

**CHAPTER 71
GRADES AND STANDARDS**

Authority

N.J.S.A. 4:3-11.12.

Source and Effective Date

R.1998 d.376, effective June 26, 1998.
See: 30 N.J.R. 1459(b), 30 N.J.R. 2617(c).

Executive Order No. 66(1978) Expiration Date

Chapter 71, Grades and Standards, expires on June 26, 2003.

Chapter Historical Note

Chapter 71, Grades and Standards, originally codified as N.J.A.C. 2:31, was filed and became effective prior to September 1, 1969.

Pursuant to Executive Order No. 66(1978), Subchapter 1, New Jersey Standards for Quality of Individual Shell Eggs, and Subchapter 2, Fruits and Vegetables, were readopted as R.1983 d.394 and d.395, respectively, effective September 1, 1983. See: 15 N.J.R. 1050(a), 15 N.J.R. 1574(a); 15 N.J.R. 1051(a), 15 N.J.R. 1574(b).

Pursuant to Executive Order No. 66(1978), Chapter 71, Grades and Standards, was readopted as R.1988 d.370, effective July 8, 1988. See: 20 N.J.R. 953(a), 20 N.J.R. 1871(a).

Pursuant to Executive Order No. 66(1978), Chapter 71, Grades and Standards, was readopted as R.1993 d.379, effective July 2, 1993. See: 25 N.J.R. 1801(a), 25 N.J.R. 3453(a).

Pursuant to Executive Order No. 66(1978), Chapter 71, Grades and Standards, was readopted as R.1998 d.376, effective June 26, 1998. See: Source and Effective Date.

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SUBCHAPTER 1. NEW JERSEY STANDARDS FOR QUALITY OF INDIVIDUAL SHELL EGGS

2:71-1.1 through 2:71-1.22 (Reserved)

Repealed by R.1978 d.402, eff. November 21, 1978.
See: 10 N.J.R. 416(a), 11 N.J.R. 2(b).

2:71-1.23 Marketing of shell eggs

(a) Any eggs which are marketed to consumers, institutional consumers or retailers shall be edible and shall conform to the standards for consumer grades AA, A or B as published in the Federal Register volume 20, number 22, February 1, 1955, part 56 subpart C, known as the Code of

Federal Regulations Governing the Grading of Shell Eggs and United States Standards Grades and Weight Classes for Shell Eggs, (7 CFR part 56, subpart C) effective July 1, 1971, and any further changes in these Federal rules and regulations, after proper promulgation shall be deemed the rules and regulations of the New Jersey State Board of Agriculture:

1. Exception: restricted eggs may be marketed in accordance with the exemption provisions in the Federal Egg Products Inspection Act (Public Law 91-597) and the USDA Regulation Governing the Inspection of Eggs and Egg Products (7 CFR Part 59), and any further changes in these Federal rules and regulations, after proper promulgation shall be deemed to be the rules and regulations of the New Jersey State Board of Agriculture.

As amended, R.1975 d.358, eff. January 1, 1976.
See: 7 N.J.R. 398(a), 8 N.J.R. 3(a).

2:71-1.24 through 2:71-1.29 (Reserved)

Repealed by R.1978 d.402, eff. November 21, 1978.
See: 10 N.J.R. 416(a), 11 N.J.R. 2(b).

2:71-1.30 Certificates of grade

(a) For the inspection or classification of shell eggs or poultry and the issuance of a certificate of the grade or other classification of such product, the fees and charges for the services of department personnel shall be the same as the current fee schedule of the Agricultural Marketing Service of USDA, as amended, 7 CFR parts 55, 56, 59 and 60.

As amended, R.1970 d.119, eff. October 1, 1970.
See: 2 N.J.R. 69(c), 2 N.J.R. 89(a).
As amended, R.1977 d.339, eff. September 7, 1977.
See: 9 N.J.R. 354(b), 9 N.J.R. 451(b).
As amended, R.1978 d.115, eff. March 30, 1978.
See: 10 N.J.R. 90(a), 10 N.J.R. 182(c).
As amended, R.1978 d.402, eff. November 21, 1978.
See: 10 N.J.R. 416(a), 11 N.J.R. 2(b).

2:71-1.31 Name and address on containers

(a) The name and address of the packer or distributor shall be considered prominently designated on a container of eggs when in bold-faced type not less than 1/16 inch in height.

1. In consumer graded eggs this designation shall be preceded by the words "Produced and Packed by", "Packed and Distributed by", "Packed for and Distributed by", or "Distributed by", whichever is the correct expression of fact.

