

TITLE 37
FOOD, DRUGS, AND OIL

CHAPTER 15
EGGS AND EGG PRODUCTS

37-1501. TERMS DEFINED. The word "eggs" whenever used in this act shall mean and include foreign eggs in the shell, and the words "foreign eggs" shall mean and include eggs produced in any foreign country, and egg products manufactured from eggs produced in any foreign country.

The word "egg products" whenever used in this act shall mean and include egg powder, powdered eggs, dried eggs, liquid frozen eggs, and any other product, by whatsoever trade name designated, manufactured from foreign eggs or any part thereof.

[37-1501, added 1939, ch. 218, sec. 1, p. 460.]

37-1502. SALE WHEN UNFIT FOR HUMAN FOOD UNLAWFUL. It shall be unlawful for any person to sell, offer or expose for sale, in this state, any eggs or egg products unfit for human food; and for the purpose of this act, an egg shall be deemed unfit for human food when it is addled, putrid, rotten, in whole or in part; when the yolk is stuck to the shell; the inside contains molds, black spots or black rot, heavy blood spots or rings or bloody whites, or an incubated egg as defined in this act; or any material of an unwholesome nature; and egg products shall be deemed unfit for human food when manufactured from eggs unfit for human food.

[37-1502, added 1939, ch. 218, sec. 2, p. 460.]

37-1503. EGGS IN THE SHELL. It shall be unlawful for any person to sell, offer or expose for sale in this state any foreign eggs in the shell, without having stamped on each such egg, in legible type and in durable indelible ink, the words "Foreign Produced Eggs From" and the name of the country in which such egg is produced.

[37-1503, added 1939, ch. 218, sec. 3, p. 460.]

37-1504. EGGS OTHER THAN IN THE SHELL AND EGG PRODUCTS. It shall be unlawful for any person to sell, offer or expose for sale in this state any foreign eggs in any other form than in the shell, or any egg products manufactured from foreign eggs, without having stamped or printed in legible type in letters two inches (2") high, in durable paint or ink on the side and on the cover of each container the words "Foreign Produced Eggs From," following (followed) by the name of the country in which such eggs were produced, or in which the eggs from which such egg products were manufactured were produced.

[37-1504, added 1939, ch. 218, sec. 4, p. 460.]

37-1505. SERVING IN RESTAURANTS, HOTELS AND OTHER ESTABLISHMENTS. It shall be unlawful for any person owning or operating any restaurant, hotel, cafe, coffee shop, or other place where food is served, or any bakery or confectionery shop where food products are sold, to serve or sell any foreign eggs or egg products manufactured from foreign eggs without posting and

maintaining in a conspicuous place where the customers entering any such place of business can see it, a placard or sign bearing the words "We Use Foreign Produced Eggs" printed or painted in legible letters not less than two inches (2") high.

[37-1505, added 1939, ch. 218, sec. 5, p. 460.]

37-1506. MANUFACTURE OR SALE OF FOOD PRODUCTS CONTAINING EGGS OR EGG PRODUCTS. It shall be unlawful for any person manufacturing and/or selling any food products containing eggs or egg products to sell, offer or expose for sale in this state any food products containing foreign eggs, or egg products manufactured from foreign eggs, without having printed on the outside of the wrapper or container of each such food product in legible letters of bold faced type of a size not less than 8-point, the words "Foreign Eggs Used in This Product," or if such products are sold, offered or exposed for sale in bulk without displaying in a conspicuous place at the point where such food products are offered or exposed for sale, a placard or sign printed in letters two inches (2") high, and containing the words "Foreign Eggs Used in This Product."

[37-1506, added 1939, ch. 218, sec. 6, p. 460.]

37-1507. VIOLATION A MISDEMEANOR. Any person who violates or fails to comply with any of the provisions of this act shall be guilty of a misdemeanor.

[37-1507, added 1939, ch. 218, sec. 7, p. 460.]

37-1519. PURPOSE. The legislature of the state of Idaho recognizes that the candling, storing, grading, packing, selling, peddling, distributing, labeling, dealing in and trading in eggs in the state of Idaho is in the public interest and hereby declares that the provisions of this act are vital to the economy of the state of Idaho and the well being of its citizens.

The purpose of this act is to establish standards of grades for eggs and authorize standards of sanitation, cleanliness and temperature for the handling and storage of eggs for sale in the state of Idaho, and to require compliance with the labeling regulations and the designation of the grade of eggs sold in the state of Idaho.

