

# Marketing Regulations Affecting Small-Scale Egg Producers in Kentucky

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It is important that you comply with all the laws and regulations with regards to the marketing of eggs. Eggs are capable of carrying bacteria such as *Salmonella enteritidis*. As a result, eggs are considered a hazardous food and their sale is regulated. The full Kentucky Egg Marketing Law is available online at: <http://www.lrc.ky.gov/Statutes/chapter.aspx?id=38484>.

With regards to small-scale producers, if you sell more than 60 dozen eggs in any one week, you will require an egg handler's license. You will also need an egg handler's license if you sell to someone who sells eggs to someone else. This would include grocery stores, restaurants, or wholesalers. The same will hold true if you sell to a bakery, confectionary or ice-cream manufacturer.

Getting an egg handler's license is relatively inexpensive. The license runs for the fiscal year of April 1 to March 31 and is renewed yearly. The form required can be found at: [http://www.kyagr.com/consumer/documents/RI\\_EGG\\_RetailApplication.pdf](http://www.kyagr.com/consumer/documents/RI_EGG_RetailApplication.pdf).

Even if you do not require an egg handler's license, you **MUST** still follow all the regulations regarding the safe handling of eggs.

Rules that must be followed include:

## Safe Handling of Eggs

It is illegal to sell any eggs for human consumption that are unfit for human food. This includes eggs that: are rotten or moldy; contain black rot or white rot; contain a blood ring or other blood; have adhering yolk or bloody whites; eggs that have been incubated; or eggs that are dirty. No

leaking or cracked eggs are permitted as well. In addition, the Kentucky Department of Agriculture (KDA) recommends the following guidelines:

- Do not come into contact with eggs if you have a communicable disease
- Wear clean clothing when handling eggs
- Practice correct hygiene at all stages of handling eggs
- Do not smoke in the processing area because eggs may absorb these odors
- If you candle or handle eggs, wash your hands at least every 2 hours, or as needed to maintain cleanliness
- Gather eggs as frequently as possible and wash them as soon as possible after collection. Remove any badly soiled or cracked eggs and dispose of them since they are a food safety risk. Wash the remainder of the eggs before they are candled.

## When Washing Eggs:

- **Temperature.** Make sure the eggs are below 90°F before you wash them. The wash water temperature must be 20°F higher than that of the eggs. This will result in a slight expansion of the egg contents and reduce the likelihood of the wash water being absorbed by the egg. Colder water will cause the egg contents to contract and water may be taken into the egg through the pores of the shell, leading to possible bacterial contamination of the egg. The suggested wash water temperature is between 110° and 120°F. Never have wash water more than 50°F above the temperature of the eggs

because this may cause excess breakage. Never expose eggs to temperatures greater than 128°F during the cleaning process or the eggs will begin to cook.

- **Water quality.** Make sure you use only potable water for washing eggs. The iron content should be less than 2 ppm to prevent the growth of bacteria. If using well water it is good to get your water tested for quality.
- **Detergents.** While you can use a good quality detergent, it is not recommended that you use household detergents because they may cause discoloration and/or undesirable flavors in the eggs. A variety of commercial egg washing detergents are available and should be used as a first choice. You can spray the detergent on and wash off with continuously running water. It is important that the eggs not be submerged in water, with or without detergent.
- **Rinsing.** If using a detergent, is recommended that eggs be rinsed with water at 20°F warmer than the detergent water. The eggs can be quickly dipped into a sanitizing solution containing 200 ppm chlorine (1 tablespoon per gallon of water) and that is 20°F warmer than the detergent solution.
- **Packaging.** Never put wet eggs into cartons or boxes because the wet eggs can pick up bacteria very easily. Allow eggs to dry on plastic flats.
- **Equipment.** Clean and sanitize all your equipment each time it is used to prevent the build-up of bacteria and calcium deposits.

## Packaging

You must use new egg cartons every time you package your eggs. Egg cartons used for packaging eggs must not be labeled by other businesses and egg cartons cannot be re-used. While you cannot sell eggs in used cartons, you can have the eggs available in new, clean egg flats and have the customers bring their own cartons when purchasing the eggs.

## Labeling

If a producer who sells directly to the consumer is using stock cartons, the cartons must be labeled with “produced by:” followed by the producer’s name and physical address, and must be labeled as “ungraded.” This information may be hand printed on the carton, if the writing is legible. It must appear on the top panel of the egg carton.

All cartons must be labeled with nutritional content, refrigeration requirements (required statement: “Keep refrigerated at or below 45°F”), and safe handling requirements (required statement: “SAFE HANDLING INSTRUCTIONS: To prevent illness from bacteria: Keep eggs refrigerated, cook eggs until yolks are firm, and cook foods containing eggs thoroughly.”). The nutrition label (Figure 1) is shown below. It is for one large egg (24 oz. to 27 oz. per dozen). Make sure that you use the most up to date label with the correct level of cholesterol, 185 mg. Old labels have the cholesterol listed as 215 mg, but current research and detection levels indicate that 185 mg is more accurate.

