

## Agricultural Marketing Service, USDA

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AUTHORITY: 7 U.S.C. 1621-1627.

## Subpart A—Grading of Shell Eggs

### DEFINITIONS

#### § 56.1 Meaning of words and terms defined.

For the purpose of the regulations in this part, words in the singular shall be deemed to import the plural and vice versa, as the case may demand, and unless the context otherwise requires, the following terms shall be construed, respectively, as follows:

*Act* means the applicable provisions of the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U.S.C. 1621 *et seq.*), or any other act of Congress conferring like authority.

*Administrator* means the Administrator of the Agricultural Marketing Service of the Department or any other officer or employee of the Department to whom there has heretofore been delegated, or to whom there may hereafter be delegated the authority to act in his stead.

*Ambient temperature* means the air temperature maintained in an egg storage facility or transport vehicle.

*Applicant* means an interested party who requests any grading service, appeal grading, or regrading with respect to any product.

*Cage mark* means any stain-type mark caused by an egg coming in contact with a material that imparts a rusty or blackish appearance to the shell.

*Case* means, when referring to containers, an egg case, as used in commercial practice in the United States, holding 30 dozens of shell eggs.

*Chief of the Grading Branch* means the Chief of the Poultry Grading Branch of the Poultry Division, Agricultural Marketing Service.

*Class* means any subdivision of a product based on essential physical characteristics that differentiate between major groups of the same kind, species, or method of processing.

*Condition* means any condition (including, but not being limited to, the state of preservation, cleanliness, soundness, wholesomeness, or fitness for human food) of any product which affects its merchantability.

*Department* means the United States Department of Agriculture.

*Eggs of current production* means shell eggs which have moved through usual marketing channels since the time they were laid and have not been held in refrigerated storage in excess of 30 days. "Refrigerator or storage eggs" means shell eggs which have been held under refrigeration for a period of more than 30 days.

*Grader* means any employee of the Department authorized by the Secretary, or any other person to whom a license has been issued by the Secretary, to investigate and certify, in accordance with the act and this part, to shippers of products and other interested parties the class, quality, quantity, and condition of such products.

*Grading or grading service* means: (1) The act whereby a grader determines, according to the regulations in this part, the class, quality, quantity, or condition of any product by examining each unit thereof or each unit of the representative sample thereof drawn by a grader and issues a grading certificate with respect thereto, except that with respect to grading service performed on a resident basis the issuance of a grading certificate shall be pursuant to a request therefor by the applicant or the Service; (2) the act whereby the grader identifies, according to the regulations in this part, the graded product; (3) continuous supervision, in an official plant, of the handling or packaging of any product; and (4) any

regrading or any appeal grading of a previously graded product.

*Grading certificate* means a statement, either written or printed, issued by a grader pursuant to the act and this part, relative to the class, quantity, quality, or condition of products.

*Holiday or legal holiday* shall mean the legal public holidays specified by the Congress in paragraph (a) of section 6103, title 5, of the United States Code.

*Interested party* means any person financially interested in a transaction involving any grading, appeal grading, or regrading of any product.

*National supervisor* means (1) the officer in charge of the shell egg grading service of the Agricultural Marketing Service, and (2) such other employees of the Service as may be designated by him.

*Nest run eggs* means eggs which are packed as they come from the production facilities without having been washed, sized and/or candled for quality, with the exception that some Checks, Dirties, or other obvious undergrades may have been removed.

*Office of grading* means the office of any grader.

*Official plant* means any plant in which the facilities and methods of operation therein have been found by the Administrator to be suitable and adequate for grading service in accordance with this part and in which grading service is carried on.

*Origin grading* is a grading made on a lot of eggs at a plant where the eggs are graded and packed.

*Person* means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

*Potable water* means water that has been approved by the State health authority or agency or laboratory acceptable to the Administrator as safe for drinking and suitable for food processing.

*Product or products* means shell eggs of the domesticated chicken.

*Quality* means the inherent properties of any product which determine its relative degree of excellence.

*Quality assurance inspector* means any designated company employee other

than the plant owner, manager, foreman, or supervisor, authorized by the Secretary to examine product and to supervise the labeling, dating, and lotting of officially graded shell eggs and to assure that such product is packaged under sanitary conditions, graded by authorized personnel, and maintained under proper inventory control until released by an employee of the Department.

*Regional director* means any employee of the Department in charge of the shell egg grading service in a designated geographical area.

*Regulations* means the provisions in this part.

*Sampling* means the act of taking samples of any product for grading.

*Secretary* means the Secretary of the Department or any other officer or employee of the Department to whom there has heretofore been delegated, or to whom there may hereafter be delegated, the authority to act in his stead.

*Service* means the Agricultural Marketing Service of the Department.

*Shell eggs* means shell eggs of domesticated chickens.

*Shell protected* means eggs which have had a protective covering such as oil applied to the shell surface. The product used shall be acceptable to the Food and Drug Administration.

*Washed ungraded eggs* means eggs which have been washed but not sized or segregated for quality.

[20 FR 669, Feb. 1, 1955]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 56.1, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

**§ 56.2 Designation of official certificates, memoranda, marks, other identifications, and devices for purposes of the Agricultural Marketing Act.**

Subsection 203(h) of the Agricultural Marketing Act of 1946, as amended by Pub. L. 272, 84th Congress, provides criminal penalties for various specified offenses relating to official certificates, memoranda, marks or other identifications, and devices for making such marks or identifications, issued or authorized under section 203 of said act, and certain misrepresentations

concerning the grading of agricultural products under said section. For the purposes of said subsection and the provisions in this part, the terms listed in this section shall have the respective meanings specified:

(a) *Official certificate* means any form of certification, either written or printed, used under this part to certify with respect to the sampling, class, grade, quality, size, quantity, or condition of products (including the compliance of products with applicable specifications).

(b) *Official memorandum* means any initial record of findings made by an authorized person in the process of grading or sampling pursuant to this part, any processing or plant-operation report made by an authorized person in connection with grading or sampling under this part, and any report made by an authorized person of services performed pursuant to this part.

(c) *Official mark* means the grademark and any other mark, or any variations in such marks approved by the Administrator and authorized to be affixed to any product, or affixed to or printed on the packaging material of any product, stating that the product was graded, or indicating the appropriate U.S. grade or condition of the product, or for the purpose of maintaining the identity of products graded under this part, including but not limited to, those set forth in § 56.36.

(d) *Official identification* means any United States (U.S.) standard designation of class, grade, quality, size, quantity, or condition specified in this part or any symbol, stamp, label or seal indicating that the product has been officially graded and/or indicating the class, grade, quality, size, quantity, or condition of the product approved by the Administrator and authorized to be affixed to any product, or affixed to or printed on the packaging material of any product.

(e) *Official device* means a stamping appliance, branding device, stencil, printed label, or any other mechanically or manually operated tool that is approved by the Administrator for the purpose of applying any official mark