

3 MCAR 1

1 Department of Agriculture

2 Food Inspection Division

3

4 Adopted Amendments to Rules Governing the Candling and Grading
5 of Eggs (Chapter 18: Agr 388-417)

6

7 Rules as Adopted

8 3 MCAR S 1.0388 Authority; purpose. Rules 3 MCAR SS

9 1.0388-1.0404 are adopted by the commissioner pursuant to Minn.
10 Stat. SS 29.23 and 29.27 to preserve and protect the public
11 health by regulating the grading, candling, cleaning, breaking,
12 buying and selling of eggs and egg products.

8-30-82

13 3 MCAR S 1.0389 Definitions.

14 A. Applicability. For the purposes of 3 MCAR SS

15 1.0388-1.0404, the terms defined in this rule have the meanings
16 given them.

17 B. Adulterated eggs. "Adulterated eggs" has the meaning
18 given in Minn. Stat. S 29.24.

19 C. Checks. "Checks" means eggs that have cracks or breaks
20 in the shell but have intact shell membranes which do not leak.

21 D. Commissioner. "Commissioner" means the Commissioner of
22 Agriculture or the commissioner's authorized representative.

23 E. Dealer. "Dealer" means a person, firm or corporation
24 licensed by the department under Minn. Stat. S 28A.04, and
25 subject to Minn. Stat. S 29.22, or a producer who offers or
26 sells eggs directly to the consumer off the producer's premises.

27 F. Department. "Department" means the Department of
28 Agriculture.

29 G. Dirties. "Dirties" means eggs with adhering dirt or
30 foreign material or prominent or moderate stains covering more
31 than one-fourth of the shell surface.

32 H. Grading. An "at destination" grade means the grading is
33 done where the eggs are sold at retail or consumed. An "at
34 origin" grade means the grading is done somewhere other than the
35 destination.

1 I. Incubator rejects. "Incubator rejects" means eggs that
2 have been subjected to incubation and have been removed during
3 the hatching operation as infertile or otherwise unhatchable.

4 J. Inedible eggs. "Inedible eggs" has the meaning given in
5 Minn. Stat. S 29.24.

6 K. Leakers. "Leakers" means eggs that have a crack or break
7 in the shell and shell membrane to the extent that the contents
8 are exuding or are free to exude through the shell.

9 L. Loss. "Loss" means eggs that are unfit for human food
10 because they are smashed or broken so that their contents are
11 leaking, because they are overheated, frozen, or contaminated,
12 because they are incubator rejects, or because they contain
13 bloody whites, large meat spots, a large quantity of blood or
14 other foreign material.

15 M. Restricted eggs. "Restricted eggs" means eggs that
16 contain dirties, checks, leakers, inedibles, loss and incubator
17 rejects.

18 3 MCAR S 1.0390 Candling. Dealers must have adequate equipment
19 and space and a room darkened sufficiently to make possible
20 accurate quality determinations of the candled appearance of the
21 eggs. The room shall be free from dirt, mustiness, foreign
22 odors, and debris. Operations using mechanical equipment must
23 have adequate light for all necessary procedures, including the
24 detection of dirties, the detection of staining, and the
25 determination of the condition of the packing material.

26 3 MCAR S 1.0391 Storage and refrigeration. Dealers must have
27 adequate space and proper storage facilities with temperatures
28 of 60 degrees Fahrenheit or less as required by law. All
29 storage and transportation facilities must be maintained in a
30 sanitary condition. Dealers must transport eggs in enclosed
31 trucks that are sanitary and provide insulation or refrigeration
32 necessary to maintain the quality and temperature of the eggs.
33 Trucks with canvas tarpaulins, blankets or similar covers are
34 not "enclosed" unless special permission is given when roads
35 are officially posted for weight limits.

1 3 MCAR S 1.0392 Egg cleaning.

2 A. Protection from soil. Eggs must, so far as reasonably
3 possible, be protected from being soiled or dirtied by foreign
4 matter in all stages of production, transportation and
5 processing.

6 B. Wet cleaning. Wet cleaning of eggs using rags, sponges
7 or other devices to scrub or wipe the eggs by hand is prohibited.

