

## **Title 2. Agriculture**

### **Chapter III. Arkansas Board of Animal Health, Department of Agriculture**

#### **Subchapter B. Disease Control**

#### **Part 157. Arkansas Egg Marketing Rule**

##### **Subpart 1. Generally**

###### **2 CAR § 157-101. Retail sale of eggs.**

(a) Retailers shall be permitted to sell eggs when the eggs are purchased directly from producers who own fewer than seven hundred (700) hens, provided that the following requirements are met:

- (1) The eggs are washed and clean;
- (2) The eggs are prepackaged and identified as ungraded with the name and address of the producer;
- (3) Cartons cannot be reused unless all brand markings and other identification are obliterated;
- (4) The eggs are refrigerated and maintained at a temperature of forty-five degrees Fahrenheit (45° F) or below; and
- (5) Retailers shall be required to produce an invoice showing origin of eggs.

(b) Each individual carton or individual loose pack case of eggs offered for sale at retail shall bear on the exterior of the container any one (1) or combination of the following acceptable markings:

- (1) United States Department of Agriculture plant number assigned by the United States Department of Agriculture Agricultural Marketing Service while the plant is under contract for official grading service;
- (2) Arkansas state permit number as assigned by the Department of Agriculture with "ARK" preceding number. Example: ARK100; and
- (3) Packer name with complete address of the location where eggs were packed.

(c) All other sections of this part are to be met by all retailers of eggs.

**Authority.** Arkansas Code § 20-58-206.

**2 CAR § 157-102. Display requirements of eggs.**

(a) Grade and size of eggs must be identified in:

- (1) Ads;
- (2) Papers;
- (3) Circulars; and
- (4) Point-of-sale materials.

(b) Processors, packers, or wholesalers shall have the responsibility of clearly informing restaurants, hotels, and other eating establishments of the grade and size of the eggs on the packaging.

(c) Processors, packers, or wholesalers shall be in violation if they sell eggs in packaging not displaying the grade and size of the eggs to a retail vendor, restaurant, or other eating establishment.

(d) Establishments selling eggs below "A" quality shall be required to display the quality and weight of the eggs in a location where it can easily be seen by the customers on a placard of heavy sturdy-quality cardboard of not less than eight inches by eleven inches (8" x 11"), or on the menu.

**Authority.** Arkansas Code § 20-58-206.

**2 CAR § 157-103. Refrigeration of eggs — Temperature and labeling requirements.**

(a)(1) Shell eggs packed into containers for the purpose of resale to the consumer must be stored immediately following packing at an ambient temperature of forty-five degrees Fahrenheit (45° F) or below and maintain this temperature until such eggs reach the consumer.

(2) This provision includes any person, firm, or corporation transporting or selling eggs to the consumer.

(b) All containers of shell eggs packed for the purpose of resale to the consumer are to be labeled with the statement "Keep refrigerated at or below 45 degrees Fahrenheit" at time of grading.

(c) Eggs in retail shall not be removed from the immediate container in which the eggs were received and placed into a different container by the retailer.

(d)(1) Eggs sold for the purpose of direct delivery to the consumer shall, during delivery, maintain eggs at an ambient temperature of forty-five degrees Fahrenheit (45° F) or below.

(2) Eggs shall be delivered to the consumer dry and not saturated in melted ice water.

**Authority.** Arkansas Code § 20-58-206.

**2 CAR § 157-104. Fees.**

(a)(1) Packers shall be required to report and pay inspection fees on reported volume on a monthly basis.

(2) This fee shall be paid not later than the fifteenth of the following month.

(3)(A) If a report is not received by the due date, notice of the past due report will be sent in writing.

(B) If the packer does not report within ten (10) days from date of the past due notice, the packer's permit will be suspended and a stop sale notice shall be issued to the packer.

(b)(1) Report forms shall be made available by the Department of Agriculture.

(2) Packers or wholesalers shall be required to furnish evidence of origin by invoice on eggs which they handle.

(c) For the purpose of financing the administration and enforcement of this part, the State of Arkansas, through the department, shall collect the following fees from the processor, packer, or wholesaler:

(1) An annual permit fee in the amount of sixty dollars (\$60.00) to be due at time of renewal (July 1) of permit each year;

(2) A fee of six cents (6¢) per case for all graded or processed shell eggs and/or egg products sold in the State of Arkansas, if the sale is to the consumer and/or if the purchase by the buyer or wholesaler is for the purpose of resale; and

(3)(A) Breaker plants: a fee of one-half cent (0.5¢) per case on eggs graded and/or processed in Arkansas.

(B) An additional five and one-half cents (5.5¢) (for a total of six cents (6¢) per case) on graded and/or processed eggs sold in the State of Arkansas directly to the consumer and if the purchase by the buyer is for the purpose of resale at retail or to be used in food items sold at retail in Arkansas or under an Arkansas permit.

(d) For purposes of fee calculations for egg products:

(1) Thirty-six pounds (36 lbs.) of frozen and/or liquid eggs shall represent a thirty-dozen case of shell eggs;

(2) Nine pounds (9 lbs.) of dried eggs shall represent a thirty-dozen case of shell eggs; and

(3) Two (2) twenty-pound to twenty-five-pound containers of boiled eggs shall represent a thirty-dozen case of shell eggs.

(e)(1) All egg product plants from outside the State of Arkansas will be responsible for the fees due on all egg products entering the State of Arkansas.

(2) Additionally, at the discretion of the department, a wholesaler selling egg products in the State of Arkansas could be held liable for fees due in lieu of the egg plants.

**Authority.** Arkansas Code §§ 20-58-206, 20-58-215.

## **2 CAR § 157-105. Audits.**

Underpayment or overpayment found during audits are to be reported on the next monthly egg inspection report to the Department of Agriculture.

**Authority.** Arkansas Code § 20-58-206.

**2 CAR § 157-106. Enforcement.**

(a) The Department of Agriculture is authorized and may enter any store, vehicle, market, or any other business or place where eggs are bought, stored, sold, offered for sale, or processed.

(b)(1) The department is authorized to make such inspections as needed and to determine if the grades of the eggs conform to grades as labeled on the exterior of the container.

(2) If the inspection determines that the eggs in the container do not conform to the grade as labeled on the exterior of the container, the department is authorized to examine the invoices to determine the cause and place of the violation.

(c) The department and its authorized employees shall have the power to issue a stop sale and impound for evidence, retain, or destroy any containers of eggs offered for sale which are in conflict with any provisions of this part.

**Authority.** Arkansas Code § 20-58-206.