

Tentative procedure of Application and Contract of Agreement
subject to approval by the State Board of Agriculture.

Form P

New Jersey Department of Agriculture
Trenton, New Jersey

(date of application)

Application and Contract of Agreement.

The undersigned _____ hereby makes application to the New Jersey Department of Agriculture for the privilege to use official grade labels in connection with the grading, weighing, and/or continuous inspection of live poultry conforming to the official New Jersey Grades for Live Poultry.

This application is made subject to the conditions stipulated below, which are accepted by the applicant, and when approved by the department, shall be binding upon both parties.

The applicant agrees:

1. To have in his employment a qualified poultry inspector capable of grading live poultry in accordance with the official New Jersey grades.
2. That the inspector designated and licensed by the department shall serve as an agent of the department without interference in upholding the grades.
3. To keep all official grade labels in a safe place at the business address designated herein and not to permit their use in any other place, nor on any other poultry than that filling the requirements on the label.
4. That only poultry produced in the State of New Jersey be handled at this place of business.
5. To submit to the department, at the close of the month, a report of all poultry handled.
6. To pay to the New Jersey Department of Agriculture a fee of \$5.00 per calendar month to cover administrative costs. Such a fee is payable at the time the bill is rendered by the department.
7. To provide facilities and equipment as necessary to permit the grading procedure to function in an efficient manner.

The New Jersey Department of Agriculture agrees:

1. To issue a license certificate, renewable July 1 each year, as evidence that the applicant is authorized to use official grade labels.
2. To furnish appropriate forms to the applicant to cover reports and certification of poultry graded, weighed and/or inspected.

It is mutually agreed that:

1. The department shall not be responsible for damages resulting from any acts of commission or omission on the part of the licensed inspector.
2. When the services of the licensed inspector are not immediately required on grading, weighing and/or inspection work due to suspension of plant operations, the inspector may perform such quality control work and/or related activities as may be deemed practical in the judgment of his official supervisor.
3. The provisions of this contract of agreement shall continue in full force from its effective date until terminated either (a) by mutual consent of the applicant and the department, (b) by written notice given by either party to the other effective on a specific date not less than 30 days from date of giving such notice, (c) by termination of the services requested herein pursuant to the provisions in paragraph 4 below.
4. The services to be rendered under this contract shall be withdrawn by the department at any time the department acting pursuant to any applicable laws or regulations debar the applicant from receiving any further benefits of the service. This contract of agreement may also be suspended or terminated at any time the department concludes that the applicant has not conformed, or cannot conform, with the terms and conditions specified herein.
5. The grading, weighing and/or continuous inspection service for which provisions are made herein, subject to applicable laws or regulations, is to be rendered on and after _____
(date)

(applicant)

approved

by _____

Date _____

By _____

Title _____

(city and state)

For the New Jersey
Department of Agriculture

Rules and Regulations

Governing the Application of New Jersey Grades for Live Poultry

1. All live poultry sold under the official New Jersey label or tag must have been produced in the State of New Jersey and inspected by an agent of the State Department of Agriculture.
2. Permits for the use of the official tag will be granted to groups of producers who can maintain the services of a licensed grader of live poultry and all live poultry will be inspected at a central point. Permits must be prominently displayed in the place of business, preferably in the office or assembly room. Official tags must be accounted for by each holder of a permit. Each official tag will bear the proper grade designation, class of poultry and date of sale. (See note below).
3. Live poultry conforming to the specifications for a grade will have the proper official grade label or tag affixed to the coop at the point of sale. The official tag shall not be used to identify the quality or grade of the poultry after they leave the point of sale.

NOTE

All poultry having excessive feed in the crops shall be considered as "overcropped" and may be subject to dockage. "Excessive" feed shall be interpreted to mean more than an average of (I) 1 ounce of feed in crops of birds weighing not more than $2\frac{1}{2}$ pounds; (II) 2 ounces of feed in crops of birds weighing more than $2\frac{1}{2}$ pounds (except turkeys); (III) 3 ounces of feed in crops of turkeys.

New Jersey Specifications for Classes of Live Poultry

Chickens: Broilers - Fryers - Young tender-meated chickens of either sex with tender skin, smooth bright shanks, and flexible cartilage at posterior of breastbones. (Usually under 14 weeks of age.)

Roasters - Young, tender-meated chickens of either sex with tender skin and smooth bright shanks. Breastbone cartilage somewhat more rigid than in broilers and fryers but with some remaining flexible cartilage over the end. (Usually under 8 months of age.)

Capons - Young, tender-meated, unsexed male chickens, showing practically no comb development. (Usually under 10 months of age.)

Stags - Young male chickens with somewhat toughened flesh and considerable hardening of the breastbone cartilage. Combs may be well developed and spurs may show considerable, but not full development. Stags show, in general, an intermediate condition of flesh and sexual development between roasters and cocks. (Usually under 10 months of age.)

Cocks - (Old Roosters) Mature male chickens with toughened flesh and hardened breastbone cartilage.

Hens, Stewing Chicken, Fowl - Mature female chickens with hardened breastbone cartilage. This includes all female chickens that have lost the tender flesh condition characteristic of young chickens. The fact that some fowl may be roasted by special or prolonged cooking is not sufficient grounds for classifying them as roasting chickens.

Turkeys: Fryers - Young, tender meated turkeys of either sex with soft, pliable, smooth-textured skin, and flexible breastbone cartilage. (Usually under 14 weeks of age.)

NEW JERSEY SPECIFICATIONS FOR STANDARDS OF QUALITY FOR INDIVIDUAL LIVE BIRDS

The New Jersey standards for quality for individual live birds contained in this section are applicable only to live poultry of the classes defined above.

The following factors are considered in the application of these standards for quality: (I) Health and vigor, (II) feathering, (III) conformation, (IV) fleshing, (V) fat covering and (VI) defects.

A or No. 1 Quality, each bird shall: (I) be alert and have bright eyes and other conditions indicating, health and vigor; (II) be well feathered (some broken feathers permitted providing they can be plucked readily). There may be a slight scattering of pin feathers; (III) be of normal physical conformation. It may have a slightly curved breastbone (not over $\frac{1}{4}$ in. from straight line in one direction) or other slight abnormality in the shape of the breastbone if it does not interfere with the normal distribution of the flesh. A dent in the breastbone shall not exceed $\frac{1}{4}$ inch in depth for turkey classes and $\frac{1}{8}$ inch in depth for other classes of poultry. The bird may also have a slightly crooked back; (IV) have a well developed, moderately broad and long breast, well fleshed throughout its entire length and thighs and back well covered with flesh according to age and sex. There shall be no appreciable toughening of flesh if tender meat is a class requirement; (V) have breast, back, hips and pin bones, in the case of classes of young chickens and turkey toms, showing fat, and in other classes of poultry have these parts well covered with fat. A chicken hen (fowl) shall not have excessive abdominal fat; (VI) be free of tears, broken bones, and external evidence of disease. It may have slight scratches, slight bruises, or slight callouses (slightly thickened, hardened, and darkened areas of skin over the breastbone), any of which must not materially affect its appearance, especially the breast, when feathers are removed. It may also have slightly scaly legs.

B or No. 2 Quality, each bird shall; (I) be of good health and vigor; (II) be fairly well feathered, that is some feathers may be lacking on some parts of the body. There may be a moderate number of pinfeathers; (III) be of normal physical conformation but may have a curved or crooked breastbone (not over 1/2 inch from straight line in one direction or 1/4 inch in either direction) if it does not seriously interfere with the normal distributions of the flesh. It may have a moderately crooked back slightly swollen hock joints and slightly misshapen legs or wings; (IV) be fairly well fleshed in relation to length and depth of body, with all parts fairly well covered with flesh according to age and sex; there shall be no appreciable toughening of flesh if tender meat is a class requirement; (V) have sufficient coverage of fat to prevent a dark appearance. A chicken hen may have excessive abdominal fat; (VI) be free of tears, broken bones, and external evidence of disease. It may have slight breast blisters (none of which may be distended or discolored), slight scratches, slight bruises heavy callouses (thickened, hardened and darkened areas of skin over the breastbone), and seriously scaly legs.

C or No. 3 Quality: Each bird may (I) be lacking in vigor (II) have large number of pinfeathers over all parts of the bird; may have complete lack of feathers on the back; (III) have definitely curved, crooked or malformed breastbone, hunchback and other definite deformities; (IV) have poorly developed, narrow breast, and thin covering of flesh over all parts of the bird; (V) have only small amount of fat in feather tracts and be completely lacking in fat on back and thighs; (VI) have large skin bruises, small flesh bruises, and severe breast blisters. It may be slightly crippled but must be free of broken bones. It shall be free of external evidence of disease or any other condition which would render it unfit for food.

Reject: Any bird below C or No. 3 quality shall be classified as a reject. A reject is a bird that shows evidence of disease or that has large flesh bruises, severe discolorations, severe injury, emaciation, and other similar conditions which will render the bird unfit for human food.

New Jersey Specifications for Grades for Live Poultry

These specifications for grades are applicable to all classes of poultry as previously defined. Each bird shall conform as nearly as possible to the specifications of the respective standards of quality. A tolerance is permitted within each grade only as an allowance for variable efficiency and interpretation of conscientious graders, and reasonable variation from inspector's interpretation.

New Jersey Grade A or No. 1: Each lot shall consist of A or No. 1 quality birds, except that a tolerance of 10 percent B or No. 2 quality shall be allowed, provided no individual container in the lot shall have more birds of B or No. 2 quality than specified below (1) and shall contain no rejects.

New Jersey Grade B or No. 2: Each lot shall consist of B or No. 2 quality or better, except that a tolerance of 10 percent of C or No. 3 quality shall be allowed, provided no individual container in the lot shall have more birds of C or No. 3 quality than specified below, (1) and shall contain no rejects.

New Jersey Grade C or No. 3: All edible birds below B or No. 2 quality. No rejects allowed.

No. Grade: Lots of poultry containing rejects shall be classed as "No Grade".

(1) Maximum tolerances per individual container

<u>No. of birds in container</u>	<u>Maximum no. of birds of next lower quality allowed</u>
Less than 10	1
10 to 15	2
16 to 20	3
21 to 25	4
26 to 30	5

Summary of Minimum New Jersey Standards
for Individual Live Birds

<u>Quality Factor</u>	<u>No. 1 or A Quality</u>	<u>No. 2 or B Quality</u>	<u>No. 3 or C Quality</u>
(I) Health & Vigor	Alert & Vigorous	Healthy & Vigorous	Lacking Vigor
(II) Feathering	Well feathered with scattering of pin feathers	Some feathers lacking with moderate number pin feathers	Complete lack of feathers on back large number pin feathers.
(III) Conformation	Slightly curved breastbone or other slight abnormal shape not to interfere with distribution of flesh. 1/4" dent for turkeys. 1/8" dent for all other classes. Slightly crooked back.	Curved or crooked breastbone not to seriously interfere with distribution of flesh. Moderately crooked back, slightly swollen hock joints, slightly misshapen legs or wings.	Crooked definitely curved, or malformed breastbone, hunch back and other definite deformities.
(IV) Fleshing	Well developed moderately broad and long breast. Well fleshed throughout, thighs and back well fleshed. Tender meated where required.	Fairly well fleshed in relation to length and depth of body all parts fairly well fleshed. Tender meated where required.	Poorly developed narrow breast, thin covering of flesh over all parts.
(V) Fat Covering	(Young chickens and turkey toms) showing fat on breast, back, hips and pin bones. (All other poultry) well covered with fat on all parts. No excessive abdominal fat.	Sufficient coverage of fat to prevent dark appearance. Excessive abdominal fat permitted.	May have small amount of fat in feather tracts. completely lacking on back and thighs.
(VI) Defects	Free of tears, broken bones, and external evidence of disease. May have slight scratches, slight bruises or slight callouses any of which must not affect the dressed appearance of the bird especially the breast. Slightly scaly legs permitted.	Free of tears, broken bones and external evidence of disease. Slight breast blisters, slight scratches, slight bruises, heavy callouses, seriously scaly legs permitted.	May have large skin bruises, small flesh bruises, severe breast blisters, may be slightly crippled. Must be free of broken bones, external evidence of disease or any condition rendering the bird unfit for food.

STATE OF NEW JERSEY

DEPARTMENT OF AGRICULTURE

W. H. Allen, Secretary

W. W. Oley, Director
Division of Markets

A new law of the State of New Jersey (Chapter 143, P. L. 1953) regulates the buying, receiving and selling of shell eggs for human consumption. It concerns honest identification of eggs as to their source.

This law (which is reproduced in full on the following pages) has been assigned to the Division of Markets of New Jersey State Department of Agriculture for enforcement.

The Division of Markets is the same agency which for many years has administered other laws affecting the egg industry, such as the "New Jersey Fresh Egg Law" and the laws under which grades and standards of quality are established for official inspection programs.

Members of the egg trade know, through long experience, that the New Jersey Department of Agriculture is impartial and fair in performing the regulatory functions under the laws for whose enforcement it is responsible. They are assured that the policy of encouraging voluntary compliance will be maintained in administering the new law.

Persons, business organizations and marketing associations having trade or brand names for eggs are invited to register these as provided under the new law. Forms for application may be obtained by writing to the New Jersey Department of Agriculture, 1 West State Street, Trenton 8, N. J. Ask for forms for Chapter 143, P. L. 1953.

Technical assistance in matters relating to the marketing of eggs is available upon request to the Bureau of Poultry Service at the same address.

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CHAPTER 143, LAWS OF 1953

An Act regulating the buying or receiving, and selling of shell eggs for human consumption; providing restrictions concerning the improper use of the name, in whole or in part, of the State of New Jersey, or of any county or municipality thereof, for the purpose of source identification; establishing a registry for trade names and labels for eggs to be marketed for the economic protection of the egg industry; providing penalties for violations; and providing for an appropriation.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

C. 4:3-11.1. 1. As used in this act, the term "eggs" means avian eggs intended for human consumption, and marketed or to be marketed in their natural form, in shells.

C. 4:3-11.2. 2. No person shall use any term or terms in branding, labeling, marking, identifying, displaying or advertising eggs within the State of New Jersey which shall imply other than the true source of production. No person shall use the name, in whole or in part, of the State of New Jersey, or of any county or municipality thereof, for the purpose of identifying the source of production of eggs, without permission in writing from the Secretary of Agriculture obtained by application upon forms to be provided. The Secretary of Agriculture or his appointed agents, prior to the granting of such permission, shall be satisfied of the truth of such claims of the domestic origin of such eggs to be so branded, labeled, marked, identified, displayed or advertised. The Secretary of Agriculture shall have the power to apply to a court of competent jurisdiction for injunctive or other relief, to prevent any person or organization from using or attempting to use any brand, label, marking, display identification or advertisement which improperly implies the State of origin, quality, grade or size of market eggs sold or offered for sale, either at wholesale or retail, packed, repacked, stored or coming to rest in New Jersey.

C. 4:3-11.3. 3. Any person or organization using or intending to use a trade name, label, mark, brand or other identification indicating that the eggs were produced within the State of New Jersey shall register the same with the Secretary of Agriculture.

New Jersey may register facsimile copies thereof with the Secretary of Agriculture upon forms to be provided and upon compliance with regulations made and promulgated by the State Board of Agriculture. The Secretary of Agriculture shall cause to be set up a registry of such names, labels, marks, brands or other identifications for eggs and said registry shall be open for public inspection during the usual official hours.

4. All markings on egg cases, cartons, packages, or other containers or receptacles which have previously been used for eggs, and which bear the trade names, labels, marks, brands or other identifications of a previous user, shall be effectively obliterated before any further use for egg marketing or selling purposes. C. 4:3-11.4. Previous markings obliterated.

5. Labels or other identifying marks on egg cases or cartons shall bear the name and address of the packer or dealer. If eggs from a source other than the State of New Jersey are packed, repacked, received or otherwise handled at any place in New Jersey, the address thereof shall not be given such prominence in the design of the label that it shall be misleading by implying that the eggs were produced in New Jersey. In all cases, the State of origin shall be indicated in type of a size at least equal to that of the type used for the name and address of the packer, repacker or receiver, and the following language shall be used: C. 4:3-11.5. Labels and identifying marks, specifications.

"Produced In (State of Origin)"
"Packed By (Name of Packer or Dealer)"
(P. O. Address) New Jersey"

6. Any person who violates any of the provisions of this act shall be liable to a penalty of one hundred dollars (\$100.00). C. 4:3-11.6. Penalty

7. Jurisdiction of actions or proceedings to enforce and collect penalties under this act is conferred upon the County Courts, the county district courts and the municipal courts in any county or municipality where the defendant may be apprehended or served with process or where he may reside. The court may proceed in a C. 4:3-11.7. Jurisdiction of courts.

summary manner and the process may be either a summons or warrant and such penalties shall be enforced and collected pursuant to the Penalty Enforcement Law (N. J. S. 2A:58-1 et seq.).

C. 4:3-11.8. 8. For a violation of any provision, for which a penalty is prescribed, within the view of any constable, police officer or member of the State police, such constable, officer or member may arrest the offender without a warrant and take him before a court having jurisdiction in the county or municipality wherein such arrest is made.

C. 4:3-11.9. 9. If judgment is rendered for the plaintiff the court shall cause a defendant, who shall fail to pay forthwith the amount of the judgment rendered against him, and all costs and charges incident thereto, to be committed to the county jail for a period of not less than five nor more than ninety days in the case of a first offense and not less than ten nor more than two hundred days for a second and each subsequent offense.

Appropriation. 10. There is hereby appropriated to the State Department of Agriculture the sum of fifteen thousand dollars (\$15,000.00) for the enforcement of this act, when included in any annual or supplemental appropriation act.

11. This act shall take effect immediately.

Approved May 7, 1953.

UNITED STATES DEPARTMENT OF AGRICULTURE
 AGRICULTURAL MARKETING SERVICE
 POULTRY DIVISION

REGULATIONS GOVERNING THE GRADING AND INSPECTION OF SHELL EGGS AND
 UNITED STATES STANDARDS, GRADES, AND WEIGHT CLASSES FOR SHELL EGGS

Washington 25, D. C.

[Reprinted from the Federal Register of February 1 and 4, 1955]

Effective March 1, 1955.

A notice of a proposed revision of the regulations governing the grading and inspection of shell eggs and the United States standards, grades, and weight classes for shell eggs was published in the FEDERAL REGISTER on November 25, 1954 (19 F. R. 7607). The revised regulations hereinafter set forth will bring the regulations, standards, and grades for shell eggs together under a single new Part 56 of the Code of Federal Regulations. The program is currently in effect pursuant to regulations contained in Part 55 and U. S. Standards, Grades, and Weight Classes contained in Part 42. The provisions of Parts 55 and 42 applicable to shell eggs are hereby superseded as of the effective date of the revision herein promulgated. The provisions of Part 55 applicable to the inspection of egg products are not changed by this action.

The revised regulations, standards, and grades hereinafter set forth establish requirements for facilities and operating procedures with respect to grading and packing eggs that are to bear a grade mark, prescribe the form of the grade mark, and change the standards of quality and weight classes for shell eggs.

After consideration of all relevant matters presented, the revision hereinafter set forth is promulgated to become effective March 1, 1955, except as otherwise provided in §§ 56.75, 56.218, 56.223, 56.226 and 56.228.

The revised regulations are as follows:

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SUBPART A—GRADING AND INSPECTION OF SHELL EGGS

DEFINITIONS

§ 56.1 *Meaning of words.* Under the regulations in this part, words in the singular shall be deemed to import the plural and vice versa, as the case may demand.

§ 56.2 *Terms defined.* For the purpose of the regulations in this part, unless the context otherwise requires, the following terms shall be construed, respectively, as follows:

(a) "Act" means the applicable provisions of the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.), or any other act of Congress conferring like authority.

(b) "Administrator" means the Administrator of the Agricultural Marketing Service of the Department or any other officer or employee of the Department to whom there has heretofore been delegated, or to whom there may hereafter be delegated the authority to act in his stead.

(c) "Applicant" means an interested party who requests any grading service, appeal grading, or regrading with respect to any product.

(d) "Case" means, when referring to containers, an egg case, as used in commercial practice in the United States, holding 30 dozens of shell eggs.

(e) "Class" means any subdivision of a product based on essential physical characteristics that differentiate between major groups of the same kind, species, or method of processing.

(f) "Condition" means any condition (including, but not being limited to, the state of preservation, cleanliness, soundness, wholesomeness, or fitness for human food) of any product which affects its merchantability.

(g) "Department" means the United States Department of Agriculture.

(h) "Eggs of current production" means shell eggs which have moved through usual marketing channels since the time they were laid, and have not been held in refrigerated storage in excess of 60 days.

(i) "Grader" means any employee of the Department authorized by the Secretary, or any other person to whom a license has been issued by the Secretary, to investigate and certify, in accordance with the act and this part, to shippers of products and other interested parties the class, quality, quantity, and condition of such products.

(j) "Grading" or "grading service" means: (1) The act whereby a grader determines, according to the regulations in this part, the class, quality, quantity, or condition of any product by examining each unit thereof or each unit of the representative sample thereof drawn by a grader or sampler and issues a grading certificate with respect thereto, except that with respect to grading service performed on a contract basis the issuance of a grading certificate shall be pursuant to a request therefor by the applicant or the Service; (2) the act whereby the grader identifies, according to the regulations in this part, the graded product; (3) continuous supervision, in an official plant, of the handling or packaging of any product; and (4) any regrading or any appeal grading of a previously graded product.

(k) "Grading certificate" means a statement, either written or printed, issued by a grader pursuant to the act and this part, relative to the class, quantity, quality, or condition of products.

(l) "Inspector" means any employee of the Department authorized by the Secretary, or any other person to whom a license has been issued by the Secretary, to inspect and certify the quality, quantity and condition of products.