8 C. Dry cleaning. Dry cleaning with abrasive material
9 reasonably free of bacterial contamination is permitted.

10 D. Washing equipment and procedures. Eggs may be washed
11 subject to the following requirements:

12 1. Egg washing equipment and the surrounding area must be
13 of such construction as to permit thorough cleaning.

14 2. Egg washing equipment and the surrounding area must be
15 kept in a sanitary condition.

16 3. The water used in washing eggs must be potable and
17 contain less than five parts of iron per million.

18 4. The water temperature for both washing and rinsing
19 must be thermostatically controlled.

20 5. The temperature of the wash water must be maintained
21 at a minimum of 90 degrees Fahrenheit and must be at least 20
22 degrees Fahrenheit warmer than the temperature of the eggs. The
23 rinse water temperature must exceed the wash water temperature
24 by at least 10 degrees Fahrenheit. Prewetting must be
25 accomplished by spraying a continuous flow of water over the
26 eggs in a manner that permits the water to drain away.

27 6. Only approved cleaning and sanitizing compounds may be
28 used. Refer to the United States Department of Agriculture list
29 of compounds authorized for use under the meat, rabbit and egg
30 products inspection programs.

31 7. Washed eggs must be spray rinsed with an approved
32 sanitizing agent. The rinse must contain at least 50 parts per
33 million and may contain no more than 200 parts per million of
34 available chlorine or its equivalent.

35 8. Washed eggs must be reasonably dry prior to cartoning
36 or casing.

1 9. Washers must be operated in accordance with the
2 manufacturer's instructions in all instances which are not in
3 conflict with 3 MCAR SS 1.0388-1.0404.

4 10. Immersion type washers may not be used.

5 11. All eggs must be removed from the washing and rinsing
6 area of the egg washer and the scanning area where there may be
7 a build up of heat when those areas are not in use.

8 3 MCAR S 1.0393 Candling and grading records.

9 A. A dealer must keep an accurate candling and grading
10 record, known as a "bench record," for each patron from whom
11 eggs are purchased on a graded basis. Candling and grading
12 bench records must be kept in a manner sufficient to indicate
13 that the eggs purchased by the first dealer have been candled
14 and graded and all inedible eggs removed. Bench records,
15 consecutively numbered, must be written in ink or other
16 nonerasable writing and must include the following data:

- 17 1. name and address of the dealer;
- 18 2. name or number and address of the producer or person
19 selling eggs;
- 20 3. date received;
- 21 4. number of dozen eggs received;
- 22 5. exact number of eggs in each Minnesota purchase grade;
- 23 6. deductions for inedible or adulterated eggs;
- 24 7. name or initial of candler and date candled; and
- 25 8. dirties and checks may be identified as such or may be
26 grouped together in one column in order to simplify record
27 keeping.

28 B. Permanent office records. Records must be kept in a neat
29 and orderly manner, must be available to the commissioner at all
30 reasonable times, and must be retained by the dealer for a
31 period of at least 90 days after the date of purchase.

32 3 MCAR S 1.0394 Minnesota purchase grades required. A person
33 buying eggs from a producer on a graded basis must do so on the
34 basis of the purchase grades set in 3 MCAR S 1.0398.

35 3 MCAR S 1.0395 Minnesota consumer grades required. All candled

1 and graded eggs which are purchased for resale, sold,
2 transferred or consigned to consumers, dealers, brokers,
3 retailers or wholesalers within the state, must be sold,
4 transferred or consigned on the basis of the consumer grades set
5 in 3 MCAR S 1.0398. All eggs sold, consigned or transferred,
6 except eggs sold at retail, must be accompanied by an invoice to
7 the receiver showing the number of cases of eggs of each
8 consumer grade in each shipment.

9 3 MCAR S 1.0396 Containers and packaging material used in
10 marketing eggs. Any container, including the packaging material
11 inside the container, which is unfit for the marketing of eggs
12 due to condition or contamination must, at the discretion of the
13 inspector and under his supervision, be rendered unusable.

14 3 MCAR S 1.0397 Identification of eggs in the possession of
15 dealers. Each case of eggs held by a dealer must be identified
16 as to grade and size in a manner acceptable to the commissioner.
17 Grade designation may not be abbreviated. Acceptable methods of
18 identifying cases include stamping, marking with chalk or other
19 legible marking, or a grade slip or label in or attached to each
20 case. Each case or part of a case of eggs which has not been
21 candled and graded must be identified with the producer's name
22 and address in a manner satisfactory to the commissioner.