Nutrition Facts			
Serving Size 1 egg (50g)			
Servings per Container 12			
Amount Per Serving			
<b>Calories 70</b>	Calories from Fat 45		
% Daily Value*			
<b>Total Fat 5g</b>	<b>8%</b>		
Saturated Fat 1.5g	<b>8%</b>		
Trans Fat 0g			
<b>Cholesterol 185mg</b>	<b>62%</b>		
<b>Sodium 70mg</b>	<b>3%</b>		
<b>Total Carbohydrate 0g</b>	<b>0%</b>		
<b>Protein 6g</b>	<b>12%</b>		
Vitamin A 6%	Vitamin C 0%		
Calcium 2%	Iron 4%		
Not a significant source of dietary fiber or sugars.			
* Percent Daily Values are based on a 2,000 calorie diet:			
	Calories	2,000	2,500
Total Fat	Less than	65g	80g
Sat fat	Less than	20g	25g
Cholesterol	Less than	300mg	300mg
Sodium	Less than	2,400mg	2,400mg
Potassium		3,500mg	3,500mg
Total Carbohydrate		300g	375g
Dietary Fiber		25g	30g
Protein		50g	65g
Calories per gram			
Fat 9 • Carbohydrate 4 • Protein 4			

**Figure 1.** Nutrition label for one large egg.

Source: American Egg Board

It is possible to purchase new cartons with all the required information on them, or you can use address labels and print out your own to adhere to blank cartons. Bulk eggs must have the same labeling information displayed for the consumer.

You must also include the date in which the eggs were packed (many use a Julian date) and an expiration or best-by date. The Julian date is the day of the year, starting with January 1 as number one, and December 31 as day 365 (except for a leap year when there are 366 days). If using the expiration dating, which may not exceed 30 days, including the day of packaging, the following prefixes may be used: “EXP,” “expiration date,” “sell by,” “not to be sold after date on end of carton,” “purchase by,” “last sale date on end of carton,” or other similar language denoting stock rotation. If using the best-by dating, which may not exceed 45 days including the day of pack, the following prefixes may be used: “use before,” “use by,” “best before,” “best by,” or other similar language to indicate the maximum time frame for expected quality. The letters on the label must be at least 1/16th inch in height.

An example is shown in Figure 2. The Julian date (251) indicates the day the eggs were packaged (September 8). These eggs were packaged by a commercial processing plant so the package contains the plant number, which is 1185A14. This is not required as long as name and address

of the farm is listed on the carton. This carton also has a sell-by date of October 7, which is 30 days after (and including) the packing date.

If eggs are packed in breakaway cartons (Figure 3) each half or portion of the container must contain full information as required above.

You are NOT allowed to make any nutritional claims about your eggs on the cartons or advertisement without getting USDA prior approval, and submitting proof to support your claims. You cannot, for example, state that your eggs are higher in omega-3 fatty acids unless you have research on your eggs to prove it and have approval of the USDA. You can, however, say that your hens are fed diets high in omega-3s. If you state that the eggs were produced without hormones, you must include a disclaimer that federal law prohibits the use of hormones in poultry production. You can state if the hens are cage-free, free-roaming (equivalent to cage-free), free-range, or pasture raised. You can indicate whether they are fed an all-vegetable diet or a soy-free diet. You can also include any certifications, such as animal-welfare certification or certified organic.

## Refrigeration

Kentucky egg law requires that all shell eggs be stored at a temperature of 45°F or less during transit, storage and display. An egg that does not meet the refrigeration requirements can be seized



**Figure 2.** Example of a commercial carton of eggs on display in a grocery store.



**Figure 3.** Example of breakaway cartons of eggs in a grocery store display.

and destroyed by a Department of Agriculture inspector. So, if you are selling at a farmers' market you must make sure that you transport, store and display the eggs in a safe manner. See ASC-218: "Proper Handling and Transportation of Eggs for Sale at Kentucky Farmers' Markets."

## **Emergency Recall Plan**

You are required to have an emergency recall plan. The plan must address policies and procedures that will be followed in the event of a recall of your eggs is required because of a human illness traced back to your eggs.

There is an outline of a recall plan available at the Kentucky Department of Agriculture at [http://www.kyagr.com/consumer/documents/RI\\_EGG\\_RecallPolicy.doc](http://www.kyagr.com/consumer/documents/RI_EGG_RecallPolicy.doc). The document defines three levels of recall, but the one of main concern to egg producers is the first. The first is an emergency situation where there is a reasonable probability that the use of the product will cause serious, adverse health consequences or death. This is usually the result of a reported or confirmed illness associated with your eggs. In such a recall, the top priority is given to the complete and immediate removal of all eggs from all levels in the distribution chain. In such a recall it is important to identify customers who received the product. It is important to maintain a log of each shipment to each customer. If selling eggs at the farmers' market, it is a good idea to develop a mailing list of frequent customers so that they can be contacted in the event of a recall of your eggs.