(m) "Interested party" means any person financially interested in a transaction involving any grading, appeal grading, or regarding of any product.

(n) "National supervisor" means (1) the officer in charge of poultry grading service of the Agricultural Marketing Service, and (2) such other employee of the Service as may be designated by him.

(o) "Office of grading" means the office of any grader or sampler.

(p) "Official identification" means the symbol represented by a stamp, label, seal, mark, or other device approved by the Administrator, affixed to any product or to any container thereof, stating that the product was graded or inspected and indicating the class, quality, grade, or condition of such product as determined by a grader.

(q) "Official plant" means any plant in which the facilities and methods of operation therein have been found by the Administrator to be suitable and adequate for grading service in accordance with this part and in which grading service is carried on.

(r) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(s) "Product" or "products" means shell eggs of the domesticated chicken.

(t) "Quality" means the inherent properties of any product which determine its relative degree of excellence.

(u) "Regulations" means the provisions in this part.

(v) "Sampler" means any employee of the Department authorized by the Secretary, or any other person to whom a license has been issued by the Secretary, to draw samples of products for grading by a grader or for lot analysis under the act and this part.

(w) "Sampling" means the act of taking samples of any product for grading.

(x) "Sampling report" means a statement, either written or printed, issued by a sampler, identifying samples taken by him for grading.

(y) "Secretary" means the Secretary of the Department or any other officer or employee of the Department to whom there has heretofore been delegated, or to whom there may hereafter be delegated, the authority to act in his stead.

(z) "Service" means the Agricultural Marketing Service of the Department.

(aa) "Supervisor of packaging" means any employee of the Department authorized by the Secretary, or any other person to whom a license has been issued by the Secretary, to supervise the packaging and grade labeling of products.

ADMINISTRATION

§ 56.3 *Administration.* The Administrator shall perform, for and under the supervision of the Secretary, such duties as the Secretary may require in the enforcement or administration of the provisions of the act and this part. The Administrator is authorized to waive for

limited periods any particular provisions of the regulations in this part to permit experimentation so that new procedures, equipment, and processing techniques may be tested to facilitate definite improvements and at the same time to determine full compliance with the spirit and intent of the regulations in this part.

GENERAL

§ 56.4 *Basis of grading service.* (a) Any grading service in accordance with the regulations in this part shall be for class, quality, quantity, or condition or any combination thereof. Grading service with respect to the determination of the quality of products shall be on the basis of the "United States Standards, Grades, and Weight Classes" as contained in Subpart C of this part. However, grading service may be rendered with respect to products which are bought and sold on the basis of institutional contract specifications and such service, when approved by the Administrator, shall be rendered on the basis of the specifications of such contract. The supervision of packaging shall be in accordance with such instructions as may be approved or issued by the Administrator.

(b) Unless otherwise approved by the area supervisor, continuous grading service in an official plant may be rendered only when a majority of the grader's time each month is utilized in performing grading for quality on the basis of the United States Standards set forth in Subpart C of this part.

(c) Whenever grading service is performed on a representative sample basis, such sample shall be drawn and consist of not less than the minimum number of cases as indicated in the following table:

MINIMUM NUMBER OF CASES COMPRISING A REPRESENTATIVE SAMPLE

Cases in lot:	Cases in sample
1 case.....	1
2 to 10, inclusive.....	2
11 to 25, inclusive.....	3
26 to 50, inclusive.....	4
51 to 100, inclusive.....	5
101 to 200, inclusive.....	8
201 to 300, inclusive.....	11
301 to 400, inclusive.....	13
401 to 500, inclusive.....	14
501 to 600, inclusive.....	16

For each additional 35 cases, or fraction thereof, in excess of 600 cases, one additional case shall be included in the sample.

§ 56.5 *Accessibility and condition of product.* (a) Each product for which grading service is requested shall be so conditioned and placed as to permit a proper determination of the class, quality, quantity, or condition of such product.

(b) Notwithstanding other applicable provisions of this part, product may be graded on the basis of a sample drawn by an employee of a public warehouse; and any certificate issued with respect to such product shall have the words "SAMPLE DRAWN BY WAREHOUSE EMPLOYEES," in all capital letters, typed thereon.

§ 56.6 *Supervision.* All grading service shall be subject to supervision at all times by the applicable State supervisor, circuit supervisor, area supervisor, and national supervisor. Such service shall be rendered where the facilities and conditions are satisfactory for the conduct of the service, and the requisite graders, inspectors, and samplers are available.

Whenever the supervisor of a grader has evidence that such grader incorrectly graded a product, such supervisor shall take such action as is necessary to correct the grading and to cause any improper grade marks which appear on the product or the containers thereof to be corrected prior to shipment of the product from the place of initial grading.

§ 56.7 *Publications.* Publications under the act and this part shall be made in the FEDERAL REGISTER, the Service and Regulatory Announcements of the Department, and such other media as the Administrator may approve for the purpose.

§ 56.8 *Other applicable regulations.* Compliance with the regulations in this part shall not excuse failure to comply with any other Federal, or any State, or municipal applicable laws or regulations.

LICENSED GRADERS, INSPECTORS, SAMPLERS, AND SUPERVISORS OF PACKAGING

§ 56.10 *Who may be licensed.* (a) Except as otherwise provided in paragraph (c) of this section, any person possessing proper qualifications, as determined by an examination for competency, and who is to perform grading service may be licensed by the Secretary as a grader.

(b) All licenses issued by the Secretary shall be countersigned by the officer in charge of the poultry grading service of the Agricultural Marketing Service or any other designated officer of such Service.

(c) No person may be licensed to grade, inspect, or sample any product in which he is financially interested.

§ 56.11 *Limited license may be issued.* To any person possessing proper qualifications, as determined by the Administrator, there may be issued a limited license by the Secretary to candle and grade eggs on the basis of the "United States Standards for quality of Individual Shell Eggs," with respect to eggs purchased from producers or eggs to be packaged with official identification. No person to whom a limited license is issued by the Secretary shall have the authority to issue any grading certificate; and all eggs which are graded by any such person shall thereafter be check-graded by a grader. All limited licenses, issued by the Secretary, are to be countersigned by the officer in charge of the poultry grading service of the Agricultural Marketing Service or by any other official of such service designated by such officer.

§ 56.12 *Suspension of license.* Pending final action by the Secretary, the aforesaid officer in charge of the poultry grading service may, whenever he deems such action necessary, suspend any license or limited license issued pursuant to this part, by giving notice of such suspension to the respective licensee or limited licensee, accompanied by a statement of the reasons therefor. Within seven days after the receipt of the aforesaid notice and statement of reasons by such licensee or limited licensee, he may file an appeal in writing, with the Secretary supported by any argument or evidence that he may wish to offer as to why

his license or limited license should not be suspended or revoked. After the expiration of the aforesaid seven day period and consideration of such argument and evidence, the Secretary will take such action as he deems appropriate with respect to such suspension or revocation. When no appeal is filed within the prescribed seven days, the license is revoked.

§ 56.13 *Cancellation of license.* Upon termination of his services as a grader, inspector, sampler, or supervisor of packaging, each licensee and limited licensee shall surrender his license immediately for cancellation.

§ 56.14 *Surrender of license.* Each license and each limited license which is cancelled, suspended, or has expired shall immediately be surrendered by the licensee or limited licensee to the office of grading serving the area in which he is located.

§ 56.15 *Political activity.* All graders, inspectors, and samplers are forbidden during the period of their respective appointments or licenses, to take an active part in political management or in political campaigns. Political activities in city, county, State, or national elections, whether primary or regular, or in behalf of any party or candidate, or any measure to be voted upon, is prohibited. This applies to all appointees, including, but not being limited to, temporary and cooperative employees, and employees on leave of absence with or without pay. Willful violation of this section will constitute grounds for dismissal in the case of appointees and revocation of licenses in the case of licensees.

§ 56.16 *Identification.* All graders, inspectors, samplers, supervisors of packaging, and persons holding limited licenses shall each have in possession at all times, and present upon request, while on duty, the means of identification furnished by the Department to such person.

APPLICATION FOR GRADING, INSPECTION, AND SAMPLING

§ 56.20 *Who may obtain grading, inspection, and sampling service.* An application for grading, inspection, or sampling service may be made by any interested person, including, but not being limited to, the United States, any State, county, municipality, or common carrier, and any authorized agent of the foregoing.

§ 56.21 *How to make application for grading—(a) On a fee basis.* An application for any grading service may be made in any office of grading, or with any grader, sampler, or inspector at or nearest the place where the service is desired. Such application for service may be made orally (in person or by telephone), in writing, or by telegraph. If an application for grading service is made orally, the office of grading, grader, sampler, or inspector with whom such application is made, or the Administrator, may require that the application be confirmed in writing.

(b) *On a contract basis.* An application for continuous grading service on a contract basis to be rendered in an official plant must be made in writing on forms approved by the Administrator and filed with the Administrator.

§ 56.22 *Filing of application.* An application for grading, inspection, or sampling of a specified lot of any product shall be regarded as filed only when made pursuant to this part.

§ 56.23 *Form of application.* Each application for grading, inspecting, or sampling a specified lot of any product shall include such information as may be required by the Administrator in regard to the product and the premises where such product is to be graded, inspected, or sampled.

§ 56.24 *When application may be rejected.* An application for grading service, inspection service, or sampling service may be rejected by the Administrator (a) whenever the applicant fails to meet the requirements of the regulations prescribing the conditions under which the service is made available; (b) whenever the product is owned by or located on the premises of a person currently denied the benefits of the act; (c) where any individual holding office or a responsible position with or having a substantial financial interest or share in the applicant is currently denied the benefits of the act or was responsible in whole or in part for the current denial of the benefits of the act to any person; or (d) where he determines that the application is an attempt on the part of a person currently denied the benefits of the act to obtain grading or inspection service. Each such applicant shall be promptly notified by registered mail of the reasons for the rejection. A written petition for reconsideration of such rejection may be filed by the applicant with the Administrator if postmarked or delivered within 10 days after the receipt of notice of the rejection. Such petition shall state specifically the errors alleged to have been made by the Administrator in rejecting the application. Within 20 days following the receipt of such a petition for reconsideration, the Administrator shall approve the application or notify the applicant by registered mail of the reasons for the rejection thereof.

§ 56.25 *When application may be withdrawn.* An application for grading service may be withdrawn by the applicant at any time before the service is performed upon payment, by the applicant, of all expenses incurred by the Service in connection with such application.

§ 56.26 *Authority of applicant.* Proof of the authority of any person applying for any grading service may be required at the discretion of the Administrator.

§ 56.27 *Order of service.* Grading service shall be performed, insofar as practicable, in the order in which applications therefor are made except that precedence may be given to any application for an appeal grading. The service shall not be liable in damages accruing through acts of commission or omission in the administration of this part.

VIOLATIONS

§ 56.30 *Report of violations.* Each grader, inspector, sampler, and supervisor of packaging shall report, in the manner prescribed by the Administrator, all violations and noncompliances

under the act and this part of which such grader, inspector, sampler, or supervisor of packaging has knowledge.

§ 56.31 *Denial of service.* (a) The following acts or practices may be deemed sufficient cause for the debarment of any person by the Administrator from any or all benefits of the act for a specified period, after notice and opportunity for hearing has been accorded him:

(1) *Misrepresentation, deceptive, or fraudulent act or practice.* Any wilful misrepresentation or any deceptive or fraudulent act or practice found to be made or committed by any person in connection with:

(i) The making or filing of any application for any grading service, inspection service, or sampling service, appeal, or regrading service;

(ii) The making of the product accessible for sampling, grading, or inspection;

(iii) The use of any grading certificate or inspection certificate issued pursuant to the regulations in this part or the use of any official stamp, label, or identification;

(iv) The use of the terms "United States," or "U. S." in conjunction with the grade of the product;

(v) The use of any of the aforesaid terms or an official stamp, label, or identification in the labeling or advertising of any product; or

(vi) The use of the terms "Government graded," "Federal-State graded," "U. S. Inspected," "Government inspected," or terms of similar import in the labeling or advertising of any product.

(2) *Use of facsimile forms.* The unauthorized use of a form which simulates in whole or in part any official certificate, stamp, label, or identification authorized to be issued or used under the regulations in this part to evidence the inspection or grade of any product.

(3) *Wilful violation of the regulations.* Any wilful violation of the regulations in this part.

(4) *Interfering with a grader or inspector.* Any interference with or obstruction of any grader or inspector in the performance of his duties by intimidation, threat, bribery, assault, or any other improper means.

(5) *Misleading labeling.* The use of the terms "Government graded," "Federal-State graded," or terms of similar import in the labeling of any product without stating in the label the U. S. grade of the product as determined by an authorized grader.

(6) *Miscellaneous.* The existence of any of the conditions set forth in § 56.24 constituting a basis for the rejection of an application for grading or inspection service.

(b) Whenever the Administrator has reason to believe that any person, or his employee, agent, or representative has flagrantly or repeatedly committed any of the acts or practices specified in paragraph (a) of this section, he may without hearing direct that the benefits of the act be denied such person pending investigation and hearing and shall give notice thereof by registered mail. A written petition for reconsideration of

such interim denial may be filed with the Administrator by any person so denied the benefits of the act if postmarked or delivered within 10 days after notice of the interim denial. Such petition shall state specifically the errors alleged to have been made by the Administrator in denying the benefits of the act pending investigation and hearing. Within 20 days following the receipt of such a petition for reconsideration, the Administrator shall reinstate the benefits of the act or notify the petitioner by registered mail of the reasons for continued interim denial.

IDENTIFYING AND MARKING PRODUCTS

§ 56.35 *Authority to use official identification.* Whenever the Administrator determines that the granting of authority to any person to package any product, graded pursuant to this part, and to use official identification, pursuant to §§ 56.36 to 56.43, both inclusive, will not be inconsistent with the act and this part, he may authorize such use of official identification. An application for such authority shall be submitted to the Administrator in such form as he may require.

§ 56.36 *Approval of official identification.* Any label or packaging material which bears any official identification shall be used only in such manner as the Administrator may prescribe. No label or packaging material bearing official identification may be used unless finished copies or samples of such labels and packaging material have been approved by the Administrator. No label bearing the official identification shall be printed for use until the printer's final proof has been approved by the Administrator; and no label bearing any official identification shall be used until finished copies or samples of such label have been approved by the Administrator. A label which bears official identification shall not bear any statement that is false or misleading. If the label is printed or otherwise applied directly to the container, the principal display panels of such container shall for this purpose be considered as the label. The label shall contain the name and address of the packer or distributor of the product, the name of the product and a statement of the net contents of the container. Any present supply of labels approved pursuant to the applicable provisions of Part 55 of this chapter prior to the effective time of this revision may continue to be used until such present supply is exhausted provided it is exhausted within two years from the effective time of this part.

§ 56.37 *Information required on grade mark.* Except as otherwise authorized, each grade mark which is to be used shall conspicuously indicate the letters "USDA," the U. S. grade of the product it identifies and if not shown prominently elsewhere on the labeling material, the appropriate weight class of the eggs. The plant number of the official plant where the eggs were graded and packed shall be set forth if it does not appear elsewhere on the packaging material. In addition, one of the following terms shall be included: "Graded Under Federal-State Supervision," or "Graded Under U. S. and (State) Supervision," or

an appropriate term of similar import. Such grade marks shall be contained within the outline of a shield of such design as may be approved by the Administrator. When eggs have been graded pursuant to this part and are packaged, the grade mark affixed to each such package shall have stamped thereon the date of grading unless such label is printed on the carton, in which case the date of grading shall be legibly applied to the carton in a manner satisfactory to the Administrator.

§ 56.38 *Form of grade mark.* The grade mark permitted to be used to officially identify cartons containing one dozen shell eggs, which are graded pursuant to the regulations in this part, shall be contained in a shield of the form and design indicated in the examples in Figure 1 of this section. The information (including the form and arrangement of its wording) which is to be included in such marks shall be: (1) The letters "USDA," (2) the U. S. grade, such as, "U. S. A Grade," (3) the size or weight class of the product, such as, "large," and (4) shall include one of the following phrases: "Graded Under Federal-State Supervision," or "Graded Under U. S. and (State) Supervision," or a term of similar import. The grade mark shall be printed on the carton or on a label used to seal the carton. When the grade mark is printed on a tape used to seal the carton automatically, the size or weight class of the product may be shown on the main panel of the carton rather than within the grade mark and in such instances the form of the grade mark shall be as indicated in Figure 2 of this section. The grade mark shall also include the plant number of the official plant where the product was packed, if the appropriate plant number does not appear elsewhere on the packaging material. In addition, the date the eggs were graded shall be shown either on the grade mark used to seal the carton or applied in a legible manner elsewhere on the carton and such date of the grading shall be expressed as the month and day or as the consecutive day of the year. The grade mark shall not be less than 1 1/8 inches in height, and should not exceed 1 3/4 inches in height. The size of the letters designating the grade and size shall be not less than 1/4 inch in height. The size of the print and the arrangement of the other information within the shield shall be in approximately the same proportion as is shown in the examples in Figures 1 and 2 of this section.

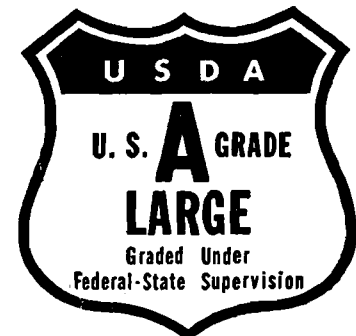


FIGURE 1.



FIGURE 2.

PREREQUISITES TO PACKAGING PRODUCTS WITH GRADE IDENTIFICATION LABELS

§ 56.40 *Supervisor of packaging required.* The official identification of any graded or inspected product, as provided in §§ 56.36 to 56.43, both inclusive, shall be done only under the supervision of a grader, inspector, or supervisor of packaging. The authority to use grade identification labels may be granted by the Administrator only to applicants who make the services of a grader, inspector, or supervisor of packaging available for use in accordance with this part. The grader, inspector, or supervisor of packaging shall have supervision over the use and handling of all material bearing any official identification.

§ 56.41 *Candling and grading requirements of shell eggs for packaging with grade identification labels.* Shell eggs shall not be packaged with any grade identification label unless such eggs are first candled and graded (a) by a grader, or (b) by a limited licensee, pursuant to § 56.11 and thereafter check-graded by a grader.

§ 56.42 *Check-grading officially identified eggs.* Shell eggs which have been officially graded and which bear a grade mark or grade identification label, if temporarily held at the place where graded in excess of four days from the time they were graded, shall be check-graded prior to shipment from the place of initial grading. Such check-grading shall be in addition to any check-gradings which are made to determine the initial grade of the lot.

§ 56.43 *Limitations applicable to grade marking consumer packages of A and AA grade eggs.* Eggs which are to be grade marked as U. S. A or AA grade and packed in consumer packages shall be packed from eggs of current production. Eggs known to possess undesirable odors and flavors shall not be officially identified as U. S. Grade A or AA.

FEEs AND CHARGES

§ 56.45 *Payment of fees and charges.* (a) Fees and charges for any grading service shall be paid by the interested party making the application for such grading service, in accordance with the applicable provisions of this section and §§ 56.46 to 56.53, both inclusive; and, if so required by the grader, inspector, or sampler, such fees and charges shall be paid in advance.

(b) Fees and charges for any grading service shall, unless otherwise required pursuant to paragraph (c) of this section, be paid by the interested party making application for such grading service by check, draft, or money order payable to the Agricultural Marketing Service and remitted promptly to the Service.

(c) Fees and charges for any grading service under a cooperative agreement with any State or person shall be paid in accordance with the terms of such cooperative agreement by the interested party making application for any such grading service.

§ 56.46 *On a fee basis.* (a) Unless otherwise provided in this part, the fees to be charged and collected for any service (other than for an appeal grading) performed, in accordance with this part, on a fee basis shall be based on the applicable rates specified in §§ 56.48 and 56.50.

(b) In the event the aforesaid applicable rates are deemed by the Administrator to be inadequate fully to reimburse the Service for all costs and other items paid or incurred by the Service in connection with such service, the fees for such service shall not be based on the rates specified in §§ 56.48 and 56.50, but shall be based on the time required to perform such service and the travel of each sampler, grader, inspector, and supervisor of packaging at the rate of \$4.00 per hour for the time actually required.

(c) If an applicant requests that any grading service be performed on a holiday or a non-work day, he may be charged for such service at a rate one and one-half times the rate which would otherwise be applicable for such service if performed other than on a holiday or non-work day.

§ 56.47 *Fees for appeal grading.* The fees to be charged for any appeal grading shall be double the fee specified in the grading certificate from which the appeal is taken: *Provided*, That, the fee for any appeal grading requested by the United States, or any agency or instrumentality thereof, shall be the same as set forth in the grading certificate from which the appeal is taken. If the fee on the certificate from which the appeal is taken is based on a contract, then the fee for such appeal grading shall be double the amount specified in § 56.50 for the applicable volume of product appeal graded. If the result of any appeal grading discloses that a material error was made in the grading appealed from, no fee shall be required.

§ 56.48 *Fees for additional copies of grading certificates.* Additional copies of any grading certificates, other than those provided for in § 56.57, may be supplied to any interested party upon payment of a fee of \$1.50 for each set of five or fewer copies.

§ 56.49 *Travel expenses and other charges.* Charges may be made to cover the cost of travel and other expenses incurred by the Service in connection with the performance of any grading service. Such charges shall include the costs of travel, per diem, and other expenses, plus a charge of 10 percent of the amount charged for said travel, per diem, and other expenses to cover administrative costs of the Department. When travel and other expenses are charged in connection with any grading the minimum charge which shall be made shall be \$0.50.

