

Regulations Respecting the Grading, Packing, Marking,
Inspection, Advertising and Sale of Eggs

made under Section 166 of the
Agriculture and Marketing Act

R.S.N.S. 1989, c. 6

O.I.C. 94-285 (April 6, 1994), N.S. Reg. 58/94

as amended by O.I.C. 97-370 (June 10, 1997), N.S. Reg. 70/97

1 These regulations may be cited as the "Regulations Respecting the Grading, Packing, Marking, Inspection, Advertising and Sale of Eggs".

Interpretation

2 In these regulations

(a) "Act" means the Agriculture and Marketing Act, Revised Statutes of Nova Scotia, 1989, Chapter 6;

(b) "breaker eggs" means eggs intended for the direct production of egg products and which are clean and free from inedible eggs;

(c) "carton" means a container made to contain no more than thirty eggs, with a separate compartment for each egg;

(d) "consumer" means a person who buys eggs for use by that person or the household of that person and not for resale;

(e) "container" means any case, box, carton or other receptacle made to contain eggs;

(ea) "cracks" means eggs that have the following characteristics:

(i) the shell is cracked but the contents are not leaking, and

(ii) on candling the eggs meet the standards for at least Canada C;
Clause 2(ea) added: O.I.C. 97-370, N.S. Reg. 70/97.

(f) "domestic hen" means the hen of the domestic chicken belonging to the species *Gallus domesticus*;

(g) "dye mark" means a mark consisting of a deposit of food colouring not exceeding 20 mm in diameter that is applied to the large end of an egg at a registered egg station;

(h) "egg" means egg of a domestic hen but does not include a hatching egg;

Clause 2(i) repealed: O.I.C. 97-370, N.S. Reg. 70/97.

(j) "hatchery" means any place, building or premises equipped with an incubator and used for incubation purposes;

(k) "inedible egg" means an egg which is not suitable for human consumption and includes a shell egg that

(i) is contaminated with an odour that is foreign to the odour of a normal egg,

(ii) is musty or mouldy,

(iii) has been in an incubator, or

(iv) has any one of the following defects namely blackrot, blood clot, blood ring, bloody egg, mixed or red rot, sour rot, spot rot or white rot;

(l) "inspector" means an inspector appointed under the provisions of the Act;

(m) "Minister" means the Minister of Agriculture for Nova Scotia;

(n) "producer" means a person who ships, transports or sells only eggs produced on the farm owned by that person;

(o) "registered egg station" means a place where eggs are prepared, graded or marked and which is registered and in respect of which a certificate of registration has been issued under the Egg Regulations pursuant to the Canada Agricultural Products Act;

(p) "registered processed egg station" means a place in which processed egg product is prepared from eggs, graded and marked and which is registered and in respect of which a certificate of registration has been issued under the Processed Egg Regulations pursuant to the Canada Agricultural Products Act;

(q) "reject" means any egg that does not meet the standards for any of the terms referred to in subsection 3(1) or 3(2) or that has been in an incubator;

Clause 2(q) replaced: O.I.C. 97-370, N.S. Reg. 70/97.

(r) "retailer" means a person who offers, has in possession for sale or sells eggs to a consumer;

(s) "ungraded eggs" means eggs in containers that are not marked with one of the terms referred to in subsection 3(1) or 3(2);

Clause 2(s) replaced: O.I.C. 97-370, N.S. Reg. 70/97.

(t) "weight" means the net weight of a container of shell eggs;

(u) "wholesaler" means any person other than a producer who sells eggs to

(i) a retailer, or

(ii) any person in quantities of 15 dozen or more for use as food or in the preparation of food, or

(iii) a registered processed egg station.

Application of egg regulations

3 (1) Except as provided in these regulations, all containers of eggs sold, offered for sale or held in possession for sale in the Province of Nova Scotia, must be marked with one of the following terms to indicate the grade of eggs:

(a) Canada A Jumbo;

(b) Canada A Extra Large;

(c) Canada A Large;

(d) Canada A Medium;

- (e) Canada A Small;
- (f) Canada A Peewee;
- (g) Canada B;
- (h) Canada C; or
- (i) Canada Nest Run.

