

DEPARTMENT OF AGRICULTURE:
EGG INSPECTION:

Rules and regulations prescribed
by the Department of Agriculture
for the enforcement of the egg
inspection laws.

February 28, 1940

3-1



Honorable Jewell Mayes
Commissioner of Agriculture
Jefferson City, Missouri

Dear Sir:

This is in reply to yours of recent date where-
in you request this department to pass upon proposed
regulations for the enforcement of the uniform egg
law of Missouri. The regulations which you submit
are as follows:

"(1) CANDLEING OF EGGS: All eggs
purchased from the producer, for
resale for consumption, should be
candled throughout the entire year,
and a Candling Certificate MUST be
placed in each case of eggs, sold
within the State, in accordance
with Section 13058, R. S., 1929,
amended 1933 and 1939.

"(2) CANDLEING NOT REQUIRED WHEN:
When a local retail merchant pur-
chases eggs from a licensed egg
dealer for resale to his consumer
customers, he need not re-candle
such eggs, provided, the case or
container in which the eggs are pack-
ed contains a legal candling certi-
ficate properly made out by the
seller, showing the eggs had been
properly candled by him within the
last three days prior to the sale
during the period from May 15 to
September 15, and six days prior
to the sale during the period from
September 15 to May 15; however,
nothing in this Regulation exempts

any dealer from the liabilities and duties provided in Section 13056 as amended. Under no circumstances is a local retail merchant or any other egg dealer exempted from candling all eggs received from producers or from dealers not properly using legal Candling Certificates.

"(3) **CANDLING RECORDS TO BE KEPT:** When one dealer purchases eggs from another dealer and candles such eggs as required by law, said purchasing dealer shall keep a record showing the name and location of the dealer from whom the eggs were purchased, the number of eggs candled out as unfit for human food, the remittance record showing deduction has been made for all inedible eggs, and the date of said candling.

"(4) **PRODUCER NOT REQUIRED TO HAVE LICENSE:** The producer from whom eggs are purchased shall not be required to have a license for selling eggs of his own production. If, however, this producer buys eggs for resale, he then becomes a dealer within the meaning of the law and must secure a license and comply with all requirements of the Uniform Egg Law.

"(5) **EATING PLACE NOT REQUIRED TO HAVE LICENSE:** Restaurants, hotels and all eating places, where all eggs purchased are cooked and served, but no eggs sold to consumers for home use, are not required to secure an Egg License.

"(6) **INCUBATOR AND CANDLING ROOM REJECT EGGS:** Incubator and candling-

room reject eggs are deemed and hereby declared unfit for human food. These and all other eggs unfit for human food may be trafficked in or transported only when such eggs shall have been broken in shell and denatured so as to prevent them from being used as human food; provided, however, that said incubator or candling-room reject eggs, or any other eggs unfit for human food, may be trafficked in or transported if in shell form only after said eggs have been thoroughly sprayed with kerosene so as to prevent them from being used for human food, and each case or container plainly labeled, 'For manufacturing purposes only'.

"(7) BREAKING PLANT REJECTS AND SHELL RINGINGS: All breaking-plant rejects, such as soured eggs, blood rings, spots or and other rejects, including the juice extracted from the shells by centrifugal force, ringing or any other method whereby the product thus extracted becomes contaminated with the filth and dirt from the outer surface of the shell, are deemed unfit for human food, and can be trafficked in or transported only after same have been denatured by adding a sufficient amount of kerosens, and cans or containers have been plainly labeled, 'For manufacturing purposes only'.

"(8) RELATING TO EGGS PURCHASED ON ROUTES: Any person or firm operating a truck or vehicle and huckstering and purchasing eggs from producers or dealers thereby becomes a trafficker in eggs within the meaning of the statute and must comply with the law relative to

license, and such license may be designated as a 'Huckster's License,' as well as all other sections of the Uniform Egg Law; PROVIDED, HOWEVER, that if such person or firm has an established and licensed place of business where all eggs thus purchased are candled and correct losses deducted from the rightful person, then said person or firm shall not be required to secure a license other than the one at the place of business. 'Huckster's' traveling licenses must always be carried on the vehicle when picking up eggs, and shall be shown to State Inspectors when such a request is made.

