

**DEPARTMENT OF FOOD AND AGRICULTURE
PROPOSED REGULATIONS**

MARKING REQUIREMENTS – CAGE FREE

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California Code of Regulations
Title 3. Food and Agriculture
Division 3. Economics
Chapter 1. Fruit and Vegetable Standardization
Subchapter 3. Eggs
Section 1354. Marking Requirements

Section 1354. Marking Requirements.

(a) Grade and Size Designation. Where eggs are not produced by the person whose name appears on the label, the name shall be qualified by a phrase that reveals the connection such person has with such eggs; such as, "Produced for _____", "Distributed by _____", or any other wording that expresses the facts. Each container or subcontainer of shell eggs shall be marked with the name, address and zip code of the person by or for whom the eggs were graded and packed, and the unabbreviated designation of one of the following sizes and grades:

<i>Size</i>		<i>Grade</i>	
Jumbo	Medium		Grade AA
Extra Large	Small		Grade A
Large	Peewee		Grade B

Only one size and grade shall appear upon a container, subcontainer or placard. Size and grade shall be plainly marked in letters not less than 1/4 inch in height, as follows:

(1) Containers holding three dozen or less, on the outside top face; and

(2) Containers holding more than three dozen, on one outside top, side or end, except that oblong containers shall be marked on one outside end.

(b) Price Advertising. Any advertisement, sign or placard, which indicates the price of eggs for sale, must also use the full designation of size and grade.

(1) Superlative descriptions or other amplification of grade or size are not permitted on containers. Prohibited words related to grade include, but are not limited to: "fancy," "select," "premium," and "superior." Prohibited words related to size include, but are not limited to: "oversize," and "giant."

(2) Brand names on consumer size containers which use a superlative term shall be separated from the size and grade designation in a style of lettering which makes it obvious that the brand name is not related nor intended to be read in conjunction with size or grade designation. Additionally, each such brand name shall be followed immediately by the word

“brand” in letters at least one-half the size of letters or figures used in the brand name, and in the same color, style, and prominence.

(d) Descriptive Terms.

(1) Descriptive terms, such as “polyunsaturated,” “plus polyunsaturates,” “higher in iodine,” “flavored with iron” or other wording, indicating a quality or ingredient different than found in a normally produced egg, may not appear in labeling unless approved by the department. Information concerning the altered constituent(s) must be submitted to the department, describing the method used to create and verify the change. If determined that a statistically significant difference exists, relative to the descriptive term used, and provided the term is not judged misleading, permission may be granted for its use.

(2) Terms such as “organic” and “organically produced” or similar description relating to production, qualities, nature of the product or other descriptive terms, if determined by the department not to be misleading or deceptive, may be used.

(3) Eggs labeled with the descriptive term “Cage Free”, on consumer size containers, must be raised in Cage Free Housing Systems that meet the following minimum standards:

(A) 1 (one) square foot of useable floor space per bird for egg laying hens in a multi-tiered aviary and partially slatted systems, or 1.5 (one point five) square feet of useable floor space per bird for egg laying hens in a single-level all-litter floor system.

(B) Hens are allowed to roam unrestricted, except for external walls, and contain the following enrichments: scratch areas, perches, nest boxes, and dust bathing areas.

(C) Farm employees are able to provide care while standing in the hen’s usable floor space.

(e) Shell eggs packed in California in consumer size containers exclusively for out-of-state sales are exempt from the prohibitions of (c) above.

(f) In accordance with section 1350 of Title 3 of the California Code of Regulations, commencing January 1, 2015, the principal display panel for containers for all eggs sold in California shall have the following statement: “California Shell Egg Food Safety Compliant”. The statement may be abbreviated to read “CA SEFS Compliant” or a similar abbreviation or other descriptive term may be used if determined by the Department not to be misleading or deceptive. The statement shall be legible and plainly marked on each container in letters not less than 1/4 inch in height.

Note: Authority cited: Sections 407, 27531 and 46002, Food and Agricultural Code. Reference: Sections 27521, 27573, 27631 and 27637, Food and Agricultural Code.