

# **Chapter 9. Market Commission—Poultry and Eggs**

## **Subchapter A. Certification of Official State Grades of Poultry, Poultry Products and Shell Eggs**

### **§901. Establishment of Official State Grades of Poultry, Poultry Products, and Shell Eggs**

A. Standards established in Regulations Governing the Voluntary Grading of Poultry Products and Rabbit Products and U.S. Classes, Standards, and Grades with Respect Thereto (7 CFR Part 2870) shall apply to all Louisiana state grades for poultry and poultry products.

B. Standards established in Regulations Governing the Grading of Shell Eggs and U.S. Standards, Grades, and Weight Classes for Shell Eggs (7 CFR Part 2856) shall apply to all Louisiana grades for shell eggs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:405 and R.S. 3:410.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Market Commission, LR 8:271 (June 1982).

### **§903. Certification of Poultry, Poultry Products, and Shell Eggs**

A. The examination, acceptance and certification of poultry, poultry products, and shell eggs shall be in accordance with U.S. Department of Agriculture, A.M.S. (Agricultural Marketing Service), Poultry Grading Branch poultry and egg grading and inspection requirements.

B. Each master or shipping container of poultry and egg products shall be legibly labeled to show the net weight, U.S. grade (if applicable), inspection mark, plant name and address, kind, class, and weight range.

C. A Louisiana certificate of condition and origin must be issued no more than seven days prior to delivery and must accompany each delivery of product to a state agency or political subdivision of the state. The certificate of condition examination and origin must contain:

1. the origin of the product, except as provided in §903.D;
2. the purchase order number of the purchasing agency;
3. verification of:
  - a. condition of the product, i.e., no change in the product since initial inspection; and
  - b. compliance with the specifications of the purchase order.

D. The purchase order of the purchasing agency must indicate whether or not a vendor has claimed a preference based on provision of Louisiana agricultural products. When the purchase order of the purchasing agency does not indicate that the vendor has claimed a Louisiana agricultural products preference, no certification as to origin of the product will be made.

E. Each master or shipping container of poultry, poultry products, and shell eggs meeting the specifications of the purchase order shall be stripped on the outside of the container with non-glossy filament tape or equivalent. All tape used for sealing purposes must be approved by the Department of Agriculture and Forestry. The tape shall be placed so that it must be torn to open the container.

F. Each master or shipping container must be stamped with the U.S.D.A. contract compliance stamp and certificate number or U.S.D.A. Sample Grade stamp and date or bear the U.S.D.A.

shield. The stamp imprint must be legible and placed partially on the container and partially on the tape on the end of the container.

G. All containers of Louisiana agricultural products must be stamped with a Louisiana agricultural products stamp.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:405.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Market Commission, LR 8:271 (June 1982), amended by the Department of Agriculture and Forestry, Market Commission, LR 19:1120 (September 1993).

#### **§905. Time Limitation for Issuance of Certificate**

A. A state of Louisiana condition examination and origin certificate must be issued not more than seven days prior to the scheduled delivery of the product to the purchasing agency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:405.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Market Commission, LR 8:272 (June 1982), amended by the Department of Agriculture and Forestry, Market Commission, LR 19:1121 (September 1993).

#### **§907. Waiver of Specification Requirements**

A. The purchasing agency may waive the requirements for sealing of the container when the contents are ice-packed rather than frozen, but may do so only at purchasing agency's risk. When the purchasing agency waives the requirement for sealing of the container, a written statement of waiver must be provided to the Department of Agriculture and Forestry.

B. Waivers and amendments to specification requirements may be made only with concurrence of the purchasing agency and the vendor.

C. A written statement of the precise nature of the changes in the specifications must be provided to the Department of Agriculture and Forestry representative prior to any examination of the product.

D. Failure to include information concerning the Louisiana agricultural products preference of the vendor on the purchase order shall constitute a waiver of the vendor's right for a certificate of origin.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:405.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Market Commission, LR 8:272 (June 1982).

