

Arkansas Livestock & Poultry Commission

Effective Date: August 1, 2003

Phil Wyrick, Executive Director

FINAL RULE

Act 220 of 1969, Act 301 of 1985, Act 115 of 1993, and Act 700 of 1997

**REGULATIONS FOR THE ENFORCEMENT OF THE ARKANSAS
EGG MARKETING ACT 220 OF 1969
AND AS AMENDED BY ACT 301 OF 1985
ACT 115 OF 1993 AND ACT 700 OF 1997**

Refer to the following sections of the Arkansas Egg Marketing Act:

20-58-202. Definitions. AConsumer@ This shall also include places not specifically named, such as bakeries and rest homes.

20-58-203. Applicability. Retailers shall be required to produce an invoice showing origin of eggs.

All other sections of this Act and Regulation are to be met by all retailers of eggs.

20-58-208. Display of grade and size required.

(A) Grade and size of eggs must be identified in ad's, papers, circular's and point-of-sale materials.

(B) Packers, jobbers and dealer-wholesalers shall have the responsibility of informing restaurants, hotels and other eating establishments of this. Packers, jobbers and dealer-wholesalers shall be in violation if they sell to restaurants, hotels and other eating establishments who are not complying with this requirement if eggs sold by the packers, jobbers and dealer-wholesalers are below "A" quality.

20-58-210 Refrigeration of eggs - Temperature and labeling requirements.

(A) 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 (45) degrees

Fahrenheit (7.2 degrees Celsius) or below and maintain this temperature until such eggs reach the consumer. 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 following statement "Keep refrigerated at or below 45 degrees Fahrenheit". This should be done at time of grading.

(C) Refrigeration is defined as Aan operable refrigeration unit which will maintain 45EF or below@. Containers for storage of eggs refrigerated by means of ice, dry ice, or other non-powered refrigerated container will not be acceptable.

20-58-212. Retail sales. Each container of eggs offered for sale at retail shall bear on the exterior of the container one of the following acceptable methods:

1. USDA plant number assigned by USDA, AMS while plant is under contract for official grading service.
2. Arkansas State permit number as assigned by the Arkansas Livestock and Poultry Commission with "**ARK**" preceding number. Example: **ARK100**.
3. Packer name with complete address of the location where eggs were packed.
4. USDA shell egg surveillance registrant number including state code and handler code.
Example: **05 0267** **NOTE:** The shell egg surveillance registrant number contains a state code, county code and handler code. Do not include the county code, only state and handler number.
5. Any one method from those listed above may be used or a combination of more than

one. The identification must be applied to each individual carton and if loose pack each individual case must be identified.

20-58-215. Inspection fees. Packers shall be required to report and pay inspection fees on reported volume on a monthly basis. This shall be paid not later than the 15th of the following month. If a report is not received by the due date, a letter will be sent to the packer reminding them of the past due report. If the packer does not report within 10 days from date of the past due notice, the packer's permit will be canceled and all eggs found will be put off sale.

Report forms shall be supplied by the Arkansas Livestock and Poultry Commission. It shall be the responsibility of the packer to request these forms as they are needed. Jobbers and dealer-wholesalers shall be required to furnish evidence of origin by invoice on eggs which they handle.

For the purpose of financing the administration and enforcement of this Act, the state of Arkansas, through the Arkansas Livestock and Poultry Commission, shall collect an inspection fee from the processor, packer, and/or dealer-wholesaler to include an annual permit fee in the amount of \$60.00 to be due at time of renewal (July 1) of permit each year.

(A) 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 is for the purpose of resale at retail and/or if by dealer-wholesaler for the purpose of resale.

(B) Breaker plants: A fee of one-half cent (1/2¢) per case on eggs graded and/or processed in Arkansas. An additional five and one-half cents (5 1/2¢) for a total of six cents (6¢) per case on eggs graded and/or processed sold in the state of Arkansas directly to the consumer and/or 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 and/or under an Arkansas permit.

(C) All egg products plants from outside the state of Arkansas will be responsible for the fees due on all egg products entering the state of Arkansas. Additionally, at the discretion of the Commission, a dealer-wholesaler selling egg products in the state of Arkansas could be held liable for fees due in lieu of the egg products plants.

Thirty-six (36) pounds of frozen (and/or liquid) eggs shall represent a thirty (30) dozen case of shell eggs.

Nine (9) pounds of dried eggs shall represent thirty (30) dozen case of shell eggs.

Two (2) twenty (20) to twenty-five (25) pound containers of boiled eggs shall represent a thirty (30) dozen case of shell eggs.

Fifty (50) pounds of cooked (diced) eggs shall represent a thirty (30) dozen case of shell eggs.

20-58-16. Audits. Underpayment or overpayment found during audits are to be reported on the next monthly egg inspection report to the Commission.

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Phil Wyrick, Executive Director
Arkansas Livestock & Poultry Comm.