

Chapter repealed and recreated
Reg Jan 1958 eff 2-1-6

Chapter Ag 90

EGG GRADING AND MARKETING

Ag 90.01	Definitions	Ag 90.05	Regulations governing
Ag 90.02	Marketing of eggs		grades
Ag 90.03	Description of grades	Ag 90.06	Exceptions
Ag 90.04	Weight or size classification		

Ag 90.01 Definitions. (1) "Attached" shall mean that one certificate shall be firmly affixed to one end of the case.

(2) "Candled" shall mean that the eggs have been carefully examined in a partially darkened room or place by means of light transmitted through the egg.

(3) "Candling certificate" shall mean a label, not less than 2% inches by 4¼ inches in size, bearing the designation, "Wisconsin Eggs", properly filled out as provided for in (6) hereof.

(4) "Department" shall mean the Wisconsin State Department of Agriculture.

(5) "Eggs" shall include all chicken eggs, including those held under refrigeration or otherwise held or preserved.

(6) "Properly filled out" shall mean that the certificate shall show the Wisconsin grade or the word "Ungraded" in letters not less than ¼ inch high, the date of candling, the name and address of the packer candling the eggs, and the initials of the candler.

(7) "First receiver" is a person who buys current receipt eggs from producers and customarily sells them uncandled and ungraded to an assembler of eggs or an intermediate handler. Sometimes such eggs are sold subject to grade as determined by the assembler.

(8) "Intermediate handler" is a person who buys current receipt eggs from producers and first receivers and who customarily sells them to an assembler, ungraded, or subject to grade as determined by the assembler.

(9) "Assembler" is a person who buys eggs from producers, first receivers and/or intermediate handlers and who customarily grades and repacks all or a substantial portion of such eggs for sale in the ordinary channels of trade for human consumption.

Ag 90.02 Marketing of eggs. (1) No person shall sell any eggs at retail to consumers unless such eggs shall have been carefully candled and all inedible eggs have been removed.

(2) No person shall market or have in possession for commercial purposes any eggs unless such eggs shall have been candled and all inedible eggs have been removed. A candling certificate properly filled out shall be attached to each case of ungraded eggs. If the eggs have been graded there shall be attached to each case either a candling certificate properly filled out or a tag or label stating the grade, the date of packing and the name and address of the packer.

(3) The provisions of (2) above shall not apply to current receipt eggs as sold or to be sold to an assembler by a first receiver or intermediate handler if the identity of the first seller or packer is maintained for each case.

(4) It is a violation of this order to sell, offer or expose for sale, or have in possession with intent to sell, any inedible eggs at retail to the consumer or in any of the channels of trade except as provided in (3) above. The person in possession shall be charged with such violation.

(5) No person shall change, mutilate or destroy the candling certificate on any case containing eggs, except in the process of repacking or recandling.

(6) All inedible eggs shall be destroyed or diverted from the channels of food for human consumption.

Ag 90.03 Description of grades. (1) **GRADE AA.** Eggs labeled or sold as Grade AA must conform to the following standards: The shell must be clean, unbroken and practically normal. The air cell must not exceed $\frac{1}{8}$ inch in depth and be practically regular. The white must be clear and firm so that the yolk appears well centered and its outline only slightly defined when the egg is twirled before the candling light. The yolk must be free from apparent defects.

(2) **GRADE A.** Eggs labeled or sold as Grade A must conform to the following standards: The shell must be clean, unbroken and practically normal. The air cell must not exceed $\frac{2}{8}$ inch in depth and must be practically regular. The white must be clear and at least reasonably firm so that the yolk appears at least fairly well centered and its outline only fairly well defined when the egg is twirled before the candling light. The yolk must be practically free from apparent defects.

(3) **GRADE B.** Eggs labeled or sold as Grade B must conform to the following standards: The shell must be reasonably clean, unbroken and may be slightly abnormal. The air cell must not exceed $\frac{3}{8}$ inch in depth and may show total movement not in excess of $\frac{3}{8}$ inch. However, an air cell not over $\frac{2}{8}$ inch in depth may be free. The white must be clear but may be slightly weak so that the yolk may appear off center with its outline well defined when the egg is twirled before the candling light. The yolk may appear slightly enlarged and slightly flattened and may show other definite but not serious defects.

(4) **GRADE C.** Eggs which have been candled and found edible but which do not conform to the standards for AA, A or B may be labeled and sold as Grade C.

(5) **UNGRADED.** "General run" or "current receipt" eggs which have been candled and from which all unmerchable or inedible eggs have been removed may be labeled and sold "Ungraded".

Ag 90.04 Weight or size classification. (1) The following size or weight classification may be used for eggs labeled or sold as Grade AA, A or B:

Size or weight class	Minimum net weight per dozen Ounces	Minimum net weight per 30 dozen Pounds	Minimum weight for individual eggs at rate per dozen Ounces
Jumbo.....	30	56	29
Extra large.....	27	50½	26
Large.....	24	45	23
Medium.....	21	39½	20
Small.....	18	34	17
Peewee.....	15	28	--

(2) When eggs are sold or offered for sale as Grade AA, A or B without size or weight declaration, all of the eggs so sold shall meet the minimum weight specifications for large eggs as set forth in (1) above.

Ag 90.05 Regulations governing grades. (1) Every person who sells eggs to a retailer shall furnish to such retailer an invoice showing the exact grade or quality of such eggs according to the standards prescribed by this regulation. A copy of such invoice shall be kept on file by the person selling and by the retailer at their respective places of business for a period of 30 days, and shall be available and open for inspection at all reasonable times by the department.

(2) Any person selling eggs or offering them for sale to a consumer shall give notice of the exact grade of the eggs, or of the fact that they are ungraded, in the following manner:

(a) If the eggs are offered for sale in cartons or other containers, by plainly and conspicuously indicating on each carton or other container the exact grade or "Ungraded".

(b) If the eggs are offered or displayed for sale in bulk, by plainly and conspicuously indicating the exact grade or "Ungraded".

(c) The marking of the grade or "Ungraded" upon any sign, carton or other container in which eggs are sold or delivered shall be legibly printed in letters not less than $\frac{1}{4}$ inch in height and the "Grade" or "Ungraded" shall not be abbreviated.

(3) Any advertisement of eggs at a given price, either to buy or to sell, shall plainly and conspicuously indicate the grade or "Ungraded".

(4) No person shall sell, offer or expose for sale, or have in possession any eggs labeled with any of the above grades or bearing any other statement, design or device, or otherwise represented in a manner which may induce a prospective customer to believe that the eggs are of any such grade designation, unless they conform to the standards for such grade respectively.

(5) Whenever any interested person has reason to believe that a certain lot of eggs is not properly graded, he may appeal to the department for a regrading. No appeal grading will be done in any instance where it appears that the lapse of time or other conditions may have resulted in a material change from the original grade. A charge will be made by the department to cover the approximate cost of such regrading.

Ag 90.06 Exceptions. (1) This regulation shall not apply to a producer who sells only eggs of his own production; provided, however, the provisions hereof shall apply if such producer sells eggs represented to be of any of the stated grades.

(2) Eggs entering interstate commerce may be exempted from the regulations requiring the candling certificate attached to each case, providing there is attached to each case a certificate, cold storage label, brand or trade-mark previously approved by the department and acceptable where marketed.

ref. to subcl.