#### **§909. Final Delivery of Product**

A. Final acceptance of the product will be the responsibility of the purchasing agency.

B. Products may be rejected for the following reasons:

1. no certificate affixed;
2. sealing tape on container broken;
3. no official stamp affixed;
4. obvious deviations from specification requirements without appropriate written notice of changes in specification requirements.

C. Purchasing agency may accept product with minor deviations from specification requirements without written statement of agreed-upon changes, but shall do so at purchasing agency's risk.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:405.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Market Commission, LR 8:272 (June 1982).

### **§911. Contractor's Obligations**

A. Vendors requesting certification services under these regulations must provide such assistance as may be necessary to expedite the examination and certification of products and the taping of containers, including the provision of the necessary tape.

B. Vendors desiring certification services must notify the Department of Agriculture and Forestry at least 24 hours in advance of need. Vendors who fail to give at least 24 hours advance notice of need shall be subject to a penalty of \$50, regardless of the time required for the services or the fees assessed.

C. The cost of all examination and certification services shall be paid by the vendor at the current U.S.D.A. rate for each hour required to conduct the examination, provided that no specific charge shall be made for certification of product when inspection is simultaneously performed. The cost of all examination and certification services on all eggs and poultry that does not require a federal grade certificate to be written by a Louisiana Department of Agriculture and Forestry employee shall be charged at a rate of \$0.025 per pound for each hour required to conduct the examination, provided that no specific charge shall be made for certification of product when inspection is simultaneously performed.

D. Vendor must reimburse the Department of Agriculture and Forestry for travel expenses of the inspector providing services, at the rate specified in state travel regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:412 and R.S. 3:405.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Market Commission, LR 8:272 (June 1982), amended LR 9:411 (June 1983), LR 16:393 (May 1990), amended by the Department of Agriculture and Forestry, Market Commission, LR 19:1121 (September 1993), LR 25:236 (February 1999).

## **Subchapter B.Egg Grading and Marketing**

### **§915. Definitions**

A. For the purpose of these regulations the following words, terms and phrases shall be construed to mean:

*Ambient Temperature*—the atmospheric temperature surrounding or encircling shell eggs.

*Boiled Eggs*—eggs that are hard or soft boiled, that are pickled, frozen, or by any other means preserved and sold commercially.

*Broker*—a person who never assumes ownership or possession of eggs, nor changes the grade or pack of eggs, but is engaged in the business of acting as agent, for a fee or commission, in the sale or transfer of eggs between producers, or dealer-wholesalers as sellers and dealer-wholesalers, processors, or retailers as buyers.

*Candling*—the practice of examining the interior of an egg by use of transmitted light for determining whether it is inedible, and for determining quality in grading edible eggs.

*Case*—30 dozen per case of shell eggs.

*Commissioner*—the Commissioner of Agriculture and Forestry of the State of Louisiana.

*Consumer*—any person using eggs for food, and shall include restaurants, hotels, cafeterias, hospitals, state institutions, schools, other places not specifically named such as bakeries, day care centers, nursing homes, etc. or any other establishment serving food to be consumed or produced on the premises, but shall not include the Armed Forces or any other federal agency or institution.

*Dealer-Wholesaler*—any person engaged in the business of buying eggs from producers or other persons on his own account and selling or transferring eggs to other dealer-wholesalers, processors, retailers, or other persons and consumers. A *dealer-wholesaler* further means a person engaged in producing eggs from his own flock and disposing of any portion of the production on a graded basis.

*Denatured*—rendering unfit for human consumption by treatment or the addition of a foreign substance such as lamp black, methylene dye, powdered charcoal or kerosene, in addition to crushing of the egg shells.

*Department*—the Louisiana Department of Agriculture and Forestry.

*Egg Producer*—any person, farm, corporation, or other entity that produces eggs.

*Egg Products*—any other products made from whole eggs, egg whites, egg yolks or any combination thereof that is not included in the above definitions.

*Egg Products Inspection Act*—Public Law 91-597, Egg Products Inspection Act, dated 12/29/70.

*Eggs*—the product of the domesticated chicken offered for sale for human consumption.