§ 56.50 *Egg grading fees.* For each grading, or regrading pursuant to § 56.60, of any lot of eggs, the following fees shall

be applicable and shall be computed on the basis of the number of packages in such lot, except in instances where more than one lot of eggs is involved in a single grading for contract acceptance of products to be delivered to an individual receiver the charge for examining each lot in excess of one may be based on the time required at the rate specified in § 56.46 (b):

	Fee
For 10 packages or less.....	\$1.80
For 11 to 25 packages, inclusive.....	3.00
For 26 to 50 packages, inclusive.....	4.00
For 51 to 100 packages, inclusive.....	5.50
For 101 to 200 packages, inclusive.....	8.50
For 201 to 300 packages, inclusive.....	11.50
For 301 to 400 packages, inclusive.....	13.50
For 401 to 500 packages, inclusive.....	15.50
For 501 to 600 packages, inclusive.....	17.50
For each additional 35 packages, or fraction thereof, in excess of 600 packages.....	1.00

§ 56.51 *Additional charges.* With respect to any grading service performed in a freight or express car or any other place where the entire lot of the product is not readily accessible to the grader, inspector, or sampler, if the time required for the performance of such service is greater than would otherwise be required if the entire lot were readily accessible, as aforesaid, a fee of \$4.00 shall be charged in addition to the applicable rates specified in § 56.50.

§ 56.52 *On a contract basis.* Fees to be charged and collected for any service, other than for an appeal grading, on a contract basis shall be such as are provided in such contract. The fees to be charged for any appeal grading shall be as provided in § 56.47.

§ 56.53 *Fees for grading service performed under cooperative agreement.* The fees to be charged and collected for any service performed under cooperative agreement shall be those provided for by such agreement.

GRADING CERTIFICATES

§ 56.55 *Grading certificates and sampling report forms.* Grading certificates and sampling report forms shall be issued on forms approved by the Administrator.

§ 56.56 *Grading certificate issuance.* Each grader shall issue a grading certificate covering each product graded except that with respect to grading service performed on a contract basis the issuance of a grading certificate shall be pursuant to a request therefor by the applicant or the Service. A grader shall not sign any certificate covering any product not graded by him.

§ 56.57 *Disposition of grading certificates.* The original of any grading certificate, issued pursuant to § 56.56, and not to exceed three copies thereof, shall, immediately upon issuance, be delivered or mailed to the applicant or person designated by him. One copy shall be filed in the office of grading serving the area in which the grading service was performed, and all other copies shall be filed in such manner as the Administrator may approve. Additional copies of any such certificate may be supplied to any interested party as provided in § 56.48.

§ 56.58 *Advance information.* Upon request of an applicant, all or part of the contents of any grading certificate issued to such applicant may be telephoned or telegraphed to him, or to any person designated by him, at his expense.

REGRADING AND APPEAL GRADING

§ 56.60 *Regrading of a graded product—(a) Application for regrading.* An application for a regrading may be made by any interested party who questions the representativeness of the sample upon which a previous grading was made, if the identity of the product has not been lost, and the product has not been subjected to conditions which may have caused a change in the product. Such application shall be made within two days following the day on which the grading was performed. Upon approval of the Administrator, the time within which such application for a regrading may be made may be extended. An application for a regrading may be granted only after the original grading certificate covering the product in question has been surrendered by the applicant to the Service.

(b) *Regrading procedure.* A regrading of a previously graded lot shall be made by examining an additional sample drawn from the product in question. The additional sample shall be not less than the minimum number of cases specified in § 56.4 (c). The grade assigned to the regraded product shall be determined on the basis of the averaged findings of both the original and regrade samples.

(c) *Regrading certificate.* Immediately after a regrading has been completed, a regrading certificate shall be issued showing the results of such regrading; and such certificate shall supersede the grading certificate previously issued for the product involved. Each regrading certificate shall clearly identify the number and date of the grading certificate it supersedes, and such supersedeure shall be effective as of the time of issuance of such regrading certificate. The provisions of §§ 56.55 to 56.58, both inclusive, shall, whenever applicable, also apply to regrading certificates except that copies of such regrading certificates shall be furnished each interested party of record.

§ 56.61 *When appeal grading may be requested.* An application for an appeal grading may be made by any interested party who is dissatisfied with any determination stated in any grading certificate, if the identity of the samples, or the product, has not been lost; and such application for an appeal grading shall be made within two days following the day on which the grading was performed. Upon approval by the Administrator, the time within which an application for an appeal grading may be made may be extended.

§ 56.62 *How to obtain appeal grading.* Appeal grading may be obtained by filing a request therefor (a) with the Administrator, (b) with the grader or inspector who issued the grading certificate with respect to which the appeal grading is requested, (c) with the immediate superior of such grader or inspector, or (d) with the officer in charge

of any office of grading. The application for appeal grading shall state the reasons therefor and may be accompanied by a copy of the aforesaid grading certificate or any other information the applicant may have secured regarding the product, at the time of grading, from which the appeal is requested. Such application may be made orally (in person or by telephone), in writing, or by telegraph. If made orally, written confirmation may be required.

§ 56.63 *Record of filing time.* A record showing the date and hour when each such application for appeal grading is received shall be maintained in such manner as the Administrator may prescribe.

§ 56.64 *When an application for an appeal grading may be refused.* If it appears to the Administrator that the reasons for an appeal grading are frivolous or not substantial, or that the quality or condition of the products has undergone a material change since the grading from which the appeal is made, or the identical products graded cannot be made accessible for regrading, or the act or this part has not been complied with, the Administrator may refuse the applicant's request for the appeal grading; and such applicant shall be promptly notified of the reasons for such refusal.

§ 56.65 *When an application for an appeal grading may be withdrawn.* An application for appeal grading may be withdrawn by the applicant at any time before the appeal grading is made upon payment, by the applicant, of all expenses incurred by the Service in connection with such application.

§ 56.66 *Order in which appeal gradings are performed.* Appeal gradings shall be performed, insofar as practical, in the order in which applications therefor are received; and any such application may be given precedence pursuant to § 56.27.

§ 56.67 *Who shall make appeal gradings.* An appeal grading of any graded product shall be made by any grader (other than the one from whose grading the appeal is made) designated for this purpose by the Administrator; and, whenever practical, such appeal grading shall be conducted jointly by two such graders.

§ 56.68 *Appeal grading certificate.* Immediately after an appeal grading has been completed, an appeal grading certificate shall be issued showing the results of such appeal grading; and such certificate shall supersede the grading certificate previously issued for the product involved. Each appeal grading certificate shall clearly identify the number and date of the grading certificate which it supersedes; and such certificate shall thereupon supersede the grading certificate for the product involved, and such supersedeure shall be effective as of the time of issuance of the grading certificate with respect to which the appeal is made. The provisions of §§ 56.55 to 56.58, both inclusive, shall, whenever applicable, also apply to appeal grading certificates except that copies of such appeal grading certificates shall be furnished each interested party of record.

§ 56.69 *Superseded certificates.* Whenever any grading certificate is superseded in accordance with this part, such certificate shall become null and void and, after the effective time of the supersedeure, shall no longer represent the class, quality, quantity, or condition of the product described therein. If the original and all copies of such superseded certificate are not delivered to the person issuing the regrading or appeal grading certificate, he shall notify such persons as he considers necessary to prevent fraudulent use of the superseded certificate.

FACILITY REQUIREMENTS

§ 56.75 *Applicability of facility and operating requirements.* The provisions of § 56.76 shall become effective January 1, 1956, and shall apply to grading service with respect to shell eggs that are graded and packed in consumer packages (such as one-dozen cartons) and which bear a grade mark. The provisions of § 56.76 also shall be applicable to any grading service that is provided on a resident or contract basis.

§ 56.76 *Minimum facility and operating requirements for shell egg grading and packing plants—(a) General requirements for buildings and plant facilities.* (1) Buildings shall be of sound construction so as to prevent, insofar as practicable, the entrance or harboring of vermin.

(2) Grading and packing rooms shall be of sufficient size to permit installation of necessary equipment and the conduct of grading and packing in a sanitary manner. These rooms shall be kept reasonably clean during grading and packing operations and shall be thoroughly cleaned at the end of each operating day.

(3) Adequate lavatory and toilet accommodations shall be provided; and toilet and locker rooms shall be kept in a clean and sanitary condition.

(b) *Grading room requirements.* The grading room shall be adequately darkened to make possible accurate quality determination of the candled appearance of eggs.

(1) There shall be no crossbeams of light, and light reflection from candling lights shall be kept at a minimum.

(2) Candling benches shall be constructed so as to permit cleaning and provide ample shelf space for convenient placement of the different grades to be packed.

(3) The candling lights shall be capable of delivering reasonably uniform intensity of light at the candling aperture to facilitate accurate quality determinations; and the lights shall provide ample case light for detection of stained and dirty shells and the condition of the packing material.

(4) Individual egg scales shall be provided to check accuracy of weight classing.

(5) Weighing equipment, whether manual or automatic, shall be protected against dust and shall be capable of ready adjustment.

(6) Adequate ventilation shall be provided.

SUBPART B—FORMS AND INSTRUCTIONS

APPLICATION FOR GRADING SERVICE

§ 56.100 Application for grading service with respect to shell eggs.

Application is hereby made, in accordance with the applicable provisions of the regulations (7 CFR Part 56) governing the grading and inspection of shell eggs and the United States standards, grades, and weight classes for shell eggs, for grading service to be performed at the plant hereinafter designated:

 (Name of plant) (Street address)

 (City and State)

(a) Upon approval of this application by the Agricultural Marketing Service, United States Department of Agriculture (hereinafter referred to as "AMS"), AMS will furnish grading service in accordance with the terms and conditions hereof.

(b) In making this application, the applicant agrees to comply with the terms and conditions of the aforesaid regulations (including such applicable instructions as may be issued from time to time by the Administrator), and such other conditions as hereinafter enumerated.

(c) The applicant agrees to pay for the full cost of the grading service covered hereby to AMS at the time the respective invoices are rendered by AMS. The full costs shall comprise such of the following items as may be due and may be included, from time to time, in the invoices covering the period or periods during which the grading service may be rendered:

(i) A charge of \$4.00 per hour and expenses for the initial survey of the designated plant and its premises prior to the performance by the Service of the grading service covered hereby;

(ii) A charge of \$100.00 for the final survey and inauguration of the grading service including the assignment of one grader and one alternate grader, provided they are installed at the same time;

(iii) A charge of \$50.00 for each additional grader or replacement of a previously assigned grader to the designated plant: *Provided*, That, in the sole discretion of the Service no such charge will be made for a temporary replacement when such replacement is made by the use of a regular employee of the Service, or when the replacement is made necessary by the transfer of an employee of the Service for the sole benefit of the Service.

(iv) A charge equal to the salary costs paid to each grader assigned to the applicant's plant by AMS, including earned annual leave and, if necessary, earned sick leave: *Provided*, That, no charge is to be made for salary costs of any assigned grader of the designated plant while temporarily reassigned by AMS to perform grading service for other than the applicant except when the assigned grader is performing inspections for the Department of Defense on products accepted for delivery by the applicant to the Department of Defense, in which case the applicant will be given credit for the service rendered based on a formula concurred in jointly by the Departments of Defense and Agriculture.

(v) A charge equal to the salary costs, travel expenses and per diem paid by AMS to any grader whose services are required for relief purposes when regular graders are on annual or sick leave;

(vi) A charge for the actual cost to AMS of any travel and per diem incurred by each grader assigned to the plant while in the performance of grading service rendered the applicant;

(vii) A charge, at the sole discretion of AMS, of an amount not in excess of the actual cost to AMS of the travel (including the cost of movement of household goods and dependents) and per diem with respect

to each grader who is transferred from an official station to the designated plant;

(viii) A charge included in salary costs equal to the Employer's tax imposed under the United States Internal Revenue Code (26 U. S. C.) for Old Age and Survivor's benefits under the Social Security System;

(ix) An administrative service charge based upon the aggregate number of thirty-dozen cases of shell eggs handled in the plant per month, and computed in accordance with the following table:

COMPUTATION OF ADMINISTRATIVE SERVICE CHARGES

0 to 500 cases.....	\$25.00
501 to 1,750 cases.....	33.25
1,751 to 2,750 cases.....	38.00
2,751 to 3,750 cases.....	42.75
3,751 to 5,000 cases.....	47.50
5,001 to 6,000 cases.....	52.25
6,001 to 7,000 cases.....	57.00
7,001 to 8,000 cases.....	61.75
8,001 to 9,000 cases.....	66.50
9,001 to 10,000 cases.....	71.25
10,001 to 11,000 cases.....	76.00
11,001 to 12,000 cases.....	80.75
12,001 to 13,000 cases.....	85.50
13,001 to 14,000 cases.....	90.25
14,001 and over.....	95.00

(x) A charge of \$4.00 per hour plus actual costs to AMS for per diem and travel costs incurred in rendering services not specifically covered by this contract; such as, surveys in addition to the initial and final;

(xi) A charge equal to 7 percent of the salary paid by AMS of each grader exclusive of one regular grader whose salary is paid by AMS.

(d) The applicant shall designate, in writing, the employees of the applicant who will be required and authorized, to furnish each grader with such information as may be necessary for the performance of the grading service.

It is agreed that:

(a) AMS will provide an adequate number of graders to perform the grading service covered hereby;

(b) At the sole discretion of AMS the graders may be either a Federal or State employee or a licensed employee of the applicant;

(c) AMS shall not be responsible for damages accruing through any acts of commission or omission on the part of any grader;

(d) The provisions hereof shall continue in full force and effect from its effective date until suspended, withdrawn, or terminated, by (i) mutual consent of the applicant and AMS, (ii) written notice given by either party to the other to take effect on a specific date not less than 30 days from the date of the giving of such notice; (iii) one (1) day's written notice by AMS to the applicant, if the applicant fails to honor any invoice within thirty (30) days after date of invoice covering the cost of the grading service as herein provided; or (iv) termination of the services requested herein pursuant to the provisions in the following paragraph (e);

(e) The services to be rendered hereunder shall be terminated by AMS at any time AMS, acting pursuant to any applicable laws, rules, or regulations, debar the applicant from receiving any further benefits of the service, or the services hereunder may be suspended or terminated at any time AMS concludes that the applicant has not conformed, or cannot conform, hereto;

(f) All terms used herein shall have the same meaning as when used in the aforesaid regulations and instructions;

(g) A federally employed grader will be required to confine his activities to those duties necessary in the rendering of grading service and such closely related activities as may be approved by AMS: *Provided*, That, in no instance will the federally employed grader assume the duties of management;

(h) No member of or Delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of this agreement or to any benefit that may arise therefrom unless derived through the agreement made with a corporation for its general benefit.

(i) Special provisions and limitations:

 (Applicant)
 By -----

 (Street)

 (City) (State)

 (Date)

Approved:

By -----

 (Title)

 (Date)

Agricultural Marketing Service,
 U. S. Department of Agriculture.

§ 56.101 *Application for the privilege to use official identification and grade labels on consumer packages of graded products.*

Application is hereby made, in accordance with the provisions of the regulations (7 CFR Part 56) governing the grading and inspection of shell eggs and the United States standards, grades, and weight classes for shell eggs, for the privilege of using, subject to such regulations, official identification and grade labels on consumer packages of shell eggs.

In requesting this privilege, the applicant agrees to conform to the aforesaid regulations and such instructions covering grading and inspection of shell eggs as may be issued by the Administrator of the Agricultural Marketing Service. The applicant further agrees to furnish the official identification and grade labels at no cost to the Government, and to place them in the custody of the supervisor of packaging or grader who is designated for such purpose by the Administrator.

The applicant further agrees not to package any graded product bearing official identification or grade label under a trade name other than that of the applicant unless such trade name is submitted, together with the proper address, to the Administrator at the time approval is requested of the cartons, packaging material, grade labels, and official identification to be used in packaging such graded shell eggs.

In the event the privilege to use official identification or grade labels on graded products is withdrawn in accordance with the applicable provisions of the regulations, the applicant agrees promptly to deliver or cause to be delivered into the custody of the immediate superior officer of the grader or supervisor of packaging all supplies of the official identification and of the grade labels, together with all packaging and packing materials bearing printed reference to the graded character of the products for such subsequent use by the applicant as may be approved by the Administrator.

All terms which are used herein shall have the meaning applicable to such terms when used in the aforesaid regulations.

This application is submitted in triplicate.

 (Applicant)
 By -----
 Street No. -----
 Dated at -----
 This ___ day of ___, 195--

Approved:

Date -----
 Name -----
 Title -----

Agricultural Marketing Service.

SUBPART C—UNITED STATES STANDARDS, GRADES, AND WEIGHT CLASSES FOR SHELL EGGS

UNITED STATES STANDARDS FOR QUALITY OF INDIVIDUAL SHELL EGGS

§ 56.200 *Application.* (a) The United States standards for quality of individual shell eggs contained in this subpart are applicable only to eggs that are the product of the domesticated chicken hen and are in the shell. Such standards are with respect to individual eggs with clean or dirty unbroken shells, and checked or cracked shells.

(b) Interior egg quality specifications for these standards are based on the apparent condition of the interior contents of the egg as it is twirled before the candling light. Any type or make of candling light may be used that will enable the particular grader to make consistently accurate determinations of the interior quality of shell eggs. It is desirable to break out an occasional egg and, by use of the USDA color chart "Interior Quality of Eggs," compare the broken-out and candled appearance, thereby aiding in correlating candled and broken-out appearance.

§ 56.201 *AA Quality.* The shell must be clean, unbroken, and practically normal. The air cell must not exceed $\frac{1}{8}$ inch in depth and be practically regular. The white must be clear and firm so that the yolk appears well centered and its outline only slightly defined when the egg is twirled before the candling light. The yolk must be free from apparent defects.

§ 56.202 *A Quality.* The shell must be clean, unbroken, and practically normal. The air cell must not exceed $\frac{3}{8}$ inch in depth and must be practically regular. The white must be clear and at least reasonably firm so that the yolk appears at least fairly well centered and its outline only fairly well defined when the egg is twirled before the candling light. The yolk must be practically free from apparent defects.

§ 56.203 *B Quality.* The shell must be unbroken and may be slightly abnormal and may show slight stains but no adhering dirt, provided, that they do not appreciably detract from the appearance of the egg. When the stain is localized, approximately $\frac{1}{32}$ of the shell surface may be slightly stained, and when the slightly stained areas are scattered, approximately $\frac{1}{16}$ of the shell surface may be slightly stained. The air cell must not exceed $\frac{3}{8}$ inch in depth, may show unlimited movement, and may be free but not bubbly. The white must be clear and may be slightly weak so that the yolk may appear off-center, with its outline well defined when the egg is twirled before the candling light. The yolk may appear slightly enlarged or slightly flattened and may show other definite, but not serious, defects.

§ 56.204 *C Quality.* The shell must be unbroken and may be abnormal and may have slight to moderate stained areas covering not more than $\frac{1}{4}$ of the shell surface, but no adhering dirt. Prominent stains are not permitted. The air cell may be over $\frac{3}{8}$ inch in depth and be free or bubbly. The white may be

weak or watery so that the yolk may appear off-center and its outline 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 but no blood due to such development. It may show other serious defects that do not render the egg inedible. Small blood clots or spots may be present.

§ 56.205 *Dirty.* The shell must be unbroken and it has adhering dirt or prominent stains, or slight to moderate stains covering more than $\frac{1}{4}$ of the shell surface.

§ 56.206 *Check.* An individual egg that has a crack shell or crack in the shell but with its shell membranes intact and its contents do not leak.

§ 56.207 *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. An egg which has a portion of the shell missing (in excess of an area $\frac{1}{4}$ inch square) is considered a leaker even though the shell membrane is intact.

§ 56.208 *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.* A shell which has dirt adhering to its surface or which has prominent stains or slight to moderate stains covering more than $\frac{1}{4}$ of the shell surface.

(c) *Practically normal.* 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) *Slightly abnormal.* A shell that may be somewhat unusual in shape or that may be slightly faulty in texture or strength. It may show definite ridges but no pronounced thin spots or rough areas.

(e) *Abnormal.* A shell that may be decidedly misshapen or faulty in texture or strength or that may show pronounced ridges, thin spots, or rough areas.

§ 56.209 *Terms descriptive of the air cell—*(a) *Depth of air cell (air space 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) *Practically regular.* An air cell that maintains a practically fixed position in the egg and shows a fairly even outline with not more than $\frac{3}{8}$ -inch movement in any direction as the egg is rotated.

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

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

§ 56.210 *Terms descriptive of the white*—(a) *Clear*. A white that is free from discolorations or from any foreign bodies floating in it. (Prominent chaz-lazas should not be confused with foreign bodies such as spots or blood clots.)

(b) *Firm*. A white that is sufficiently thick or viscous to permit but limited movement of the yolk from the center of the egg, thus preventing the yolk outline from being more than slightly defined or indistinctly indicated when the egg is twirled.

(c) *Reasonably firm*. A white that is somewhat less thick or viscous than a firm white. A reasonably firm white permits the yolk to move somewhat more freely from its normal position in the center of the egg and approach the shell more closely. This would result in a fairly well defined yolk outline when the egg is twirled.

(d) *Slightly weak*. A white that is lacking in thickness or viscosity to an extent that permits the yolk to move quite freely from its normal position in the center of the egg. A slightly weak white will cause the yolk outline to appear well defined when the egg is twirled.

(e) *Weak and watery*. A white that is thin and generally lacking in viscosity. A weak and watery white permits the yolk to move freely from the center of the egg and to approach the shell closely, thus causing the yolk outline to appear plainly visible and dark when the egg is twirled.

(f) *Blood clots and spots (not due to germ development)*. Blood clots or spots on the surface of the yolk or floating in the white. These blood clots may have lost their characteristic red color and appear as small spots or foreign material commonly referred to as meat spots. If they are small (aggregating not more than 1/8 inch in diameter), the egg may be classed as "C Quality." If larger, or showing diffusion of blood in the white surrounding them, the egg shall be classified as loss.