2. The street address of the packer or distributor need not be shown provided the name is listed in a current public directory.

(b) For the purposes of this section, "consumer graded eggs" are defined to mean eggs offered for sale to consumers at the retail level.

As amended, R.1978 d.402, eff. November 21, 1978.
See: 10 N.J.R. 416(a), 11 N.J.R. 2(b).

2:71-1.32 Sealing containers

All containers of loose eggs, produced in New Jersey whether graded or ungraded destined for New Jersey identified pack, shall be sealed with gummed tape at least 2 1/2 inches wide in a manner marked with the name and address of the New Jersey producer partly on the tape and partly on the container. Only those eggs in containers thus taped and marked may be used for packing into New Jersey identified cartons.

As amended, R.1978 d.402, eff. November 21, 1978.
See: 10 N.J.R. 416(a), 11 N.J.R. 2(b).

2:71-1.33 Registering sample of label or container

A sample of any label or container on which appears the name "New Jersey" or "Jersey" or the name of any county or municipality within this State, except as it appears in the name and address of the packer or distributor, shall be registered with the department.

2:71-1.34 (Reserved)

Repealed by R.1975 d.358, eff. January 1, 1976.
See: 7 N.J.R. 398(a), 8 N.J.R. 3(a).

2:71-1.35 Reused container

A container is deemed reused when any person refills the container with eggs, and it shall be the responsibility of such person to have markings on the container which are unmistakably those of the packer.

2:71-1.36 (Reserved)

Repealed by R.1975 d.358, eff. January 1, 1976.
See: 7 N.J.R. 398(a), 8 N.J.R. 3(a).

2:71-1.37 Sanitary conditions

(a) Any compound used for cleaning eggs shall be one that is approved by the United States Department of Agriculture for that purpose and shall be used in accordance with the manufacturer's instructions.

(b) Egg holding rooms, including sales display cases, shall be kept free of the following:

1. An accumulation of dust, litter, broken eggs;
2. Other matter that may create offensive odors or harbor bacteria or molds detrimental to the quality or flavor of eggs.

(c) Equipment used in cleaning, weighing and candling eggs shall be maintained free of dust and broken egg matter and, by use of an acceptable cleaning compound or other method, be cleaned daily to prevent the development of bacteria and molds.

(d) Vehicles used for transporting eggs shall be clean and free of dust, odors or other material detrimental to the quality or flavor of eggs.

2:71-1.38 Labeling of eggs

(a) No package, carton, case, container or advertisement shall be labeled so as to include the words "New Jersey", "Jersey", the name of any county, municipality or geographic area within the State, in whole or in part, or any word or words that imply the same except as it appears in the name or address of the packer or distributor unless the eggs contained therein were produced in New Jersey or the declared geographic area thereof.

(b) The name and address of the packer or distributor shall be in bold-face type not less than $\frac{1}{8}$ inch nor more than $\frac{1}{2}$ inch in height, all in the same size, style and color of type.

(c) Each package, carton, case, container, display or advertisement may be considered as a separate violation.

R.1973 d.275, eff. April 1, 1974.
See: 5 N.J.R. 255(b), 5 N.J.R. 328(a).

2:71-1.39 Use of the New Jersey map symbol on egg packages and in advertising

(a) "Map symbol" as used in this regulation shall mean any reasonable reproduction of the geographic outline of the State of New Jersey.

(b) The New Jersey Department of Agriculture has approved the use of the New Jersey map symbol under provisions of N.J.S.A. 4:10-5 as an official emblem for identifying New Jersey produced eggs.

(c) Only those persons, firms, partnerships, corporations or associations licensed to use the map symbol shall be permitted to attach or have it imprinted upon a panel of the container in which the eggs are to be marketed or to employ its use in advertising or in any manner whatsoever. Layout of proposed containers to be used for the marketing of map symbol eggs shall be submitted for approval by the Division of Regulatory Services, New Jersey Department of Agriculture, in advance of their manufacture and use.

(d) Any person, firm, partnership, corporation or association wishing to employ the map symbol to be used in marketing New Jersey produced eggs shall make application to the New Jersey Department of Agriculture for a license to do so. The application shall be made in writing, upon a form provided by the department for this purpose. The application shall reveal such information as is deemed necessary for enforcement of the map symbol program. Information given in the application shall be held confidential.

(e) All applications approved for issuance of license shall have the license granted for the period of one year commencing July 1. Licenses shall be renewed annually upon

application filed with the Department 60 days prior to the date of July 1.