"(9) RELATING TO LICENSES: One license is not sufficient for several establishments, but each and every establishment, person or place dealing in eggs, including those who buy only on routes, must each have an Egg License in the name of the person owning or operating the business, including the address where the business is located. If what is commonly called a 'Huckster', the name of the town out of which he operates and the name of the business for which he operates, if not an independent dealer. A license is not transferable from one person or firm to another person or firm. No license can be legally moved from one city or town to another city or town, but may, upon written permission of the Commissioner of Agriculture, be moved from one location to another in the same city or town. All licenses expire on May 26th following date of issue, and there is no proration or reduction of the fee for a fractional part of the license year.

"(10) RULING UNDER SECTION 13066.

With reference to placing Establishment Number on containers: All cans or containers shall have the Establishment Number stenciled, painted or embossed on the sides or bottoms, and if the number is placed on the lids it must also be placed on sides or bottoms. PAPER LABELS BEARING THE ESTABLISHMENT NUMBER ARE PROHIBITED."

Article IV of Chapter 93, together with the amendments thereto as appear in Laws of Missouri 1933, page 166, relates to the duties of the Commissioner of Agriculture with respect to the sale and handling of eggs in this state.

Section 13057 of said article provides for the regulation and the traffic of eggs.

Section 13058, R. S. Missouri 1929, provides for candling certificate.

Section 13059, R. S. Missouri 1929, provides for licensing of persons who handle eggs.

Section 13060, R. S. Missouri 1929, provides as follows:

"That the state food and drug commissioner shall enforce the provisions of this article and shall make suitable rules and regulations for carrying out its provisions. He shall determine the conditions under which eggs previously candled shall be recandled before sale in order to safeguard the purchaser against buying as a prt of a lot eggs unfit for human food."

It is by virtue of the provisions of this section that you are authorized to make and promulgate the rules and regulations which you have submitted.

Section 13061, R. S. Missouri 1929, provides

Hon. Jewell Mayes

(6)

February 28, 1940

penalties for the violation of the provisions of the foregoing sections of the article pertaining to eggs.

Section 13063, R. S. Missouri 1929, regulates the shipping of unwholesome eggs.

Section 13064, R. S. Missouri 1929, pertains to the "breaking stock" and prohibits the selling of certain eggs for food purposes.

Section 13065, R. S. Missouri 1929, pertains to the inspection of eggs and the license fees to be charged.

Section 13066, R. S. Missouri 1929, pertains to egg-breaking or manufacturing establishments and the regulation thereof.

It will be noted that all of these sections are under the jurisdiction of the Commissioner of Agriculture, and as stated above Section 13060 authorizes the Commissioner to make suitable rules and regulations for carrying out the provisions of the article.

We have compared the regulations which you have submitted with the foregoing sections of the statutes and we think that your regulations are consistent with the provisions of said article and that by virtue of the authority of said Section 13060 they would be deemed as suitable rules and regulations for the carrying out of the provisions of said Article IV of Chapter 93 together with its amendments thereto. However, in passing on these regulations we might suggest that your Rule (5) seems to be a little bit indefinite in the language "but no eggs sold to consumers for home use." We can understand that hotels, restaurants and all eating places where all eggs purchased are cooked and served are not required to secure an egg license, but we are just wondering what is meant by the clause "but no eggs sold to consumers for home use." This is a mere suggestion as to the form of this rule.

Hon. Jewell Mayes

(7)

February 28, 1940

CONCLUSION.

We are, therefore, of the opinion that the foregoing regulations which you have submitted are authorized by the foregoing statutes and are in conformity to the provisions of said Article IV in Chapter 93, R. S. Missouri 1929.

Respectfully submitted

TYRE W. BURTON
Assistant Attorney General

APPROVED:

COVELL R. HEWITT
(Acting) Attorney General

TWE:DA