

HOUSE No. 137

By Mr. Whitman of Sunderland, petition of the Massachusetts Farm Bureau Federation relative to the establishment by the Commissioner of Agriculture of grades of eggs sold at retail. Agriculture.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-One.

AN ACT TO PROVIDE GREATER CONSUMER PROTECTION THROUGH MORE ADEQUATE EGG GRADING LAWS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 94 of the General Laws is hereby amended by in-
2 serting after section 90B the following sections:—

3 *Section 90C.* The commissioner of agriculture shall establish
4 and promulgate official grades of eggs sold, offered for sale, ex-
5 posed or advertised for sale, at retail, within the commonwealth.
6 Before establishing, amending or modifying any such grades the
7 commissioner shall after reasonable notice specify the date, place
8 and purpose and hold a public hearing to obtain information
9 with view to establishing, amending or modifying grades as the
10 case may be.

11 *Section 90D.* The grades so established or promulgated shall
12 include grades closely correlated to the United States consumer
13 standards for shell eggs. The standards of quality for the Mas-
14 sachusetts consumer grades of shell eggs shall be grade AA, A,
15 B, C and not graded. All eggs for sale, at retail, within the com-
16 monwealth shall be in containers so marked or branded. A
17 advertising of such eggs offered for sale, at retail, shall include
18 the size and grades and shall be conspicuously marked in letters
19 not less than one-half inch. The terms "Farm Fresh", "Fresh
20 Eggs", "Strictly Fresh", "Nearby Eggs" and "Native" or
21 eggs described with similar import shall meet the specifications

22 as required in section ninety A of this chapter. The commis-
23 sioner of agriculture or his duly authorized assistants shall de-
24 termine responsibility of marks and brands. Any edible egg
25 not conforming to the specification of these grades shall be sold
26 as checks, cracks or dirties. The final determination of grade
27 shall be made by candling, the common practice of examining
28 the interior of an egg before a light.

29 *Section 90E.* The department of agriculture shall enforce
30 provisions of sections ninety C and ninety D and the commis-
31 sioner of agriculture shall establish and promulgate rules and
32 regulations regarding the definition and interpretation of the
33 terminology used in the business of selling, processing and
34 packaging of eggs, and other rules and regulations as are deemed
35 necessary, and his duly authorized assistants shall have author-
36 ity to prosecute all violations thereof.

37 *Section 90F.* Whoever himself or by his servant or agent
38 misbrands eggs within the meaning of sections ninety C and
39 ninety D or sells, distributes or offers or exposes for sale or dis-
40 tributes eggs which are misbranded shall be punished for the
41 first offense by a fine of not more than fifty dollars and for a
42 subsequent offense of not more than two hundred dollars.
43 Whoever obstructs or hinders the commissioner of agriculture
44 or any of his duly authorized assistants in the performance of
45 his duty under this section shall be punished by a fine of not
46 less than ten dollars nor more than one hundred dollars.

47 This section shall take effect on January first, nineteen hun-
48 dred and sixty-two.