(f) All eggs to be packed in cartons or containers bearing the map symbol shall be those produced on New Jersey farms and packed within the State of New Jersey.

(g) All license holders or packers designated by them shall maintain accurate and up-to-date records of the names and addresses of the egg producers from whom they obtain eggs for purposes of packaging in containers bearing the map symbol. Accurate records of all eggs received and those eggs packaged in containers bearing the map symbol shall be maintained and available for examination at all reasonable hours of a normal workday by any representative of the New Jersey Department of Agriculture.

(h) In the event the licensee permits the distribution of map symbol eggs to be performed by persons other than himself, it shall be necessary that he file with the Department of Agriculture the names and addresses of those who perform such distribution.

(i) When a license holder discontinues use of the map symbol or fails to renew his license when required, he shall be prohibited from its use in any manner, to include stationery, forms, advertising on billboards or other signs or on trucks or car panels.

(j) Misuse of the map symbol shall subject the violator to the provisions of N.J.S.A. 4:3-11.23.

R.1973 d.356, effective December 18, 1973.
See: 5 N.J.R. 362(a), 6 N.J.R. 2(a).
Amended by R.1978 d.402, effective November 21, 1978.
See: 10 N.J.R. 416(a), 11 N.J.R. 2(b).
Amended by R.1979 d.229, effective July 1, 1979.
See: 11 N.J.R. 222(b), 11 N.J.R. 315(c).

2:71-1.40 Container defined

"Container" means a package of any description which is capable of being enclosed on all sides and in which eggs are transferred from person to person.

R.1975 d.358, effective January 1, 1976.
See: 7 N.J.R. 398(a), 8 N.J.R. 3(a).
Amended by R.1978 d.402, effective November 21, 1978.
See: 10 N.J.R. 416(a), 11 N.J.R. 2(b).

SUBCHAPTER 2. FRUITS AND VEGETABLES

2:71-2.1 New Jersey grades of fruits and vegetables based on United States Standards

(a) The State Board of Agriculture adopts and promulgates as Official New Jersey Grades and the United State Standards for all fruits and vegetables.

1. Exemption: The New Jersey Standards for asparagus for canning or freezing shall remain in effect as stated in N.J.A.C. 2:71-2.8 through 2:71-2.14.

2:71-2.2 Use of "Jersey Fresh" as the logo for the "Jersey Fresh Quality Grading Program" and "Jersey Fresh Quality Premium Program" (referred to as the "logos") on containers of certain fresh fruits, vegetables, shell eggs and cut flowers

(a) The New Jersey Department of Agriculture approves the use of Jersey Fresh in conjunction with the New Jersey map symbol under provisions of N.J.S.A. 4:10-5 as an official emblem for identifying New Jersey produced agricultural commodities.

(b) The configuration of the Jersey Fresh Quality Grading Program Logos and the Jersey Fresh Quality Grading Program Premium Logo are as follows:

(c) Any person, firm, partnership, corporation or association wishing to employ the Jersey Fresh logo to be used in marketing certain New Jersey produced agricultural commodities shall make application to the New Jersey Department of Agriculture for a license and registration number. The application shall be made in writing, upon a form provided by the Department for this purpose. The application shall reveal such information as is deemed necessary for the enforcement of the Jersey Fresh Quality Grading or Premium logo program. Information given in the application shall be held confidential and not subject to review or reproduction under the provisions of N.J.S.A. 47:1A-1 et seq. (P.L. 1963, c.73).

(d) Any person, firm, partnership, corporation or cooperative wishing to transfer ownership of containers bearing a "logo" to licensed registrants shall make application to the New Jersey Department of Agriculture for a license. The application shall be made in writing, upon a form provided by the Department. Information given in the application shall be held confidential and not subject to review or reproduction under the provisions of N.J.S.A. 47:1A-1 et seq. (P.L. 1963, c.73).

(e) All applications approved for issuance of licenses and registration numbers shall have the license granted for the period of one year commencing April 1. Interim licenses and registration numbers may be granted to qualified packers for the remainder of the license year. Applications shall be submitted at least 20 days prior to application approval. The Department shall approve or deny applications within 20 days of receipt.

New Rule R.1985 d.282, effective June 3, 1985.

See: 17 N.J.R. 765(b), 17 N.J.R. 1407(d).

Amended by R.1986 d.201, effective June 2, 1986.

See: 18 N.J.R. 588(b), 18 N.J.R. 1196(a).

Substantially amended.