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

§ 56.211 *Terms descriptive of the yolk*—(a) *Well centered*. A yolk that occupies the center of the egg and moves only slightly from that position as the egg is twirled.

(b) *Fairly well centered*. A yolk that is not more than one-fourth of the distance from its normal central position toward the ends of the egg and swings not more than one-half of the distance from its normal position toward the sides of the egg as it is twirled.

(c) *Off center*. A yolk which is distinctly above or below center and swings close to the sides of the egg as it is twirled.

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

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

(f) *Outline well defined*. A yolk outline that is quite definite and distinct as the egg is twirled.

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

(h) *Slightly enlarged and slightly flattened*. A yolk in which the yolk membranes and tissues have weakened somewhat causing it to appear slightly enlarged and slightly flattened.

(i) *Enlarged and flattened*. A yolk in which the yolk membranes and tissues have weakened and moisture has been absorbed from the white to such an extent that it appears definitely enlarged and flat.

(j) *Free from defects*. A yolk that shows no spots or areas on its surface indicating the presence of germ development or other defects.

(k) *Practically free from defects*. A yolk that shows no germ development but may show other very slight defects on its surface.

(l) *Definite but not serious defects*. A yolk that may show definite spots or areas on its surface but with only slight indication of germ development or other pronounced or serious defects.

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

(n) *Clearly visible germ development*. 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.

(o) *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.

§ 56.212 *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, 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.

UNITED STATES CONSUMER GRADES AND WEIGHT CLASSES FOR SHELL EGGS

§ 56.215 *General*. (a) These grades are applicable to edible shell eggs in "lot" quantities rather than on an "individual" egg basis. A lot may contain any quantity of 2 or more eggs. Reference in these standards to the term "case" means 30 dozen egg cases as used in commercial practice in the United States.

(b) Terms used in this part that are defined in the United States standards for quality of individual shell eggs (§ 56.200 et seq.) have the same meaning in this part as in those standards.

(c) An aggregate tolerance of 20 percent is permitted within each consumer grade only as an allowance for variable efficiency and interpretation of graders, normal changes under favorable conditions during reasonable periods between grading and inspection, and reasonable variation of inspector's interpretation.

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

§ 56.216 *Grades*. (a) "U. S. Consumer Grade AA" shall consist of eggs of which at least 80 percent are AA Quality. Within the maximum tolerance of 20 percent, which may be below AA Quality, not more than 5 percent may be of the qualities below A, in any combination, but not including Dirties and Leakers.

(b) "U. S. Consumer Grade A" shall consist of eggs of which at least 80 percent are A Quality or better. Within the maximum tolerance of 20 percent which may be below A Quality, not more than 5 percent may be of the qualities below B, in any combination but not including Dirties and Leakers.

(c) "U. S. Consumer Grade B" shall consist of eggs of which at least 80 percent are B Quality or better. Within the maximum tolerance of 20 percent which may be below B Quality, 10 percent may be of C Quality, and not over 10 percent may be Dirties or Checks in any combination.

(d) "U. S. Consumer Grade C" shall consist of eggs of which at least 80 percent are C Quality or better, and the balance may be Dirties or Checks in any combination.

(e) *Additional tolerances*. (1) Within the maximum tolerance permitted, an allowance will be made at receiving points or shipping destination for 1/2 percent Leakers in U. S. Consumer Grades AA, A, and B, and 1 percent in Grade C.

(2) In lots of two or more cases, no individual case may fall below 70 percent of the specified quality and no individual case may contain more than double the tolerance specified for the respective grade (i. e., in lots of Grade A, not more than 10 percent of the qualities in individual cases within the sample may be C or Check, provided the average is not over 5 percent).

(f) "No grade" means eggs of possible edible quality that fail to meet the requirements of an official U. S. 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.

§ 56.217 *Summary of grades*. The summary of the U. S. Consumer Grades for Shell Eggs follows as Table I of this section:

TABLE I—SUMMARY OF U. S. CONSUMER GRADES FOR SHELL EGGS

U. S. consumer grade	At least 80 per cent (lot over age) ¹ must be —	Tolerance permitted ²	
		Percent	Quality
Grade AA	AA Quality...	15 to 20..... Not over 5 ³	A, B, C or Check.
Grade A...	A Quality or better.	15 to 20..... Not over 5 ³	B, C or Check.
Grade B...	B Quality or better.	10 to 20..... Not over 10 ³	C, Dirty Check. or
Grade C...	C Quality or better.	Not over 20.	Dirty Check. or

¹ In lots of two or more cases, no individual case may fall below 70 percent of the specified quality and no individual case may contain more than double the tolerance specified for the respective grade (i. e., in lots of Grade A, not more than 10 percent of the qualities in individual cases within the sample may be C or Check, provided the average is not over 5 percent).

² Within tolerance permitted, an allowance will be made at receiving points or shipping destination for 1/2 percent leakers in Grades AA, A, and B, and 1 percent in Grade C.

³ Substitution of higher qualities for the lower qualities specified is permitted.

§ 56.218 *Weight classes.* (a) The weight classes for U. S. Consumer Grades for Shell Eggs shall be as indicated in Table I of this section and shall apply to all consumer grades.

TABLE I—U. S. WEIGHT CLASSES FOR CONSUMER GRADES FOR SHELL EGGS

Size or weight class	Minimum net weight per dozen	Minimum net weight per 30 dozen	Minimum weight for individual eggs at rate per dozen
	Ounces	Pounds	Ounces
Jumbo.....	30	56	29
Extra large.....	27	50½	26
Large.....	24	45	23
Medium.....	21	39½	20
Small.....	18	34	17
Peewee.....	15	28	-----

(b) Minimum weights listed for individual eggs at the rate per dozen are permitted in the various size classes only to the extent that they will not reduce the net weight per dozen below the required minimum.

(c) Effective January 1, 1956, the weight classes for U. S. Consumer Grades for Shell Eggs shall be as indicated in Table II of this section and shall thereupon supersede the weight classes set forth in Table I of this section.

TABLE II—U. S. WEIGHT CLASSES FOR CONSUMER GRADES FOR SHELL EGGS

Size or weight class	Minimum net weight of individual eggs at rate per dozen ¹	Minimum net weight per 30 dozen case
	Ounces	Pounds
Jumbo.....	30	56
Extra large.....	27	50½
Large.....	24	45
Medium.....	21	39½
Small.....	18	34
Peewee.....	15	28

¹ A tolerance of not more than 5 percent of the individual eggs within the lot may be less than the minimum net weight for individual eggs specified for the respective weight class but such eggs shall weigh not less than the specified minimum weight for the next lower weight class. Individual cases may contain not more than 10 percent of individual eggs below minimum weight.

UNITED STATES PROCUREMENT GRADES AND WEIGHT CLASSES FOR SHELL EGGS

§ 56.220 *General.* (a) These procurement grades are applicable only to shell eggs in lot quantities. They are designed primarily for Government and institutional procurement. A lot may contain any quantity of one or more cases. Reference to the term "case" means a 30-dozen egg case as used in commercial practice in the United States.

(b) All terms in the United States standards for quality of individual shell eggs (§ 56.200 et seq.) shall, when used in this part have the same meaning as is given to them in such standards.

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

§ 56.221 *Grades.* (a) "U. S. Procurement Grade I" shall consist of eggs of which at least 80 percent are A Quality or better. Within the maximum of 20 percent which may be below A Quality, not more than 5 percent may be of the qualities below B. Said maximum tolerance of 5 percent may consist of C Quality, not more than 3 percent Checks, and not more than ¾ percent Dirties, Leakers, and Loss combined.

(b) "U. S. Procurement Grade II" shall consist of eggs of which at least 60 percent are A Quality or better. Within the maximum of 40 percent which may be below A Quality, not more than 10 percent may be of the qualities below B. Said maximum tolerance of 10 percent may consist of C Quality, not more than 3 percent Checks, and not more than ¾ percent Dirties, Leakers, and Loss combined.

(c) "U. S. Procurement Grade III" shall consist of eggs of which at least 40 percent are A Quality or better. Within the maximum of 60 percent which may be below A Quality, not more than 11.7 percent may be of the qualities below B. Said maximum tolerance of 11.7 percent may consist of C Quality, not more than 3 percent Checks, and not more than ¾ percent Dirties, Leakers, and Loss combined.

(d) "U. S. Procurement Grade IV" shall consist of eggs of which at least 20 percent are A Quality or better. Within the maximum of 80 percent which may be below A Quality, not more than 11.7

percent may be of the qualities below B. Said maximum tolerance of 11.7 percent may consist of C Quality, not more than 3 percent Checks, and not more than ¾ percent Dirties, Leakers, and Loss combined.

(e) *Individual case tolerance within a lot applying to each of the procurement grades.* (1) Individual cases may contain not over 10 percent less A Quality eggs than specified for any procurement grade provided the average percentage of A Quality eggs for the lot is not less than the percentage specified. In lots of 200 cases or more, one case in each 10 examined may contain not over 20 percent less A Quality eggs than the minimum percentage specified for the grade.

(2) Individual cases may contain not over 18 percent eggs below B Quality provided the average percentage for the lot is not more than is specified for the grade.

§ 56.222 *Summary of grades.* The summary of the U. S. Procurement Grades for Shell Eggs follows as Table I of this section:

TABLE I—SUMMARY OF U. S. PROCUREMENT GRADES FOR SHELL EGGS

U. S. Procurement Grade	A quality or better (lot average) at least ¹	Maximum tolerance permitted ² (lot average)	
	Percent	Percent	Quality
I.....	80	15 to 20.....	B. C, Check, Dirty, Leaker, and Loss.
II.....	60	30 to 40.....	B. C, Check, Dirty, Leaker, and Loss.
III.....	40	48.3 to 60.....	B. C, Check, Dirty, Leaker, and Loss.
IV.....	20	68.3 to 80.....	B. C, Check, Dirty, Leaker, and Loss.

¹ Individual cases may contain not over 10 percent less A Quality eggs than permitted for the lot, provided the average for the lot is not more than the tolerance permitted in any grade. In lots of 200 cases or more, one case in each 10 examined may contain not over 20 percent less A Quality eggs than is permitted in any grade.

² Within each tolerance for qualities below B, each of the grades may contain not over 3 percent Checks, and a combined total of not over ¾ percent Dirties, Leakers, and Loss. Individual cases may contain not over 18 percent of qualities below B, provided the average for the lot does not exceed the tolerances permitted in any grade.

§ 56.223 *Weight classes.* (a) The weight classes for United States Procurement Grades for Shell Eggs shall be as indicated in Table I of this section and shall apply to all procurement grades.

TABLE I—WEIGHT CLASSES FOR UNITED STATES PROCUREMENT GRADES

Weight classes	Average net weight on lot basis 30-dozen case	Minimum net weight individual 30-dozen case	Minimum net weight of individual eggs at rate per dozen	Maximum average percent of individual eggs below minimum weight lot average ¹
	Pounds	Pounds	Ounces	Percent
Extra large.....	50.5	50	26	3.33
Large.....	45	44.5	23	3.33
Medium.....	39.5	39	20	3.33
Small.....	34	33.5	17	3.33

¹ Individual cases may contain not over 10 percent of individual eggs below minimum weights specified in any weight class but such eggs shall weigh not less than the minimum specified for the next lower weight class.

(b) Effective January 1, 1956, the weight classes for United States Procurement Grades for Shell Eggs shall be as indicated in Table II of this section and shall thereupon supersede the weight classes indicated in Table I of this section.

TABLE II—WEIGHT CLASSES FOR UNITED STATES PROCUREMENT GRADES

Weight classes	Minimum net weight of individual eggs at rate per dozen ¹	Minimum net weight per 30-dozen case ²
	Ounces	Pounds
Extra large.....	27	50½
Large.....	24	45
Medium.....	21	39½
Small.....	18	34
Peewee.....	15	28

¹ A tolerance of 5 percent is permitted for individual eggs weighing less than the minimum specified in any weight class, but such eggs shall weigh not less than the minimum specified for the next lower weight class. Individual cases may contain not more than 10 percent of individual eggs below minimum weight.

² A tolerance of ¼ pound per individual case is permitted in each of the listed weight classes but only to the extent that will not reduce the required minimum net weight per case of the lot on a lot average basis.

UNITED STATES WHOLESALE GRADES AND WEIGHT CLASSES FOR SHELL EGGS

§ 56.225 *General.* (a) These wholesale grades are applicable only to shell eggs.

(b) All terms in the United States standards for quality of individual shell eggs (§ 56.200 et seq.) shall, when used in this part, have the same meaning as is given to them in such standards.

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

(d) The term "refrigerator eggs" means eggs which have been held under refrigeration for a period of not less than 30 days.

§ 56.226 *Grades.* (a) "U. S. Specials --% AA Quality" shall consist of eggs of which at least 20 percent are AA Quality; and the actual percentage of AA Quality eggs shall be stated in the grade name. The balance may be A Quality except for permitted tolerances, per 30 dozen of eggs, of which 27 eggs (7.5 percent) may be B Quality, C Quality, Dirties, or Checks in any combination, and 6 eggs (1.7 percent) may be Loss.

(b) "U. S. Extras --% A Quality" shall consist of eggs of which at least 20 percent are not less than A Quality; and the actual total percentage of A Quality and better quality eggs shall be stated in the

grade name. The balance may be B Quality except for permitted tolerances, per 30 dozen of eggs, of which 42 eggs (11.7 percent) may be of C Quality, Dirties, or Checks in any combination, and 8 eggs (2.2 percent) may be Loss. For the period beginning on August 1 of any year and extending through January 31 of the next year, the permitted tolerance for Loss with respect to "refrigerator eggs" is 12 eggs (3.3 percent).

(c) "U. S. Standards --% B Quality" shall consist of eggs of which at least 20 percent are not less than B Quality; and the actual total percentage of B Quality and better quality eggs shall be stated in the grade name. The balance may be C Quality except for permitted tolerances, per 30 dozens of eggs, of which 42 eggs (11.7 percent) may be Dirties or Checks in any combination, and 10 eggs (2.8 percent) may be Loss. For the period beginning on August 1 of any year and extending through January 31 of the next year, the permitted tolerance of Loss with respect to "refrigerator eggs" is 15 eggs (4.2 percent).

(d) "U. S. Trades --% C Quality" shall consist of eggs of which at least 83.3 percent are not less than C Quality; and the actual total percentage of C Quality and better quality eggs shall be stated in the grade name. The permitted tolerances, per 30 dozen of eggs, are 42 eggs

(11.7 percent) which may be Dirties or Checks in any combination, and 18 eggs (5 percent) may be Loss.

(e) "U. S. Dirties" shall consist of eggs that are Dirty and contain, per 30 dozen of eggs, not more than 42 eggs (11.7 percent) which are Checks, and 18 eggs (5 percent) which may be Loss.

(f) "U. S. Checks" shall consist of eggs that are Checks and contain, per 30 dozen of eggs, not more than 18 eggs (5 percent) that are Loss.

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

(h) Effective January 1, 1956, the percentage of Loss eggs permitted in U. S. Specials --% AA Quality, U. S. Extras --% A Quality, and U. S. Standards --% B Quality, will be 2.0 percent, 3.0 percent, and 4.0 percent, respectively and will thereupon supersede the requirements of paragraphs (a), (b), and (c) of this section with respect to Loss.

§ 56.227 *Summary of grades.* A summary of the United States Wholesale Grades for Shell Eggs follows as Table I of this section:

TABLE I—SUMMARY OF UNITED STATES WHOLESALE GRADES FOR SHELL EGGS

Wholesale grade designation	Minimum percentage of eggs of specific qualities required ¹				Tolerances in terms of maximum number and percentage of eggs, for each 30 dozen of eggs									
	AA Quality	A Quality or better	B Quality or better	C Quality or better	B Quality, C Quality, Dirties, and Checks		C Quality, Dirties, and Checks		Dirties and Checks		Checks		Loss	
					Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
U. S. Specials ---- % AA Quality ¹ ----	20	Balance	None permitted except for tolerances		27	7.5							6	1.7
U. S. Extras ---- % A Quality ¹ ----		20	Balance	None permitted except for tolerances			42	11.7					8	2.2
U. S. Standards ---- % B Quality ¹ ----			20	Balance					42	11.7			10	2.8
U. S. Trades ---- % C Quality ² ----				83.3					42	11.7			18	5
U. S. Dirties ----											42	11.7	18	5
U. S. Checks ----													18	5

¹ Substitution of eggs possessing higher qualities for those possessing lower specified qualities is permitted.
² The actual total percentage must be stated in the grade name.
³ For the period beginning on August 1 of one year and extending through January

31 of the next year, the permitted tolerance for loss with respect to "refrigerator eggs" is 12 eggs (3.3 percent) and 15 eggs (4.2 percent) for U. S. Extras --% A Quality and U. S. Standards ---- % B Quality, respectively.

§ 56.228 *Weight classes.* (a) The weight classes for the United States Wholesale Grades for Shell Eggs shall be as indicated in Table I of this section and, subject to the stated tolerance of 10 percent, shall apply to all wholesale grades except U. S. Dirties and U. S. Checks. There are no weight classes for U. S. Dirties or U. S. Checks.

TABLE I—WEIGHT CLASSES FOR UNITED STATES WHOLESALE GRADES FOR SHELL EGGS

Weight classes	Per 30 dozen eggs		Weights for individual eggs at rate per dozen	
	Average net weight on a lot ¹ basis	Minimum net weight individual case ² basis	Minimum weight	Weight variation tolerance for not more than 10 percent, by count, of individual eggs
Extra large ----	At least— 50½ pounds	50 pounds	26 ounces	Under 26 but not under 24 ounces.
Large ----	45 pounds	44 pounds	23 ounces	Under 23 but not under 21 ounces.
Medium ----	39½ pounds	39 pounds	20 ounces	Under 20 but not under 18 ounces.
Small ----	34 pounds	None	None	None.

¹ Lot means any quantity of 30 dozen or more eggs.
² Case means standard 30 dozen egg case as used in commercial practice in the United States.

(b) Effective January 1, 1956, the weight classes for United States Wholesale Grades for Shell Eggs shall be as indicated in Table II of this section and shall thereupon supersede the weight classes indicated in Table I of this section.

TABLE II—WEIGHT CLASSES FOR UNITED STATES WHOLESALE GRADES FOR SHELL EGGS

Weight classes	Minimum net weight of individual eggs at rate per dozen ¹	Minimum net weight per 30 dozen case ²
	Ounces	Pounds
Extra large ----	27	50½
Large ----	24	45
Medium ----	21	39½
Small ----	18	34
Pee wee ----	15	28

¹ A tolerance of not more than 5 percent of the individual eggs may be below the minimum weights specified but such eggs shall weigh not less than the specified minimum weight for the next lower weight class. No individual case may contain more than 10 percent of eggs below the weight specified for a particular weight class.

² A tolerance of ½ pound per case is permitted for individual cases within the lot but only to the extent that the average weight of the lot is not reduced below the required minimum.

Issued at Washington, D. C., this 27th day of January 1955.

[SEAL] ROY W. LENNARTSON,
 Deputy Administrator,
 Agricultural Marketing Service.

Form R/P

NEW JERSEY DEPARTMENT OF AGRICULTURE
TRENTON, NEW JERSEY

(date of application)

Application and Contract of Agreement

The undersigned _____ hereby makes application to the New Jersey Department of Agriculture for the privilege to use official grade labels in connection with the grading, weighing and/or continuous inspection of shell eggs conforming to the official New Jersey Consumer Grades as they apply to retail lots.

This application is made subject to the conditions stipulated below, which are accepted by the applicant, and when approved by the Department, shall be binding upon both parties.

1. The applicant shall show satisfactory ability to grade the above named product according to New Jersey Standards and Grades and apply said standards and grades properly in accordance with grade designation.
2. All official grade labels shall be kept in a safe place at the address of the applicant.
3. The applicant shall refrain from any practice that can be interpreted as misleading, misbranding, or reflecting falsely in any way on the name New Jersey as it is associated with the identity of the packaged product.
4. Facilities and equipment shall be provided as necessary to maintain conditions suitable for the conservation of egg quality at the applicants' place of business.
5. The applicant shall on appropriate forms supplied by the Department, submit to the Department, at the close of the month, a report of all eggs officially graded and labeled in conformity with N. J. Consumer Grades for eggs.
6. The applicant shall pay to the New Jersey Department of Agriculture a fee covering administrative costs. Such a fee is payable monthly (1) when the report of the eggs graded is submitted pursuant to paragraph 5 above or (2) at the time the bill is rendered by the Department and shall be based on the total monthly volume of product officially graded and labeled and computed as follows:

\$.05 per 30 dozen case but not less than \$2.50 per month

7. The provisions of this contract of agreement shall continue in full force from its effective date until terminated either (a) by mutual consent of the applicant and the Department, (b) by written notice given by either party to the other effective on a specified date not less than 30 days from date of giving such notice, (c) by termination of the services requested herein pursuant to the provisions in paragraph 8 below.

8. The services to be rendered under this contract shall be withdrawn by the Department at any time the Department, acting pursuant to any applicable laws or regulations debar the applicant from receiving any further benefits of the service. This contract of agreement may also be suspended or terminated at any time the Department concludes that the applicant has not conformed, or cannot conform, with the terms and conditions specified herein.
9. Upon approval of this application by the Department, the applicant will be issued a license to grade eggs at the address stated below, and possession of said license is contingent upon conformity with the conditions stated herein.
10. The grading, weighing and/or continuous inspection service for which provisions are made herein, subject to applicable laws or regulations, is to be rendered on and after _____.
(date)

(applicant)

approved

by _____

Date _____

By _____

(city and state)

Title _____

For the New Jersey
Department of Agriculture

Form R

New Jersey Department of Agriculture
Trenton, New Jersey

(date of application)

Application and Contract of Agreement.

