

CHAPTER 29

EGGS

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29.01-29.04 [Repealed, 1949 c 211 s 11]

29.041 **DEFINITIONS.** Subdivision 1. The word "person" when used in sections 29.041 to 29.048 shall mean any individual, firm, partnership, corporation, company, association, joint stock association, and shall include any trustee, receiver, assignee or other similar representative thereof, provided that a producer of eggs shall not be deemed a "person" as used in sections 29.041 to 29.048, when selling eggs of his own production.

Subd. 2. The word "commissioner" shall mean the commissioner of agriculture, dairy, and food, unless otherwise indicated in sections 29.041 to 29.048.

[1949 c 211 s 1]

29.042 **DEALER'S LICENSE.** Subdivision 1. **Application; annual fee; renewal.** No person shall engage in the business of buying, selling, dealing in, or trading in eggs without first obtaining a license therefor from the commissioner. Applications for such license shall be made in writing upon forms to be prepared by the commissioner, accompanied by a license fee as hereinafter provided. The annual license fee for such business shall be \$3 for each place or location whereat such business of the applicant is being or will be conducted. Every license shall expire on the 30th day of September next following the issuance thereof. Such licenses may be renewed for additional periods of one year upon written application therefor and payment of a \$3 fee for each place or location whereat such business is being or will be conducted.

Subd. 2. **Contents of application; qualifications.** Each application for a license or a renewal shall state the name and address of the applicant and the location of each place or location where such business of the applicant is being or is intended to be conducted, and that the applicant will in the conduct of such business comply with the laws of this state and the rules and regulations promulgated relating thereto. The commissioner shall, before issuing any license, determine that the applicant is a proper and qualified person to conduct such business.

[1949 c 211 s 2, 3]

29.043 **RETAIL SALE ONLY.** Persons handling eggs for retail sale only, which have been candled by a licensed person under sections 29.041 to 29.048, having proper sanitary and refrigerating facilities for handling and storing such eggs at their retail place of business shall not be subject to the licensing provisions of sections 29.041 to 29.048.

[1949 c 211 s 4]

29.044 **PROHIBITING SALES.** No person shall sell, offer or expose for sale, or have in his possession for sale, eggs for human consumption that are inedible or adulterated. Eggs that are filthy, putrid, decomposed, or otherwise unfit for food in whole or in part, shall be deemed to be adulterated. Eggs which contain black rots, white rots, mixed rots (addled eggs), sour eggs with green whites, eggs with stuck yolks, moldy eggs, musty eggs, eggs showing blood rings, eggs containing embryo chicks (at or beyond the blood ring stage), or any other eggs that are filthy, decomposed or putrid shall be deemed to be inedible.

[1949 c 211 s 5]

29.045 **CANDLING.** The first licensed buyer shall cause all eggs to be candled, irrespective of time or season, and all adulterated and inedible eggs re-

moved before purchase. Such candling shall be done before payment in full is made, but nothing in this section shall be construed to prevent a licensed buyer from advancing or making a partial payment to the producer before such candling.

[1949 c 211 s 6; 1953 c 710 s 1]

29.046 DOCKAGE; RECORDS; RULES. No person in buying or selling eggs shall take or give a greater or lesser dockage for eggs unfit for human food, as herein defined, than the actual dockage as determined by the correct candling of the eggs purchased or sold. No person in buying or selling eggs shall overgrade or undergrade eggs which are purchased or sold on a grade basis. All licensed persons shall keep such candling and grading records of eggs purchased or sold as may be required by the rules and regulations promulgated by the commissioner, which records shall be available at all reasonable times for inspection and examination by the commissioner, inspector or employees of the department of agriculture, dairy and food.

[1949 c 211 s 7]

29.047 STANDARDS, GRADES. For the protection of public health and welfare, and to secure uniformity in the marketing of eggs, the commissioner is authorized to promulgate purchase and retail standards and grades for eggs, together with such other rules and regulations to enforce the provisions of sections 29.041 to 29.048, not inconsistent herewith. The commissioner shall by regulation provide for minimum plant and equipment requirements for candling, handling and storing eggs, and shall define candling. Nothing contained herein shall be construed so as to make the grading of eggs compulsory.