*Federal Standards*—the quality and weight requirements for grades as defined in the United States Standards for Shell Eggs that are now or may hereafter be established by the United States Department of Agriculture.

*Frozen Egg Products*—frozen whole eggs, frozen whites, or frozen yolks or any combination thereof to which have been added salt, sugar, or other food or noninjurious food additive.

*Frozen Eggs, Frozen Egg Yolks, or Frozen Mixed Eggs*—the food prepared by freezing liquid eggs.

*Inedible and Unfit for Human Consumption*—for eggs, this shall mean eggs described as 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), leakers, and any eggs that are adulterated as such term is defined pursuant to the Food, Drug and Cosmetic Act.

*Offered for Sale*—eggs that are housed within any wholesale or retail place of business, or on or alongside of any loading or unloading platform in the state of Louisiana, or within a truck or other carrier that has come to rest within the state of Louisiana.

*Packer*—any person who grades, sizes, candles, and packs eggs for the purpose of resale.

*Person*—any individual, partnership, association, business trust, corporation or any organized group of persons, whether incorporated or not.

*Possession*—the fact of possession by any person engaged in the sale of a commodity is prima facie evidence that such commodity is for sale.

*Processor*—a person who operates a plant for the purpose of breaking or boiling eggs for freezing, drying, or commercial food manufacturing.

*Producer*—any person engaged in the business of producing eggs in Louisiana, either as an owner or as an officer or stockholder of a business engaged in producing eggs in Louisiana, or any person deriving a profit from such business or a person who further processes boiled, frozen or other egg products derived from fresh shell eggs.

*Retailer*—any person who sells eggs to a consumer.

*Sell*—to "offer for sale," "expose for sale," "have in possession for sale," "exchange," "barter," or "trade."

*Standard*—the quality specifications for a single egg, and a group of standards is combined to make a grade.

*U.S.D.A.*—the United States Department of Agriculture.

AUTHORITY NOTE: Adopted in accordance with R.S. 3:405.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Market Commission, May 1969, amended by the Department of Agriculture and Forestry, Market Commission, LR 19:1121 (September 1993), LR 23:293 (March 1997).

### **§917. Temperature Requirements**

A. The temperature of shell eggs shall be held at an ambient temperature of 45° F or below at all times when being transported, stored, or displayed for sale except for brief periods of loading or unloading.

1. No shell egg handler shall possess any shell eggs that are packed into containers for the purpose of resale to the consumer unless they are labeled with the following statement: "keep refrigerated at or below 45° F."

2. Every person, firm, or corporation selling shell eggs for the purpose of resale to the consumer must store and transport shell eggs under refrigeration at an ambient temperature no greater than 45° F, and all containers of eggs must be labeled "Keep refrigerated at or below 45° F." The requirements of this Section include, but are not limited to, retailers, institutional users, restaurants, nursing homes, dealer-wholesalers, food handlers, transportation firms, or any person who delivers to the retail or consuming trade. Eggs found which do not meet refrigeration requirements, either in transit, storage, or display, can be seized and destroyed by Department of Agriculture and Forestry inspectors.

B. Packers shall not be responsible for the interior quality of eggs if all recommended handling procedures in this Section are not followed by all parties following point of sale by packer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:405.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Market Commission, LR 19:1122 (September 1993), amended LR 23:293 (March 1997).

## **§919. Sale or Offering for Sale of Eggs within Louisiana**

A. No person, firm, or corporation shall sell, traffic in, or deliver to the retail or consuming trade, any eggs unfit for human consumption or any eggs that do not meet Grade B requirements. A store may not repackage eggs unless it has an egg consolidation plan approved by USDA and LDAF.

B. All shell eggs and egg products offered for sale in Louisiana are subject to inspection by personnel of the Louisiana Department of Agriculture and Forestry before being placed in retail outlets. If a particular lot of eggs does not meet the Louisiana grade standards the said lot may be seized or be retained for shipment back to the producer. All packer/producers and retailers must maintain records showing the disposition of all eggs retained and returned to the packer/producer.

