

Chapter Ag 90

EGG GRADE AND QUALITY STANDARDS

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History: Chapter Ag 90 as it existed on June 30, 1974 was repealed and a new chapter Ag 90 created effective July, 1974.

Ag 90.01 Definitions. As used in this chapter:

- (1) "Department" means the State of Wisconsin Department of Agriculture.
- (2) "Person" includes a partnership, association and corporation.
- (3) "Eggs" means chicken eggs in the shell.
- (4) "Ungraded eggs" means edible eggs which have not been graded.
- (5) "Sell", "sale" or "sold" includes offering or exposing for sale.
- (6) "Retail" means a sale or transfer for a valuable consideration to a purchaser for consumption or use other than resale.
- (7) "Flock" means all the chickens on one farm or premises.
- (8) "Federal act" means the agricultural marketing act of 1946, as amended (7 USC 1621 et seq.) and the egg products inspection act of 1970 (21 USC 1031-1056), and regulations issued thereunder.

History: Cr. Register, June, 1974, No. 222, eff. 7-1-74.

Ag 90.02 Grade and date labeling. (1) No person shall sell at retail eggs labeled or represented as being of a grade, weight, size or quality which does not conform to standards for U. S. consumer grades and sizes as provided under the federal act. This does not prohibit the use of U. S. consumer grades and sizes as Wisconsin grades and sizes under section Ag 90.03 (1), provided the eggs are inspected, graded and labeled in conformity with grade, size, and quality standards as provided under the federal act.

(2) Each carton or container in which eggs are sold or displayed for sale at retail, which does not bear a grade label, shall, in addition to labeling required under sub. (3), be conspicuously labeled or marked "Ungraded Eggs". The term shall be legibly printed in letters not less than $\frac{1}{4}$ inch high on the principal display panel of any container in which the eggs are sold. If displayed and sold from bulk containers, a conspicuous adjacent sign or placard may be used in lieu of a packaging label.

(3) (a) Cartons or containers in which eggs are sold or displayed for sale at retail, including cartons or containers used for the transportation or sale of eggs at wholesale, shall, except as otherwise

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provided, bear a label stating the name of the product, the grade and size classification of the eggs (or Ungraded as provided in sub. (2)), the name and address of the packer, and the date of grading. The date of grading shall be indicated by month and day, consecutive day of the year, or other system of dating approved in writing by the department.

(b) Labeling information shall appear in distinctly legible form on an end panel of shipping containers and on the principal display panel of individual cartons or containers in which eggs are sold at retail, except for the date of grading which may appear on side or end panels of individual retail cartons or containers. Eggs packaged at time of sale at retail are exempt from labeling requirements if displayed with a sign or placard bearing the required label information. On master shipping containers, a duly authorized plant or other registration number as assigned or registered by the department or the U. S. department of agriculture may be used in lieu of the name and address of the processor.

(c) Master shipping containers used in the transportation and sale of individual cartons of eggs which are fully labeled as required herein, including identification of the packer, are exempt from all labeling requirements except the date of grading. If such containers are constructed with 50% visibility of the individual cartons contained therein, no labeling of any kind is required.

(d) Unclassified eggs moving from producer to processor, or from producer to the ultimate consumer, are exempt from the labeling requirements of this subsection.

History: Cr. Register, June, 1974, No. 222, eff. 7-1-74.

Ag 90.03 Grade, size and quality standards. (1) U. S. Consumer Grades AA, A or B and sizes Jumbo, Extra Large, Large, Medium, and Small, may be used as Wisconsin grades and sizes, provided eggs sold under such grade and size classifications conform to standards for U. S. consumer grades and sizes under the federal act.

(2) When eggs are sold or offered for sale as Grades AA, A or B without size declaration, all of the eggs sold shall meet the minimum standard for large eggs as provided in sub. (1).

(3) All shell eggs entering consumer channels at retail, including shell eggs sold to restaurants, bakeries, institutions or other food processing establishments not under continuous federal inspection, shall meet minimum standards for U. S. Consumer Grade B eggs and may contain no more restricted eggs than permitted by tolerances under the federal act. This does not apply to eggs sold by the producer thereof directly to household consumers, or by packers selling directly to household consumers to the extent exempted under the federal act.

(4) Edible eggs not meeting Grades AA, A or B standards may be classified as Grade C, Dirty or Check, and sold only as authorized under the federal act. Eggs not meeting U. S. standards for edible eggs shall be classified as Loss or Inedible and disposed of as provided under the federal act.

History: Cr. Register, June, 1974, No. 222, eff. 7-1-74.

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Ag 90.04 Wisconsin AA Fresh Fancy Quality. (1) (a) The grade "Wisconsin AA Fresh Fancy Quality" may be used only for eggs which are produced, handled and sold in accordance with the requirements of this section. No person shall label or otherwise identify eggs as "Wisconsin AA Fresh Fancy Quality" without a permit from the department. Application for permit shall be made on a form furnished by the department. Permits will be granted to egg dealers and producers with respect to eggs which are handled and produced as required herein.

(b) Eggs sold in containers bearing a Wisconsin AA Fresh Fancy Quality grade shall be labeled to show the name and address or other registered identification of the permit holder.

(2) (a) Eggs of this quality shall meet the standards for Grade AA as determined by candling. All eggs shall average at least 76 Haugh units at the time of candling and at least 72 Haugh units when held for sale at retail.

(b) Flocks shall be confined in dry, clean, well-ventilated houses. They shall be fed a balanced, all-mash ration that will produce a uniform yolk color.