23 3 MCAR S 1.0398 Minnesota purchase and consumer grades.

24 A. Purchase grades.

25 1. Eggs may be purchased only on the basis of the
26 standards of grades and weight classes established for consumer
27 grades.

28 2. Eggs may be purchased as "nest run" or "current
29 receipts."

30 3. All restricted eggs, must be handled in a manner
31 conforming to the requirements of the Federal Egg Products
32 Inspection Act of 1970, regulations promulgated under that act,
33 and Minn. Stat. S 29.235.

34 4. All eggs used in the manufacture of food products or
35 by a restaurant, caterer, nursing home, school, charitable

1 organization or similar establishment which prepares or serves
2 food for human consumption must be of Grade B or better, except
3 for checks and dirties which may be processed for human
4 consumption by an official egg processing plant licensed by the
5 department.

6 B. Consumer grades.

7 1. "Grade AA (at origin)" consists of eggs which are at
8 least 87 percent AA quality. The maximum tolerance of 13
9 percent which may be below AA quality may consist of A or B
10 quality in any combination, except that within the tolerance for
11 B quality not more than one percent may be B quality due to air
12 cells over 3/8 inch, blood spots aggregating not more than 1/8
13 inch in diameter, or serious yolk defects. Not more than five
14 percent checks are permitted and not more than 0.50 percent
15 leakers, dirties or loss due to meat or blood spots are
16 permitted in any combination except that loss may not exceed
17 0.30 percent. Other types of loss are not permitted.

18 2. "Grade AA (at destination)" consists of eggs which are
19 at least 72 percent AA quality. The remaining tolerance of 28
20 percent shall consist of at least ten percent A quality and the
21 remainder shall be B quality, except that within the tolerance
22 for B quality not more than one percent may be B quality due to
23 air cells over 3/8 inch, blood spots aggregating not more than
24 1/8 inch in diameter, or serious yolk defects. Not more than
25 seven percent checks are permitted and not more than one percent
26 leakers, dirties, or loss due to meat or blood spots are
27 permitted in any combination, except that loss may not exceed
28 0.30 percent. Other types of loss are not permitted.

29 3. "Grade A (at origin)" consists of eggs which are at
30 least 87 percent A quality or better. Within the maximum
31 tolerance of 13 percent which may be below A quality, not more
32 than one percent may be B quality due to air cells over 3/8
33 inch, blood spots aggregating not more than 1/8 inch in
34 diameter, or serious yolk defects. Not more than five percent,
35 or seven percent for jumbo size, checks are permitted and not
36 more than 0.50 percent leakers, dirties or loss due to meat or

1 blood spots are permitted in any combination, except that loss
2 may not exceed 0.30 percent. Other types of loss are not
3 permitted.

4 4. "Grade A (at destination)" consists of eggs which are
5 at least 82 percent A quality or better. Within the maximum
6 tolerance of 18 percent which may be below A quality, not more
7 than one percent may be B quality due to air cells over 3/8
8 inch, blood spots aggregating not more than 1/8 inch in
9 diameter, or serious yolk defects. Not more than seven percent,
10 or nine percent for jumbo size, checks are permitted and not
11 more than one percent leakers, dirties, or loss due to meat or
12 blood spots are permitted in any combination, except that loss
13 may not exceed 0.30 percent. Other types of loss are not
14 permitted.

15 5. "Grade B (at origin)" consists of eggs which are at
16 least 90 percent B quality or better. Not more than ten percent
17 may be checks and not more than 0.50 percent may be leakers,
18 dirties, or loss due to meat or blood spots in any combination,
19 except that loss may not exceed 0.30 percent. Other types of
20 loss are not permitted.

21 6. "Grade B (at destination)" consists of eggs which are
22 at least 90 percent B quality or better. Not more than ten
23 percent may be checks and not more than one percent may be
24 leakers, dirties, or loss due to meat or blood spots in any
25 combination, except that loss may not exceed 0.30 percent.
26 Other types of loss are not permitted.

