



**NYS DEPARTMENT OF AGRICULTURE AND MARKETS
DIVISION OF FOOD SAFETY AND INSPECTION
10B AIRLINE DRIVE
ALBANY, NY 12235**

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EGGS

New York State Grades and Standards for Eggs and the Sale Thereof

Article 13-A of the Agriculture and Markets Law
with Rules and Regulations
June 2003

ARTICLE 13-A OF THE AGRICULTURE AND MARKETS LAW

Relating to Sale of Eggs for Food by Grades or Standards

Section

- 160-a. Eggs; sale for food by grades or standards; consumer; definition.**
- 160-b. Establishment of grades or standards.**
- 160-c. Retail sale by grade or quality; fresh eggs; definition.**
- 160-d. Sales; misrepresentation.**
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Section 160-a. Eggs; sale for food by grades or standards; consumer; definition.

No person, and the term "person" in this statute shall include an individual, partnership, corporation or association, shall either as producer, wholesaler, commission merchant, jobber or retailer, sell, or offer to sell, or expose for sale for human consumption any eggs in the shell or otherwise which are unfit for human food. From and after the establishment of specific grades or standards of quality and size or weight of eggs by the commissioner of agriculture and markets as provided in the next section, eggs for human consumption shall not be sold or exposed for sale except by the grades or standards so established.

The term "consumer" whenever used in this statute shall mean any person purchasing eggs for his or her own family use or consumption, or a restaurant, hotel, boarding house, bakery or other institution purchasing eggs for serving to guests or patrons, or for its or their use in cooking or baking.

Section 160-b. Establishment of grades or standards.

It shall be the duty of the State Department of Agriculture and Markets to enforce the provisions of this article and the commissioner of agriculture and markets is hereby vested with full power to establish forthwith and from time to time specific grades or standards of quality and size or weight to govern the sale of eggs to the consumer, and to establish different grades or prescribe different terms indicative of size or weight, quality and manner of preparation of eggs for human consumption for use in sales between the producer and wholesaler, between the wholesaler and jobber, and between the wholesaler or jobber and the retailer. The commissioner of agriculture and markets shall have full authority to make rules and regulations for carrying out and enforcing the provisions of this act, provided however, that the grades or standard of quality established by him shall not permit the sale of any eggs for human consumption of poorer quality than permitted by the lowest grade or standards for edible eggs established from time to time by the United States secretary of agriculture. All rules, regulations and standards of quality and size or weight established under

the authority of this statute shall have the force of law and shall be filed and open for public inspection in the office of the State Department of Agriculture and Markets.

Section 160-c. Retail sale by grade or quality; fresh eggs; definition.

It shall be unlawful for any person to sell, or offer to sell or expose for sale to a consumer any eggs intended for human consumption other than those of his own production without notifying by suitable sign or label the person or persons purchasing or intending to purchase the same of the exact grade or quality of such eggs, according to the standards prescribed by the commissioner of agriculture and markets.

No person shall sell, offer for sale or advertise for sale as fresh eggs, strictly fresh eggs, hennery eggs, or new-laid eggs, or under words or descriptions of similar import, any eggs which are not fresh. No egg shall be deemed to be fresh which does not meet the standards of quality of fresh eggs established by the commissioner of agriculture and markets.

Section 160-d. Sales; misrepresentation.

No person shall sell or offer for sale, or advertise for sale, eggs for human consumption if the package containing them or the label on them, or any advertising accompanying them, shall bear any statement or device regarding the eggs which may be false or misleading in any particular.

Section 160-e. Making and filing of invoice.

Every person, other than the producer, in selling eggs to a retailer, shall furnish to such retailer an invoice showing the exact grade or quality of such eggs according to the standards prescribed by the commissioner of agriculture and markets. If any of the eggs covered by the invoice have been in cold storage, as defined in article nineteen of this chapter, for more than 30 days, either within or without the state, the invoice, in addition to showing the grade or quality of such eggs, shall indicate the fact of such storage by use of the words "cold storage" or "refrigerator". A copy of such invoice shall be kept on file by the person selling and the retailer at their respective places of business for a period of sixty days, and shall be available and open for inspection at all reasonable times by the State Department of Agriculture and Markets.