[37-1519, added 1963, ch. 143, sec. 1, p. 406.]

37-1520. DEFINITIONS. When used in this act:

(a) The term "candling" shall refer to the act or function of determining the grade of eggs; and the term "candler" shall refer to the person performing that act or function.

(b) The term "carton" shall mean a container containing one (1) dozen eggs.

(c) The term "director" shall refer to the director of the department of agriculture.

(d) The term "consumer" shall mean a person who purchases eggs or egg products for use as food and not for resale in any form.

(e) The term "container" shall mean any carton, case, box, basket, sack, bag or other receptacle.

(f) The term "dealer" or "egg handler" shall mean any person who acquires eggs or egg products from a producer or distributor for resale to consumers.

(g) The term "distributor" shall refer to any person having possession or control of eggs or egg products for the purpose of candling, grading, packing, selling, peddling, distributing, dealing in or trading in eggs or egg products for resale to a dealer in the state of Idaho, but shall not refer to a producer when engaging in the sale of eggs or egg products to a distributor or when engaging in the sale of eggs directly to a consumer at the place of production.

(h) The term "grade" when used as a verb shall mean to classify eggs as to quality and size, and when used as a noun shall mean the classification as to quality and size so established.

(i) The term "person" shall include an individual, partnership, corporation, firm, association and agent.

(j) The term "producer" shall mean a person engaged in the business of operating or controlling the operation of one or more farms, ranches or establishments on which eggs or egg products are produced in the state of Idaho.

(k) The term "sale" or "sell" or "selling" or "sold" shall include sale, offer of sale, display for sale, have in possession for sale, exchange, barter, trade or other dealing.

(l) "Intrastate commerce" means any eggs or egg products in intrastate commerce whether such eggs or egg products are intended for sale, held for sale, offered for sale, sold, stored, transported or handled in this state in any manner and prepared for eventual distribution in this state whether at wholesale or retail.

[37-1520, added 1963, ch. 143, sec. 2, p. 406; am. 1969, ch. 39, sec. 1, p. 97; am. 1974, ch. 18, sec. 173, p. 364; am. 1975, ch. 175, sec. 1, p. 477; am. 1982, ch. 26, sec. 1, p. 51.]

37-1521. REGULATIONS FOR GRADES AND STANDARDS. The director of the department of agriculture shall issue regulations for the enforcement of this act which regulations shall have the force and effect of law. Such regulations may relate to all phases of inspection and grading of eggs and egg products and to the sanitation and conditions of eggs and egg product production, storage and transportation. In arriving at such regulations the director shall consider all pertinent federal egg and egg product laws and regulations.

[(37-1521) 1963, ch. 143, sec. 3, p. 406; 1965, ch. 8, sec. 1, p. 9; rep. & reen. 1969, ch. 39, sec. 2, p. 97; am. 1974, ch. 18, sec. 174, p. 364.]

37-1522. LICENSES. (a) No person shall act as a distributor of eggs in the state of Idaho without first obtaining a license therefor from the director for each physically separate establishment at which such business is conducted.

(b) No producer or distributor shall engage in candling eggs for official grade designation in the state of Idaho without first obtaining a license therefor from the director. Each producer or distributor who candles or assigns grades to eggs shall have or designate an individual candler who shall be responsible for making this determination.

(c) Each application for a license under this act shall be in writing upon forms prescribed by the director, and shall be accompanied by the annual license fee contemplated in section 37-1523, Idaho Code.

(d) Each license shall be in a form prescribed by the director and shall bear the license number assigned to each licensee.

(e) The license of a distributor shall be conspicuously displayed and posted at the separate establishment for which that license is issued. The license of an egg candler shall be conspicuously displayed and posted at the place of business where that egg candler is performing those services.

(f) The director shall refuse to issue a license to a distributor or egg candler who at the time of application therefor is not complying fully with the regulations and standards adopted, established and prescribed therefor under the provisions of this act; and shall be empowered to revoke or suspend a license issued to a distributor or egg candler upon determination of noncompliance with these regulations and standards or during the period of noncompliance with these regulations and standards.

[37-1522, added 1963, ch. 143, sec. 4, p. 406; am. 1974, ch. 18, sec. 175, p. 364; am. 1982, ch. 26, sec. 2, p. 52.]

