. Principals**

(a) Whoever commits any act prohibited by any section of this article and aids, abets, induces, or procures its commission is punishable as a principal.

(b) Whoever causes an act to be done which if directly performed by him or another would be a violation of this article, is punishable as a principal. (1965, c. 1138, s. 1)

**Statute 106-245.28. Act of agent as that of principal**

- In construing and enforcing the provisions of this article, the act, omission, or failure, of any agent, officer or other person acting for or employed by an individual, association, partnership, corporation, or firm, within the scope of his employment or office shall be deemed the act, omission, or failure to the individual, association, partnership, corporation, or firm as well as that of the person. (1965, c. 1138, s.1.)

**Statute 106-245.29. Severance**

- If any of the provisions of this article shall be held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions of this article, and to these ends provisions of this article are declared to be severable. (1965, c. 1138, s.1)
North Carolina Administrative Code

Title 2
Department of Agriculture

Chapter 43
Markets

Subchapter 43H - Marketing of Shell Eggs

.0101 Definitions Words used in this Section in the singular form shall be deemed to impart the plura
versa as the case may demand:

(1) "Inedible Eggs" means black rots, yellow rots, white rots, mixed rots, (addled eggs), sour eggs, eg
green whites, eggs with stuck yolks, moldy eggs, musty eggs, eggs showing blood rings, eggs conta
chicks (at or beyond the blood ring stage) and any eggs that are adulterated as such term is defined

(2) "Leaker" means eggs that have a crack or break in the shell and shell membranes to the extent the
contents are exuding or free to exude through the shell.

(3) "Loss Eggs" means eggs that are inedible, cooked frozen, contaminated or containing bloody whites,
spots, meat spots, or other foreign material.

(4) "Ungraded Eggs" means eggs as collected from the production unit and placed in to retail chan
being graded or segregated for quality, soundness of shell, or size; except that checks, dirty, or other
defects may be removed at time of collection.

(5) "Baluts" means eggs that are fertile and incubated beyond the bloody ring stage.

(6) "Fertile" means an egg capable of developing into an embryo,

(7) "Organic" means eggs produced in accordance with applicable Federal and State standards for organic
product.

(8) "Free Range" (or labeling of similar import) means eggs produced from laying chickens that are "cage free" or
have access to a suitable outdoors environment.

History Note: Statutory Authority G.S. 106-245.16; 106-245.21; Eff. August 1, 1982. Amended Eff. December
1, 1987.

.0102 Loose Egg Displays

(a) Loose egg displays shall be deemed to meet the requirements of G.S. 245.18 when the display is
the correct grade and size.

(b) The block letters of the label shall be at least three-eighths of an inch in height.

(c) The grade and size shall be written or printed on, or otherwise attached to or clearly associated with
the container or display of such eggs, and such designation shall be plainly visible to the public when the
containers of such eggs are visible to the public.

(d) Retailers may display eggs in bulk without the grade and size designated thereon when such eggs
purchased directly from persons eligible to sell ungraded eggs, and if the display is conspicuously labeled
the words, "Ungraded Eggs". This label shall be bold legible letters at least three-eighths inch high.

History Note: Statutory Authority G.S. 106-245.15; 106-245.16; 106-245.18; 106-5.21; Eff. August 1,

.0103 Standards For Shell Eggs

NCDA&CS - Marketing Division - Grading Services
http://www.agr.state.nc.us/markets/gradnreg/regulator/egglaw.htm
(a) The United States Standards, Grades, and Weight Classes for Shell Eggs, 7 C.F.R. Sections 56.200 to 56.218 (1987) are hereby adopted by reference in accordance with G.S. 150B-14(c), and shall apply to all shell eggs sold, offered for sale, or advertised for sale in the state except the term "ungraded eggs" may be used to designate eggs purchased from eligible persons.

(b) Cracked or checked eggs may be sold by producers or processors to a consumer for his or her personal use (except an "institutional consumer"). Said sales shall be made only at the premises of production or processing.

(c) Cracked or checked eggs may also be sold to a processing plant by a producer or processor for further processing.

(d) It shall be unlawful for cracked or checked eggs to be displayed, sold, or offered for sale in a retail outlet (except as permitted by 2 NCAC 43H .0001(4) and 2 NCAC 43H .0003(a)).

History Notes: Statutory Authority G.S. 106-245.16; 106-245.21; Eff. August 1, 1982 Amended Eff. December 1, 1987

.0104 Sanitation And Materials

(a) The sanitation requirements of G.S. 106-245.22 shall be deemed to be met when facilities conform to the requirements of 7 C.F.R. Section 56.76 (1987) which is hereby adopted by reference in accordance with G.S. 150B-14(c).

(b) Eggs shall be deemed to be held in a proper environment, as specified in G.S. 106-245.22 when promptly, and placed in a refrigerated cooling room with an ambient temperature of 60 degrees F. or graded and packed. After grading and packing eggs shall be held or transported at a refrigerated ambient temperature of 45 degrees F. or less without freezing, until sold to the consumer or used in food preparation.

History Note: Statutory authority G.S. 106-245.16/106-245.21; 106-245.22 Paragraph 9a) effective August 1, 1982 Paragraph b) effective December 1, 1991

.0105 Sale of Inedible or Loss Eggs To Consumer Prohibited

Inedible or loss eggs shall not be sold or offered for sale for human consumption in North Carolina.

History Note: Statutory authority G.S. 106-245.16; 106-245.21; 106-245.22; Eff. August 1, 1982 Amended Eff. December 1, 1987

.0106 Determining Grades

In all cases, the final determination as to eggs meeting grade requirements shall be made by candling. History: Statutory Authority G.S. 106-245.15; 106-245.16; 106-245.19; 106-245.21, 1982.

.0107 SPECIAL REQUIREMENTS

(a) Baluts are exempt from the standards for shell eggs as set forth in 2 NCAC 43H.0103 and .0105. Incubation eggs suited for use as baluts shall be legibly and conspicuously labeled with the word "er "balut" preceded by the name of the kind of poultry, or labeled as "Incubated Fertile Eggs", or words of similar import. Labeling must include the complete name and address of the hatchery with letters no less than three-eights of one inch high.

(b) In addition to all other applicable labeling requirements, eggs marked and labeled as organically produced must be certified by a State or Federal agency or an accrediting organization recognized by a State or Federal agency and identified on primary container.

(c) In addition to all other marketing requirements, eggs labeled and marked as free range eggs must be furnished by any person marketing these eggs to a retailer, institutional consumer or other person and shall be kept on file by both the person selling and the purchaser at their respective places of business for a period of at least 30 days.

(d) Eggs of a specific nature such as "Fertile" or Brown" and eggs produced in accordance with applicable Federal or State standards may be labeled as such providing these eggs meet all other applicable requirements.

History Note: Authority G.S. 106-245.16; 106-245.21;

For additional information, contact Richard Hoyle, Division of Marketing, N.C. Department of Agriculture 27647, Raleigh, NC 27611, Telephone: (919) 733-7576. richard.hoyle@ncagr.gov

NCDA&CS - Marketing Division - Grading Services
http://www.agr.state.nc.us/markets/gradnreg/reglator/egglaw.htm