RULES AND REGULATIONS RELATING TO EGGS

Statutory Authority - Article 12-A, Agriculture and Markets

Part 190

STANDARDS, GRADES, AND SIZES FOR SHELL EGGS

Section

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Section 190.1 General Provisions.

(a) The grades set forth in this Part are applicable to edible shell eggs in "lot" quantities rather than on an "individual" egg basis. A lot may contain any quantity of two or more eggs.

(b) Terms used in this Part that are defined in the standards for quality of individual shell eggs have the same meaning in this Part as in those standards.

(c) Aggregate tolerances are permitted within each grade only as an allowances for variable efficiency and interpretation of graders, normal changes under favorable conditions during reasonable periods between grading, and reasonable variation of graders' interpretation.

(d) As used in this Part, "case" means 30 dozen eggs cases as used in commercial practices in the United States.

(e) Substitution of higher qualities for the lower qualities specified is permitted.

(f) The percentage requirements for grades as set forth in sections 190.3 and 190.4 of this part shall be applicable.

(g) "No grade" means eggs of possible edible quality that fail to meet the requirements of an official grade or that have been contaminated by smoke, chemicals, or other foreign material which has seriously affected the character, appearance, or flavor of the eggs.

(h) All shell eggs when sold or exposed for sale to the consumers for human consumption shall be sold or exposed for sale on the basis of the grades set forth in this Part.

Section 190.2 New York State consumer grades.

The prefixes "N.Y.", "New York" or "New York State" may be used in conjunction with the official grades of shell eggs established by sections 190.1 and 190.3 of this Part.

Section 190.3 Grades

(a) Grade AA

(1) N.Y. Consumer Grade AA (at origin) shall consist of eggs which are at least 87 percent AA quality. The maximum tolerance of 13 percent which may be below AA quality may consist of A or B quality in any combination except that within the tolerance for B quality not more than 1 percent may be B quality due to air cells over 3/8 inch, blood spots (aggregating not more than 1/8 inch in diameter) or serious yolk defects. Not more than 5 percent (7 percent for jumbo size) checks are permitted and not more than 0.50 percent leakers, dirties, or loss (due to meat or blood spots) in any combination, except that such loss may not exceed 0.30 percent. Other types of loss are not permitted.

(2) N.Y. Consumer Grade AA (destination) shall consist of eggs which are at least 72 percent AA quality. The remaining tolerance of 28 percent shall consist of at least 10 percent A quality and the remainder shall be B quality except that within the tolerance for B quality not more than 1 percent may be B quality due to air cells over 3/8 inch, blood spots (aggregating not more than 1/8 inch in diameter) or serious yolk defects. Not more than 7 percent (9 percent for jumbo size) checks are permitted and not more than 1 percent leakers, dirties, or loss (due to meat or blood spots) in any combination, except that such loss may not exceed 0.30 percent. Other types of loss are not permitted.

(b) N.Y. Grade A

(1) N.Y. Consumer Grade A (at origin) shall consist of eggs which are at least 87 percent A quality or better. Within the maximum tolerance of 13 percent which may be below A quality, not more than 1 percent may be B quality due to air cells over 3/8 inch, blood spots (aggregating not more than 1/8 inch in diameter), or serious yolk defects. Not more than 5 percent (7 percent for Jumbo size) checks are permitted and not more than 0.50 percent leakers,

dirtyies, or loss (due to meat or blood spots) in any combination, except that such loss may not exceed 0.30 percent. Other types of loss are not permitted.

(2) N.Y. Consumer Grade A (destination) shall consist of eggs which are at least 82 percent A quality or better. Within the maximum of 18 percent which may be below A quality, not more than 1 percent may be B quality due to air cells over 3/8 inch, blood spots (aggregating not more than 1/8 inch in diameter), or serious yolk defects. Not more than 7 percent (9 percent for Jumbo size) checks are permitted and not more than 1 percent leakers, dirtyies, or loss (due to meat or blood spots) in any combination, except that such loss may not exceed 0.30 percent. Other types of loss are not permitted.

