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Kansas Egg Law

Administrative Rules and Regulations

Article 11. – Eggs

K.A.R. 4-11-2. Definitions. (a) "Advertisement" shall mean any of the following:

- (1) placard;
- (2) handbill;
- (3) sign;
- (4) newspaper advertisement;
- (5) radio, internet, or television advertisement; or
- (6) any other means of calling the consumer's attention to eggs.

(b) "Carton" shall mean a container of 18 eggs or less.

(c) "Case," for inspection fee purposes, shall mean a container of more than 15 dozen and not more than 30 dozen eggs.

(d) "Consumer" shall have the meaning specified in K.S.A. 2-2501, and amendments thereto.

(e) "Eggs" shall have the meaning specified in K.S.A. 2-2501, and amendments thereto.

(f) "Eggs of current production" shall mean eggs that are subject to the Kansas egg law and have been held in refrigerated storage for not more than 30 days.

(g) "Fresh," when used to describe eggs, shall mean eggs of current production that do not possess any undesirable odors or flavors.

(h) "Half case," for inspection fee purposes, shall mean a container of more than one dozen and not more than 15 dozen eggs.

(i) "Lot" shall mean all of the eggs that are located at any place of business where eggs are held and that are labeled with the same grade, size, and pack date from the same packer, the person for whom the eggs are packed, or, if the eggs have been repacked, the retailer.

(j) "Person" shall have the meaning specified in K.S.A. 2-2501, and amendments thereto.

(k) "Point of first purchase or assembly" shall mean any place of business of any person or any agent of the person purchasing or assembling eggs from the producer.

(l) "Secretary" shall mean the secretary of agriculture or the secretary's authorized representative. (Authorized by K.S.A. 2-2504 and 74-531; implementing K.S.A. 2-2501, as amended by L. 2006, Ch. 90, §1, 2-2504, and 2-2505, as amended by L. 2006, Ch. 90, §4; effective Jan. 1, 1966; amended Jan. 1, 1972; amended May 1, 1982; amended June 25, 2004; amended Feb. 9, 2007.)

K.A.R. 4-11-3. Egg containers: requirements for marking and labeling. (a) A mark or label shall be deemed false or deceptive if any of the following conditions is met:

- (1) The eggs in the container are not of the quality or size indicated on the container.
- (2) The mark or label bears a statement that is false or misleading.
- (3) The mark or label bears a qualifying word with reference to size or quality that is misleading.

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(4) The mark or label bears the word "fresh," unless the eggs are of "A" or "AA" quality.

(b) Each person who has not been issued a permit shall use the inspection fee stamp on each container to indicate the quality and size of the eggs and to indicate that the inspection fee has been paid on the contents.

(c) For cases and half cases, the marks or labels shall be located on either the outside surface of the top or on either end of the container. (Authorized by K.S.A. 2-2504 and 74-531; implementing K.S.A. 2-2502, as amended by L. 2006, Ch. 90, §2, and 2-2503, as amended by L. 2006, Ch. 90, §3; effective Jan. 1, 1966; amended Jan. 1, 1969; amended Jan. 1, 1972; amended May 1, 1982; amended June 25, 2004; amended Feb. 9, 2007.)

K.A.R. 4-11-4. False advertisement. An advertisement shall be considered false or deceptive if it bears any reference to size or quality that is untrue or deceptive; or contains any qualifying words with reference to size or quality which are in any way misleading; or if there is any intent, design or purpose not to sell the eggs as advertised and priced therein. Eggs advertised in a manner which indicates prices shall also indicate the full, correct and unabbreviated designation of size and quality to which the price refers. The term "fresh" shall be considered false and misleading except when used in connection with grades "AA" and "A," and the term "fresh fancy" shall be considered false and misleading except when used in connection with eggs produced and marketed under a state or federal-state quality controlled program. (Authorized by K.S.A. 2-2504; effective Jan. 1, 1966; amended Jan. 1, 1972.)

K.A.R. 4-11-8. Sampling requirements. The minimum number of samples specified in the following table shall be drawn for inspection according to the size of each lot. At least 100 eggs shall be examined for each sample case or half case, pursuant to K.S.A. 2-2505 and amendments thereto. For each lot consisting of fewer than 100 eggs, all eggs in that lot shall be examined.

Size of lot (cases or half cases)	Minimum number of samples to be drawn (cases or half cases)
1	1
2 through 10	2
11 through 25	3
26 through 50	4
51 through 100	5
101 through 200	6
201 through 300	11
301 through 400	13
401 through 500	14
501 through 600	16

For each additional 50 cases or half cases or fraction thereof, in excess of 600 cases, one additional case or half case shall be included in the sample. (Authorized by K.S.A. 2-2504 and 2-2505; implementing K.S.A. 2-2505; effective Jan. 1, 1966; amended June 25, 2004.)

K.A.R. 4-11-9. Inspection fee. (a) Inspection fee stamps. Inspection fee stamps may be purchased from the secretary. Each minimum order shall consist of 1,000 carton stamps, 100 case or half-case stamps, or a combination of these.

(b) Cancellation of inspection fee stamp. The inspection fee stamp used on cartons, half cases, and cases shall be dated, which shall serve to cancel the stamp. (Authorized by K.S.A. 2-2504; implementing K.S.A. 2-2504 and 2-2507; effective Jan. 1, 1966; amended June 25, 2004.)

K.A.R. 4-11-14. Adoption by reference. In the United States standards, grades, and weight classes for shell eggs, AMS 56, published by the USDA's agricultural marketing service and effective July 20, 2000, sections 56.200 through 56.217, except for section 56.215, are hereby adopted by reference. These sections shall apply to all eggs regulated pursuant to the Kansas egg law. Copies shall be available from the agricultural commodities assurance program of the Kansas department of agriculture, Topeka, Kansas. (Authorized by K.S.A. 2-2504 and 74-531; implementing K.S.A. 2-2502, 2-2504, and 74-531; effective May 1, 1982; amended June 25, 2004.)

K.A.R. 4-11-15. License fee. The annual fee for an egg license shall be \$5.00. (Authorized by K.S.A. 2-2504; implementing K.S.A. 2-2508, as amended by L. 2006, Ch. 90, §6; effective, T-4-11-2-06, Nov. 2, 2006; effective Feb. 9, 2007.)