37-1523. FEES -- RENEWAL. (a) The annual license fee for each physically separate establishment of a distributor shall be twenty dollars (\$20.00). The annual license fee for each egg candler shall be five dollars (\$5.00). The period for which the license fee is paid and for which the license is issued shall be July first to and including the following June thirtieth, and if the license is issued within that period the license fee shall nevertheless be the full amount above stated. Each license shall be renewed on July first of each year.

(b) All license fees, assessments and moneys collected by the director under the provisions of this act shall be placed in a separate fund in the state treasury to be used by the director solely for the purpose of inspection, administration and the enforcement of this act.

[37-1523, added 1963, ch. 143, sec. 5, p. 406; am. 1974, ch. 18, sec. 176, p. 364; am. 1975, ch. 175, sec. 2, p. 477; am. 1982, ch. 26, sec. 3, p. 52.]

37-1523A. ASSESSMENTS -- EXEMPTIONS TO ASSESSMENTS -- PREPAYMENT -- AUDIT. (1) There is hereby levied an assessment not to exceed four (4) mills per dozen eggs (4/10 of a cent per dozen eggs) entering intrastate commerce as prescribed by rules and regulations issued by the director. Such assessment shall be applicable to all eggs entering intrastate commerce in retail cartons. Such assessment shall be paid to the department of agriculture on a monthly basis on or before the 25th day following the month such eggs enter intrastate commerce. The director may require reports by egg handlers, dealers, or distributors along with the payment of the assessment fee. Such reports may include any and all pertinent information necessary to carry out the purpose of this act. The director, may by regulations, require egg container manufacturers to report on a monthly basis on agriculture containers sold to any egg handler, dealer or distributor.

(2) The assessment provided in this section shall not apply to:

- (a) Sale and shipment to points outside of this state;
- (b) Sale to the United States government and its instrumentalities;
- (c) Sale to breaking plants for processing into egg products;

- (d) Sale to consumers at the place of production or processing;
- (e) Sale between egg distributors;
- (f) Idaho shell egg producers having three hundred (300) or less hens may sell ungraded shell eggs produced upon their premises to retailers, provided that each carton or other container of ungraded shell eggs sold shall be clearly marked "ungraded" and shall bear the name and address of the Idaho producer.

(3) Any egg handler, dealer or distributor may prepay the assessment provided for in subsection (1) of this section by purchasing Idaho state egg seals from the director to be placed on egg containers showing that the proper assessment has been paid. Any carton manufacturer may apply to the director for a permit to place reasonable facsimiles of the Idaho state egg seals to be imprinted on egg containers. The director shall from time to time prescribe rules and regulations governing the affixing of seals and he is authorized to cancel any such permit issued pursuant to this chapter whenever he finds that a violation of the terms of which the permit has been granted has been violated.

(4) Every egg handler, dealer or distributor who pays assessments required under the provisions of this section on a monthly basis in lieu of seals shall be subject to audit by the director on an annual basis or more frequently if necessary. Failure to pay assessments when due or refusal to allow an audit may be cause for a suspension or revocation of an egg handler, dealer or distributor's license. The conditions and assessments applicable to egg handlers, dealers and distributors set forth in section [37-1523](#), Idaho Code, shall also be applicable to payments to the director for facsimiles of seals placed on egg containers.

[I.C., sec. 37-1523A, as added by 1975, ch. 175, sec. 3, p. 477; am. 1982, ch. 26, sec. 4, p. 53; am. 1987, ch. 21, sec. 1, p. 27.]

37-1524. STATEMENTS ON CONTAINER. (a) Each carton or other container in which eggs are being sold or offered for sale by a distributor, egg handler or dealer in the state of Idaho shall bear:

- (1) A legible statement of the grade and size of eggs.
 - (2) A legible statement of the name and address of the distributor by or for whom the eggs were graded and candled.
- (b) The words "fresh," "country," "hennerly," "ranch" or words of similar import shall not be deemed a substitute for official grade designation. Each advertisement of eggs for sale by a dealer shall plainly and conspicuously indicate the official grade and size thereof.

[37-1524, added 1963, ch. 143, sec. 6, p. 406; am. 1974, ch. 18, sec. 177, p. 364; am. 1975, ch. 175, sec. 4, p. 477.]