(c) N.Y. Grade B

(1) N.Y. Consumer Grade B (at origin) shall consist of eggs which are at least 90 percent B quality or better, not more than 10 percent may be checks and not more than 0.50 percent leakers, dirtyies or loss (due to meat or blood spots) in any combination, except that such loss may not exceed 0.30 percent. Other types of loss are not permitted.

(2) N.Y. Consumer Grade B (destination) shall consist of eggs which are at least 90 percent B quality or better, not more than 10 percent may be checks and not more than 1 percent leakers, dirtyies or loss (due to meat or blood spots) in any combination, except that such loss may not exceed 0.30 percent. Other types of loss are not permitted.

(d) Additional tolerances

(1) In lots of two or more cases:

(i) For Grade AA - No individual case may exceed 10 percent less AA quality eggs than the minimum permitted for the lot average.

(ii) For Grade A - No individual case may exceed 10 percent less A quality eggs than the minimum permitted for the lot average.

(iii) For Grade B - No individual case may exceed 10 percent less B quality eggs than the minimum permitted for the lot average.

(2) For Grades AA, A and B, no lot shall be rejected or down graded due to the quality of a single egg except for loss other than blood or meat spots.

Section 190.4 The Summary of New York consumer grades.

Grades for Shell Eggs follow as Table I and Table II of this section

Table I

Summary Of N.Y. Consumer Grades For Shell Eggs

NY Consumer Grade (origin)	Quality ¹ Required	Tolerance Permitted ² Percent	Quality
Grade AA	87 percent AA	Up to 13 Not over 5 Checks ⁶	A or B ⁵
Grade A	87 percent A or better	Up to 13 Not over 5 Checks ⁶	B ⁵
Grade B	90 percent B or better	Not over 10 Checks	

NY Consumer Grade (destination)	Quality ¹ Required	Tolerance Permitted ³ Percent	Quality
Grade AA	72 percent AA	Up to 28 ⁴ Not over 7 Checks ⁶	A or B ⁵
Grade A	82 percent A or better	Up to 18 Not over 7 Checks ⁶	B ⁵
Grade B	90 percent B or better	Not over 10 Checks	

¹ In lots of two or more cases, See Table II of this section for tolerances of an individual case within a lot.

² For the N.Y. consumer grades (at origin), a tolerance of 0.50 percent leakers, dirties, or loss (due to meat or blood spots) in any combination is permitted except that such loss may not exceed 0.30 percent. Other types of loss are not permitted.

³ For the N.Y. Consumer grades (destination), a tolerance of 1 percent leakers, dirties, or loss (due to meat or blood spots) in any combination is permitted except that such loss may not exceed 0.30 percent. Other types of loss are not permitted.

⁴ For N.Y. Grade AA at destination, at least 10 percent must be A quality or better.

⁵ For N.Y. Grade AA and A at origin and destination within the tolerances permitted for B quality not more than 1 percent may be B quality due to air cells over 3/8 inch, blood spots (aggregating not more than 1/8 inch in diameter) or serious yolk defects.

⁶ For N.Y. Grades AA and A jumbo size eggs, the tolerance for checks at origin and destination is 7 percent and 9 percent respectively.

**Table II
Tolerance For Individual Case Within A Lot**

NY Consumer Grade	Case Quality	Origin (percent)	Destination (percent)
Grade AA	AA (min.)	77	62
	A or B	13	28
	Check (max.)	10	10
Grade A	A (min.)	77	72
	B	13	18
	Check (max.)	10	10
Grade B	B (min.)	80	80
	Check (max.)	20	20

Section 190.5 Weight classes. ¹

(a) The weight classes for consumer grades for shell eggs shall be as follows and shall apply to all consumer grades:

Size or Weight Class	Minimum Net Weight Per Dozen	Minimum Net Weight Per 30 Dozen	Weight for Individual Eggs at Rate Per Dozen
Jumbo	30	56	29
Extra Large	27	50 1/2	26
Large	24	45	23
Medium	21	39 1/2	20
Small	18	34	17
Pewee	15	28	--

b) A lot average tolerance of 3.3 percent for individual eggs in the next lower weight class is permitted as long as no individual case within the lot exceeds 5 percent.