C. This Chapter shall be applicable to all retailers of eggs, except that retailers shall be permitted to sell eggs, identified as unclassified, when such eggs are purchased directly from producers who own less than 500 hens; however, eggs sold as unclassified must meet Grade B standards.

### **D. Invoices**

1. Every person, firm, or corporation selling eggs or egg products to a retailer or manufacturer shall furnish an invoice showing the size, quality, and date of transaction of such eggs according to the standards prescribed by this Section together with the name and address of the person by whom the eggs were sold. This invoice shall be retained for two years.

2. Retailers shall be required to produce an invoice showing origin of eggs. These invoices must be kept for a period of two years. These invoices shall also show the name and address of the vendor, producer, packer, dealer-wholesaler or broker.

### **E. Containers**

1. All containers shall show the name and address of the producer.

2. Any and all shell eggs offered for sale at retail shall be prepackaged, and shall be plainly marked as to grade and size with letters not less than 3/8 inch in height.

3. Containers must contain the phrase "Keep refrigerated at or below 45° F."

### **F. Licenses**

1. Every person, firm, or corporation engaged in selling shell eggs, frozen eggs, liquid eggs, or any egg product to a retailer or manufacturer shall secure a license. The license shall be issued by the commissioner, after application made to and approval granted by the Louisiana Egg Commission.

2. All packers/producers/processors are subject to yearly plant inspections by the department. Travel expenses incurred in conducting such inspections shall be reimbursed to the Department of Agriculture and Forestry by the licensee.

3. Application forms for license shall be furnished by the Department of Agriculture and Forestry. Each license application shall be accompanied by a fee of \$100 payable to the Louisiana Egg Commission. Upon approval of the application, a license will be issued to the applicant. A license will be valid for a period of one year, September 1 through August 31.

4. Any packer/producer/processor/dealer-wholesaler/ broker that does not apply for a license, after being informed that such business requires a license or having received the necessary applications from the department, shall have all eggs sold by such business put off-sale until such time as the business obtains a license.

G. Inspection Requirements for Packing Plants and Egg Products/Boiling Plants

1. Packing plants and egg products/boiling plants shall meet minimum requirements of state health regulations, USDA regulations, and Food and Drug Administration regulations and practice good sanitation practices. If minimum sanitation requirements for food handling are not met, the department has the right to stop operation until such time as the plant is in compliance.

2. All eggs used in boiling operations must meet Grade B requirements. Boiling operations will provide the Department of Agriculture and Forestry with a schedule stating the hours of operation. Boiling operations will be checked for sanitation and egg quality on a regular basis. Eggs boiled which do not meet minimum Grade B requirements will be destroyed by the licensee upon request of and in the presence of department personnel.

AUTHORITY NOTE: Adopted in accordance with R.S. 3:405.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Market Commission, May 1969, promulgated by the Department of Agriculture and Forestry, Market Commission, LR 19:1122 (September 1993), amended LR 23:293 (March 1997), amended by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety, Egg Commission, LR 42:219 (February 2016), LR 43:1517 (August 2017).

**§921. Louisiana Standards, Grades and Weight Classes for Shell Eggs**

A. Louisiana standards, grades and weight classes for shell eggs shall be as defined in the United States Standards that are now or may hereafter be established by the United States Department of Agriculture.

B. Louisiana Consumer Grades. The official Louisiana consumer grades for shell eggs are as follows.

Grade AA
Grade A
Grade B

C. Louisiana Weight Classes

Jumbo	Medium
Extra Large	Small
Large	Pee wee

D. These grades are applicable to edible shell eggs in lot quantities rather than on an individual egg basis. A lot may contain any quantity of two or more eggs.

AUTHORITY NOTE: Adopted in accordance with R.S. 3:405 and R.S. 4:10.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Market Commission, May 1969, amended by the Department of Agriculture and Forestry, Market Commission, LR 19:1122 (September 1993).

### **§923. Inspections; Fees; Failure to Meet Standards**

A. All eggs and egg products offered for sale in Louisiana are subject to inspection by personnel of the Louisiana Department of Agriculture and Forestry.

