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1988

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Recommended Citation

Utah Code Annotated Title 4-4 (Michie, 1988)

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shall be designated by the commissioner to serve as chairman who is responsible for the call and conduct of meetings of the dairy advisory board. Attendance of a simple majority of the members at a duly-called meeting shall constitute a quorum for the transaction of official business. Members are entitled to per diem and expenses in accordance with § 63-2-15 [as established by the Division of Finance].

The Dairy Advisory Board shall confer with and advise the department concerning the planning and implementation of programs affecting the dairy industry and concerning the administration of this chapter.

History: C. 1953, 4-3-15, enacted by L. 1979, ch. 2, § 4.

Compiler's Notes. — Section 63-2-15, referred to at the end of the second paragraph, was repealed by Laws 1981, ch. 257, § 13. The

bracketed language following reference to that section was inserted pursuant to instructions by the Office of Legislative Research and General Counsel.

4-3-16. Repealed.

Repeals. — Section 4-3-16, as enacted by Laws 1979, ch. 2, § 4, making violations of the

chapter class "B" misdemeanors, was repealed by Laws 1985, ch. 104, § 8.

CHAPTER 4

EGGS

Section		Section	
4-4-1.	Department to establish egg grades and standards.	4-4-5.	Maintenance of candling records — Inspection of records.
4-4-2.	Authority to make and enforce regulations.	4-4-6.	Retailers exempt from prosecution — Conditions for exemption.
4-4-3.	Definitions.	4-4-7.	Repealed.
4-4-4.	Unlawful acts specified.		

4-4-1. Department to establish egg grades and standards.

The department shall establish grades and standards of quality, size, and weight governing the sale of eggs.

History: C. 1953, 4-4-1, enacted by L. 1979, ch. 2, § 5.

COLLATERAL REFERENCES

Am. Jur. 2d. — 35 Am. Jur. 2d Food § 38.

C.J.S. — 36A C.J.S. Food § 3.

Key Numbers. — Food ⇄ 2.

4-4-2. Authority to make and enforce regulations.

The department is authorized, subject to the Utah [Administrative] Rule-making Act, to make and enforce such regulations as in its judgment are necessary to administer and enforce this chapter.

History: C. 1953, 4-4-2, enacted by L. Utah Administrative Rulemaking Act, 1979, ch. 2, § 5. §§ 63-46a-1 to 63-46a-15.

Cross-References. — Enforcement of Agricultural Code, § 4-1-4.

4-4-3. Definitions.

As used in this chapter:

- (1) "Addled" or "white rot" means putrid or rotten.
- (2) "Adherent yolk" means the yolk has settled to one side and become fastened to the shell.
- (3) "Black rot" means the egg has deteriorated to such an extent that the whole interior presents a blackened appearance.
- (4) "Black spot" means mould or bacteria have developed in isolated areas inside the shell.
- (5) "Blood ring" means bacteria have developed to such an extent that blood is formed.
- (6) "Candling" means the act of determining the condition of an egg by holding it before a strong light in such a way that it shines through the egg and reveals its contents.
- (7) "Mouldy" means mould spores have formed within the shell.

History: C. 1953, 4-4-3, enacted by L. 1979, ch. 2, § 5.

4-4-4. Unlawful acts specified.

It is unlawful for any person to:

- (1) sell, offer, or expose any egg for sale for human consumption which is addled or mouldy, or which contains black spot, black rot, white rot, blood ring, adherent yolk, or a bloody or green white (albumen); or
- (2) sell, offer, or expose any egg for sale for human consumption without a sign or label which conforms to the standards for display and grade adopted by the department.

Nothing in this section however, shall prohibit the sale of denatured eggs.

History: C. 1953, 4-4-4, enacted by L. 1979, ch. 2, § 5.

COLLATERAL REFERENCES

A.L.R. — Federal pre-emption of state food labeling legislation or regulation, 79 A.L.R. Fed. 181.

Validity, under commerce clause (Art. I, § 8, cl. 3), of state statutes regulating labeling of food, 79 A.L.R. Fed. 246.

4-4-5. Maintenance of candling records — Inspection of records.

Every person who sells, offers, or exposes eggs for sale or exchange shall maintain candling records as prescribed by the department. All candling records shall be open for examination by accredited inspectors or representatives of the department at reasonable times.

History: C. 1953, 4-4-5, enacted by L. 1979, ch. 2, § 5.

4-4-6. Retailers exempt from prosecution — Conditions for exemption.

No retailer is subject to prosecution under this chapter if the retailer can establish that at the time the eggs were purchased the seller guaranteed that the eggs conformed to the grade and quality and size and weight stated in the purchase invoice and that the eggs were labeled for sale by the retailer in accordance with the purchase invoice; provided, that such guaranty by the seller does not exempt a retailer from prosecution if the eggs covered by the guaranty deteriorated to a lower grade or standard through some action or inaction of the retailer.

History: C. 1953, 4-4-6, enacted by L. 1979, ch. 2, § 5.

4-4-7. Repealed.

Repeals. — Section 4-4-7, as enacted by chapter class "B" misdemeanors, was repealed by Laws 1979, ch. 2, § 5, making violations of this by Laws 1985, ch. 104, § 8.

**CHAPTER 5
FOOD AND ANIMAL DRUG ACT**

Section	Section
4-5-1. Short title.	food — Conditions giving rise to exercise of authority — Suspension of permits — Inspection for compliance.
4-5-2. Definitions.	
4-5-3. Unlawful acts specified.	
4-5-4. Defenses.	
4-5-5. Adulterated or misbranded articles — Tagging — Detention or embargo — Court proceedings for condemnation — Perishable food.	4-5-10. Food processed, labeled, or repacked at another location — Exemption from labeling requirements.
4-5-6. Definitions and standards of identity, quality, and fill of container — Regulations — Temporary and special permits.	4-5-11. Substances deemed unsafe — Authority in department to regulate quantity and use of.
4-5-7. Adulterated food specified.	4-5-12. Adulterated drug or device specified.
4-5-8. Misbranded food specified.	4-5-13. Misbranded drug or device specified.
4-5-9. Authority to make and enforce temporary regulations governing the issuance of permits for the manufacture, processing, or packing of	4-5-14. Drugs — Sale, delivery, offer for sale, holding for sale, or giving away prohibited until application effective — Application — Exception.