¹ These weight classes are the same as those of the United States Department of Agriculture as required by Public Law 91-597.

Section 190.6 Standards for quality of individual shell eggs.

(a) AA quality. The shell must be clean, unbroken and practically normal. The air cell must not exceed 1/8 inch in depth, may show unlimited movement and may be free or bubbly. The white must be clear and firm so that the yolk is only slightly defined when the egg is twirled before the candling light. The yolk must be practically free from apparent defects.

(b) A quality. The shell must be clean, unbroken and practically normal. The air cell must not exceed 3/16 inch in depth, may show unlimited movement, and may be free or bubbly. The white must be clear and at least reasonably firm so that the yolk outline is only fairly well defined when the egg is twirled before the candling light.

(c) B quality. The shell must be unbroken, may be abnormal, and may have slightly stained areas. Moderately stained areas are permitted if they do not cover more than 1/32 of the shell surface if localized, or 1/16 of the shell surface if scattered. Eggs having shells with prominent stains or adhering dirt are not permitted. The air cell may be over 3/16 inch in depth, may show unlimited movement, and may be free or bubbly. The white may be weak and watery so that the yolk outline is plainly visible when the egg is twirled before the candling light. The yolk may appear dark, enlarged, and flattened, and may show clearly visible germ development. It may show other serious defects that do not render the egg inedible. Small blood spots or meat spots (aggregating not more than 1/8 inch in diameter) may be present.

(d) Dirty. An individual egg that has an unbroken shell with adhering dirt or foreign material, prominent stains, or moderate stains covering more than 1/32 of the shell surface if localized, or 1/16 of the shell surface if scattered.

(e) Check. An individual egg that has a broken or cracked shell but with its shell membranes in tact and the contents of which do not leak. A "check" is considered to be lower in quality than a "dirty".

Section 190.7 Terms descriptive of shell.

(a) Clean. A shell that is free from foreign material and from stains or discolorations that are readily visible. An egg may be considered clean if it has only very small specks or stains, if such specks or stains are not of sufficient number or intensity to detract from the generally clean appearance of the egg. Eggs that show traces of processing oil on the shell are considered clean unless otherwise soiled.

(b) Dirty. An individual egg that has an unbroken shell with adhering dirt or foreign material, prominent stains, or moderate stains covering more than 1/32 of the shell surface is localized, or 1/16 of the shell surface if scattered.

(c) Practically normal (AA or A quality). A shell that approximates the usual shape and that is of good even texture and strength and is free from rough areas or thin spots. Slight ridges and rough areas that do not materially affect the shape, texture and strength of the shell are permitted.

(d) Abnormal (B quality). A shell that may be somewhat unusual or decidedly misshapen or faulty in soundness or strength or that may show pronounced ridges or thin spots.

Section 190.8 Terms Descriptive of the Air Cell.

(a) Depth of air cell (air spaces between shell membranes, normally in the large end of the egg). The depth of the air cell is the distance from its top to its bottom when the egg is held air cell upward.

(b) Free air cell. An air cell that moves freely toward the uppermost point in the egg as the egg is rotated slowly.

(c) Bubbly air cell. A ruptured air cell resulting in one or more small separate air bubbles usually floating beneath the main air cell.

Section 190.9 Terms descriptive of the white.

(a) Clear. A white that is free from discolorations or from any foreign bodies floating in it. (Prominent chalazas should not be confused with foreign bodies such as spots or blood clots.)

(b) Firm (AA quality). A white that is sufficiently thick or viscous to prevent the yolk outline from being more than slightly defined or indistinctly indicated when the egg is twirled. With respect to a broken-out egg, a firm white has a haugh unit value of 72 or higher when measured at a temperature between 45° and 60°F.

(c) Reasonably firm (A quality). A white that is somewhat less thick or viscous than a firm white. A reasonable firm white permits the yolk to approach the shell more closely which results in a fairly well defined yolk outline when the egg is twirled. With respect to a broken-out egg, a reasonably firm white has a haugh unit value of 60 to 72 when measured at a temperature between 45° and 60°F.

