

States allowing bulk sales of eggs with placard labeling

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Arkansas: [Waiver of Egg Container requirements](#)

Consistent with recent guidance from the Food and Drug Administration, the Livestock & Poultry Division is waiving the requirements of the Arkansas Egg Marketing Act, Ark. Code Ann. § 20-58-201 et seq., and the Regulations Enforcing the Arkansas Egg Marketing Act prohibiting the sale by retail food establishments of shell eggs in cartons or flats without labels, provided the following circumstances are present:

- The retail food establishment displays clearly at the point of purchase (for example, on a counter card, sign, tag affixed to the product, or some other appropriate device) the following information:
 - o Statement of identity,
 - o The name and place of business of the manufacturer, packer, or distributor, and
 - o Safe handling instructions for shell eggs that have not been processed to destroy all viable *Salmonella*.
- If shell eggs from multiple suppliers are offered for sale at the same time and in the same location, it is clear to consumers which point of sale labeling applies to which of the shell eggs that are offered for sale.
- The shell eggs are sold by the complete carton or flat (for example, 30 eggs are sold in a flat designed to hold 30 eggs).
- There are no nutrition claims at the point of purchase for the shell eggs.

This waiver will remain in effect through April 16, 2020. This waiver will now remain in effect until further notice.

California: [MARKINGS REQUIRED CCR 1354](#)

3 CCR § 1354.2

[§ 1354.2. Markings Not Required](#)

- (a) Size, grade, name and address markings are not required on containers or sub containers of eggs in any of the following situations:
- (1) If sold at retail from a properly marked bulk display and packaged in the presence of the purchaser.
 - (2) If packed for shipment or in transit to points outside the state.

- (3) If sold to household consumers without advertising by the producer on the premises where produced, from a flock of 500 hens or less.
- (4) If being delivered from outside the state to dealers for candling and grading.
- (5) If being delivered to, or are in possession of, a dealer for candling and grading, or being delivered, sorted or removed from cold storage.
- (6) If packed for sale to the military forces of the United States, labeled with one of the United States Department of Agriculture grades.

Colorado: [Allows bulk sales if FDA guidance is followed.](#)

Florida: This practice is allowed in the state egg law and regulations.

[5K-6.005 Advertising](#)

- (1) Newspaper, periodical, window, showcase, handbill, radio, television or other forms of advertising. All forms of advertisements shall clearly and definitely convey the grade and size of the eggs advertised. No statement, picture or advertising of any kind which exaggerates, exceeds or distorts the facts concerning the eggs shall be permitted.
- (2) Locally produced legend. The legend "Locally Produced," when combined with the name of the county in which such local production has taken place, may be used as an extraneous advertising legend on cartons or in any other form of egg advertising.
- (3) Placard for loose eggs.
 - a. Eggs sold at retail, in any way except in the original cases or cartons, shall have on each case, box, basket or other receptacle, a placard not smaller than seven (7 × 7) inches in size, on which shall be plainly printed in letters not less than one (1") inch in height, the correct grade and size of the eggs being offered for sale.
 - b. "Unclassified Eggs." Placards used to sell "Unclassified" eggs shall bear the following legend: "These eggs have not been graded as to quality and weight."

Rulemaking Authority 583.03, 583.04 FS. Law Implemented 583.02(2), (3) FS.

Georgia: This practice is addressed in [Georgia Egg Law](#). (see pages 5 and 6)

Iowa: The state association is working with the regulatory authorities in the state to allow the sale of bulk eggs with placard when needed by the industry in order to keep eggs flowing to consumers.

Kentucky: Allowed by this law: [CHAPTER 260 MARKETING OF AGRICULTURAL PRODUCTS](#)

Maryland: [Guidance for Sale of Loose Pack Eggs sold at Retail](#)

Option 1: Loose Pack eggs may be sold at retail if the following information is posted at the point of sale:

1. Grade
2. Size
3. Plant number
4. Lot number
5. Net quantity (2 ½ dozen is sufficient; net weight is not required in MD)
6. Name and address of packer/distributor (Name, city, state)
7. Safe Handling Instructions
8. Follow the guidance issued by FDA “FDA Provides Temporary Flexibility Regarding Nutrition Labeling of Certain Packaged Food in Response to the COVID-19 Pandemic”

Option 2: Loose Pack eggs may be sold at retail if the retailer wants to shrink wrap or otherwise cover the flat of eggs if a label containing the information listed above is applied to the wrapped flat. Recommendation is for the packer of the eggs to provide the labels in the case for the store to apply.