(2) In addition to the grades identified in subsection (1), there is a designation of shell eggs named "cracks".

(3) Subject to subsections (5) and (7), the standards for the Canada grade terms specified in subsection (1) and the packaging and marking requirements for shell eggs are as set out in the Egg Regulations made under the Canada Agricultural Products Act.

(4) Graded eggs packed in cartons not marked in accordance with subsections (1) and (2) shall be sent or conveyed from a producer's premises to a registered egg station for marking as prescribed by these regulations.

(5) The provisions of these regulations shall not apply to a producer who sells, transports or delivers to a consumer, eggs produced on a farm owned by the producer.

(6) No person shall sell, offer for sale, send or convey eggs that are graded

(a) Canada A, Canada B, Canada C or Canada Nest Run and bear a dye-mark; or

(b) Canada C and do not bear a dye-mark,

except to a registered processed egg station.

(7) Subsection (1) does not apply to eggs marked with the name of a foreign country and name of the grade of the foreign country if the eggs meet the standards for the Canada grade equivalent to the grade name on the eggs.

(8) Cracks may be sold at retail in Nova Scotia

(a) if they are

(i) produced in Nova Scotia, and

(ii) maintained at a maximum holding temperature of 4 degrees Celsius in display coolers at the point of sale to consumers; and

(b) to any hotel, restaurant or institution, if the Department of Agriculture approves the sale.

Section 3 replaced: O.I.C. 97-370, N.S. Reg. 70/97.

4 All eggs on the premises of a retailer or a wholesaler shall be deemed to be for sale.

Ungraded eggs

5 No person shall sell, offer for sale, process, or send or convey ungraded eggs from any place to any other place except

(a) a producer may send or convey eggs produced on the farm owned by the producer to a registered egg station for grading or to a registered processed egg station for processing; or

(b) a person may send or convey ungraded eggs from a registered egg station where the eggs were received to a registered processed egg station for processing or a registered egg grading station for grading.

Clause 5(b) amended: O.I.C. 97-370, N.S. Reg. 70/97.

6 Each producer's ungraded eggs received by a registered egg station or registered processed egg station shall be clearly identified.

7 Each producer's eggs shall be graded entirely separate from the eggs of any other producer, and a bench count report in the form approved pursuant to Section 10 shall be made at the time of grading; provided that eggs from producers in quantities less than six dozen need not be individually identified as specified above, and payment or settlement to producers for such eggs may be made on the basis of the combined grading of all such unidentified lots in the shipment.

Egg station registration

8 (1) No producer shall sell, offer for sale, or hold in possession for sale in the Province of Nova Scotia eggs marked with any of the terms specified in subsection 3(1) or 3(2) without a valid certificate of registration.

Subsection 8(1) amended: O.I.C. 97-370, N.S. Reg. 70/97.

(2) Application for [a] certificate of registration as an egg station shall be made as detailed in the Egg Regulations made under the Canada Agricultural Products Act.

9 (1) No person shall grade eggs in a registered egg station unless the room and equipment comply with the standards set forth in the Egg Regulations made under the Canada Agricultural Products Act.

(2) Any eggs graded at a registered egg station which fail to meet the requirement of a grade established by subsection 3(1) or 3(2) shall be destroyed or packed in containers bearing the words "Rejects - Not for human consumption."

Subsection 9(2) amended: O.I.C. 97-370, N.S. Reg. 70/97.

Records

10 The operator of a registered egg station or registered processed egg station shall maintain and be responsible for complete records including a grading statement showing:

(a) name and address and registration number of the registered egg station or registered processed egg station;

(b) name and address of producer;

(c) date of receipt of eggs;

(d) quantity of eggs received;

(e) date of grading or processing;

(f) date of payment;

(g) amount of any advance payment;

(h) quantity of eggs graded into each grade, or quantity and weight processed;

(i) the price to be paid for each grade, or for the quantity and weight processed; and

(j) the total value of the eggs.