(d) Weak and watery (B quality). A white that is weak, thin and generally lacking in viscosity. A weak and watery white permits the yolk to approach the shell closely, thus causing the yolk outline to appear plainly visible and dark when the egg is twirled. With respect to a broken-out egg, a weak and watery white has a haugh unit value lower than 60° when measured at a temperature between 45° and 60°F.

(e) Blood spots and meat spots. Small blood spots or meat spots (aggregating not more than 1/8 inch in diameter) may be classified as B quality. If larger, or showing diffusion of blood into the white surrounding a blood spot, the egg shall be classified as loss. Blood spots shall not be due to germ development. They may be on the yolk or in the white. Meat spots may be blood spots which have lost their characteristic red color or tissue from the reproductive organs.

(f) Bloody white. An egg, the white of which has blood diffused through it. Such condition may be present in new-laid eggs. Eggs with bloody whites are classed as loss.

Section 190.10 Terms descriptive of the yolk.

(a) Outline slightly defined (AA quality). A yolk outline that is indistinctly indicated and appears to blend into the surrounding white as the egg is twirled.

(b) Outline fairly well defined (A quality). A yolk outline that is discernible but not clearly outlined as the egg is twirled.

(c) Outline plainly visible (B quality). A yolk outline that is clearly visible as a dark shadow when the egg is twirled.

(d) Enlarged and flattened (B quality). A yolk in which the yolk membranes and tissues have weakened and/or moisture has been absorbed from the white to such an extent that the yolk appears definitely enlarged and flat.

(e) Practically free from defects (AA or A quality). A yolk that shows no germ development but may show other very slight defects on its surface.

(f) Serious defects (B quality). A yolk that shows well developed spots or areas and other serious defects, such as olive yolks, which do not render the egg inedible.

(g) Clearly visible germ development (B quality). A development of the germ spot on the yolk of a fertile egg that has progressed to a point where it is plainly visible as a definite circular area or spot with no blood in evidence.

(h) Blood due to germ development. Blood caused by development of the germ in a fertile egg to the point where it is visible as definite lines or as a blood ring. Such an egg is classified as inedible.

Section 190.11 General terms.

(a) Loss. An egg that is inedible, smashed, or broken so that contents are leaking, cooked, frozen, contaminated, or containing bloody whites, large blood spots, large unsightly meat spots, or other foreign material.

(b) Inedible eggs. Eggs of the following descriptions are classed as inedible: black rots, yellow rots, white rots, mixed rots (addled eggs), sour eggs, eggs with green whites, eggs with stuck yolks, moldy eggs, musty eggs, eggs showing blood rings, eggs containing embryo chicks (at or beyond the blood ring stage), and any eggs that are adulterated as such term is defined pursuant to the Federal Food, Drug and Cosmetic Act.

(c) Leaker. An individual egg that has a crack or break in the shell and shell membranes to the extent that the egg contents are exuding or free to exude through the shell.

Section 190.12 Summary For Quality Of Individual Shell Eggs.

Quality Factor	AA Quality	A Quality	B Quality
Shell	Clean	Clean	Clean to slightly stained *
	Unbroken	Unbroken	Unbroken
	Practically normal	Practically normal	Abnormal
Air cell	1/8 inch or less in depth	3/16 inch or less in depth	Over 3/16 inch in depth
	Unlimited movement and free or bubbly	Unlimited movement and free or bubbly	Unlimited movement and free or bubbly
White	Clear	Clear	Weak and watery
	Firm	Reasonably Firm	Small blood and meat spots present **
Yolk	Outline slightly defined	Outline fairly well defined	Outline plainly visible
	Practically free from defects	Practically free from defects	Enlarged and flattened Clearly visible germ development but no blood. Other serious defects.

* Moderately stained areas permitted (1/32 of surface if localized, or 1/16 if scattered).

