

CHAPTER 29

FOODS; EGGS

Sec.		Sec.	
29.01	Egg dealers licensed	29.08	Cold storage eggs labeled
29.02	Unfit eggs, sale prohibited	29.09	Prohibiting sales
29.03	Dockage	29.10	Dockage; candling; reports
29.04	Candling certificates	29.11	Candling certificate
29.05	Re-sale dealers' licenses	29.12	Candling license
29.06	Supervision of egg business	29.13	Violations
29.07	License fees placed in egg inspection fund		

29.01. EGG DEALERS LICENSED. No person shall engage in the business of buying, selling, dealing in, or trading in eggs without first having obtained from the department of agriculture, dairy, and food, hereinafter called the department, an egg candling license to conduct such business. The license shall be issued upon proper application and the payment of \$1.00 as a license fee. All licenses so issued shall expire upon the first day of March next following the issuance thereof, but may be renewed, from time to time, for additional periods of one year upon presentation to the department of proper application therefor and the payment of a similar license fee.

[1937 c. 471 s. 1] (3935-11)

29.02 UNFIT EGGS, SALE PROHIBITED. No person shall sell, offer or expose for sale, or have in his possession for sale, any egg unfit for human food, unless the same is broken and then denatured so that it cannot be used for such purpose, except that eggs in unbroken, artificially colored shells, to be sold for animal food only under direct supervision of the department, may be kept for sale and sold for such purposes. For the purposes of sections 29.01 to 29.07, an egg shall be deemed unfit for human food if it be added or mouldy, possess a black rot, a white rot, or a blood ring or blood spot; or if it has an adherent yolk, or a bloody or green white, or if it be incubated one day or more; or if it consists, in whole or in part, of a filthy, decomposed, or putrid substance.

[1937 c. 471 s. 2] (3945-12)

29.03 DOCKAGE. No dealer, in buying or selling eggs, shall take or give a greater or less dockage for eggs unfit for human food, as herein defined, than the actual dockage as determined by the correct candling of the eggs purchased or sold, nor shall he undergrade eggs purchased nor overgrade eggs sold as such grading is determined and classified, from time to time, by the department, and every such dealer shall keep such candling records as may be required by the rules and regulations of the department, which records shall be open at all times for department examination. The department shall be charged with the enforcement of sections 29.01 to 29.07, and shall have the authority to promulgate all such rules and regulations as are necessary to the enforcement thereof. Nothing in sections 29.01 to 29.07 shall be construed to make the grading of eggs compulsory.

[1937 c. 471 s. 3] (3935-13)

29.04 CANDLING CERTIFICATES. There shall be placed on the top layer under the top flap of each case of candled eggs, and one attached to the end of the case, by the person candling the same, a candling certificate. The certificate shall be in such form as the department may by regulation prescribe. Such certificate shall show the name of the state, the date of candling of the eggs contained in the case in which it is placed, with the statement of the grade thereof, over the initials or number of the candler, and the name and license number of the dealer.

[1937 c. 471 s. 4] (3935-14)

29.05 RE-SALE DEALERS' LICENSES. No person shall engage in the business of breaking eggs for re-sale without first having secured from the department a license to conduct such business to be issued upon proper application and the payment of \$50.00 as a license fee. All licenses so issued shall expire on the first day of March next following the issuance thereof, but may be renewed, from time to time, for additional periods of one year upon presentation of proper application therefor and the payment of a similar license fee. The licensee shall at all times

comply with the rules and regulations of the department in respect to the conduct of such business and any violation of the rules and regulations so established shall be cause for revocation of such license upon notice and after hearing, upon proper charges and specifications, filed with the department and served upon the licensee.

[1937 c. 471 s. 5] (3935-15)

29.06 SUPERVISION OF EGG BUSINESS. The department is hereby vested with the power and authority to supervise, regulate, and make reasonable rules and regulations, not inconsistent with the law, relative to grading, candling, breaking, purchasing, and selling of eggs and egg products for the purpose of preserving and protecting the public health. In addition hereto, it is the express purpose herein that inasmuch as the breaking of eggs for re-sale is a matter of state concern, the surroundings in which such product is handled should be maintained in a sanitary condition, and, therefore, the department shall establish reasonable rules and regulations, not inconsistent with law, relative to the inspection of all establishments wherein the business of breaking eggs for re-sale is maintained, and when the sanitary conditions of any such establishments are such that the product is rendered, or is likely to be rendered, unclean, unsound, unhealthful, unwholesome, or otherwise unfit for human consumption, it shall have authority to revoke such license to break eggs for re-sale until such time as the department is satisfied that the establishment is maintained in a sanitary condition. These rules and regulations shall be approved as to form and legality by the attorney general, and the same shall be published twice in a legal newspaper of general circulation published at the capital of this state. From and after the tenth day succeeding the date of last publication these rules and regulations shall have full force and effect. An affidavit of publication, setting forth the rules and regulations in full and the dates of the publication thereof, shall be made by the publisher of the newspaper or by the manager or agent of the publisher, and kept on file in the office of the department with the original of the rules and regulations. The affidavit of publication, or a duly certified copy thereof, shall be prima facie evidence of the facts therein contained and of the establishing, adopting, and publishing of the rules and regulations. The department shall have the right, from time to time, to adopt different rules and regulations in the same manner as herein set forth.