11 Every operator of a registered egg station shall make a report available to the Regional Director General of Food Production and Inspection Branch of Agriculture and Agri-Food Canada each week on a form prescribed by the Minister of Agriculture and Agri-Food Canada disclosing the number of eggs graded during that week, the grades of the eggs, and other information as may be requested by Agriculture and Agri-Food Canada.

Section 11 amended: O.I.C. 97-370, N.S. Reg. 70/97.

12 The operator of a registered egg station or registered processed egg station shall retain one copy of each grading statement at the place of business of the operator for a period of ninety days after payment.

Payments for eggs

13 The operator of a registered egg station shall pay on a graded basis for all ungraded eggs received by the operator.

14 The operator of a registered egg station or registered processed egg station shall pay on a weight basis for all ungraded eggs received by the operator for processing.

15 Eggs shall be deemed to have been paid for on a graded basis only if

(a) the eggs are graded in accordance with the terms set forth in subsection 3(1) or 3(2); and
Clause 15(a) amended: O.I.C. 97-370, N.S. Reg. 70/97.

(b) the price paid for each grade differs from the price paid for each of the other grades, except that if the current market price at the time and place of grading is the same for two grades, the price paid for those grades may be the same.

16 The operator of a registered egg station or registered processed egg station shall, within seven days of receipt of ungraded eggs,

(a) furnish to the person who shipped the ungraded eggs to the registered egg station or registered processed egg station one copy of the grading statement or statement of quantity and weight of eggs processed; and

(b) make arrangement for final settlement for the eggs received.

Wholesalers

17 (1) No wholesaler shall operate without a license from the Minister.

(2) An application for a wholesaler's license shall be in the form set forth in Schedule "A" as Form 8.

(3) A wholesaler's license shall only be granted if the room and equipment to be used by the wholesaler for holding of eggs is

(a) sound in construction, clean and in good repair;

(b) separate from any area that is likely to emit an odour that may affect the flavour or taste of the eggs;

(c) of adequate size for the volume of eggs handled;

(d) constructed of materials that permit thorough cleaning of all exposed surfaces;

(e) kept clean and free from mice, rats and other vermin;

(f) maintained at a temperature of no more than 13 degrees Celsius.

(4) A wholesaler's license shall be in the form set forth in Schedule "A" as Form 9.

Advertising

18 In any advertisement pertaining to eggs wherein the price appears, the grade name or cracks designation shall also appear and in figures of at least equal size and prominence to the price displayed.

Section 18 amended: O.I.C. 97-370, N.S. Reg. 70/97.

19 (1) Any carton or card displayed in connection with eggs in a retail store shall be deemed to be an advertisement.

(2) Any carton, tray, card or box displayed in connection with cracks must be clearly marked "Cracked eggs should be thoroughly cooked, and refrigerated at 4 degrees Celsius or less", and labels for cracks must include

(a) the common name "cracks" (cartons and boxes);

(b) the net quantity - 1 dozen (cartons) or 15 dozen (boxes);

(c) the name and mailing address of the grading station (cartons), or the registered number or name and address of the grading station (boxes);

(d) a best before date (cartons); and

(e) where more than one producer's eggs are graded at a registered egg grading station, a producer code on each carton.

Section 19 replaced: O.I.C. 97-370, N.S. Reg. 70/97.

20 No person shall in any advertisement offering eggs for sale, state or use words or phrases implying that the eggs of the grade advertised are superior in condition or quality to that required for eggs of that grade.

Licenses for rejects

21 (1) No person shall sell or offer for sale rejects without a license issued by the Minister.

(2) An application for a license to sell rejects shall be in the form set forth in Schedule "A" as Form 1.