37-1525. RECORDS -- ENFORCEMENT. The director is hereby directed and empowered:

- (a) To administer and enforce the provisions of this act.
- (b) To require records to be kept. Every distributor and dealer purchasing or selling eggs in the state of Idaho shall keep a record of each purchase and a record of each sale other than to a consumer. Such record may be an invoice or sales slip and shall show the date of such transaction and the name and address of the person with whom such transaction was made. Such records shall be held for a period of at least two (2) years and shall be open for examination by a representative of the director at any reasonable time.

(c) To require each person who sells to any retailer, or to any restaurant, hotel, boarding house, baker, or other institution or concern which purchases eggs for serving to guests or patrons thereof or for its use in preparation of any food products for human consumption, candled or graded eggs other than those of his own production sold and delivered on the premises where produced, to furnish that retailer or other purchaser with an invoice covering each such sale, showing the exact grade or quality and the size or weight of the eggs sold, according to the standards prescribed, together with the name and address of the person by whom the eggs were sold.

(d) Through authorized representatives to enter and inspect any place or conveyance of a distributor or dealer within the state of Idaho where eggs are candled, stored, packed, delivered for shipment, loaded, shipped, transported or sold, and may inspect all invoices, eggs and the cases and containers thereof and equipment found in such places or conveyances, and may take copies of invoices and representative samples of eggs and the cases and containers thereof found in such places or conveyances for inspection and for the purpose of determining whether or not any provisions of this act have been violated.

(e) Through authorized representatives to seize and hold as evidence an advertisement, sign, placard, invoice, case or container of eggs, or such part of any pack, load, lot, consignment or shipment of eggs packed, stored, delivered for shipment, loaded, shipped, transported or sold in violation of any provision of this act, reasonably necessary to establish the fact of such violation.

[37-1525, added 1963, ch. 143, sec. 7, p. 406; am. 1974, ch. 18, sec. 178, p. 364; am. 1982, ch. 26, sec. 5, p. 54.]

37-1526. VIOLATION A MISDEMEANOR -- PENALTIES. Any person convicted of violating any provisions of this act or the rules and regulations issued thereunder or who shall impede, obstruct, hinder, or otherwise prevent or attempt to prevent the director or his duly authorized representative in performance of his duty in connection with the provisions of this act, shall be adjudged guilty of a misdemeanor and shall be fined not more than one hundred dollars (\$100) for the first violation, and not less than one hundred dollars (\$100) or more than three hundred dollars (\$300) for a subsequent violation.

[37-1526, added 1963, ch. 143, sec. 8, p. 406; am. 1974, ch. 18, sec. 179, p. 364.]

37-1527. DIRECTOR'S DISCRETIONARY ACTION. Nothing in this act shall be construed as requiring the director or his representative to report for prosecution or for the institution of seizure proceeding a minor violation of the act when he believes that the public interest will be best served by a suitable warning notice in writing.

Before the director reports a violation for such prosecution, an opportunity shall be given the person in asserted violation to present his understanding of the facts to the director.

[37-1527, added 1963, ch. 143, sec. 9, p. 406; am. 1974, ch. 18, sec. 180, p. 364.]

37-1528. DUTY TO PROSECUTE. It shall be the duty of each prosecuting attorney to whom any violation is reported to cause appropriate proceedings to be instituted and prosecuted without delay in a court of competent jurisdiction.

[37-1528, added 1963, ch. 143, sec. 10, p. 406.]

37-1529. RIGHT TO INJUNCTION. The director is hereby authorized to apply for and the court to grant a temporary or permanent injunction restraining any person from violating or continuing to violate any of the provisions of this act or any rules or regulations promulgated under this act notwithstanding the existence of other remedies at law, said injunction to be issued without bond.

[37-1529, added 1963, ch. 143, sec. 11, p. 406; am. 1974, ch. 18, sec. 181, p. 364.]

37-1530. CONTRACTS WITH FEDERAL GOVERNMENT. The director of the department of agriculture may with the approval of the governor contract with any agency or subdivision of the federal government in relation to egg or egg product inspection, and may also receive on behalf of state egg or egg product inspection or for federal egg or egg product inspection, funds from any division or agency of the federal government.

[I.C.A., sec. 37-1530, as added by 1969, ch. 39, sec. 3, p. 97; am. 1974, ch. 18, sec. 182, p. 364.]

CHAPTER 16
IMPORTED FOOD PRODUCTS -- [REPEALED]