The undersigned _____ hereby makes application to the New Jersey Department of Agriculture for the privilege to use official grade labels in connection with the grading, weighing, and/or continuous inspection of shell eggs conforming to the official New Jersey consumer grades as they apply to retail lots.

This application is made subject to the conditions stipulated below, which are accepted by the applicant, and when approved by the department, shall be binding upon both parties.

The applicant agrees:

1. To have in his employment a qualified egg candler capable of grading eggs in accordance with the official New Jersey grades.
2. That the candler designated and licensed by the department shall serve as an agent of the department without interference in upholding the grade of the eggs packaged.
3. To keep all official grade labels in a safe place at the business address designated herein and not to permit their use in any other place, nor on any other eggs than those filling the requirements on the label.
4. To refrain from any practice that can be interpreted as misleading, misbranding, or reflecting falsely in any way on the name New Jersey as it is associated with the identity of the packaged product.
5. To submit to the department, at the close of the month, a report of all eggs graded in conformity with Consumer Grades for eggs.
6. To pay to the New Jersey Department of Agriculture a fee covering administrative costs. Such a fee is payable monthly (1) when the report of eggs graded is submitted pursuant to paragraph 5 above or (2) at the time the bill is rendered by the department and shall be based on the total monthly volume of product handled in the plant, exclusive of that product which is shipped from the plant in the same form as originally received, and computed as follows:

0 to 200 cases -	\$10.00	1,201 - 1,600 cases -	\$25.00
201 to 300 cases -	12.50	1,601 - 2,000 cases -	27.50
301 to 400 cases -	15.00	2,001 - 3,000 cases -	30.00
401 to 600 cases -	17.50	3,001 - 4,000 cases -	32.50
601 to 800 cases -	20.00	4,001 - 5,000 cases -	35.00
801 to 1,200 cases -	22.50	5,001 or more cases -	37.50

7. To provide facilities and equipment as necessary to maintain conditions suitable for the conservation of egg quality.

The New Jersey Department of Agriculture agrees:

1. To issue a license certificate renewable July 1 each year, as evidence that the applicant is authorized to use official grade labels.
2. To furnish appropriate forms to the applicant to cover reports and certification of eggs graded, weighed and/or inspected.

It is mutually agreed that:

1. The department shall not be responsible for damages resulting from any acts of commission or omission on the part of the licensed egg candler or inspector.
2. When the services of the licensed egg candler or inspector are not immediately required on grading, weighing and/or inspection work due to suspension of plant operations, the inspector may perform such quality control work and/or related activities as may be deemed practical in the judgment of his official supervisor.
3. The provisions of this contract of agreement shall continue in full force from its effective date until terminated either (a) by mutual consent of the applicant and the department, (b) by written notice given by either party to the other effective on a specific date not less than 30 days from date of giving such notice, (c) by termination of the services requested herein pursuant to the provisions in paragraph 4 below.
4. The services to be rendered under this contract shall be withdrawn by the department at any time the department acting pursuant to any applicable laws or regulations debar the applicant from receiving any further benefits of the service. This contract of agreement may also be suspended or terminated at any time the department concludes that the applicant has not conformed, or cannot conform, with the terms and conditions specified herein.
5. The grading, weighing and/or continuous inspection service for which provisions are made herein, subject to applicable laws or regulations, is to be rendered on and after _____ (date).

approved

Date _____

By _____

Title _____

For the New Jersey
Department of Agriculture

(applicant)

by _____

(city and state)

NEW JERSEY DEPARTMENT OF AGRICULTURE

TENTATIVE N. J. SPECIFICATIONS AND WEIGHT CLASSES
FOR CONSUMER GRADES FOR SHELL EGGS

(Based upon N. J. Standards for Quality of Individual Shell Eggs)

FRESH EGGS

- (1) N. J. CONSUMER GRADE AA - Shall consist of eggs of which at least 80%* are AA Quality, 15%* may be A Quality or better, and not over 5%* may be of the qualities below A, in any combination, but not including Dirties. 1/
- (2) N. J. CONSUMER GRADE A - Shall consist of eggs of which at least 80%* are A Quality or better, 15%* may be B Quality or better, and not over 5%* may be of the qualities below B, in any combination, but not including Dirties. 1/ 2/

NON-FRESH EGGS

- (3) N. J. CONSUMER GRADE B - Shall consist of eggs of which at least 80%* are B Quality or better, 10%* may be C Quality or Stained, in any combination, or better and not over 10%* may be Dirties or Checks in any combination. 1/ 2/
- (4) N. J. CONSUMER GRADE C - Shall consist of eggs of which at least 80%* are C Quality or Stained, in any combination, or better and the balance may be Dirties or Checks in any combination. 1/

- (5)* Officially graded eggs shall conform as nearly as possible to the specifications of the respective standards of quality. Tolerances (a total of 20%) are permitted within each grade only as an allowance for variable efficiency and interpretation of conscientious graders, normal changes under favorable conditions during reasonable period between grading and inspection, and reasonable variation from inspector's interpretation.
- (6) 1/ Within the total tolerance permitted an allowance will be made at inspection for 1% leakers in Grades AA, A, and B and 2% in Grade C.
- (7) 2/ Eggs with stained shells, otherwise conforming to the grade specifications above, may be classified as Grade A, Stained, or Grade B, Stained, respectively.
- (8) NO GRADE - Eggs of possible edible quality that fail to meet the requirements of an Official or Tentative N. J. Grade or that have been contaminated by smoke, chemicals, or other foreign material that has seriously affected the character, appearance, or flavor of the eggs are classed as "No Grade."

(9) Explanation of Tolerance in Number of Eggs
per 30-Dozen case and per Dozen Based on Percentages in Grades

<u>Percent</u>	<u>Eggs per 30-Doz. Case</u>	<u>Eggs per Dozen</u>
1	4	0
2	7	0
5	18	0
10	36	1
15	54	2
20	72	2
80	288	10

(10) Tentative N. J. Weight Classes for Consumer Grades for Shell Eggs

Size or weight class	Minimum net weight per dozen (Ounces)	Minimum net weight per 30 dozen (Pounds)	³ /Minimum weight for individual eggs at rate per dozen (Ounces)
JUMBO	28	52	27
EX. LARGE	26	48 1/2	25
LARGE	24	45	23
MEDIUM	21	40	20
SMALL	18	34	15

- (11) ³/ Minimum weights listed for individual eggs at the rate per dozen are permitted in various size classes only to the extent that they will not reduce the net weight per dozen below the required minimum with thorough consideration given to variable weight of individual eggs and variable efficiency of graders and scales which should be maintained on a uniform and accurate basis.

SUMMARY OF N. J. CONSUMER GRADES FOR SHELL EGGS

N. J. Consumer Grade	At least 80 Percent must be *lot average	T O L E R A N C E P E R M I T T E D			
		30 Dozen Case		Dozen	
	Percent	No. Eggs	Quality, any combination	No. Eggs	
N. J. Grade AA	AA Quality	Not over 15	5 1/2 : A		2
	" "	5 : 18	B, C, Stained or Check		0
N. J. GRADE A	A Quality or better	" " 15 : 5 1/2	B		2
	" "	" " 5 : 18	C, Stained or Check		0
N. J. GRADE B	B Quality or better	" " 10 : 36	C or Stained		1
	" "	" " 10 : 36	Dirty or Check		1
N. J. GRADE C	C Quality Stained or better	" " 20 : 72	Dirty or Check		2

* In lots of more than 30 cases no individual case may fall below 70% of the specified quality and in lots of 30 cases or less the 80% minimum requirement shall apply to each individual case.

State of New Jersey
Department of Agriculture

W. H. ALLEN, *Secretary*

TITLE 4, CHAPTER 3, REVISED STATUTES

Article 2. Sale of Fresh Eggs

4:3-3. Selling prohibited unless standards met. No person shall sell, offer for sale, or advertise for sale shell eggs as fresh eggs, or under any words of similar import such as "new laid eggs", "hennery eggs", "strictly fresh eggs", et cetera, any eggs which are not fresh eggs as determined by the following standards of quality of fresh eggs as set forth by the New Jersey Department of Agriculture for New Jersey Fancy Grade eggs and New Jersey Grade "A" eggs, with such tolerances as are hereinafter allowed for these grades.

4:3-4. Standards of interior quality. The standards of interior quality in the case of New Jersey Fancy Grade eggs require that the air cell must be one-eighth inch or less in depth, localized regular; the yolk may be dimly visible; the white must be firm and clear; and the germ must show no visible development. In the case of New Jersey Grade "A" eggs the air cell must be two-eighths of an inch or less in depth, localized regular; the yolk may be visible; the white must be firm and clear; and the germ must show no visible development.

4:3-5. Tolerances allowed. A tolerance of ten per cent net is allowed in each of these New Jersey grades which must be in the grade next lower, which, in respect to New Jersey Fancy Grade is New Jersey Grade "A" and in respect to the New Jersey Grade "A" is as prescribed in the United States Department of Agriculture grade for "U. S. Standard".

In retail lots, at least ten eggs in each dozen shall conform to the requirements set forth for the respective grade, as indicated on the package, and not more than two eggs in any dozen may be in the quality next lower than the grade indicated on the package, in accordance with the grades for eggs promulgated by the New Jersey Department of Agriculture, the same being based on the standards for interior quality as prescribed by the United States Department of Agriculture.

4:3-6. Grades determined by candling. In all cases the final determination as to the meeting of these grade requirements shall be made by candling.

4:3-7. Shell treated eggs; markings on containers. Eggs which fail to meet these requirements of quality shall be sold simply as eggs, except that any eggs, the shells of which have been treated with oil or in any other manner must be marked on all containers as "shell treated" or "shell protected" in a conspicuous and legible manner if sold as fresh.

4:3-8. Examination of eggs offered for sale. The Secretary of Agriculture, his employees or agents, may, in carrying out the provision of this article, enter, on any business day, during the usual hours of business, any store, market, or any other building or place where eggs are sold or offered for sale and make such examination as is necessary to determine the interior quality of eggs sold, offered for sale or advertised as "fresh"

4:3-9. Violation a misdemeanor. Any person who violates any provision of this article or the regulations made hereunder for carrying out its provisions, or who fails or refuses to comply with any requirement of this article, or who, with intent to deceive, answers or reports falsely in response to any requirements of this article, or who willfully interferes with the Secretary of Agriculture, his employees or agents, in the carrying out of his duties herein prescribed shall be guilty of a misdemeanor.

4:3-10. Penalty for violation; recovery by action at law; courts having jurisdiction. Any person who shall violate any of the provisions of this article shall for the first offense be liable to a penalty not exceeding twenty-five dollars and for any subsequent offense to a penalty not exceeding fifty dollars. Recovery of such a penalty shall be by an action at law which may be instituted and the penalty recovered either in the district court of any city or judicial district, or in the small cause court of any county or before the police magistrate or the recorder of any municipality.

Jurisdiction to hear and determine actions instituted under this article is hereby conferred upon the district court, and upon the small cause court, the police court and recorder's court of any municipality in jurisdictions where a district court exists, notwithstanding any law providing that no justice of the peace or small cause court shall have jurisdiction over any case or proceeding cognizable before a district court where the defendant or defendants reside within any city or judicial district where a district court is established and notwithstanding any law prohibiting any justice of the peace resident within the limits of any city or judicial district where a district court is established from exercising any civil jurisdiction.

4:3-11. Regulations. The Secretary of Agriculture may make and promulgate such regulations as may be necessary to carry out the provisions of this article.

Source. L. 1934, c. 146, p. 383-385

AGRICULTURAL RESEARCH SERVICE
ANIMAL AND POULTRY HUSBANDRY RESEARCH BRANCH

THE NATIONAL POULTRY IMPROVEMENT PLAN, THE NATIONAL TURKEY
IMPROVEMENT PLAN AND AUXILIARY PROVISIONS

(Reprinted from the Federal Register of December 9, 1954)

Washington 25, D. C.

Effective December 9, 1954

**TITLE 9—ANIMALS AND
ANIMAL PRODUCTS**

**Chapter I—Agricultural Research
Service, Department of Agriculture**

Subchapter F—Poultry Improvement

**PART 145—NATIONAL POULTRY IMPROVE-
MENT PLAN (CHICKENS AND CERTAIN
OTHER POULTRY)**

**PART 146—NATIONAL TURKEY IMPROVE-
MENT PLAN (TURKEYS AND CERTAIN
OTHER POULTRY)**

**PART 147—AUXILIARY PROVISIONS ON NA-
TIONAL POULTRY AND TURKEY IMPROVE-
MENT PLANS**

Subchapter F-1—Animal Breeds

**REVISION OF REGULATIONS AND REDESIGNA-
TION OF SUBCHAPTER**

On October 9, 1954, there appeared in the FEDERAL REGISTER (19 F. R. 6519) a notice that this Department was considering promulgating, under paragraph 101 (b) of the Department of Agriculture Organic Act of 1944, as amended (7 U. S. C. 429), a proposed revision of the National Poultry Improvement Plan and the National Turkey Improvement Plan and Auxiliary Provisions, recommended by the 1954 Conference of representatives of the State agencies cooperating in the administration of such plans.

In order to permit promulgation of such revised plans and provisions in a new Subchapter F—Poultry Improvement, of Chapter I, in Title 9, Code of Federal Regulations, present Subchapter F—Animal Breeds, of said chapter, is hereby redesignated as Subchapter F-1—Animal Breeds.

After due consideration of all relevant matters presented pursuant to the aforesaid notice, and under paragraph 101 (b) of the Department of Agriculture Organic Act of 1944, as amended, the provisions set forth in said notice as proposed Part 145—National Poultry Improvement Plan (Chickens and Certain Other Poultry), Part 146—National Turkey Improvement Plan (Turkeys and Certain Other Poultry), and Part 147—Auxiliary Provisions on National Poultry and Turkey Improvement Plans, are, with the modifications shown below, hereby adopted, to appear in 9 CFR Parts 145, 146 and 147, respectively, under new Subchapter F—Poultry Improvement as follows:

**PART 145—NATIONAL POULTRY IMPROVE-
MENT PLAN (CHICKENS AND CERTAIN
OTHER POULTRY)**

Sec.	
145.1	Definitions.
145.2	Administration.
145.3	Participation.
145.4	General provisions for all partici- pants.
145.5	Specific provisions for participating flocks.
145.6	Specific provisions for participating hatcheries.
145.7	Specific provisions for participating dealers.
145.8	Terminology and classification; general.
145.9	Terminology and classification; hatcheries.
145.10	Terminology and classification; flocks and products.
145.11	Supervision.
145.12	Inspections.
145.13	Debarment from participation.
145.14	Blood testing.
145.15	USROP; general.
145.16	USROP; participation.
145.17	USROP; entry.
145.18	USROP; qualification of females.
145.19	USROP; qualification of males.
145.20	USROP; flock qualification as ROP Performance Tested Parent Stock.
145.21	USROP; sale of ROP and ROP Per- formance Tested Parent Stock products.
145.22	USROP; annual summary.
145.23	USROP; duties of ROP Supervisor.
145.24	USROP; duties of ROP Inspector.
145.25	USROP; central random sample egg production test.
145.26	USROP; central random sample meat production test.
145.27	On-the-farm performance tests; gen- eral.
145.28	On-the-farm performance test; egg production.
145.29	On-the-farm performance test; meat production.
145.30	National random sample perform- ance testing program.

AUTHORITY: §§ 145.1 to 145.30 issued under sec. 101, 58 Stat. 734 as amended; 7 U. S. C. 429.

§ 145.1 *Definitions.* Except where the context otherwise requires, for the purposes of this part the following terms shall be construed, respectively, to mean:

(a) *Plan.* The provisions of the National Poultry Improvement Plan contained in this part.

(b) *Person.* A natural person, firm, or corporation.

(c) *Department.* The United States Department of Agriculture.

(d) *APH Branch.* The Animal and Poultry Husbandry Research Branch of the Agricultural Research Service of the Department.

(e) *State.* Any State, the District of Columbia, Alaska, Hawaii, or Puerto Rico.

(f) *Official State Agency.* The State authority recognized by the Department to cooperate in the administration of the Plan.

(g) *State Inspector.* Any person employed or authorized under § 145.11 (b) to perform functions under this part.

(h) *Authorized Agent.* Any person designated under § 145.11 (a) to perform functions under this part.

(i) *ROP Supervisor.* The person employed or authorized to perform functions under § 145.23.

(j) *ROP Inspector.* The person employed or authorized to perform functions under § 145.24.

(k) *Affiliated flockowner.* A flockowner who is participating in the Plan through an agreement with a participating hatchery.

(l) *Flock*—(1) *As applied to breeding.* All chickens of one kind of mating (breed and variety or combination of stocks) and of one classification on one farm;

(2) *As applied to disease control.* All of the chickens on one farm except that, at the discretion of the Official State Agency, any group of chickens which is segregated from another group and has been so segregated for a period of at least 21 days may be considered as a separate flock.

(m) *Hatchery.* Hatchery equipment on one premises operated or controlled by any person for the production of chicks.

(n) *Products.* Chicken breeding stock and hatching eggs, and chicks.

(o) *Baby chicks.* Chicks that have not been fed or watered.

(p) *USROP or ROP.* U. S. Record of Performance.

(q) *Strain.* Chicken breeding stock bearing a given name produced by a breeder through at least five generations of closed flock breeding.

§ 145.2 *Administration.* The Department cooperates through a Memorandum of Understanding with Official State Agencies in the administration of the Plan. The Official State Agency shall carry out the administration of the Plan within the State according to the appli-

cable provisions of the Plan and Memorandum of Understanding. The Official State Agency of any State may adopt regulations applicable to the administration of the Plan in such State further defining the provisions of the Plan or establishing higher standards compatible with the Plan.

§ 145.3 *Participation.* (a) Any person producing or dealing in poultry products may participate in the Plan when he has (1) demonstrated, to the satisfaction of the Official State Agency, that his facilities, personnel, and practices are adequate for carrying out the applicable provisions of the Plan; and (2) signed an agreement with the Official State Agency to comply with the general and the applicable specific provisions of the Plan and any regulations of the Official State Agency under § 145.2. Affiliated flockowners may participate without signing an agreement with the Official State Agency.

(b) Each participant shall comply with the Plan throughout the operating year of the Official State Agency, or until released by such Agency.

(c) A participant in any State shall participate with all of his chicken hatching egg supply flocks and hatchery operations within such State.

(d) No person shall be compelled by the Official State Agency to qualify products for any of the classifications described in § 145.10 (a), (b), (c), (d) and (e) as a condition of qualification for either of the classifications described in § 145.10 (f) and (g).

(e) Participation in the Plan shall entitle the participant to use the Plan emblem reproduced below:



FIGURE 1.

§ 145.4 *General provisions for all participants.* (a) Records of purchases and sales and the identity of products handled shall be maintained in a manner satisfactory to the Official State Agency.

(b) Products, records of sales and purchases of products, and material used to advertise products shall be subject to inspection by the Official State Agency at any time.

(c) Advertising must be in accordance with the Plan, and applicable rules and regulations of the Official State Agency and the Federal Trade Commission. A participant advertising products as being of any official classification may include in his advertising reference to associated or franchised hatcheries only when such hatcheries produce the same kind of products of the same classification.

(d) Participants may not buy or receive for any purpose products from, non-participants, or sell products of non-participants, except with the permission of the Official State Agency for use in breeding flocks or for experimental purposes.

(e) The minimum weight of chicken hatching eggs sold shall be 1 11/12 oz. each for replacement stock and 1 10/12 oz. each for broiler stock, except as otherwise specified by the purchaser of the eggs.

§ 145.5 *Specific provisions for participating flocks.* (a) Poultry houses and the land in the immediate vicinity thereof shall be kept in sanitary condition acceptable to the Official State Agency.

(b) All flocks shall consist of healthy, normal individuals characteristic of the breed and variety, cross, or other combination which they are stated to represent.

(c) A flock shall be deemed to be a participating flock at any time only if it has been officially blood tested within the past 12 months with no pullorum or typhoid reactors on the last test. (See § 145.14 relating to the official blood test.)

(d) Each bird shall be identified with a sealed and numbered band obtained through or approved by the Official State Agency, provided that exception may be made at the discretion of the Official State Agency.

§ 145.6 *Specific provisions for participating hatcheries.* (a) Hatcheries shall be kept in sanitary condition acceptable to the Official State Agency.

(b) A hatchery which keeps started poultry (poultry that has been fed or watered) must keep such poultry separated from the incubator room in a manner satisfactory to the Official State Agency.

(c) All chicks offered for sale under Plan terminology shall be normal and typical of the breed and variety, cross, or other combination represented.

(d) Eggs incubated shall be sound in shell, typical for the breed and variety, strain, or cross thereof and reasonably uniform in shape. Mediterranean breed eggs shall be reasonably free from tints. Hatching eggs shall be trayed and the chicks boxed with a view to uniformity of size.

(e) All hatcheries operated under the same name, ownership, or management within a State shall participate in the Plan if any of them are to participate.

§ 145.7 *Specific provisions for participating dealers.* Dealers in chicken breeding stock or hatching eggs or chicks shall comply with all provisions in this part which apply to their operations.

§ 145.8 *Terminology and classification; general.* (a) The official classification terms defined in §§ 145.9 and 145.10 and the various designs illustrative of the official classifications as reproduced in § 145.10 may be used only by participants and to describe products that have met all the specific requirements of such classifications.

(b) Products produced under the Plan shall lose their identity under Plan terminology when they are purchased for resale by, or consigned to, non-participants.

(c) Participating flocks and the eggs and chicks produced from them may be designated by their own strain or trade name.

(1) When a strain designation is used, the participant shall be able by records to substantiate that the products so designated are from flocks that are composed of either (i) first or second generation stock from the breeder of such strain, or (ii) stock purchased from the breeder of the strain and mated, each subsequent generation, only to males secured from such breeder.