(3) A license to sell rejects shall

(a) only be issued to a producer, a wholesaler or the operator of a registered egg station or a hatchery;

(b) not be transferable;

(c) remain in force until the 31st day of December next following the day of issue, unless sooner cancelled, suspended, or surrendered; and

(d) be in the form set forth in Schedule "A" as Form 2.

22 (1) A license issued to sell rejects shall be subject to the following conditions:

(a) that the holder of the license make a record with respect to the sale of all rejects showing

(i) the name and address of each purchaser of each lot of rejects sold,

(ii) the quantity of eggs in each lot, and

(iii) the date of sale; and

(b) that the holder of the license shall retain the record made pursuant to clause (a) for at least 90 days after the date of sale.

(2) A container which contains eggs referred to in subsection (1) shall be marked as follows:

(a) on the first line in letters not less than 13 mm or one-half inch in height the words "Rejects -- Not for Human Consumption"; and

(b) on the second line in letters not less than 6 mm or one-quarter inch in height the name and address of the egg station, producer, or the name and address of the hatchery as the case may be.

(3) The required markings for a container shall be printed, stamped or stencilled on the containers, or printed in black lettering on a brown tag at least 7.5 cm by 15 cm or three inches by six inches in size, and affixed securely to the container.

23 (1) No person shall purchase or otherwise obtain rejects

(a) for resale;

(b) for use as breaker eggs; or

(c) in any quantity amounting to more than fifteen dozen eggs in any calendar month,

without a license issued by the Minister.

(2) An application for a license to purchase rejects shall be in the form set forth in Schedule "A" as Form 3.

(3) A license to purchase rejects shall

(a) not be transferable;

(b) remain in force until the 31st day of December next following date of issue, unless sooner cancelled, suspended or surrendered; and

(c) be in the form set forth in Schedule A as Form 4.

24 A license issued to purchase rejects shall be subject to the condition that the holder of the license furnish on or before the 15th day of each month a statement to the inspector showing

(a) the quantities of all rejects purchased or otherwise obtained during the previous calendar month;

(b) the name and address of the person from whom the rejects were purchased or otherwise obtained, and the date of purchasing or otherwise obtaining the rejects; and

(c) the purpose for which the rejects were purchased or otherwise obtained.

25 No person shall purchase or sell or offer for sale rejects for use as food, or in the preparation of food, for human consumption.

Detention

26 (1) An inspector may place under detention any eggs that do not comply with the Act or these regulations by attaching to at least one container of the lot a numbered tag hereinafter referred to as a "detention tag" in the form set forth in Schedule A as Form 6.

(2) Where the eggs are not in a container, an inspector may require the owner to place such eggs in a container and the container shall be marked in accordance with subsection (1).

27 Immediately after attaching the detention tag, the inspector shall deliver or mail to the owner of the eggs a duly completed notice of detention in the form set forth in Schedule "A" as Form 5, and where the eggs are in the possession of a person other than the owner, a copy of the notice of detention shall also be delivered or mailed to that person.

28 An inspector may make orders and give directions as appear necessary to the inspector for the proper preservation and safeguarding of any eggs respecting which a detention tag has been placed on a container or containers marked pursuant to Section 26, and every person to whom any order is made or direction given shall comply therewith according to its terms.

29 Except as authorized by an inspector, no person shall alter or remove a detention tag placed on a container of eggs or alter any marks made on a container by an inspector pursuant to Section 26.

30 Except with the written permission of an inspector, no person shall remove, sell or otherwise dispose of any eggs contained in a container on which a detention tag has been placed or in a container marked by an inspector pursuant to Section 26.

31 (1) Where an inspector is satisfied that eggs held under detention comply with these regulations, the inspector shall complete a notice of release in the form set forth in Schedule "A" as Form 7.

(2) The inspector shall deliver or mail one copy of the notice of release to the owner of the eggs and one copy to the person on whose premises the eggs were found.

