

SUBCHAPTER 090 – MARKETING OF SHELL EGGS

SECTION .0100 - DEFINITIONS AND STANDARDS

02 NCAC 090 .0101 DEFINITIONS

Words used in this Section in the singular form shall be deemed to impart the plural and vice versa as the case may demand:

- (1) "Inedible" means eggs of the following descriptions: black rots, yellow rots, white rots, mixed rots, sour eggs, eggs with green whites, eggs with stuck yolks, moldy eggs, musty eggs, eggs showing blood rings, and eggs containing embryo chicks (at or beyond the blood ring stage).
- (2) "Leaker" means an individual egg that has a crack or break in the shell.
- (3) "Loss" means an egg:
 - (a) that is inedible, cooked, frozen, contaminated, musty, or moldy;
 - (b) that contains a large blood spot, large meat spot, bloody white, green white, rot, sour eggs, stuck yolk, blood ring, embryo chick (at or beyond the blood ring state), free yolk in the white, or other foreign material; or
 - (c) that is adulterated as such term is defined pursuant to the federal Food, Drug, and Cosmetic Act, 21 U.S.C. 342.
- (4) "Ungraded Eggs" means eggs as collected from the production unit and placed into retail channels without being graded or segregated for quality, soundness of shell, or size; except that checks, dirties, or other obvious defects may have been removed at time of collection.
- (5) "Baluts" means eggs that are fertile and incubated beyond the blood ring stage.
- (6) "Fertile" means an egg capable of developing into an embryo.
- (7) "Organic" means eggs produced in accordance with applicable federal standards for organic product, according to the United States Department of Agriculture's National Organic Program.
- (8) "Free Range" means eggs produced from laying chickens that are "cage free" or have access to a outdoors environment.

History Note: Authority G.S. 106-245.16; 106-245.21;
Eff. August 1, 1982;
Amended Eff. July 1, 1998; December 1, 1987;
Transferred from 02 NCAC 43H .0101 Eff. May 1, 2012;
Readopted Eff. May 1, 2017.

02 NCAC 090 .0102 LOOSE EGG DISPLAYS

- (a) A loose egg display shall be deemed to meet the requirements of G.S. 106-245.18 when the display is labeled with the correct grade and size.
- (b) The block letters of the label shall be at least three-eighths of an inch in height.
- (c) The grade and size shall be written or printed on or otherwise attached to or associated with the container or display of such eggs, and such designation shall be visible to the public when the eggs or containers of such eggs are visible to the public.
- (d) Retailers may display eggs in bulk without the grade and size designated thereon when such eggs are purchased directly from persons eligible to sell ungraded eggs, and if the display is labeled with the words, "Ungraded Eggs". This label shall be bold legible letters at least three-eighths inch high.

History Note: Authority G.S. 106-245.15; 106-245.18; 106-245.21;
Eff. August 1, 1982;
Amended Eff. December 1, 2011;
Transferred from 02 NCAC 43H .0102 Eff. May 1, 2012;
Readopted Eff. March 1, 2017.

02 NCAC 090 .0103 STANDARDS FOR SHELL EGGS

- (a) The United States Standards, Grades, and Weight Classes for Shell Eggs, adopted by the Agricultural Marketing Service of the United States Department of Agriculture as AMS-56, are incorporated by reference including subsequent amendments and editions, and shall apply to all shell eggs sold, offered for sale, or advertised for sale in this State, except the term "ungraded eggs" may be used to designate eggs exempt from grading pursuant to G.S.

106-245.15. Copies can be found on the USDA AMS website at <https://www.ams.usda.gov/grades-standards/shell-egg-grades-and-standards>.

(b) Title 9, Code of Federal Regulations, Part 590, Inspection of Eggs and Egg Products, is incorporated by reference including subsequent amendments and editions.

(c) Cracked or checked eggs may be sold by producers or processors to a consumer for his or her personal use, but shall not be sold to an "institutional consumer" as defined in G.S. 106-245.14. Such sales shall be made only at the premises where the cracked or checked eggs were produced or processed.