B. There shall be a \$0.02 per case assessment for all shell eggs graded or processed in the state of Louisiana. In addition, any plant outside of the state of Louisiana shipping eggs into Louisiana, for wholesale or retail, shall be charged the same assessment. This assessment shall be dedicated to the Louisiana Egg Commission.

C. An additional \$0.16 per case inspection fee for all graded or processed shell eggs or egg products sold in the state of Louisiana, if the sale is to the consumer or if the purchase by the buyer is for the purpose of resale at the consumer level, or if by the dealer/wholesaler for the purpose of resale.

D. Producers/brokers selling nest run eggs in Louisiana will not be responsible for the \$0.02 assessment nor the \$0.16 inspection fee. The assessment or fee shall be paid by the packer packaging the eggs.

E. All egg products will be inspected for condition only. All egg products plants shall be responsible for the fees and assessments due on all products entering Louisiana. Additionally, at the discretion of the department, a dealer/wholesaler selling egg products in Louisiana could be held liable for fees due in lieu of an egg product plant based on the following formula:

1. 36 pounds of frozen or liquid eggs shall represent a 30 dozen case of shell eggs;
2. nine pounds of dried eggs shall represent a 30 dozen case of shell eggs;
3. two containers of boiled eggs weighing 20 to 25 pounds each shall represent a 30 dozen case of shell eggs;
4. 50 pounds of cooked or diced eggs shall represent a 30 dozen case of shell eggs;
5. boiled/pickled eggs: case equivalent shall be determined by dividing the number of eggs in a container by 360.

F. Packers/producers, processors, and wholesalers shall be required to report and pay assessments and inspection fees on reported volume on a monthly basis. Reports are due on a monthly basis from all egg handlers regardless of who is responsible for paying the assessments and fees. The assessments and fees shall be paid/reported no later than the fifteenth of the following month. If a report is not received by the due date, a letter shall be sent to the egg handler reminding them of the past due report. If the handler does not report within 10 days from date of the past due notice, the egg handler's license may be suspended and all eggs or egg products found sold, packaged, or processed shall be put off sale and the packer/producer's eggs shall not be sold in Louisiana until such time when all assessments and fees are paid in full.

G. Report forms shall be supplied by the Department of Agriculture and Forestry, Poultry and Egg Division. It shall be the responsibility of the packer to request these forms as they are needed.

H. Dealers-wholesalers shall be required to furnish evidence of origin by invoice on eggs which they handle. Dealers/wholesalers shall report volume of sales monthly on forms furnished by the department. On sale of eggs and egg products produced out-of-state, the last dealer/wholesaler/processor that handles the eggs or egg products before they enter the state shall be



responsible for paying all fees. In-state producers/packers/processors are responsible for all fees of eggs or egg products they have sold in this state. Fees shall be paid not later than the fifteenth of the following month.

I. Brokers shall be required to furnish evidence of origin by invoice on eggs and egg products which they handle and sell in Louisiana. If shell eggs are nest run, then the packer buying such eggs shall be responsible for fees. If the eggs have been graded, then the packer who graded the eggs shall be responsible. However, if the state is not able to collect the fees from the out-of-state packer then the in-state packer shall be responsible for all fees. No fees shall be charged to place of origin on nest-run eggs; the packer buying the eggs shall be responsible for all fees.

J. Underpayment or overpayment found during audits are to be reported on the next monthly egg inspection report to the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:405 and 3:412.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Market Commission, LR 19:1122 (September 1993), amended LR 23:294 (March 1997), amended by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety, Egg Commission, LR 43:1517 (August 2017).

### **§925. Ownership**

A. All eggs shall be considered the property of the person in whose possession they are found except those in the custody of common carriers or public warehouses where the owner is identified by record.

AUTHORITY NOTE: Adopted in accordance with R.S. 3:405.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Market Commission, May 1969.

### **§927. Destination Tolerances; Additional Inspection Fees**

A. No eggs shall be sold for resale to the consumers below U.S. Grade B, nor shall any eggs be sold as fresh eggs if the eggs are over 45 days of age. Eggs 45-60 days of age after package date may be returned to the processor or sent to a breaker. Eggs older than 60 days from date of package will be destroyed on the premises in the presence of the inspector/grader.