[1937 c. 471 s. 6] (3935-16)

29.07 LICENSE FEES AND FINES PLACED IN EGG INSPECTION FUND. All license fees collected under sections 29.01 to 29.07, together with all fines paid for any violation thereof, shall be paid into the state treasury and credited to the egg inspection fund hereby created. The money so derived is hereby appropriated to the department to compensate for and meet the expense of inspection and supervision, the cost of publication, and of administration, and enforcement generally of sections 29.01 to 29.07.

[1937 c. 471 s. 7] (3935-17)

29.08 COLD STORAGE EGGS LABELED. No person shall sell, agree to sell, or advertise for sale, any cold storage eggs without making it known to the purchaser or prospective purchaser that the eggs are cold storage eggs, and all boxes or other receptacles in which cold storage eggs are sold or delivered, at wholesale or retail, shall be stamped in a conspicuous manner with the words "cold storage eggs."

[1921 c. 495 s. 69] (3856)

29.09 PROHIBITING SALES. No person shall sell, offer or expose for sale, or have in his possession, or traffic in, any egg unfit for human food, unless the same is broken in shell and then denatured so that it cannot be used for human food. For the purposes of sections 29.08 to 29.12, an egg shall be deemed unfit for human food if it be addled or mouldy, possess a black rot, a white rot, or a blood ring; or if it has an adherent yolk, or a bloody or green white; or if it be incubated beyond the blood ring stage; or if it consists, in whole or in part, of a filthy, decomposed, or putrid substance.

[1921 c. 495 s. 70] (3857)

29.10 DOCKAGE; CANDLING; REPORTS. No person, firm, or corporation shall, in buying or selling eggs, take or give a greater or less dockage for eggs unfit for human food, as defined in section 29.09, than the actual dockage which has been determined by the careful candling of the eggs so purchased or sold, and he shall keep such candling records as may be required by the rules and regulations of the commissioner. All such records shall be open at all reasonable times for examina-

tion by the commissioner, or his assistants, agents, inspectors, or employees. Every person engaged in the business of buying eggs for exchange or consignment in this state shall, within ten days after receipt of any shipment or consignment of eggs, render a detailed and accurate statement to the person by whom the shipment or consignment of eggs was shipped or consigned. The return statement shall truthfully and accurately classify the grade of eggs received according to the general commercial standard, and shall include the following information: The number of cases of eggs received, the number of No. 1 eggs, the number of No. 2's, or seconds, the number of cracked, the number of leakers, and the number of rots, as defined in section 29.09. The term "candling" shall be construed to mean the careful examination, in a partially dark room or place of the whole egg by means of a strong light, the apparatus and method employed to be such as shall be approved by the commissioner. Every person engaged in the business of buying eggs in this state for re-sale or consignment shall provide and maintain an adequate place for the accurate candling of eggs which are intended to be used for human food.

[1921 c. 495 s. 71] (3858)

29.11 CANDLING CERTIFICATE. There shall be placed on the top layer under the top flap of every case of candled eggs, by the person candling the same, a candling certificate. This candling certificate shall be printed on cards or sheets of paper not smaller in size than 2% by 4¼ inches, and shall give the date of candling the eggs contained in the case in which it is placed, the name, initials or number of the person candling the eggs, and the name of this state, and the license number of the person for whom the eggs were candled.

[1921 c. 495 s. 72] (3859)

29.12 CANDLING LICENSE. No person shall engage in the business of buying, selling, dealing in, or trading in eggs, except those retailers who do not buy direct from the producers and who do not sell in lots greater than one case, without first obtaining from the commissioner a candling license. Such officer, upon receipt of a proper application upon forms such as he may prescribe, accompanied by an annual license fee of \$1.00, shall thereupon issue to such person an annual candling license. Each license shall expire on the first day of March next after its issue.

The commissioner shall determine the conditions under which eggs previously candled shall be re-candled before sale in order to safeguard the purchaser against buying, as a part of a lot, eggs unfit for human food.

[1921 c. 495 s. 73; 1937 c. 17 s. 1] (3860)

29.13 VIOLATIONS. Any person who violates any provision of sections 29.01 to 29.07 shall be guilty of a misdemeanor.

[1937 c. 471 s. 8] (3935-18)