27 C. Quality standards specifications. Specifications for
28 standards for quality of individual shell eggs must be in
29 accordance with the United States Standards for Quality of
30 Individual Shell Eggs and Weight Classes for Shell Eggs, 7 Code
31 of Federal Regulations Part 2856, effective December 26, 1978,
32 as amended October 1, 1981.

33 D. Weight classes for shell egg grades. Weight classes for
34 shell egg grades are established in Exhibit 3 MCAR S 1.0398 E.-1.

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Exhibit 3 MCAR S 1.0398 E.-1.

1 Weight Classes for Shell Egg Grades

2

3 Size or	Minimum Net Weight	Minimum Net Weight	Minimum
4 Weight	per dozen, in	per 30 dozen,	Weight for
5 Class	ounces	in pounds	Individual
6			Eggs at
7			Rate per
8			dozen, in
9			ounces
10 Jumbo	30	56	29
11 Extra Large	27	50 1/2	26
12 Large	24	45	23
13 Medium	21	39 1/2	20
14 Small	18	34	17

15 A lot average tolerance of 3.3 percent for individual eggs
 16 in the next lower weight class is permitted as long as no
 17 individual case within the lot exceeds five percent.

18 3 MCAR S 1.0399 Invoices. Every dealer selling eggs to a
 19 retailer must give the retailer an invoice showing the grade of
 20 the eggs under 3 MCAR S 1.0398 B. A copy of each invoice must
 21 be kept on file by the seller and the retailer at their
 22 respective places of business for 30 days and must be available
 23 to and open for inspection at all reasonable times by the
 24 commissioner.

25 3 MCAR S 1.0400 Labeling. Any dealer exposing or offering eggs
 26 for sale to a consumer must give notice of the grade of eggs in
 27 the manner set out in this rule.

28 If eggs are exposed or offered for sale in cartons, bags or
 29 other containers, the cartons, bags or containers must be
 30 plainly and conspicuously printed in letters not smaller than
 31 one-quarter inch in height, or plainly and conspicuously stamped
 32 or marked in letters not smaller than one-half inch in height
 33 with the exact grade and size. If eggs are offered or exposed
 34 for sale in bulk, there must be a placard among or adjacent to
 35 the eggs which states the grade and size of the eggs and is in

1 letters not smaller than one-half inch in height. Grade
2 designations may not be abbreviated. All containers must also
3 include the name and address of the producer, processor, or
4 distributor. In the case of the processor or distributor, the
5 words "packed for" or "distributed by" or some equivalent
6 phrasing should be used.

7 3 MCAR S 1.0401 Advertising. Any advertisement of eggs at a
8 given price must plainly and conspicuously indicate the grade
9 and size. Grade designations may not be abbreviated.

10 All reference to grades of eggs in advertising or in any
11 other manner, either for procurement or sale of eggs, must
12 conform to the grade and size terminology for purchase and
13 consumer grades promulgated by the commissioner.

14 3 MCAR S 1.0402 Misleading statements. No dealer may sell,
15 offer for sale, or advertise for sale, eggs for human
16 consumption if the package containing them, a label on the
17 package, or any advertising accompanying them bears any
18 statement or device which is in any way false or misleading.

19 3 MCAR S 1.0403 Coding and open dating.

20 A. Coding. Consumer grades of eggs must be code dated in
21 type not smaller than eight-point capitals to indicate the date
22 of delivery, which must not be more than three days from the
23 date of candling and grading. All cartons must bear a code date
24 and cases of eggs for bulk sales shall be plainly coded. If
25 retailers carton eggs which have been delivered in bulk cases,
26 the code date on the carton must be the same as on the cases.

27 B. Open dating. All consumer grade eggs must carry an "open
28 date" in addition to the code date. The code date is the day of
29 delivery and must be a Julian date so it is not confused with
30 the open date by consumers. The open date or freshness date
31 must be spelled out as the month or number of the month and day,
32 for example: 2-1 or Feb. 1. The open date must have an
33 explanatory clause, such as "Sell by" or "Use by," the word
34 "Expires" or the abbreviation "Exp."

1 3 MCAR S 1.0404 Use of word "Fresh." The use of the word
2 "Fresh" is limited to eggs of Grades AA, A and B quality which
3 are less than 31 days old. The term "Fresh" or a similar term
4 is not a substitute for grade designation.
5
6 Repealer. Rules Agr 402 and 404 are repealed.