(2) A breeder's name or trade name (other than in a strain designation), or trade mark, may be used in relation to the stock reproduced by a participant only with the agreement of the breeder.

(d) Domesticated waterfowl, game birds and guineas meeting the requirements for participation for any of the classifications specified in § 145.10 may be designated as coming within such classification.

§ 145.9 *Terminology and classification; hatcheries.* Participating hatcheries and dealers shall be designated as "NPIP Participating."

§ 145.10 *Terminology and classification; flocks and products.* Participating flocks, and the eggs and chicks produced from them, which have met the respective requirements specified in this § 145.10 may be designated by the following terms or illustrative designs:

(a) *U. S. Record of Performance.* Females meeting prescribed standards for performance as individuals or families as provided in § 145.18 or males meeting the pedigree requirements in § 145.19.



FIGURE 2.

(b) *USROP Performance Tested Parent Stock.* Stock meeting the requirements prescribed in § 145.20.

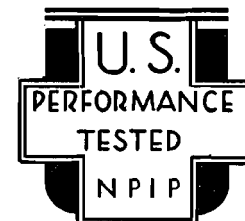


FIGURE 3.

(c) *U. S. Certified For Eggs.* (1) All males ROP, or (2) all males and females from ROP Performance Tested Parent

stock for egg production mated in the same combination as used in the parent flock.



FIGURE 4.

(d) *U. S. Certified For Meat.* All males and females from ROP Performance Tested Parent Stock for meat production, mated in the same combination as used in the parent flock.

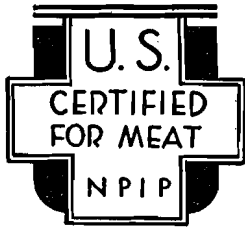


FIGURE 5.

(e) *U. S. Approved.* All males and females selected by Authorized Agents according to standards prescribed by the Official State Agency or the State College of Agriculture.

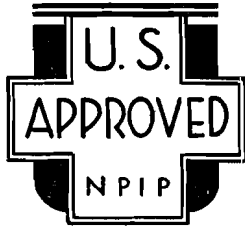


FIGURE 6.

(f) *U. S. Pullorum-Typhoid Passed.* Flocks in which no pullorum or typhoid reactors were found on the last official blood test provided for in § 145.5 (c).



FIGURE 7.

(g) *U. S. Pullorum-Typhoid Clean* Flocks in which no pullorum or typhoid reactors were found on two consecutive official blood tests provided for in § 145.5 (c). Flocks acquired from participating sources may qualify if no reactors are found on the first or any subsequent official test. In order to sell hatching eggs or chicks of this classifica-

tion, all hatching eggs and chicks handled must meet these requirements.



FIGURE 8.

§ 145.11 *Supervision.* (a) The Official State Agency may designate qualified persons as Authorized Agents to do the selecting, blood collecting and blood testing work provided for in §§ 145.5, 145.10, and 145.14.

(b) The Official State Agency shall employ or authorize qualified persons as State Inspectors to perform, or supervise the performance of, the selecting and testing of participating flocks and to perform the official inspections necessary to verify compliance with the requirements of the Plan.

§ 145.12 *Inspections.* (a) Each participating hatchery shall be inspected a sufficient number of times each year to satisfy the Official State Agency that the operations of the hatchery are in compliance with the provisions of the Plan.

(b) Each year a sample of the flocks selected or tested by Authorized Agents shall be inspected by a State Inspector. This must include the inspection of some flocks of each hatchery. Each flock inspection shall include the examination of a sufficient number of males and females and, in flocks qualified for participation by the whole-blood test, the blood testing of a sufficient number of birds, to determine whether the work of the Authorized Agent was satisfactory and that the flock is qualified for participation.

§ 145.13 *Debarment from participation.* Non-compliance with the provisions of the Plan, or regulations of the Official State Agency under § 145.2, not corrected within the time specified by the Official State Agency, shall be grounds for the Official State Agency to bar a participant from further participation for a period to be determined in each case by the Official State Agency. Such action shall not be taken until a thorough investigation has been made by the Official State Agency and the participant has been given an opportunity for a hearing.

§ 145.14 *Blood testing.* (a) The official blood test shall be the standard tube agglutination test, the rapid serum test, or the stained-antigen, rapid, whole-blood test, conducted by an Authorized Agent or State Inspector. The recommended procedures for conducting such tests are described in Subpart A, Part 147, of this chapter. Each lot of antigen used for the whole-blood test shall be approved by the Department.

(b) There shall be an interval of at least 21 days between any official blood test and any previous test with pullorum-typhoid antigen.

(c) All chickens to be used as breeders must be tested when more than five months of age.

(d) All domesticated fowl on the farm of the participant shall either be properly tested to meet the same standards as the participating flock or these birds and their eggs shall be separated from the participating flock and its eggs.

(e) All tests with Salmonella antigens of flocks participating in or candidates for participation in the Plan shall be reported to the Official State Agency within 10 days following the completion of such tests. All reactors shall be considered in determining the classification of the flock.

(f) Reactors may be submitted to a laboratory for autopsy and bacteriological examination. The laboratory and the number of reactors to be submitted shall be designated by the Official State Agency. The recommended minimum procedure for bacteriological examination is described in Subpart B, Part 147 of this chapter. In case such bacteriological examination fails to demonstrate pullorum or typhoid infection, the flock shall be deemed to have had no pullorum or typhoid reactors. If other members of the Salmonella group are isolated, the Official State Agency may disqualify the flock for participation, or require such other action as is deemed necessary with respect to the infection.

§ 145.15 *USROP; general.* The ROP classification may be attained by:

(a) The qualification of individual birds through trapnesting and pedigree breeding, or

(b) The qualification of flocks through the performance of their progeny in a central random sample test, as specified in §§ 145.25 and 145.26, or in any other central random sample test approved for this purpose by the Department.

§ 145.16 *USROP; participation.* (a) Any person who, in the opinion of the Official State Agency, has the facilities for conducting a systematic program of poultry breeding is eligible for ROP participation.

(b) Each participant shall either trapnest the entry for ROP female qualification or enter a central random sample test for flock qualification. Participants trapnesting for ROP female qualification are also encouraged to enter central and on-the-farm random sample tests annually as a measure of the performance of their stock.

§ 145.17 *USROP; entry.* (a) The entry may consist of any breed and variety, strain, cross thereof, or hybrid combination bred for the production of eggs, meat or both.

(b) Candidates for female qualification shall be trapnested under the supervision of the Official State Agency.

(c) Candidates for flock qualification as ROP Performance Tested Parent Stock for egg production shall be represented by an entry in a central random sample egg production test (see § 145.15 (b)).

(d) Candidates for flock qualification as ROP Performance Tested Parent Stock for meat production shall be represented by an entry in a central random sample meat production test (see § 145.15 (b)).

§ 145.18 *USROP; qualification of females.* (a) Females may qualify as ROP females as follows:

(1) If an individual bird has laid at

the rate of 60 percent or more during a period of at least 10 consecutive months, when trapnested a minimum of five days per month and a minimum of 100 days; or

(2) If the members of an entire family of six or more full sisters have laid at an average rate of 65 percent or more during a period of at least 10 consecutive months, when trapnested a minimum of five days per month and a minimum of 100 days; or

(3) If the members of an entire family of eight or more full sisters have laid at an average rate of 70 percent or more when trapnested a minimum of five days per week and a minimum of 13 consecutive weeks.

(b) The trapnest period for each bird shall start with the first egg laid in a trapnest by such bird.

§ 145.19 *USROP; qualification of males.* A male may qualify as an ROP male provided:

(a) The pedigree record and wing band shall show that he was produced from an ROP sire and an ROP dam in a single-male mating, except that for beginning ROP participants a male may qualify on other bases acceptable to the Official State Agency and the APH Branch, such as having a full sister family meet the requirements of § 145.18 (a) (2) or (3); and

(b) In any event the male shall meet the following physical requirements:

(1) Exhibit health and constitutional vigor and show no evidence of any disease, for example, misshapen pupil or deformed leg indicative of leukosis;

(2) Show no serious physical deformities such as crooked back, wry tail, crooked beak, extremely crooked breast bone or toes; and

(3) Be reasonably representative of the breed and variety and meet the minimum weight standards as currently specified in the Standard of Perfection published by the American Poultry Association.

§ 145.20 *USROP; flock qualification as ROP Performance Tested Parent Stock.* (a) Flocks offered for qualification under §§ 145.16 and 145.17 and for which reports have been made as required by § 145.22 may qualify as:

(1) ROP Performance Tested Parent Stock for egg production when progeny from such stock entered in an officially recognized central random sample egg production test (i) laid at an average rate of at least 60 percent on a hen-housed basis; or (ii) ranked among the top third of the entries in rate of lay. (When the breeder has entries in more than one central random sample test, qualification shall be based upon the average performance records in all such tests.)

(2) ROP Performance Tested Parent Stock for meat production when progeny from such stock entered in an officially recognized central random sample meat production test (i) laid at an average rate of at least 50 percent on a hen-housed basis and had an average 9 week weight of at least 2.5 pounds for pullets and 3.0 pounds for cockerels; or (ii) ranked in the top third of the entries in rate of lay and rate of growth. (When the breeder has entries in more than one central random sample test, qualification shall be based upon the average perform-

ance records in all such tests.)

(b) Stock classified as ROP Performance Tested Parent Stock may retain that classification for two years after classification, provided (1) the stock is maintained under the supervision of the qualifying breeder, and is mated in the same combination, and

(2) the breeder remains eligible for ROP participation under § 145.16 (a) and maintains an entry in a central random sample test as provided for in § 145.17 (c) or (d).

§ 145.21 *USROP; sale of ROP and ROP Performance Tested Parent Stock products.* (a) When products are sold or offered for sale under the ROP classification:

(1) The breeder must have on file evidence that such products are from single male matings of qualified ROP males and ROP females.

(2) A copy of such evidence, including records of egg production, hatching and pedigree, must be submitted routinely to the Official State Agency.

(3) Eggs sold, or set for the sale of chicks or stock, shall weigh at least 1¹/₂ oz. each.

(4) Reports of trapnest records shall be in terms of percent production, except that records based on 3-, 4-, 5-, 6-, or 7-day-a-week trapnesting for a 365-day trapnest period, may be reported in number of eggs. Reports of trapnest records shall show the number of days of trapnesting on which such records were based.

(b) When products are sold or offered for sale as ROP Performance Tested Parent Stock, the breeder shall be able to substantiate by records filed with the Official State Agency that such products are from matings qualified as ROP Performance Tested Parent Stock.

§ 145.22 *USROP; annual summary.* The ROP Supervisor shall submit to the APH Branch, for publication, whichever of the following reports are appropriate for each ROP entry:

(a) A central or on-the-farm egg production test report shall comprise the following:

(1) Name and location of test;

(2) Breed and variety of entry (indicate if the entry is a crossbred, strain cross, or hybrid combination);

(3) Breeder's grade designation of chicks entered;

(4) Total number of females in the flock or flocks from which sample was drawn;

(5) Number of pullet chicks started;

(6) Number of pullets housed;

(7) Age at which pullets attained 50 percent production;

(8) Average egg weight of pullets at time 50 percent production was attained;

(9) Average egg production to 500 days of age, hen-housed basis, number and percent;

(10) Average egg production in number of eggs to 500 days of age, hen-day basis;

(11) Adult mortality;

(12) Average egg weight based on one or more weighings during the period January, February, and March;

(13) Average body weight based on January, February or March weighing;

(14) Interior egg quality data, if available and requested by breeder;

(b) A central or on-the-farm meat

production test report shall comprise the following:

(1) For the growing phase:

(i) Name and location of test;

(ii) Breed and variety of entry (indicate if the entry is a crossbred, strain cross, or hybrid combination);

(iii) Breeder's grade designation of chicks entered;

(iv) Total number of females in flock or flocks from which sample was drawn;

(v) Number of chicks started;

(vi) Mortality to 9 weeks of age;

(vii) Average 9-week weight and variability of all pullets;

(viii) Average 9-week weight and variability of all cockerels;

(ix) Number of cockerels dressed (at least 50 selected at random at 9 weeks of age);

(x) Average live weight of dressed cockerels;

(xi) Average New York dressed weight before chilling;

(xii) Average eviscerated weight, if available;

(xiii) Number of Grade A, B, and C carcasses, based on fleshing; finish; and freedom from pinfeathers;¹

(xiv) Number of birds rejected due to crooked or dented keel, hunchback, misshapen bones, calluses and blisters, scabby or discolored backs, black, blue or green color showing through skin; and

(2) For the laying phase:

(i) Name and location of test;

(ii) Breeder's grade designation of entry (female parent stock);

(iii) Total number of females in flock or flocks from which sample was drawn;

(iv) Number of pullets housed;

(v) Adult mortality for 300 days;

(vi) Average egg production in percent for a period of 300 days, hen-housed basis;

(vii) Average egg production in percent for a period of 300 days, hen-day basis;

(viii) Average egg weight;

(ix) Hatchability (in a central test based on eggs hatched for the growing phase, and in an on-the-farm test as provided in § 145.29 (b));

(c) The report for a participant who had no entry in a performance test shall comprise the following (this report shall also be submitted for other participants at their request):

(1) Breed and variety of the entry;

(2) Total number of pullets of this breed and variety on the farm;

(3) Number of pullets of this breed and variety trapnested for entry in ROP;

(4) Number of pullets trapnested which were individually pedigreed;

(5) Number meeting the ROP requirements;

(6) Percentage of birds trapnested meeting the ROP requirements;

(7) Average egg weight of all birds trapnested (based on the average of not less than the first five and not more than the first ten individual egg weights taken by the breeder and the ROP Inspector at a time previously agreed upon by the breeder and Official State Agency);

¹The grading will be based on United States Classes, Standards, and Grades for Poultry as contained in 7 CFR Part 70, Subpart B.

(8) Average body weight of all birds trapnested. (This is optional with the breeder).

§ 145.23 *USROP; duties of ROP Supervisor.* The ROP Supervisor shall represent the Official State Agency in its supervision of ROP participation.

(a) For participants having candidates for female qualification, he shall keep on file in his office for at least five years a record of

(1) All qualified males, with at least one-generation pedigree showing records of egg production of the female ancestors;

(2) All qualified females with records of their egg production for their qualifying period;

(3) All single-male matings; and

(4) All ROP chicks with at least one-generation pedigree.

(b) For participants having entries in performance tests, he shall keep on file in his office for at least five years all records made in performance tests.

(c) He shall submit the reports required in § 145.22.

§ 145.24 *USROP; duties of ROP Inspector.* The ROP Inspector shall work under the direction of the ROP Supervisor.

(a) For participants having candidates for female qualification, he shall:

(1) Visit, and inspect the work of, each breeder at least four times a year, his visits to be so timed that each season of the year shall be represented and at least three of these visits shall be unannounced;

(2) Trapnest on each inspection enough pens of ROP candidates to satisfy the Official State Agency as to the accuracy of the breeder's trapnest records;

(3) During the official egg weighing period for the breeder provided under § 145.22 (c) (7), weigh and record the weight of the egg laid by each bird trapnested;

(4) Examine hens apparently out of production and determine whether they are being credited with eggs;

(5) During the breeding season, examine all birds in single-male matings to see that the birds which constitute these matings are properly listed with the supervisor;

(6) Compare the number of eggs being incubated from each hen with the number she is credited with having laid during the corresponding period, and subsequently with the number of chicks reported hatched and wing-banded. (He shall have the authority to examine for fertility the eggs being incubated);

(7) Make an annual inspection of pedigree-hatching facilities and methods and chick-banding techniques.

(b) For participants having entries in performance tests, he shall:

(1) Select at random the entries provided for in §§ 145.17 (c) and (d), 145.25, 145.26, 145.27, 145.28 and 145.29;

(2) Make the inspections required in §§ 145.27, 145.28 and 145.29.

§ 145.25 *USROP; central random sample egg production test.* (a) A central random sample egg production test shall be conducted at a neutral location

under the supervision of an Official State Agency and shall consist of entries from two or more participants.

(b) The sample to be tested shall consist of a random sample of eggs selected by the ROP Inspector from all mated pullets used to produce the grade of chicks to be tested.

(c) At least 50 pullet chicks, hatched from these eggs, shall be started for each entry.

(d) Pen egg production and mortality shall be recorded daily until the birds are 500 days of age.

(e) At the end of the test a summary for each entry shall be submitted by the ROP Supervisor to the APH Branch, for publication, including the items specified in § 145.22 (a).

§ 145.26 *USROP; central random sample meat production test.* (a) A central random sample meat production test shall be conducted at a neutral location under the supervision of an Official State Agency and shall consist of entries from two or more participants.

(b) The sample (1) for the growing phase shall consist of a random sample of eggs selected by the ROP Inspector from all mated pullets used to produce the grade of chicks to be tested; and (2) for the laying phase shall consist of a random sample of eggs, or chicks, or 4-6 month old pullets selected at random by the ROP Inspector from the female parent stock.

(c) Hatchability shall be based on eggs hatched for the growing phase.

(d) At least 250 straight-run chicks shall be started in the growing phase for each entry.

(e) At least 50 pullets or pullet chicks shall be started in the laying phase for each entry.

(f) Pen egg production and mortality shall be recorded daily for a period of 300 days.

(g) At 9 weeks of age individual body weights shall be recorded by sex for the growing phase entry. At this time a minimum of 50 cockerels shall be selected at random and dressed under the supervision of the ROP Inspector.

(h) At the end of the test a summary for each entry shall be submitted by the ROP Supervisor to the APH Branch, for publication, including the items specified in § 145.22 (b).

§ 145.27 *On-the-farm performance tests; general.* (a) These tests shall be conducted under the supervision of the Official State Agency on the breeder's farm or at some other location under his control.

(b) Good but not impractical commercial conditions shall prevail.

(c) The entries shall be selected by the ROP Inspector and each bird shall be identified with official, sealed and numbered bands at the time of selection.

(d) Accurate mortality records shall be kept for the duration of the test, and any bird removed from the test pen shall be considered as a mortality.

(e) Trapnesting of the entry shall be optional with the participant.

(f) There shall be a minimum of six unannounced inspections, with at least two during the period January, February and March.

(g) The inspector shall determine the number of eggs laid on the day of inspection as a check on the accuracy of the breeder's records.

(h) The inspector shall weigh, either individually or as a lot, the eggs laid on the days of inspection during the period January, February and March, and the average egg weight shall be computed from these weights.

(i) The entry shall be housed as a unit in a separate pen or building during the time egg production is being recorded.

(j) At the end of an on-the-farm test a summary for each entry shall be submitted by the Official State Agency to the APH Branch for publication, including for an egg production test the items specified in § 145.22 (a) and for a meat production test the items specified in § 145.22 (b).

§ 145.28 *On-the-farm performance test; egg production.* (a) An entry shall consist of at least 125 pullet chicks selected at random by the ROP Inspector and identified with sealed official wing bands at hatching time.

(b) Pen egg production shall be recorded daily until the birds are 500 days of age.

(c) The inspector shall weigh the pullets, either individually or as a lot, on one of the days of inspection during the period January, February and March, and the average body weight shall be computed from these weights.

§ 145.29 *On-the-farm performance test; meat production.* (a) The entry shall consist of (1) 250 or more straight-run chicks of the grade to be tested, selected at random by the ROP Inspector from those produced by all mated pullets used to produce the grade of chicks to be tested; and

(2) 100 or more (February, March or April-hatched) pullets selected at random at 4 to 6 months of age from the female parent stock of the chicks to be tested.

(b) The chicks shall be floor brooded to 9 weeks of age, with no more than 1½ square feet of floor space per bird.

(c) The inspector shall weigh and record the weight and sex of each bird at 9 weeks of age. At this time a minimum of 50 cockerels shall be selected at random and dressed under the supervision of the inspector.

(d) Pen egg production and mortality shall be recorded daily for a period of 300 days.

(e) Hatchability shall be determined by the inspector by checking at random, the hatchability of at least 1,000 eggs from those produced by all mated pullets used to produce the grade of chicks to be tested.

(f) The entrant shall be disqualified by any misrepresentation, falsification or use of artificial practices (except lights) such as plumping, hormones, etc.

§ 145.30 *National random sample performance testing program.* The national random sample performance testing program embodies the operation of central performance tests available to any poultry breeder in accordance with the following provisions:

(a) The tests shall be conducted cooperatively by the Department and a State Agricultural Experiment Station or other State Agency approved for the purpose by the Department.

(b) The program shall be conducted under the supervision and control of a governing board, which shall be composed of:

(1) Members nominated and elected by persons participating in the testing program and approved by the cooperating agencies; and

(2) One ex officio member from each cooperating agency.

(c) The detailed plan of operation of the tests subject to the approval of the governing board shall be as follows:

(1) The test shall be available to any poultry breeder approved by the governing board. The entry shall be limited, however, to flocks certified, by an agency recognized by the governing board, as negative to a pullorum test.

(2) The breeder may carry on any type of breeding program desired, including hybridization, crossbreeding, etc.

(3) The test shall be conducted, insofar as possible, under favorable practical conditions. (There shall be no deliberate exposure to disease.)

(4) The results of both the egg production and meat phase shall be promptly published at the conclusion of each year's test. The publication shall include an interpretation of the statistical validity of the results.

(5) The actual performance on each reportable item shall be published rather than a ranking based on one character or combination of characters.

(6) All entries shall consist of sufficient hatching eggs (450) to produce 125 pullet chicks.

(7) Hatching eggs shall be selected at random by a disinterested person designated by the test management.

(8) Hatching eggs shall be selected from those used to produce a designated commercial grade of the breeder's chicks.

(9) The type of entry shall be designated as: "single-strain purebred" (suitable for use in breeding flocks) or "others".

(10) The eggs shall be set on a date determined by the governing board.

(11) Records shall be kept on the fertility and hatchability of the eggs submitted.