(c) Eggs shall be gathered at least 2 times daily, and immediately cooled and held, free from odors, at temperatures between 50° F. and 60° F. and a relative humidity of 70% to 80%. They shall be packed at a temperature of 60° F. or less, with the small end down, in containers which have been pre-cooled to 60° F. or less.

(3) To finance the cost of supervising the "Wisconsin AA Fresh Fancy Quality" egg program, each holder of a permit shall pay, semi-annually, fees in the amount of \$15 for each grading location plus \$7.50 for each participating flock. Initial fees in such amount shall be submitted with the application for permit. Thereafter permittees shall pay fees on January 1 and July 1 of each year.

History: Cr. Register, June, 1974, No. 222, eff. 7-1-74.

Ag 90.05 Temperature standard. Eggs which are labeled or otherwise represented to be of a grade prescribed herein shall be stored and displayed, prior to their retail sale, at a temperature above freezing of 60° F. or less.

History: Cr. Register, June, 1974, No. 222, eff. 7-1-74.

Ag 90.06 Egg facility and operating requirements. The following shall apply to persons engaged in the grading, packaging, and selling of eggs, or in the wholesale distribution of graded eggs:

(1) GENERAL REQUIREMENTS FOR BUILDINGS AND PLANT FACILITIES.

(a) Buildings shall be of sound construction so as to prevent insofar as practicable, the entrance or harboring of vermin.

(b) Grading and packing rooms shall be kept reasonably clean during grading and packing operations and shall be thoroughly cleaned at the end of each operating day.

(2) GRADING ROOM REQUIREMENTS. (a) The candling area shall be adequately darkened to facilitate the making of accurate quality determinations on basis of the candled appearance of eggs.

(b) Candling lights shall be of sufficient strength to facilitate accurate quality determinations and provide ample case light for the

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detection of stained and dirty shells and to determine the condition of packing materials.

(c) Weighing equipment, whether manual or automatic, shall be kept reasonably clean and be capable of ready adjustment.

(3) COOLER ROOM REQUIREMENTS. Cooler rooms shall be free from objectionable odors and be maintained in a sanitary condition.

(4) SHELL EGG OPERATIONS. Shell egg protecting (oil processing) operations shall be conducted in such a manner as to avoid contamination of the product and maximize conservation of quality.

(5) SHELL EGG CLEANING OPERATIONS. (a) Shell egg cleaning equipment shall be kept in good repair and be cleaned after each day's use or more frequently if necessary.

(b) Wash water used shall be at least 20° F. warmer than the eggs. The minimum temperature of wash water shall be 90° F.

(c) During any rest period, eggs shall be removed from the washing and rinsing area of the egg washer and from the scanning area whenever there is a build-up of heat.

(d) Only approved cleaning and sanitizing compounds may be used.

(e) Washed eggs shall be reasonably dry before cartoning or casing.

(6) EGG HANDLING AND PACKING. (a) Every reasonable precaution shall be exercised to prevent "sweating" of eggs.

(b) Eggs shall be packaged only in cartons or containers which are clean and in good condition. All packing materials and containers shall be reasonably clean, free of mold, mustiness and off odors and be of sufficient strength and durability to protect the eggs from damage during normal distribution.

History: Cr. Register, June, 1974, No. 222, eff. 7-1-74.

Ag 96.06 Advertising and sales promotion. (1) The director shall prepare and carry out a program for advertising and promoting red tart cherries.

(2) In carrying out plans and activities authorized in this section, the director may enter into contracts with any person or persons including the Wisconsin Red Cherry Growers' Association and National Red Cherry Institute to render services and supply materials in connection therewith.

(3) Such plans and programs may consist of but not be limited to plans for advertising, dealer service work, trade promotion, publicity, market development, and expansion activities, the presentation of facts to and negotiations with state or federal agencies on matters which affect the marketing of cherries produced in this area or such other activities and programs which are consistent with the objectives of this marketing order.

(4) Plans and programs promulgated pursuant to this section shall be directed toward promoting the sale of cherries without reference to any particular private brand or trade name and advertising and sales promotion programs so promulgated shall not make use of false or unwarranted claims on behalf of cherries nor disparage the quality, value, sale or use of any other agricultural commodity.

History: Emergency rule, eff. 7-13-59; cr. Register, August, 1959, No. 44, eff. 9-1-59.

Ag 96.07 Research and survey studies. The director may carry on or cause to be carried on research and survey studies in production, packing or distribution of red tart cherries. Such research and survey studies may include, but shall not necessarily be limited to, developing objective quality and maturity factors for cherries, improving methods and techniques of harvesting cherries, the development of more disease resistant cherries for marketing, determining the special nutritive qualities of cherries produced in this area, carrying on container and packaging research studies, and improving packing and handling techniques which promote more efficient operation in the handling or distribution of cherries. The director, in addition to the activities enumerated above, may carry on any other necessary and proper research and survey activities consistent with and subject to the restrictions and limitations of the Wisconsin Agricultural Marketing Act.

History: Emergency rule, eff. 7-16-59; cr. Register, August, 1959, No. 44, eff. 9-1-59.

Note: Section 96.08, Wis. Stats., provides that every marketing order shall terminate 3 years from the date of its issuance or last assent, but that a referendum shall be conducted within 6 months of the expiration of such 3-year period to determine whether the marketing order shall remain in effect. Since its original adoption in 1959, Wis. Adm. Code Chapter Ag 96, the marketing order for red tart cherries, has been extended for successive 3-year periods by referenda conducted in accordance with requirements of s. 96.08, Wis. Stats. Its continuation for an additional 3-year period was assented to by producers of red tart cherries in a referendum conducted in May 1974 and will, therefore, remain in effect for a further period of 3 years expiring July 15, 1977.