B. Eggs not meeting destination tolerances of the grade designated on the container shall be subject to an additional inspection fee and shall have a stop sale place on them.

C. Eggs not meeting Grade B standards shall have a stop sale issued, pay an additional inspection fee as set forth below, and be retained under U.S.D.A. provisions.

	<b>Grade A Standards**</b>	<b>Grade B Standards*</b>
1-10 cases	\$ 5	\$15
11-30 cases	20	30
31-99 cases	30	60
over 100 cases	40	80

\*Eggs failing to meet Grade B standards may be retained with a U.S.D.A. tag and a PY 518 Alleged Violations and Detention Notice.

\*\*Eggs failing to meet Grade A standards, but which meet Grade B standards shall be returned under a Louisiana stop sale, and shall be subject to an additional inspection fee.

D. If an appeal grading is asked for and the inspector's decision is upheld, the party asking for the appeal grading shall pay all expenses incurred at the current federal rate. If the inspector's decision is reversed, the state shall absorb all expenses. Appeal grading shall be performed by the director or assistant director of the Poultry and Egg Division.

E. Any egg handler that fails to pay the additional inspection fee shall have a stop sale placed on this product and any other egg or egg product found in the state until such time as all fees are paid.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:405 and 3:412.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Market Commission, LR 19:1123 (September 1993), amended LR 23:295 (March 1997), LR 28:1171 (June 2002).

#### **§929. Labeling, Advertising and Displaying of Eggs**

A. Terms, words, phrases, symbols, etc. used in the labeling and advertising of eggs such as fresh, newly laid, and yard eggs shall be applied only to eggs having not less than the minimum quality requirements of U.S.D.A. consumer Grade A or better and which have been so labeled as to grade and size.

B. Each carton or sleeve shall have on each individual container the following:

1. the grade and size;
2. the date when packed;
3. the name and address of packer/producer;
4. the Louisiana license number issued by the Louisiana Egg Commission (example: La000);
5. the phrase "keep refrigerated at 45° F or below";

C. Each case, regardless of size, of loose eggs shall have marked on one end:

1. the grade and size;
2. the name and address of packer/producer;
3. the date when packed;
4. the Louisiana license number (example: La000);
5. the phrase "keep refrigerated at 45° F or below" (this may be placed on the side or top of the case).

D. Eggs that are packed on flats (cartons that do not have tops or lids) and are shrink wrapped shall have the above information on a place card no smaller than 5 x 8 inches displayed

immediately above the eggs so packed that are being offered for sale to the consumer. It is the responsibility of the retailer to see that such signs are posted.

E. License numbers shall have "La" preceding the number (example: La001).

F. All eggs advertised or displayed for sale for human consumption shall designate the correct grade and size, and such designation shall also appear on the exterior of the container in which eggs are offered for sale.

G. Restaurants, hotels, and other dining places using eggs below Grade A quality shall be required to display a placard of heavy cardboard of not less than 8 x 11 inches, stating the quality and weight of the eggs used by the establishment, in a location where it can easily be seen by the customers, or in lieu thereof, place this information on the menu. If packers, jobbers, or dealer-wholesalers sell eggs below Grade A quality to restaurants, hotels, and other eating establishments, it shall be their responsibility to inform them to post such notices.

H. Grade and size of eggs must be identified in ads, papers, circulars, and point-of-sale materials.

I. All cartons and containers containing shell eggs that have not been specifically processed to destroy all live *Salmonellae* prior to distribution for sale to the ultimate consumer shall contain the following statement on each such carton or container:

"SAFE HANDLING INSTRUCTIONS: To prevent illness from bacteria: keep eggs refrigerated, cook eggs until yolks are firm and cook foods containing eggs thoroughly."

AUTHORITY NOTE: Adopted in accordance with R.S. 3:405.