(12) Chicks shall be reared intermingled to housing time. (The same number of chicks from each entry to be brooded and reared together.)

(13) They shall be range reared.

(14) All birds removed from the test pen except males resulting from errors in sexing shall be considered as mortality. (When males are removed the number of chicks entered shall be adjusted accordingly.)

(15) Rearing mortality shall be based on the period from hatching to 160 days of age.

(16) Laying house mortality shall be based on the period from 160 days to 500 days of age.

(17) All sick or dead birds removed from the test shall be autopsied.

(18) Each entry shall be housed separately not later than 160 days of age and until the end of the test period.

(19) All eggs laid subsequent to housing shall be credited to the entry.

(20) Pen production records shall be kept from the date of housing until 500 days from date of hatching.

(21) Egg weight shall be determined by grading the eggs into the market grades, with respect to weight only. The eggs from each entry shall be graded one day a week from laying to February 1, and one day a month thereafter.

(22) Body weight shall be determined in January, February or March by bulk weighing the pullets.

(23) Egg quality data shall be collected one day a month during the months of November, January, March, and May. This shall be based on measurements of all the eggs laid that day and shall include the following:

- (i) Egg shape;
- (ii) Shell thickness;
- (iii) Meat and blood spots; and
- (iv) Albumen quality (broken out basis).

(24) Feed consumption data shall be recorded from housing to the end of the test. All-mash rations approved by the test management shall be fed throughout the test.

(25) For an entry in the meat production phase, the following additional provisions shall apply:

(i) Twenty-four (24) male chicks of the male line used to produce the meat production chicks shall be started at hatching time.

(ii) Of the 24 males, eight males shall be selected and mated with the pullet entry at housing time. Rotating or shifting the males is desirable in which case 16 males would be used.

(iii) Eggs shall be collected and hatched from the test pen a minimum of twice a year and as many more times as feasible with available facilities.

(iv) A sufficient number of eggs shall be set to produce 200 straight run chicks. This figure may be modified, depending on the number of entries to be tested, the facilities available, and the number of growth trials to be conducted annually.

(v) Chicks referred to in subdivision (iv) of this subparagraph shall be reared to 10 weeks of age at which time the entire lot shall be dressed.

(26) Additional details to apply to the growing test of the meat production phase are as follows:

(i) Hatchability and fertility data shall be obtained for the eggs collected for the production of chicks for the growing test.

(ii) Livability shall be determined for the periods of hatching to two weeks of age and two weeks to 10 weeks of age.

(iii) Feed consumption to 10 weeks of age shall be collected, assuming that each entry can be reared separately.

(iv) The following additional data shall be collected at 10 weeks by sexes:

- (a) Individual live body weights.
- (b) New York dressed weight of entire lot.

(c) Eviscerated weight of entire lot.

(d) Percent of birds of Grade A, B, and C for fleshing; for finish; and for freedom from pinfeathers.²

PART 146—NATIONAL TURKEY IMPROVEMENT PLAN (TURKEYS AND CERTAIN OTHER POULTRY)

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AUTHORITY: §§ 146.1 to 146.31 issued under sec. 101, 58 Stat. 734, as amended; 7 U. S. C. 429.

§ 146.1 *Definitions.* Except where the context otherwise requires, for the purposes of this Part the following terms shall be construed, respectively, to mean:

(a) *Plan.* The provisions of the National Turkey Improvement Plan contained in this Part.

(b) *Person.* A natural person, firm, or corporation.

(c) *Department.* The United States Department of Agriculture.

(d) *APH Branch.* The Animal and Poultry Husbandry Research Branch of the Agricultural Research Service of the Department.

(e) *State.* Any State, the District of Columbia, Alaska, Hawaii, or Puerto Rico.

(f) *Official State Agency.* The State authority recognized by the Department to cooperate in the administration of the Plan.

(g) *State Inspector.* Any person employed or authorized under § 146.11 (b) to perform functions under this part.

(h) *Authorized Agent.* Any person designated under § 146.11 (a) to perform functions under this part.

²The grading will be based on U. S. Classes, Standards, and Grades for Poultry as contained in 7 CFR Part 70, Subpart B.

(i) *ROP Supervisor*. The person employed or authorized to perform functions under § 146.27.

(j) *ROP Inspector*. The person employed or authorized to perform functions under § 146.28.

(k) *Affiliated flockowner*. A flockowner who is participating in the Plan through an agreement with a participating hatchery.

(l) *Flock*—(1) *As applied to breeding*. All turkeys of one kind of mating (variety or combination of stocks) and of one classification on one farm;

(2) *As applied to disease control*. All of the turkeys on one farm, except that, at the discretion of the Official State Agency, any group of turkeys which is segregated from another group and has been so segregated for a period of at least 21 days may be considered as a separate flock.

(m) *Hatchery*. Hatchery equipment on one premises operated or controlled by any person for the production of poults.

(n) *Products*. Turkey breeding stock and hatching eggs, and poults.

(o) *Baby poults*. Poults that have not been fed or watered.

(p) *USROP or ROP*. U. S. Record of Performance.

(q) *Strain*. Turkey breeding stock bearing a given name produced by a breeder through at least five generations of closed flock breeding. Only (1) first generation progeny (F_1) of stock originating from eggs produced under the direct supervision of the breeder, or (2) stock multiplied by persons designated by the breeder, may be designated as of the breeder's strain.

(r) *Trade name or number*. A name or number compatible with State or Federal laws and regulations applied to a specified stock or product thereof, and which has been filed with the Official State Agency together with a description of such stock.

(s) *Broad-breasted*. A term used to describe a type of turkey which at the time of selection, and no later than 30 weeks of age, has a breast width at a point $1\frac{3}{4}$ inches above the keel of at least $3\frac{1}{2}$ inches, for both toms and hens.

§ 146.2 *Administration*. The Department cooperates through a Memorandum of Understanding with Official State Agencies in the administration of the Plan. The Official State Agency shall carry out the administration of the Plan within the State according to the applicable provisions of the Plan and Memorandum of Understanding. The Official State Agency of any State may adopt regulations applicable to the administration of the Plan in such State further defining the provisions of the Plan or establishing higher standards compatible with the Plan.

§ 146.3 *Participation*. (a) Any person producing or dealing in poultry products may participate in the Plan when he has (1) demonstrated, to the satisfaction of the Official State Agency, that his facilities, personnel, and practices are adequate for carrying out the applicable provisions of the Plan; and (2) signed an agreement with the Official State Agency to comply with the

general and the applicable specific provisions of the Plan and any regulations of the Official State Agency under § 146.2. Affiliated flockowners may participate without signing an agreement with the Official State Agency.

(b) Each participant shall comply with the Plan throughout the operating year of the Official State Agency, or until released by such Agency.

(c) A participant in any State shall participate with all of his turkey hatching egg supply flocks and hatchery operations within such State.

(d) No person shall be compelled by the Official State Agency to qualify products for any of the classifications described in § 146.10 (a), (b), (c) and (d) as a condition of qualification for either of the classifications described in § 146.10 (e) and (f).

(e) Participation in the Plan shall entitle the participant to use the Plan emblem reproduced below:



FIGURE 9.

§ 146.4 *General provisions for all participants*. (a) Records of purchases and sales and the identity of products handled shall be maintained in a manner satisfactory to the Official State Agency.

(b) Products, records of sales and purchases of products, and material used to advertise products shall be subject to inspection by the Official State Agency at any time.

(c) Advertising must be in accordance with the Plan and applicable rules and regulations of the Official State Agency and the Federal Trade Commission.

(d) Participants may not buy or receive for any purpose products from non-participants, or sell products of non-participants, except with the permission of the Official State Agency for use in breeding flocks or for experimental purposes.

(e) The minimum weight of turkey hatching eggs shipped interstate shall be $2\frac{1}{2}$ ounces each for small varieties and $2\frac{1}{2}$ ounces each for other varieties, unless otherwise specified by the purchaser of the eggs.

(f) Standard and broad breasted turkeys of the same variety may not be kept on the same premises or hatched in the same hatchery.

(g) When artificial insemination is used, its use and the extent of its use

shall be stated in all performance reports.

§ 146.5 *Specific provisions for participating flocks*. (a) Poultry houses and the land in the immediate vicinity thereof shall be kept in sanitary condition acceptable to the Official State Agency.

(b) All flocks shall consist of birds that have been selected for health, vigor and freedom from physical deformities of economic importance by an Authorized Agent or State Inspector.

(c) A flock shall be deemed to be a participating flock at any time only if it has been officially blood tested within the past 12 months with no pullorum or typhoid reactors on the last test. (See § 146.14 relating to the official blood test.)

(d) Each bird shall be identified with a sealed and numbered band obtained through or approved by the official State Agency.

§ 146.6 *Specific provisions for participating hatcheries*. (a) Hatcheries shall be kept in sanitary condition acceptable to the Official State Agency.

(b) A hatchery which keeps started poultry (poultry that has been fed or watered) must keep such poultry separated from the incubator room in a manner satisfactory to the Official State Agency.

(c) All poults offered for sale under Plan terminology shall be normal and typical of the variety, cross, or other combination represented.

(d) Eggs incubated shall be sound in shell and reasonably uniform in shape. Eggs shall be trayed and poults boxed with a view to uniformity of size.

(e) All hatcheries operated under the same name, ownership, or management within a State shall participate in the Plan if any of them are to participate.

§ 146.7 *Specific provisions for participating dealers*. Dealers in turkey breeding stock or hatching eggs or poults shall comply with all provisions in this Part which apply to their operations.

§ 146.8 *Terminology and classification; general*. (a) The official classification terms defined in §§ 146.9 and 146.10 and the various designs illustrative of the official classifications as reproduced in § 146.10 may be used only by participants and to describe products that have met all the specific requirements of such classifications. (See also § 146.16 (e).)

(b) Products produced under the Plan shall lose their identity under Plan terminology when they are purchased for resale by, or consigned to, non-participants.

(c) Participating flocks and the eggs and poults produced from them may be designated by their own strain or trade name.

(d) Domesticated waterfowl, game birds and guineas meeting the requirements for participation for any of the classifications specified in § 146.10 may be designated as coming within such classification.

• § 146.9 *Terminology and classification; hatcheries*. Participating hatch-

eries and dealers shall be designated as "NTIP Participating."

§ 146.10 *Terminology and classification; flocks and products.* Participating flocks, and the eggs and poults produced from them, which have met the respective requirements specified in this § 146.10 may be designated by the following terms or illustrative designs:

(a) *U. S. Record of Performance.* Males and females meeting prescribed standards as provided in §§ 146.18 and 146.19. (Hatching eggs and poults designated as ROP must also meet the requirements specified in §§ 146.23 and 146.24, respectively.)



FIGURE 10.

(b) *U. S. Performance Tested Parent Stock.* Flocks represented in both a turkey reproduction test as provided for in § 146.29 and in a central turkey meat production test as provided for in § 146.30 by entries that have met the following performance standards:

(1) Average poult production of at least 20 salable poults per hen in eight weeks;

(2) Poult livability of at least 90 percent to eight weeks of age. As an alternative, in case of excessive mortality in the entire test, the entry shall qualify for livability if the livability is above the average of the test.

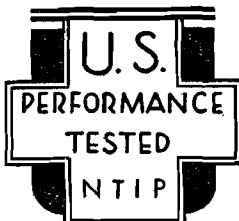


FIGURE 11.

(c) *U. S. Certified.* Flocks meeting one of the three following specifications:

(1) All males ROP or from ROP mass matings.

(2) Males and females from flocks composed of the following: ROP males or males from ROP mass matings mated to females from ROP qualified matings; or ROP mass matings; or ROP candidate matings in which 50 percent or more of the dam's family qualified for ROP. (Poults produced under this subparagraph for use in U. S. Certified flocks shall be properly identified at hatching time.)

(3) Males and females from Performance Tested Parent Stock. In case the tested stock is a cross of strains, the U. S. Certified flock shall be a combination of the same pure strains as used in the tested flock. (Poults produced under

this subparagraph for use in U. S. Certified flocks shall be properly identified at hatching time.)



FIGURE 12.

(d) *U. S. Approved.* All males and females selected by Authorized Agents according to standards prescribed by the Official State Agency or the State College of Agriculture.



FIGURE 13.

(e) *U. S. Pullorum-Typhoid Passed.* Flocks in which no pullorum or typhoid reactors were found on the last official blood test provided for in § 146.5 (c).

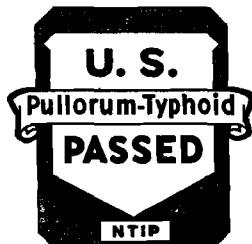


FIGURE 14.

(f) *U. S. Pullorum-Typhoid Clean.* Flocks in which no reactors were found on the first official blood test provided for in § 146.5 (c): *Provided*, That if reactors are found on the first test the flock may qualify with two consecutive official negative tests. In order to sell hatching eggs or poults of this classification, all hatching eggs and poults handled must be of this classification.



FIGURE 15.

§ 146.11 *Supervision.* (a) The Official State Agency may designate qualified persons as Authorized Agents to do

the selecting and blood collecting provided for in §§ 146.5, 146.10, and 146.14.

(b) The Official State Agency shall employ or authorize qualified persons as State Inspectors to perform, or supervise the performance of the selecting and testing of participating flocks and to perform the official inspections necessary to verify compliance with the requirements of the Plan.

§ 146.12 *Inspections.* (a) Each participating hatchery shall be inspected a sufficient number of times each year to satisfy the Official State Agency that the operations of the hatchery are in compliance with the provisions of the Plan.

(b) Each year at least 15 percent of the flocks selected and tested by Authorized Agents shall be inspected by a State Inspector. This must include the inspection of some flocks of each hatchery. Each flock inspection shall include the examination of a sufficient number of males and females to determine whether the work of the Authorized Agent was satisfactory and that the flock is qualified for participation.

§ 146.13 *Debarment from participation.* Non-compliance with the provisions of the Plan, or regulations of the Official State Agency under § 146.2, not corrected within the time specified by the Official State Agency, shall be grounds for the Official State Agency to bar a participant from further participation for a period to be determined in each case by the Official State Agency. Such action shall not be taken until a thorough investigation has been made by the Official State Agency and the participant has been given an opportunity for a hearing.

§ 146.14 *Blood testing.* (a) In the official blood test, the blood shall be drawn by an Authorized Agent or State Inspector and tested by an authorized laboratory, using either the standard tube agglutination or rapid serum test. The recommended procedures for conducting such tests are described in Subpart A, Part 147, of this chapter.

(b) There shall be an interval of at least 21 days between any official blood test and any previous test with pullorum-typhoid antigen.

(c) All turkeys to be used as breeders must be tested when more than four months of age.

(d) All domesticated fowl on the farm of the participant shall either be properly tested to meet the same standards as the participating flock or these birds and their eggs shall be separated from the participating flock and its eggs.

(e) All tests with Salmonella antigens of flocks participating in or candidates for participation in the Plan shall be reported to the Official State Agency within 10 days following the completion of such tests. All reactors shall be considered in determining the classification of the flock.

(f) Reactors may be submitted to a laboratory for autopsy and bacteriological examination. The laboratory and the number of reactors to be submitted shall be designated by the Official State Agency. The recommended minimum procedure for bacteriological examina-

tion is described in Subpart B, Part 147 of this chapter. In case such bacteriological examination fails to demonstrate pullorum or typhoid infection, the flock shall be deemed to have had no pullorum or typhoid reactors. If other members of the Salmonella group are isolated, the Official State Agency may disqualify the flock for participation, or require such other action as is deemed necessary with respect to the infection.

(g) After a flock has been classified by the Official State Agency, the results of any retesting of such flocks during the current breeding and hatching season shall not adversely affect its classification for the season, except that if in the opinion of the Official State Agency the amount of reaction found in any flock is such as to be dangerous or detrimental to the operation of the Plan, the Official State Agency shall require that such flock or flocks be retested after an interval of at least 21 days, or that use of such flocks as sources of eggs for participants be immediately discontinued. Furthermore, the Official State Agency may require that the hatching eggs from such flocks be removed from the incubator and destroyed prior to hatching.

§ 146.15 *USROP; general.* The ROP classification is based on records of egg production, hatchability, and body weight made on the breeder's premises under supervision of the Official State Agency. Records made at State colleges of agriculture and State and Federal experiment stations may be recognized as ROP by Official State Agencies in qualifying birds for use of ROP breeders.

§ 146.16 *USROP; participation.* (a) Any person who, in the opinion of the Official State Agency, has the facilities for conducting a systematic program of turkey breeding is eligible for ROP participation.

(b) The participant's farm and all egg production, pedigree and sales records shall be subject at all times to unannounced inspections by the ROP Inspector.

(c) All young hens of the variety entered which are trapnested on the premises of an ROP participant shall be considered as entered in ROP.

(d) After the first two years of ROP participation, the participant shall maintain at least five candidate matings.

(e) The term "USROP" or "ROP" may be used in advertising products by any person only if he is an ROP participant and if his candidates have met all the requirements of this classification for the current or preceding season.

(f) The participant shall send to the ROP Supervisor not later than the tenth day of each month, a complete report of all trapnesting for the previous month. At the end of each four hatches, he shall also send to the ROP Supervisor on form NPIP 8 (or substitute form) a complete record of all pedigreed eggs set, poult hatched and poults banded.

§ 146.17 *USROP; candidate matings.* These matings shall be comprised of ROP candidate hens and ROP toms to which the following provisions apply:

(a) Each hen shall be identified with an official sealed and numbered band.

(b) Only one tom, or two full brothers, shall be allowed in a mating at any one time and the date of entry and removal of toms shall be properly recorded.

(c) The hens shall be trapnested at regular intervals each day for at least 8 consecutive weeks.

(d) Each egg shall be accurately identified as to the hen that laid it.

(e) For each hen an accurate record shall be kept of (1) the eggs laid during the trapnesting period; (2) the number of eggs sold; (3) the number of eggs incubated; (4) the number of poults hatched; and (5) the number of poults banded.

(f) Each hen shall be weighed by the breeder or the ROP Inspector about the time the candidate begins egg production, and the weight shall be recorded as the nearest whole number.

(g) The poults from these matings shall be banded with sealed and numbered official wing bands marked "Cand".

§ 146.18 *USROP; qualification of hens.* An ROP candidate hen which is a reasonably good representative of the variety in the judgment of the ROP Inspector, may qualify as an ROP hen if such candidate:

(a) Produces eggs at the rate of at least 50 percent for a period of at least eight consecutive weeks from the date the first normal egg is laid in a trapnest; and

(b) Produces eggs that hatch at the rate of at least 70 percent of all eggs set with a minimum of 20 poults hatched. The qualifying requirements for hatchability may be reduced to 65 percent when eggs are hatched at altitudes of 3,000 to 3,499 feet and to 60 percent at altitudes of 3,500 feet or more. All normal eggs produced by the candidate during a period of at least eight consecutive weeks agreed upon by the breeder and the ROP Supervisor shall be set. Hatchability shall be expressed as a whole number (fractions rounded to the nearest whole number).

§ 146.19 *USROP; qualification of toms.* Toms may qualify for the ROP classification if they are:

(a) Produced from ROP poults or from candidate hens which subsequently qualify as ROP hens;

(b) Good representatives of the variety with strong constitutional vigor when examined by the ROP Inspector not earlier than at 22 weeks of age; and

(c) Banded with an ROP sealed and numbered leg band when passed by the Inspector.

§ 146.20 *USROP; exceptions to requirements for qualification.* (a) When any disastrous event occurs that affects the breeder's ROP work, and when such event is immediately brought to the attention of his Official State Agency, this agency may, with the consent of the APH Branch, make an equitable adjustment in the application of the qualifying requirements to such breeder.

(b) To make it possible for a breeder to get started in ROP breeding work within his own strain, during the first year of such work on his farm the tom mated with ROP candidate hens in ROP candidate matings need not be an ROP

tom provided he is of equal pedigree or is a U. S. Approved tom of outstanding quality. Such toms may be used in similar matings during the second year of ROP breeding work, if re-examined and passed by the ROP Inspector. No eggs or progeny from such a mating shall be sold as ROP products. Young toms whose dams qualify for ROP classification may head U. S. Certified flocks owned or controlled by the breeder and may head ROP qualified matings on the breeder's premises.

§ 146.21 *USROP; qualified matings.* These matings shall be comprised of ROP hens and ROP toms and shall be maintained in accordance with the provisions of § 146.17 (a), (b), (c), (d), and (e).

§ 146.22 *USROP; mass matings.* (a) These matings shall be comprised of ROP hens with hatchability records of 85 percent or more, and ROP toms produced from hens with hatchability records of 85 percent or more.

(b) Pen egg production and hatchability records shall be kept.

(c) Poults from these matings shall be identified with sealed wing bands marked "Mass mated."

§ 146.23 *USROP; hatching eggs.* Such eggs shall be from qualified ROP matings. Each egg shall be marked with the number of the ROP hen that laid it and the pen or tom number of the mating.

§ 146.24 *USROP; poults.* Such poults shall be those produced from ROP hatching eggs. The poults from each hen shall be individually pedigreed by the ROP breeder or ROP Inspector and identified with sealed and numbered official wing bands at the time of hatching.

§ 146.25 *USROP; participants producing ROP poults from purchased eggs.* Such participants shall:

(a) Within five days after incubation has begun, send to the Official State Agency a list of the ROP eggs purchased;

(b) Within 5 days after hatching time, send to the Official State Agency a list of the poults hatched from each dam and their respective wing band numbers.

§ 146.26 *USROP; sale of products.* (a) When ROP products are sold the seller shall, at the time of shipment, send to his ROP Supervisor a report in triplicate showing: (1) the name and address of the purchaser; (2) a list of the products sold with the pen or sire number and dam number of each; and (3) the egg production, hatchability and body weight of each dam.