(d) Cracked or checked eggs may also be sold to a processing plant by a producer or processor for further processing.

(e) It shall be unlawful for cracked or checked eggs to be displayed, sold, or offered for sale in a retail outlet except as permitted by Rule .0101(4) of this Section and Paragraph (a) of this Rule.

(f) Except when sold directly by the producer to the consumer, it shall be unlawful to offer for sale any repackaged eggs at any retail outlet.

History Note: Authority G.S. 106-245.16; 106-245.21;
Eff. August 1, 1982;
Amended Eff. July 1, 2005; April 1, 1988; December 1, 1987;
Transferred from 02 NCAC 43H .0103 Eff. May 1, 2012;
Amended Eff. January 1, 2015;
Readopted Eff. March 1, 2017.

02 NCAC 090 .0104 SANITATION AND MATERIALS

(a) The sanitation requirements of G.S. 106-245.22 shall be deemed to be met when facilities conform to the requirements of 7 C.F.R. Section 56.76 which is incorporated by reference including subsequent amendments and editions.

(b) Eggs shall be deemed to be held in a proper environment, as specified in G.S. 106-245.22, when gathered and placed in a refrigerated cooling room with an ambient temperature of 45 degrees F. or lower until graded and packed. After grading and packing, eggs shall be held or transported at a refrigerated ambient temperature of 45 degrees F. or lower without freezing until sold to the consumer or used in food preparation.

History Note: Authority G.S. 106-245.16; 106-245.21; 106-245.22;
Eff. August 1, 1982;
Amended Eff. December 1, 1991; December 1, 1987;
Transferred from 02 NCAC 43H .0104 Eff. May 1, 2012;
Readopted Eff. March 1, 2017.

02 NCAC 090 .0105 SALE OF INEDIBLE OR LOSS EGGS TO CONSUMER PROHIBITED

Inedible or loss eggs shall not be sold or offered for sale for human consumption in North Carolina.

History Note: Authority G.S. 106-245.16; 106-245.21; 106-245.22;
Eff. August 1, 1982;
Transferred from 02 NCAC 43H .0105 Eff. May 1, 2012;
Readopted Eff. March 1, 2017.

02 NCAC 090 .0106 DETERMINING GRADES

The final determination as to eggs meeting grade requirements shall be made by candling.

History Note: Authority G.S. 106-245.15; 106-245.16; 106-245.19; 106-245.21;
Eff. August 1, 1982;
Transferred from 02 NCAC 43H .0106 Eff. May 1, 2012;
Readopted Eff. March 1, 2017.

02 NCAC 090 .0107 SPECIAL REQUIREMENTS

(a) Baluts are exempt from the standards for shell eggs set forth in Rules .0103 and .0105 of this Section. After incubation, eggs suited for use as baluts shall be labeled with the word "embryo" or "balut" preceded by the name of

the kind of poultry, or labeled as "Incubated Fertile Eggs." Labeling must include the complete name and address of the hatchery with letters no less than three-eighths of one inch high.

(b) In addition to all other applicable labeling requirements, eggs marketed and labeled as organically produced shall be certified by a State or federal agency or an accrediting organization recognized by a State or Federal agency, and shall be identified on primary container.

(c) In addition to all other marketing requirements, eggs labeled and marketed as free range eggs shall be identified and otherwise handled to maintain their identity through processing and packaging. Satisfactory evidence that the eggs are from production locations with cage-free birds or that have access to an outdoors range shall be furnished by any person marketing these eggs to a retailer, institutional consumer, or other person and shall be kept on file by both the person selling and the purchaser at their respective places of business for a period of at least 30 days.

(d) Eggs of a specific nature such as "Fertile" or "Brown" and eggs produced in accordance with applicable federal or State standards may be labeled as such if these eggs meet all other applicable requirements.

*History Note: Authority G.S. 106-245.16; 106-245.21;
Eff. July 1, 1998;
Transferred from 02 NCAC 43H .0107 Eff. May 1, 2012;
Readopted Eff. May 1, 2017.*