

EGGS, SALE REGULATED
Act of Jul. 10, 1919, P.L. 900, No. 356
AN ACT

Cl. 31

Relating to eggs, prohibiting the sale, offering for sale, exposing for sale, or having in possession with intent to sell, eggs, for and as fresh, that are not fresh eggs, or of branding or of labeling or marking eggs as being fresh eggs that are not fresh eggs; prescribing certain duties of the Dairy and Food Commissioner in reference thereto; and providing penalties for the violation thereof.

Section 1. Be it enacted, &c., That it shall be unlawful for any person, firm, or corporate body, by himself, herself, or themselves, or by his, her, or their agents or servants, to sell, expose for sale, advertise for sale, or have in his, her, or their possession with intent to sell, any eggs, as "fresh eggs," "strictly fresh eggs," "hennery eggs," "new laid eggs," or other words or descriptions of similar import that are not fresh eggs.

No egg shall be deemed to be fresh which does not meet or is not above the minimum requirements of fresh eggs as shall be established by the Department of Agriculture.

(1 amended Apr. 25, 1935, P.L.88, No.38)

Section 2A. The minimum requirements for fresh eggs are as follows:

- a. The air cell must be not more than two-eighths of an inch in depth, localized, regular.
- b. The yolk may be visible, but not plainly visible or mobile.
- c. The white must be firm and clear.
- d. The germ must not show any visible development.

(2A added Apr. 25, 1935, P.L.88, No.38)

Section 2B. In the case of wholesale lots, a tolerance of ten per centum net shall be allowed in shell eggs fixed by this act if eight per centum of the eggs within the tolerance have an air cell three-eighths of an inch or less in depth, and in which is permitted slightly visible germ development plainly visible, mobile yolk, and slightly watery whites. The remaining two per centum may include all other defects. In the case of retail sales, at least ten eggs in each dozen shall conform to the minimum requirements for fresh eggs, and not more than two eggs in each dozen shall fall within the tolerance, as above provided in the case of wholesale lots.

(2B added Apr. 25, 1935, P.L.88, No.38)

Section 2C. In all cases the final determination of the correct quality of shell eggs shall be made by candling, or by other approved methods prescribed by the Secretary of Agriculture.

(2C added Apr. 25, 1935, P.L.88, No.38)

Section 2D. Shell eggs, which fail to meet or are not above minimum requirements provided for by this act, shall be sold simply as eggs, except if the shells have been treated with oil

or in any other manner, then the package or container shall be clearly and conspicuously marked in a legible manner "shell treated" or "shell protected" if sold as fresh eggs, even if conforming to the requirements provided for in this act.

(2D added Apr. 25, 1935, P.L.88, No.38)

Section 2. Eggs shall be deemed to be misbranded under this act, if they are in any way branded, labeled, marked, stamped, as being fresh eggs, "new laid eggs," "hennerly eggs," "strictly fresh eggs," or by a similar term, when they are in fact not fresh eggs, and do not conform to or are not above the minimum requirements provided by this act. The misbranding of eggs shall be deemed a violation of this act.

(2 amended Apr. 25, 1935, P.L.88, No.38)

Section 3. Any person, copartnership, association, or corporation violating any of the provisions of this act shall, for the first offense, upon summary conviction thereof, be sentenced to pay a fine not exceeding fifty dollars (\$50), and in default thereof, such person, or the responsible officers and agents of the corporation or association, shall be sentenced to undergo imprisonment for not more than thirty (30) days; and for a second or subsequent offense, be guilty of a misdemeanor, and on conviction thereof, shall be imprisoned not exceeding six (6) months, or fined not exceeding five hundred dollars (\$500), or both.

(3 amended Apr. 18, 1949, P.L.489, No.103)

Section 4. That the Department of Agriculture shall be charged with the enforcement of the provisions of this act.

(4 amended June 10, 1931, P.L.491, No.155)

Section 5. That all fines and penalties imposed and received 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, paid, through the Department of Revenue, into the State Treasury for the use of the Commonwealth.

(5 amended June 10, 1931, P.L.491, No.155)