For either option, the retailer is required to maintain a record of the plant number and lot number for a minimum of 90 days. Recommendation: Place a label in the case for the retailer to apply to the invoice or equivalent record or include this information on the invoice or equivalent record.

New York: Allowed per: [INTERIM GUIDANCE ON THE PACKAGING AND LABELING OF SHELL EGGS SOLD BY RETAIL FOOD ESTABLISHMENTS DURING THE COVID-19 PUBLIC HEALTH EMERGENCY](#)

North Carolina: The following information can be displayed on a card attached to the display.

[§ 106-245.18. Container labeling](#)

- (a) Any container or subcontainer in which eggs are marketed shall bear on the outside portion of the container, but not be limited to, the following:
 - (1) The applicable consumer grade provided for in this Article.
 - (2) The applicable size or weight class provided for in this Article.
 - (3) The word "eggs."
 - (4) The numerical count of the contents.
 - (5) The name and address of the packer or distributor. Words and numerals used to designate the grade and size shall be in clearly legible bold-faced type at least three-eighths inch in height. Any person intending to reuse a container shall obscure any inappropriate labeling thereon and relabel the container in

accordance with this section prior to refilling the container with eggs. In any case, the address of the packer or distributor shall be shown in letters not exceeding three-eighths inch in height.

- (b) The term "fresh" may only be applied to eggs conforming to the specifications for Grade A or better. No other descriptive term other than applicable grade and size may be applied. (1965, c. 1138, s. 1; 1973, c. 739, s. 2.)

Ohio: [925.022 Sale of shell eggs from bulk lot](#)

No person shall sell, offer for sale, or expose for sale shell eggs from a bulk lot which is not plainly marked with a placard having letters no less than one-half inch high designating the correct grade and size or weight class of the bulk lot in accordance with the standards adopted by this state, provided that a bulk lot of shell eggs which has not been graded for quality or which fails to meet the requirements of a grade adopted by this state:

(A) Shall be plainly marked with a placard having letters no less than one-half inch high which states "ungraded" or "unclassified";

(B) May be plainly marked with a placard having letters no less than one-half inch high which states "mixed size" in lieu of stating a standard size or weight class adopted by this state, if the eggs average twenty-one ounces or more per dozen.

UEP Comment: If retailers wish to sell eggs this way or in flats, a placard is required per the statute above. A date, plant number or safe handling statement is required. The placard must include: Size and Grade, or a statement the eggs are unclassified and of mixed size. While a safe handling statement is not required, UEP staff suggests including it on the placard.

Pennsylvania: Allowed per this [announcement from the PA Department of Agriculture](#).

South Carolina: Allowed under current law: See [Provisions for the Labeling and Marketing of Eggs](#)

Tennessee: [Chapter 0080-5-4 Egg Rules and Regulations](#)

"0080-5-4-.04 LABELING AND DATING. (1) All shell eggs packed in bulk or cases **not in cartons** for retail trade shall bear an egg candling certificate which gives the packer and/or distributor's name and address, license number, if subject to a license, date of candling and/or grading and classification of the eggs as to grade and size, or ungraded."

Texas: The Governor's office [notified the Department on April 2 that he is suspending](#) the labeling rule effective until terminated by the Office of the Governor or until the March 13, 2020 disaster declaration is lifted or expires.

Virginia: [Chapter 570. Rules and Regulations Defining Standards for Grades/Sizes of Shell Eggs](#)

2VAC5-570-70. Egg Case and Container Markings.

All egg cases or retail containers in which eggs are kept for the purpose of sale, or offered or exposed for sale (except those exempt in § [3.2-5305](#)), shall be marked according to one of the grades and sizes, or marked ungraded. The marking, identity of the commodity in the package, and net quantity of the contents in terms of count shall appear on the principal display panel of the package. The retail containers shall bear the name and address of the packer or distributor when the eggs are kept, offered, exposed for sale or sold at any place other than on the premises where packed. The grade and size, or ungraded status, shall be spelled out in full. All information required to appear on the container shall be prominent, definite, and plain, and shall be conspicuous as to size and style of letters and numbers. **When loose eggs are on display for sale, a sign shall be attached showing the grade and size, or the ungraded status, in plain view to the public.**

The plant of origin grading within the meaning of "Regulations Governing the Grading of Shell Eggs and United States Standards, Grades and Weight Classes for Shell Eggs (7 CFR Part 56)," § 56.1 of the Code of Federal Regulations shall be identified on all cases or containers in which shell eggs are delivered to the retail or food service institution.