

EGG LAW

Act of Mar. 11, 1909, P.L. 13, No. 9

Cl. 31

AN ACT

For the protection of the public health, by prohibiting the sale, offering for sale, exposing for sale, or having in possession with intent to sell, of eggs unfit for food, as therein defined, and prohibiting the use of such eggs in the preparation of food products; providing penalties for the violation thereof, and providing for the enforcement thereof.

Section 1. Be it enacted, &c., That it shall be unlawful for any person, copartnership, association or corporation to conduct at any given place any business of opening eggs and separating the egg content from the shell and using or disposing of the content thereof for any purpose, unless he, she, it or they have first applied for and secured a license so to do from the Department of Agriculture. The form of such license shall be prescribed by the Department of Agriculture. The application for a license, in addition to other matters which may be required to be stated thereon by said Department of Agriculture, shall contain an accurate description of the place where the proposed separation of eggs is intended to be carried on and the name and style under which said business is proposed to be conducted. If the said application is satisfactory to the Department of Agriculture and said name and style shall not in the judgment of the Department of Agriculture be calculated to deceive or mislead the public as to the real nature of the business so proposed to be carried on, the Department of Agriculture shall issue to the applicant a license, authorizing him, her, it or them to engage in the business of opening the eggs and separating the egg content from the shell, for which said license the applicant shall first pay the annual sum of fifty (\$50) dollars. The said license fee when received by the Department of Agriculture shall be immediately covered into the State Treasury for the use of the Commonwealth. Such license shall not authorize the holder thereof to carry on the business of opening the eggs and separating the egg content from the shell at any place other than that designated in the application and license. All licenses shall be taken out for a full year.

The opening of eggs unfit for food purposes shall not be permitted in any building or premises where the opening of eggs for food purposes is carried on, except such as are opened incident to the opening of eggs fit for food, in which case such eggs as are found to be unfit for food purposes must be placed in containers painted of a bright red color, the shells of the eggs broken or smashed, and the contents of the eggs denatured by kerosene or other denaturant approved by the Department of Agriculture. Such red colored containers must be emptied of their contents every twenty-four hours and must not be used for wholesome eggs.

It shall be unlawful for any person, copartnership, association or corporation by himself, herself, itself or themselves or by his, her, its or their agents, servants or employes to sell, offer for sale, expose for sale, or have in possession, eggs that are unfit for food within the meaning of this act for any purpose, use, cause or reason whatsoever, unless the same shall have first been denatured with a sufficient quantity of kerosene to render all of the same unfit for use in the preparation of food products, and further providing that the shells of all such eggs that may be unfit for food as hereinbefore mentioned shall first be removed or broken by smashing or otherwise so as to permit a free

impregnation of the whole of the egg substance by the denaturing fluid.

For the purpose of enforcing the provisions of this act the Department of Agriculture through its officers, agents and assistants shall have full access to all places of business, factories, mills, buildings, cars, automobiles, trucks, wagons, vessels, barrels, tanks, containers and packages of whatever kind used in keeping, storing, shipping, transporting and handling eggs and shall have power to take sufficient quantity of eggs therefrom upon or offering payment for the same for the purpose of making an analysis thereof and shall have power to detain, seize, hold and/or quarantine the entire quantity of eggs a reasonable length of time for the result of the analysis to be known.

All persons, copartnerships, associations or corporations violating any of the provisions of this act, or interfering with, or refusing to give access to the Department of Agriculture or any of his agents or assistants, when securing quantities of eggs for the purpose of analysis, shall, upon conviction in a summary proceeding, be subject to the penalties hereinafter provided.

(1 amended Jul. 24, 1941, P.L.498, No.194)

Section 2. This act shall apply to eggs that, either before or after removal from the shell, are wholly or partly decayed or decomposed, and to eggs in the fluid state, any portion of which are wholly or partly decayed or decomposed, or that are mixed with parts of eggs that are derived from eggs that are wholly or partly decayed or decomposed. This act shall also apply to frozen masses or broken eggs, if the mass contains eggs that are wholly or partly decayed or decomposed, or that are mixed with parts of eggs that have been taken from eggs that were wholly or partly decayed or decomposed.

Section 3. It shall be unlawful to sell, offer for sale, have in possession with intent to sell, either in shell, in broken out frozen masses, or in any condition whatsoever, incubated or incubator reject eggs or eggs which have been subjected to incubation, whether natural or artificial, unless by written permission of the Department of Agriculture to sell such for a specific purpose and to a specific purchaser, and when so sold the eggs must be accompanied by said written permit and each container of said eggs marked in accordance with directions or regulations issued by the Department of Agriculture. It shall be unlawful to use any incubated eggs in the preparation of or as a part of a food or foods.

It shall be unlawful for anyone to take, give, remove, deliver or transport from the premises of any farm, hatchery, hennery, chickery or any place where eggs or baby chicks are produced, eggs that have been subjected to incubation, unless (a) said eggs shall have been broken or smashed and denatured, or (b) there is written permission by the Department of Agriculture to move said eggs to a specific destination and for a specific use, and when so moved the eggs must be accompanied by said written permit and each container of said eggs marked in accordance with directions or regulations issued by the Department of Agriculture.

It shall be unlawful for any person, firm, or corporate body, by himself, herself, itself or themselves, or by his, her, its or their agents, servants, or employes, to use eggs that are either wholly or partly decayed or decomposed, in the preparation of food products: And provided further, That there shall be no delivery, sale, purchase, or acceptance of wholly

or partly decayed or decomposed eggs in or at any establishment where food products are prepared or manufactured.

(3 amended Jul. 24, 1941, P.L.498, No.194)

Section 4. That any person who shall violate any of the provisions of this act, upon conviction thereof, shall be sentenced to pay a fine of not less than two hundred (\$200) dollars, nor more than one thousand (\$1,000) dollars, and/or to undergo an imprisonment of not less than three (3) months, nor more than nine (9) months, at the discretion of the court. Aldermen, magistrates and justices of the peace throughout this Commonwealth shall have jurisdiction to hear and determine in a summary proceeding actions arising for violations of this act and to impose the penalties provided herein subject to appeal as the law shall direct.

(4 amended Jul. 24, 1941, P.L.498, No.194)

Compiler's Note: Section 28 of Act 207 of 2004 provided that any and all references in any other law to a "district justice" or "justice of the peace" shall be deemed to be references to a magisterial district judge.

Section 5. That the Department of Agriculture shall be charged with the enforcement of the provisions of this act.

(5 amended Jul. 24, 1941, P.L.498, No.194)

Section 6. That all fines and penalties imposed and recovered for the violation of any of the provisions of this act shall be paid to the Department of Agriculture, and when so collected and paid, shall thereafter be, by the Department of Agriculture, paid into the State Treasury, for the use of the Commonwealth.

(6 amended Jul. 24, 1941, P.L.498, No.194)