[1949 c 211 s 8]

29.048 LICENSE; SUSPENSION; CANCELATION. The commissioner shall have the power to suspend or cancel any license issued by virtue of sections 29.041 to 29.048, after a hearing, upon written notice served by registered mail upon the licensee at the address specified in the application therefor, at least 15 days prior to such hearing. Such notice shall set forth the reasons or grounds upon which such license is proposed to be suspended or canceled. A violation of any provision of sections 29.041 to 29.048 or any rule or regulation promulgated by the commissioner shall constitute a valid ground for a cancelation of any license issued under sections 29.041 to 29.048.

[1949 c 211 s 9]

29.05 RE-SALE DEALERS' LICENSES. No person shall engage in the business of breaking eggs for re-sale without first having secured from the department a license to conduct such business to be issued upon proper application and the payment of \$50.00 as a license fee. All licenses so issued shall expire on the first day of March next following the issuance thereof, but may be renewed, from time to time, for additional periods of one year upon presentation of proper application therefor and the payment of a similar license fee. The licensee shall at all times comply with the rules and regulations of the department in respect to the conduct of such business and any violation of the rules and regulations so established shall be cause for revocation of such license upon notice and after hearing, upon proper charges and specifications, filed with the department and served upon the licensee.

[1937 c. 471 s. 5] (3935-15)

29.06 SUPERVISION. The department is hereby vested with the power and authority to supervise, regulate, and make reasonable rules and regulations, not inconsistent with the law, relative to grading, candling, breaking, purchasing, and selling of eggs and egg products for the purpose of preserving and protecting the public health. In addition hereto, it is the express purpose herein that inasmuch as the breaking of eggs for re-sale is a matter of state concern, the surroundings in which such product is handled should be maintained in a sanitary condition, and, therefore, the department shall establish reasonable rules and regulations, not inconsistent with law, relative to the inspection of all establishments wherein the business of breaking eggs for re-sale is maintained, and when the sanitary conditions of any such establishments are such that the product is rendered, or is likely to be rendered, unclean, unsound, unhealthful, unwholesome, or otherwise unfit for human consumption, it shall have authority to revoke such license to break eggs for re-sale until such time as the department is satisfied that the establishment is maintained in a sanitary condition. These rules and regulations shall be approved as to form and legality by the attorney general, and the same shall be published

twice in a legal newspaper of general circulation published at the capital of this state. From and after the tenth day succeeding the date of last publication these rules and regulations shall have full force and effect. An affidavit of publication, setting forth the rules and regulations in full and the dates of the publication thereof, shall be made by the publisher of the newspaper or by the manager or agent of the publisher, and kept on file in the office of the department with the original of the rules and regulations. The affidavit of publication, or a duly certified copy thereof, shall be prima facie evidence of the facts therein contained and of the establishing, adopting, and publishing of the rules and regulations. The department shall have the right, from time to time, to adopt different rules and regulations in the same manner as herein set forth.

[1937 c. 471 s. 6] (3935-16)

29.07 LICENSE FEES AND FINES PLACED IN EGG INSPECTION FUND. All license fees collected under sections 29.01 to 29.07, together with all fines paid for any violation thereof, shall be paid into the state treasury and credited to the egg inspection fund hereby created. The money so derived is hereby appropriated to the department to compensate for and meet the expense of inspection and supervision, the cost of publication, and of administration, and enforcement generally of sections 29.01 to 29.07.

[1937 c. 471 s. 7] (3935-17)

29.08 COLD STORAGE EGGS LABELED. No person shall sell, agree to sell, or advertise for sale, any cold storage eggs without making it known to the purchaser or prospective purchaser that the eggs are cold storage eggs, and all boxes or other receptacles in which cold storage eggs are sold or delivered, at wholesale or retail, shall be stamped in a conspicuous manner with the words "cold storage eggs."

[1921 c. 495 s. 69] (3856)

29.09-29.12 [Repealed, 1949 c 211 s 11]

29.13 VIOLATIONS. Subdivision 1. Any person who violates any provision of sections 29.041 to 29.048 or any of the rules promulgated thereunder shall be guilty of a misdemeanor, and punished by a fine not exceeding \$100 or by imprisonment not exceeding three months.

Subd. 2. Any person who violates any provision of sections 29.05 to 29.08 shall be guilty of a misdemeanor.

[1937 c 471 s 8; 1949 c 211 s 10] (3935-18)