HISTORICAL NOTE: Adopted by the Department of Agriculture, State Market Commission, May 1969, amended by the Department of Agriculture and Forestry, Market Commission, LR 19:1123 (September 1993), LR 28:1171 (June 2002).

### **§931. Exemption**

A. Producers selling eggs of their own production on their own premises to individuals are exempt from the provisions of these regulations. No more than 30 dozen can be sold to one person at one time.

AUTHORITY NOTE: Adopted in accordance with R.S. 3:405.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Market Commission, May 1969, amended by the Department of Agriculture and Forestry, Market Commission, LR 19:1124 (September 1993).

### **§933. Stop Sale Notices**

A. Any enforcement officer may, while enforcing the provisions of the regulations, issue and enforce a written, printed or stamped *Stop Sale* order on any eggs held to be in violation of these regulations which shall prohibit further sales of any such eggs. In case of a dispute the egg vendor shall have the right of prompt re-inspection by a licensed federal or state grader. If upon re-inspection the eggs fail to meet the specifications for grade as advertised they shall be re-marked as to their proper grade and weight classification or they shall be re-packaged.

AUTHORITY NOTE: Adopted in accordance with R.S. 3:405.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Market Commission, May 1969.

## **§935. Audits**

A. All license holders are subject to yearly audits and must be audited at least once every two years to insure proper reporting of egg and egg product inspection fees and egg assessments to the Louisiana Egg Commission. Audits shall be performed by employees of the Department of Agriculture and Forestry. Travel expenses and per diem incurred in conducting out-of-state audits are to be reimbursed to the Department of Agriculture and Forestry by out-of-state license holders. Failure or refusal to pay travel expenses and/or per diem will result in immediate suspension of license and all products found in the state shall have a "STOP SALE" placed on the product and no further sales will be allowed in the state until such time as all expenses are paid.

B. The out-of-state daily allowance for meals and lodging, plus travel expense to and from locations of license holders shall be the maximum amount reimbursable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:405.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Market Commission, LR 19:1124 (September 1993), amended LR 23:295 (March 1997).

## **§937. Prohibited Acts**

A. It is prohibited to:

1. prepare, pack, place, deliver for shipment, deliver for sale, load, ship, transport, sale in bulk or containers or advertise by sign, placard or otherwise any eggs for human consumption which are mislabeled, that are, or contain inedible eggs not denatured, or eggs that have been incubated;

2. use descriptive terminology for eggs that have not been graded and sized according to the standards set forth by the Louisiana Department of Agriculture and Forestry;

3. use descriptive terminology such as "fresh," "farm," "country," etc., or to represent the same to be "fresh" any eggs excepting those eggs that meet the minimum requirements of Grade A destination standards and are less than 30 days of age;

4. sell to the consumer eggs that are over 30 days of age.

AUTHORITY NOTE: Adopted in accordance with R.S. 3:405.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Market Commission, May 1969, amended by the Department of Agriculture and Forestry, LR 19:1124 (September 1993).

## **Subchapter C. Identification of Graded Dressed and Drawn (Ready-to-Cook) Poultry**

### **§939. Definitions**

*Further Processing*—when referring to poultry, a poultry plant engaged in further processing of poultry—i.e., nuggets, patties, breaded products, etc.

*Poultry*—any domesticated fowl, including chickens, turkeys, ducks, and geese.

*Poultry Plant*—a plant engaged in the business of slaughter or processing poultry for sale, either fresh or frozen.

*R.T.C.*—when referring to poultry, *ready-to-cook*, no further processing is necessary.

AUTHORITY NOTE: Adopted in accordance with R.S. 3:405.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Market Commission, June 1954, amended by the Department of Agriculture and Forestry, Market Commission, LR 19:1124 (September 1993).

#### **§941. Application**

A. No poultry may be offered for sale to the consumer unless it was slaughtered in a federally inspected plant or in a Louisiana plant that is state inspected to insure sanitation and to insure that the product is wholesome.

B. The specifications for poultry grade shall, at all times, be based upon *THE UNITED STATES QUALITY STANDARDS FOR POULTRY* formulated by the United States Department of Agriculture.

