

HOUSE No. 132

By Mr. Quinn of Spencer, petition of the Massachusetts Poultry Association and another for greater protection for consumers and retailers and producers of fresh eggs and providing for the establishment of regulations by the Commissioner of Agriculture relative to the grading of eggs and the sale thereof. Agriculture.

The Commonwealth of Massachusetts

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

AN ACT PROVIDING GREATER PROTECTION FOR CONSUMERS, RETAILERS AND PRODUCERS OF FRESH EGGS BY 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 SECTION 1. Chapter 94 of the General Laws is hereby
2 amended by inserting after section 90B the following four
3 sections:—

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

12 *Section 90D.* The grades so established or promulgated shall
13 include grades closely correlated to the United States consumer
14 standards for shell eggs. The standards of quality for the Mas-
15 sachusetts consumer grades of shell eggs shall be grade AA, A,
16 B, C and not graded. All eggs for sale, at retail, within the
17 commonwealth shall be in containers so marked or branded.
18 All advertising of such eggs offered for sale, at retail, shall in-

19 clude the size and grades and shall be conspicuously marked in
20 letters not less than one-half inch. The terms "Farm Fresh",
21 "Fresh Eggs", "Strictly Fresh", "Nearby Eggs", and "Na-
22 tive" or eggs described with similar import shall meet the speci-
23 fications as required in section ninety A of this chapter. The
24 commissioner of agriculture or his duly authorized assistants
25 shall determine responsibility of marks and brands. Any edible
26 egg not conforming to the specification of these grades shall be
27 sold as checks, cracks or stains. The final determination of
28 grade shall be made by candling, the common method of exam-
29 ining the interior of an egg before a light.

30 *Section 90E.* The department of agriculture shall enforce pro-
31 visions of sections ninety C and ninety D and the commissioner
32 of agriculture shall establish and promulgate rules and regula-
33 tions regarding the definition and interpretation of the termi-
34 nology used in the business of selling, processing and packaging
35 of eggs, and other rules and regulations as are deemed necessary,
36 and his duly authorized assistants shall have authority to prose-
37 cute all violations thereof.

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

1 SECTION 2. This act shall take effect on January first, nine-
2 teen hundred and sixty-three.