Schedule "A"

Form 1 - Application for License to Sell Rejects
Nova Scotia Department of Agriculture

Regional Director General
Food Production and Inspection Branch
Agriculture and Agri-Food Canada
5th Floor, 1081 Main Street
P.O. Box 6088, Moncton
New Brunswick, E1C 8R2

(name of applicant) (address)

applies for a license to sell rejects under the Agriculture and Marketing Act and the regulations. State whether you are a producer, the operator of an egg grading station, wholesaler or a hatchery

State registration or license number if any _____

Date _____

Signature of Applicant _____

Form 2 - License to Sell Rejects
Nova Scotia Department of Agriculture
Under the Agriculture and Marketing Act and regulations, and subject to the limitations thereof, this license to sell rejects is issued to: _____

Name _____

Address _____

License No. _____ Expire [Expiry] date, December 31, 19__

Non-transferable

Minister of Agriculture

Form 3 - Application for License to Purchase Rejects
Nova Scotia Department of Agriculture
Regional Director General
Food Production and Inspection Branch
Agriculture and Agri-Food Canada
5th Floor, 1081 Main Street
P.O. Box 6088, Moncton
New Brunswick, E1C 8R2 _____

(name of applicant) (address)
applies for a license to purchase rejects under the Agriculture and Marketing Act and regulations, and in support of this application the following facts are stated:

1. Location of all premises where rejects are to be stored or used: _____
2. Use to be made of rejects _____
3. Approximate quantity of rejects to be used per month _____

Date _____

Signature of Applicant _____

Form 4 - License to Purchase Rejects
Nova Scotia Department of Agriculture
Under the Agriculture and Marketing Act and regulations and subject to the limitations thereof, this license to purchase rejects is issued to _____
(name) _____
(address) _____
License No. _____ Expire [Expiry] date, December 31, 19__

Minister of Agriculture

Form 5 - Notice of Detention
Nova Scotia Department of Agriculture
Place of detention _____ Date _____
To _____ Address _____
You are hereby notified that _____ (quantity) of _____ (description)
marked _____ and located in _____ is hereby placed under detention
and identified by Detention Tag No. ____
Reason for detention _____
Violation of _____ (Section/regulations)
under Part XVII of the Nova Scotia Agriculture and Marketing Act.

No person shall move, sell or otherwise dispose of this product until authorized by an inspector.

Permission is granted to move the detailed Item No. _____ to _____
How notice served: _____

Copies to:

Acknowledged by _____
Inspector

Form 6 - Under Detention
Nova Scotia Department of Agriculture
Detention number _____
Description _____
Quantity detained _____
Violation _____
Date _____
Inspector _____

Form 7 - Notice of Release
Nova Scotia Department of Agriculture

Place _____ Date _____
Name _____ Address _____
With reference to the _____ which were placed under detention by
_____ (inspector) Date _____ Tag No. _____

Detention is hereby withdrawn

Reason _____

Nova Scotia Agriculture & Marketing Act Copies to Inspector _____

Form 8 - Application for Wholesaler License

Nova Scotia Department of Agriculture

Regional Director General

Food Production and Inspection Branch

Agriculture and Agri-Food Canada

5th Floor, 1081 Main Street

P.O. Box 6088, Moncton

New Brunswick, E1C 8R2 _____

(Name) (Address)

applies for a license as a wholesaler of eggs under the Agriculture and Marketing Act and regulations.

Location of business premises _____

Date _____

Signature of Applicant _____

Form 9 - Wholesaler License

Nova Scotia Department of Agriculture

Under the Agriculture and Marketing Act, Chapter 3, Revised Statutes of Nova Scotia, 1967, this is to certify that _____ of is hereby licensed under the Agriculture and Marketing Act,

Chapter 3, Revised Statutes of Nova Scotia, 1967, to carry on a business as a wholesaler of eggs only at _____ in the Province of _____ granted at Halifax this _____ day

of _____ 19____.

Signature of Licensee _____

Minister of Agriculture

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Please send comments to: regofregs@gov.ns.ca

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