C. The Department of Agriculture and Forestry shall cooperate with the United States Department of Agriculture and Forestry or any other agency in formulating cooperative programs for the furtherance of these regulations.

AUTHORITY NOTE: Adopted in accordance with R.S. 3:405.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Market Commission, June 1954, amended by the Department of Agriculture and Forestry, Market Commission, LR 19:1124 (September 1993).

#### **§943. Labeling, Advertising and Displaying of Poultry**

A. No poultry can be advertised for sale in newspapers, radio, store ads, or other means as Grade A, U.S. Grade A, or U.S.D.A. Grade A unless the product bears the U.S.D.A. Grade A shield. A store may advertise "cut-from Grade A poultry" only if it is able to prove that the product was cut from Grade A whole poultry. It may not advertise "cut-from Grade A poultry" if it has in its place of business any like product that is not Grade A. (Example: it cannot advertise "8 piece cut chicken, cut from Grade A birds" if it has invoices, or whole product that was not Grade A.)

B. No retailer may mark product as Grade A, A Grade, or U.S. Grade A, either on the product or in placards above the product, or elsewhere in the store unless it has been graded and has a U.S.D.A. Grade Shield on the packaging, if individually wrapped. If the product was bulk packed, then the retailer must have the label from the original master container and sales invoice to prove the product is A Grade.

C. Wholesale. Whole birds, cut-up, and parts must be labeled or have imprinted or stamped on the individual wrappers the grade (if graded, the U.S.D.A. shield must also be on each container), part name or whole bird statement, name and address of the plant (including plant number except in the case of whole birds, the plant number may be on the clip), and U.S.D.A. legend.

D. Retail (not packaged, bulk). In refrigerated cases with open displays of R.T.C. poultry, placards declaring the grade (if any) and part name or whole bird statement must be displayed immediately adjacent thereto. The size of the print used on such placard shall be large enough to be easily read.

E. Retail (packaged). Packaged R.T.C. poultry offered for sale at retail must be labeled to show grade (if graded), part name or whole bird statement, net weight, and name and address of plant where produced. If packaged by the store, package must show store name.

F. All master containers in which dressed R.T.C. poultry, either loose or in smaller containers or individual wrappers, must also be labeled to show grade if any, part name, or whole bird statement, name and address of plant or dealer, and U.S.D.A. Legend (if from out-of-state).

AUTHORITY NOTE: Adopted in accordance with R.S. 3:405.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Market Commission, June 1954, amended LR 19:1125 (September 1993).

#### **§945. Penalties**

A. Any person, corporation or other organization violating the provisions of the Chapter may be fined not less than \$25 or more than \$500, as provided by Louisiana Revised Statutes of 1950, Title 3, Section 3:413.

B. Product mislabeled shall have a stop sale placed on it until it is properly labeled, as determined by an employee of the state Poultry and Egg Division.

AUTHORITY NOTE: Adopted in accordance with R.S. 3:405 and R.S. 3:413.

HISTORICAL NOTE: Adopted by the Department of Agriculture, Market Commission, June 1954, amended by the Department of Agriculture and Forestry, LR 19:1125 (September 1993).

#### **§949. Authority to Enter Premises**

A. Employees or agents of the Department of Agriculture and Forestry are authorized to enter any store, vehicle, market, restaurant, state institution, school, nursing home, or any other business or place where eggs or poultry are bought, stored, sold, offered for sale or processed, or served as food to the public, and to make such inspections as needed of eggs to determine if the grades of such eggs conform to grades as labeled on the exterior of the container. If such inspection determines that the eggs in the container do not conform to the grade as labeled on the exterior of the container, the Department of Agriculture and Forestry employees or agents are authorized to examine the invoices and such other records needed to determine the cause and place of the violation of the regulation of this Chapter. The said agents or employees shall have the power to stop sale, and impound for evidence, any containers of eggs offered for sale which are in conflict with any provisions of this Act. The party having possession of the eggs has the right to ask for an appeal grading.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:405.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Market Commission, LR 19:1125 (September 1993).