** If they are small (aggregating not more than 1/8 inch in diameter).

For eggs with dirty or broken shells, the standards of quality provide two additional qualities. These are:

Dirty - Unbroken. Adhering dirt or foreign material, prominent stains, moderate stained areas in excess of B quality.

Check - Broken or cracked shell but membranes intact, not leaking

PART 191
RULES AND REGULATIONS RELATING TO SHELL EGGS

Section

- 191.1 Eggs unfit for human food.**
- 191.2 Sales; misrepresentation.**
- 191.3 Sale of eggs to consumers.**
- 191.4 Sale of eggs to retailers or wholesalers.**
- 191.5 Invoiced lots listed separately; grade and size stated.**
- 191.6 Legibly marked grade and size.**
- 191.7 Advertising.**
- 191.8 "Fresh" not grade substitute.**
- 191.9 Terms.**

Section 191.1 Eggs unfit for human food.

Loss and inedible eggs shall be determined to be unfit for human food and shall not be sold, offered for sale, or exposed for sale for human food.

Section 191.2 Sales; misrepresentation.

No person shall sell or offer for sale, or advertise for sale, eggs for human consumption if the package containing them or the label on them, or any advertising accompanying them, shall bear any statement or device regarding the eggs which may be false or misleading in any particular.

Section 191.3 Sale of eggs to consumers.

Any person exposing for sale or offering for sale to a consumer eggs other than those of his own production shall give notice of the exact grade and size of the eggs in the following manner:

(a) If the eggs are offered for sale in cartons or other containers by plainly and conspicuously printing or writing on each carton or container the exact grade and size.

(b) If the eggs are offered or displayed for sale in bulk, by plainly and conspicuously indicating the exact grade and size by a placard exhibited among or closely adjacent to the eggs.

(c) The term "consumer" whenever used in this Part shall mean any person purchasing eggs for his or her own family use or consumption, or a restaurant, hotel, boarding house, bakery or other institution purchasing eggs for serving to guests or patrons, or for its or their use in cooking or baking.

Section 191.4 Sale of eggs to retailers or wholesalers.

(a) For the purpose of this Part, a retailer or wholesaler shall be deemed to be any person, firm or corporation buying eggs for the purpose of resale.

(b) Any person selling eggs other than those of his own production shall furnish to the retailer or wholesaler an invoice prior to or accompanying the delivery of eggs.

Section 191.5 Invoiced lots listed separately; grade and size stated.

(a) As used in section 191.4 and this section, an "invoice" shall mean a statement bearing the name and address of the wholesaler, the name and address of the retailer, the date of delivery and the grade and size of each lot of eggs.

(b) Each lot of eggs covered by an invoice must be listed separately and the grade and size for each lot stated.

Section 191.6 Legibly marked grade and size.

(a) The marking of grade and size upon any placard as to eggs offered or displayed for sale shall be legible printing or writing in letters not less than 3/8 inch in height.

(b) The mark of grade and size upon any carton, bag or other container in which eggs are exposed for sale shall be in legible printing or writing at least equal in height to all other required markings or not less than 3/8 inch in height.

(c) Grade and size statements on placards, cartons, bags or other containers shall not be abbreviated.

Section 191.7 Advertising.

Any advertisement of eggs for sale at a given price shall plainly and conspicuously indicate the grade and size.

Section 191.8 "Fresh" not grade substitute.

The use of the term "fresh" or any other term of similar import shall not be deemed to be a substitute for grade designation. The term "fresh" may not be applied to any lot of eggs which is below the requirements for Grade A.

Section 191.9 Terms.

Terms used in this Part shall have the same meaning as those defined in Part 190.

Additional Requirements
NYCRR subpart 271-2

Source Identification

- 2.2 "Only clean shell eggs meeting applicable grade standards or pasteurized liquid, frozen or dry eggs or pasteurized dry egg products shall be used or offered for sale. All containers in which shell eggs are held shall identify the source of such eggs." Source shall mean the packer.

Temperature Requirement

- 2.3 "The temperature of potentially hazardous foods shall be 45°F (congruent to 7°C) or below or 140°F (60°C) or above at all times except at otherwise provided in this part." Potentially hazardous foods include eggs.