(b) These reports shall be verified by the ROP Supervisor, who shall retain one copy and send one copy to the purchaser and one to the Official State Agency of the State to which the products are shipped.

§ 146.27 *USROP; duties of ROP Supervisor.* The ROP Supervisor shall represent the Official State Agency in the supervision of ROP participation. He shall:

(a) Keep on file in his office for at least five years a record of (1) all ROP qualified toms, with at least one-genera-

tion pedigree showing ROP records of the female ancestors; (2) all ROP qualified hens, with records of their egg production, hatchability and body weight; (3) all ROP qualified and candidate matings; and (4) all ROP poults with at least one-generation pedigree;

(b) Furnish the APH Branch, for publication, an annual summary of the ROP work under his supervision, which shall include the following information for each flock:

- (1) Variety of the entry;
- (2) Total number of young hens of this variety on the farm;
- (3) Number of ROP candidate matings;
- (4) Number of young hens entered for ROP classification;
- (5) Number of young hens meeting the ROP requirements;
- (6) Percentage of young hens entered meeting the ROP requirements;
- (7) Average rate of egg production in percent for all candidate hens;
- (8) Average hatchability of all eggs set from all candidate hens.

§ 146.28 *USROP; duties of ROP Inspector.* The ROP Inspector shall work under the direction of the ROP Supervisor. He shall: (a) Visit and inspect the work of each ROP breeder at least three times each year. (His visits shall be unannounced, and at least two shall be during the trapnest period);

(b) On each visit during the trapnest period (1) do the trapnesting for the day; (2) record the eggs laid by all hens entered for ROP classification; and (3) examine hens apparently out of production and determine whether they are being credited with eggs;

(c) On at least one visit examine all birds in both ROP matings and ROP candidate matings to see that birds in these matings are properly listed with the supervisor;

(d) Compare the number of eggs being incubated from each hen with the number she is credited with having laid during the corresponding period and subsequently with the number of poults reported hatched and wingbanded. (He shall have authority to examine for fertility the eggs being incubated);

(e) Weigh each ROP candidate as provided in § 146.17 (f) or check the weights of a sufficient number of candidates weighed by the breeder to satisfy himself that such weights are correct;

(f) Examine all tom and hen candidates for ROP qualification and band with sealed and numbered leg bands all qualified birds to be used or sold as being of the ROP classification. The body weight and the wing- and leg-band numbers of all toms banded shall be recorded at the time of such examination and banding.

§ 146.29 *Turkey reproduction test.* A turkey reproduction test is a test of the reproductive (combination of egg production and hatchability) qualities of a representative sample of the entrant's stock conducted under the supervision of the Official State Agency, in accordance with the following provisions:

(a) The test shall be available to any participant whose flock is qualified for

the U. S. Pullorum-Typhoid Clean classification.

(b) The entry shall consist of at least 200 hens, penned separately, which are representative of the entrant's supply flocks or his breeder replacement flocks.

(c) All eggs produced by the entry during a period of at least eight consecutive weeks designated in advance by the entrant, shall be incubated and complete records kept on the number of eggs produced, eggs set and salable poults hatched.

(d) The Official State Agency shall furnish the APH Branch, for publication, the following information for each entry:

(1) Kind of stock (variety, strain or cross; supply flock or breeder replacement);

(2) Number of breeder hens entered and total number in flocks which they represent;

(3) Average number of salable poults produced per hen entered at beginning of test.

§ 146.30 *Central turkey meat production test.* A central turkey meat production test is a test of a representative sample of the stock of two or more entrants, to fryer-roaster or mature marketing age, conducted under official supervision at a neutral location, in accordance with the following provisions:

(a) The test shall be available to any participant whose flock is qualified for the U. S. Pullorum-Typhoid Clean classification.

(b) The entry shall consist of at least 100 poults, 50 percent of each sex.

(c) A sufficient number of eggs, determined by the entrant, to produce the poults required for the entry shall be selected by a representative of the Official State Agency.

(d) The sample of eggs shall be taken at random from the entrant's supply flocks or from his breeder replacement flocks.

(e) The eggs from all entrants shall be incubated in one hatchery at the same time.

(f) Poults shall be banded in each wing with a sealed and numbered band for identification.

(g) Poults shall be brooded and reared either intermingled or separated by entries, at the option of the test management, provided that varieties of different size or color shall be separated.

(h) The duration of the test shall be determined by the test management.

(i) The following data shall be obtained and reported by the Official State Agency for each entry:

(1) Kind of stock (variety, strain or cross; supply flock or breeder replacement);

(2) Number of breeder hens in the flock or flocks from which egg sample was drawn;

(3) Mortality to two weeks of age; to eight weeks of age; and to the end of the test;

(4) Average live weight (i) of fryer-roaster entry at four weeks of age; at four week intervals thereafter; and at the close of the test; and (ii) of mature marketing entry at eight weeks of age; at 16 weeks of age; at 20 weeks of age;

at two week intervals thereafter; and at the close of the test. (Such average live weights shall be based on individual weights and reported by sexes);

(5) Average eviscerated weight of all birds completing the test, by sexes;

(6) Average breast width, body depth and keel length of the New York dressed birds by sexes (The breast width shall be measured at the widest point 1¼ inches above the keel. The body depth shall be measured at the deepest point);

(7) Coefficient of variability of final live and eviscerated weights and body measurements;

(8) The number of birds in each U. S. Grade based on (i) fleshing; (ii) finish; and (iii) freedom from pin feathers, by sexes;¹

(j) The results of the tests reported to the APH Branch by December 1 shall be published in a national summary alphabetically by test and entries, with no indication of rank.

§ 146.31 *On-the-farm turkey meat production test.* An on-the-farm turkey meat production test is a test to fryer-roaster or mature marketing age of a representative sample of the entrant's stock conducted under supervision of the Official State Agency to which the following provisions apply:

(a) The test shall be available to any participant whose flock is qualified for the U. S. Pullorum-Typhoid Clean classification.

(b) An entry shall consist of at least 100 poults, either straight-run or 50 percent of each sex.

(c) The sample of poults shall be taken at random from the entrant's supply flocks or from his breeder replacement flocks.

(d) Poults shall be banded in each wing with a sealed and numbered band for identification.

(e) Poults shall be brooded and reared separately from other birds.

(f) The duration of the test shall be determined by the Official State Agency.

(g) The following data shall be obtained and reported by the Official State Agency for each entry:

(1) Kind of stock (variety, strain or cross; supply flock or breeder replacement);

(2) Number of hens in the flock or flocks from which poult sample was drawn;

(3) Percentage of poults started that finished the test;

(4) Average live weight by sexes based on individual weights of all birds at the close of the test;

(5) Average eviscerated weight by sexes of all birds completing the test;

(6) Average breast width, body depth and keel length of the New York dressed birds, by sexes (The breast width shall be measured at the widest point 1¼ inches above the keel. The body depth shall be measured at the deepest point);

(7) Coefficient of variability of all weights and body measurements.

¹The grading will be based on United States Classes, Standards, and Grades for Poultry as contained in 7 CFR Part 70, Subpart B.

(h) The results of the test reported to the APH Branch by December 1, shall be published in a national summary alphabetically by entries, with no indication of rank.

PART 147—AUXILIARY PROVISIONS ON NATIONAL POULTRY AND TURKEY IMPROVEMENT PLANS

SUBPART A—BLOOD TESTING PROCEDURES

- Sec.
147.1 The standard tube agglutination test.
147.2 The rapid serum test.
147.3 The stained-antigen, rapid, whole-blood test.

SUBPART B—BACTERIOLOGICAL EXAMINATION PROCEDURE

- 147.11 Laboratory procedure recommended for the bacteriological examination of reactors.

SUBPART C—PROCEDURE FOR CHANGING NATIONAL POULTRY AND TURKEY IMPROVEMENT PLANS

- 147.21 Definitions.
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147.24 Official delegates.
147.25 General Conference Committee.
147.26 Committee consideration of proposed changes.
147.27 Conference consideration of proposed changes.
147.28 Approval of conference recommendations by the Department.

AUTHORITY: §§ 147.1 to 147.28 issued under sec. 101, 58 Stat. 734, as amended; 7 U. S. C. 429.

SUBPART A—BLOOD TESTING PROCEDURES

§ 147.1 *The standard tube agglutination test.*¹ (a) The blood samples should be collected and delivered as follows:

(1) The blood samples should be taken by properly qualified and authorized persons only, and in containers provided by the laboratory. The containers should be stout-walled test tubes preferable $\frac{3}{8}$ by 3 inches, without lip, or small well-selected medicine vials, which have been thoroughly cleaned and dried in a hot-air drying oven. If stoppers are used they should be thoroughly cleaned and dried.

(2) Sufficient blood should be procured by making a small incision in the large median wing vein with a small sharp lancet and allowing the blood to run into the tube, or by the use of a small syringe (with 20 or 21 gage needle) which is properly cleansed between bleedings with physiological saline solution. To facilitate the separation of the serum the tubes should be placed in a slanted position until the blood has solidified. After the blood has completely clotted, they should be packed and shipped by mail (special delivery), rapid express, or by messenger, to the laboratory. All labeling must be clear and permanent, and may be done with a suitable pencil on etched portions of the tube, or by means of fast-gum labels.

(3) The blood samples must reach the laboratory in a fresh and unhemolyzed

¹ The procedure described is a modification of the method reported in the Proceedings of the United States Live Stock Sanitary Association, November 30 to December 2, 1932, pp. 487 to 491.

condition. Hemolyzed samples should be rejected. It is imperative, therefore, to cool the tubes immediately after slanting and clotting, and unless they reach the laboratory within a few hours, to pack them with ice in special containers, or use some other cooling system which will insure their preservation during transportation. In severe cold seasons, extreme precautions must be exercised to prevent freezing and consequent laking. The samples must be placed in cold (5° to 10° C.) storage, immediately upon arrival at the laboratory.

(b) The antigen shall consist of representative strains of *S. pullorum* which are of known antigenic composition, high agglutinability, but are not sensitive to negative and nonspecific sera. The stock cultures may be maintained satisfactorily by transferring to new sloped agar at least once a month and keeping at 18° to 25° C. (average room temperature) in a dark closet or chest, following incubation for from 24 to 36 hours at 37° C. The antigenic composition and purity of the stock cultures should be checked consistently.

(c) A satisfactory medium which has been used for a long time has the following composition:

Water	1,000 cc.
Difco beef extract	4 gm. (0.4 percent)
Difco Bacto-peptone	10 gm. (1.0 percent)
Difco dry-granular agar	20 gm. (2.0 percent)

Reaction-pH 6.8 to 7.2.

Large 1-inch test tubes, Kolle flasks or Blake bottles should be streaked liberally over the entire agar surface with inoculum from 48-hour slant agar cultures prepared from the stock cultures of the selected strains. The antigen-growing tubes or bottles should be incubated 48 hours at 37° C. and the surface growth washed off with sufficient phenolized (0.5 percent) saline (0.85 percent) solution to make a heavy suspension. The suspension should be filtered free of clumps through a thin layer of absorbent cotton in a Buchner funnel with the aid of suction. The antigens of the separate strains should be combined in equal volume-density and stored in the refrigerator (5° to 10° C.) in tightly stoppered bottles.

(d) Thiosulfate-Glycerin (TG) medium may be used as an alternate medium for the preparation of tube agglutination antigen. The TG medium, formerly used for the preparation of stained, whole-blood antigen, is described in more detail in the article by MacDonald, A. D., Recent Developments in Pullorum Antigen for the Rapid, Whole-Blood Test, Report of the Conference of the National Poultry Improvement Plan, pages 122-127, 1941. This medium provides a tube antigen of excellent specificity and greatly increases the yield of antigen from a given amount of medium. The TG medium has the following composition:

Beef infusion	1,000 cc.
Difco Bacto-peptone	20 gm. (2.0 percent)
Sodium thiosulfate	5 gm. (0.5 percent)
Ammonium chloride	5 gm. (0.5 percent)
Glycerin, U. S. P. (95 percent)	20 cc. (2.0 percent)
Difco dry-granular agar	30 gm. (3.0 percent)

Reaction-pH 6.8 to 7.2.

Large 1-inch test tubes, Kolle flasks, Blake bottles or Erlenmeyer flasks should be seeded over the entire agar surface with inoculum from 24-hour beef infusion broth cultures prepared from the stock cultures of the selected strains. The antigen-growing tubes or bottles should be incubated 96 hours at 37° C. and the surface growth washed off with sufficient phenolized (0.5 percent) saline (0.85 percent) solution to make a heavy suspension. The suspension should be filtered free of clumps through a thin layer of absorbent cotton in a Buchner funnel with the aid of suction. The antigen should be then centrifuged. The mass of bacteria should be removed from the centrifuge tubes or bowl and resuspended in saline (0.85 percent) solution containing 0.5 percent phenol. After the bacterial mass has been uniformly suspended in the diluent it should be again passed through a cotton pad in a Buchner funnel without the aid of suction. The antigens of the separate strains should be combined in equal volume-density and stored in the refrigerator (5° to 10° C.) in tightly stoppered bottles.

(e) The diluted antigen to be used in the routine testing should be prepared from the stock antigen by dilution of the latter with physiological (0.85 percent) saline solution containing 0.25 percent of phenol to a turbidity corresponding to 0.75-1.00 on the McFarland nephelometer scale. The hydrogen-ion concentration of the diluted antigen should be corrected to pH 8.2 to 8.5 by the addition of dilute sodium hydroxide. New diluted antigen should be prepared each day and kept cold. The diluted antigen may be employed in 2 cc. quantities in 4 by $\frac{1}{2}$ inch test tubes or 1 cc. quantities in smaller tubes in which the final serum-antigen mixtures are made and incubated. The distribution of the antigen in the tubes may be accomplished by the use of long burettes, or special filling devices made for the purpose.

(f) The maximum serum dilution employed must not exceed 1:50 for chickens nor 1:25 for turkeys. The available data indicate that 1:25 dilution is the most efficient. In all official reports on the blood test the serum dilutions shall be indicated. The sera should be introduced into the agglutination tubes in the desired amounts with well-cleaned serological pipettes or special serum-delivery devices which do not permit the mixing of different sera. The antigen and serum should be well mixed before incubation. The serum and antigen mixture must be incubated for at least 20 hours at 37° C.

(g) The results shall be recorded as:
N, or - (negative) when the serum-antigen mixture remains uniformly turbid.
P, or + (positive) when there is a distinct clumping of the antigen, and the liquid between the agglutinated particles is clear.
S, or ? (suspicious) when the agglutination is only partial or incomplete.
M, or missing, when samples listed on the original record sheet are missing.
H, or hemolyzed, when blood samples are hemolyzed and cannot be tested.
B, or broken, when sample tubes are broken and no serum can be obtained.

(Some allowance must always be made for the difference in sensitiveness of dif-

ferent antigens and different set-ups, and therefore a certain amount of independent, intelligent judgment must be exercised at all times. Also, the histories of the flocks require consideration. In flocks where individuals show a suspicious agglutination, it is desirable to examine representative birds bacteriologically to determine the presence or absence of *S. pullorum*.)

§ 147.2 *The rapid serum test.*² (a) The procedure for the collection and delivery of blood samples in the rapid serum test is the same as that described in § 147.1 (a).

(b) The antigen should be prepared as follows: (1) The antigen should consist of representative strains of *S. pullorum* which are of known antigenic composition, high agglutinability, but are not sensitive to negative and nonspecific sera.

(2) A satisfactory medium which has been used for a long time has the following composition:

Water	-----	1,000 cc.
Difco beef extract	-----	4 gm. (0.4 percent)
Difco Bacto-peptone	-----	10 gm. (1.0 percent)
Difco dry-granular agar	-----	20 gm. (2.0 percent)

Reaction-pH 6.8 to 7.2.

(3) Large 1-inch test tubes, Kolle flasks or Blake bottles are streaked liberally over the entire agar surface with inoculum from 48-hour slant-agar cultures prepared from stock cultures of the selected strains. The stock cultures may be maintained satisfactorily by transferring to new sloped agar at least once a month and keeping at 18° to 25° C. in a dark closet or chest, following incubation for from 24 to 36 hours at 37° C. The antigenic composition and purity of the stock cultures should be checked consistently.

(4) The antigen-growing tubes or bottles should be incubated 48 hours at 37° C. and the surface growth washed off with a very slight amount of 12 percent solution of sodium chloride containing 0.25 to 0.5 percent phenol, filtered through lightly packed sterile absorbent cotton placed in the apex of a sterile funnel.

(5) The washings should be adjusted (using 12 percent sodium chloride containing 0.25 to 0.5 percent phenol), so that the turbidity is 50 times greater than tube 0.75 of McFarland's nephelometer or to a reading of 7 mm. by the Gates nephelometer.

(6) The individual strain antigens should be tested with negative sera for their insensitivity and with positive sera for high agglutinability in comparison with known satisfactory antigen. The antigens of the separate strains should be combined in equal volume-density and stored in the refrigerator (5° to 10° C.) in tightly stoppered bottles.

(c) The tests should be conducted on a suitable, smooth plate. The serum-antigen dilution should be made so that the dilution will not exceed 1:50 when compared to the standard tube agglutination test. When testing turkey blood

samples it is desirable to use a serum-antigen dilution equivalent to the 1:25 in the tube method. The serum should be added to the antigen and mixed thoroughly by use of the tip of the serum pipette. Most strong positive reactions will be plainly evident within 15 to 20 seconds. The final reading should be made at the end of 2 or 3 minutes. Heating the plate at approximately 37° C. will hasten agglutination. Before reading, the plate should be rotated several times.

(d) The results shall be recorded as:
 N, or — (negative) when the serum-antigen mixture remains uniformly turbid.
 P, or + (positive) when there is a distinct clumping of the antigen, and the liquid between the agglutinated particles is clear.
 S, or ? (suspicious) when the agglutination is only partial or incomplete.
 M, or missing, when samples listed on the original record sheet are missing.
 H, or hemolyzed, when blood samples are hemolyzed and cannot be tested.
 B, or broken, when sample tubes are broken and no serum can be obtained.

(Allowance should be made for differences in the sensitiveness of different antigens and different set-ups, and therefore a certain amount of independent, intelligent judgment must be exercised at all times. Also, the histories of the flocks require consideration. In flocks where individuals show a suspicious agglutination, it is desirable to examine representative birds bacteriologically to determine the presence or absence of *S. pullorum*.)

§ 147.3 *The stained-antigen, rapid, whole-blood test.*³ (a) The description of the preparation of antigen is not herein included because that product is produced only under license from the Secretary of Agriculture in accordance with specific directions.

(b) A loop for measuring the correct quantity of blood can usually be obtained from the manufacturer of the antigen. A satisfactory loop may be made from a piece of No. 20 gage nichrome wire, 2½ inches long, at the end of which is fashioned a loop three-sixteenths of an inch in diameter. Such a loop when filled with blood, so that the blood appears to bulge, delivers 0.02 cc. A medicine dropper, whose tip is adjusted to deliver 0.05 cc. is used to measure the antigen. A glass plate about 15 inches square providing space for 48 tests has proved satisfactory for this work. The use of such a plate enables the tester to have a number of successive test mixtures under observation without holding up the work to wait for results before proceeding to the next bird.

(c) A drop of antigen should be placed on the testing plate. A loopful of blood should be taken up from the wing vein. When submerged in the blood and then carefully withdrawn, the loop becomes properly filled. On looking down edge-wise at the filled loop, one observes that the blood appears to bulge. The loopful of blood then should be stirred into the drop of antigen and the mixture spread

to a diameter of about 1 inch. The loop then should be rinsed in clean water and dried by touching it to a piece of clean blotting paper, if necessary. The test plate should be rocked from side to side a few times to mix the antigen and blood thoroughly, and to facilitate agglutination. The antigen should be used according to the directions of the producer.

(d) Various degrees of reaction are observed in this as in other agglutination tests. The greater the agglutinating ability of the blood the more rapid the clumping and the larger the clumps. A positive reaction consists of a definite clumping of the antigen surrounded by clear spaces. Such reaction is easily distinguished against a white background. A somewhat weaker reaction consists of small but still clearly visible clumps of antigen surrounded by spaces only partially clear. Between this point and a negative or homogeneous smear there sometimes occurs a very fine granulation barely visible to the naked eye; this should be disregarded in making a diagnosis. The very fine marginal clumping which may occur just before drying up is also regarded as negative. In a non-reactor the smear remains homogeneous. (Allowance should be made for differences in the sensitiveness of different antigens and different set-ups, and therefore a certain amount of independent, intelligent judgment must be exercised at all times. Also, the histories of the flocks require consideration. In flocks where individuals show a suspicious agglutination, it is desirable to examine representative birds bacteriologically to determine the presence or absence of *S. pullorum*.)

SUBPART B—BACTERIOLOGICAL EXAMINATION PROCEDURE

§ 147.11 *Laboratory procedure recommended for the bacteriological examination of reactors.* (a) The pericardial sac, peritoneum, oviduct and any visibly pathological tissues should be cultured on beef extract agar or tryptose agar by means of sterile swabs. Sterile technique should be followed. (Primary culture of these organs in a suitable nutrient broth and transfer to a suitable nutrient agar is optional.)

(b) The following organs should be aseptically collected for culture:

- (1) Heart (apex, pericardial sac, and contents if present.);
- (2) Liver (portions exhibiting lesions or in grossly normal organs the drained gall bladder and adjacent liver tissues.);
- (3) Ovary-Testes (entire inactive ovary or testes but if ovary is active use own judgment and include any atypical ova.);
- (4) Oviduct (if active include any debris and dehydrated ova.);
- (5) Pancreas; and
- (6) Spleen.

(c) A composite sample of the organs listed in § 147.11 (b) should be ground in a sterile mortar or suitable blender. Individual organs may be used if desired. Nutrient broth should be added as a diluent. Ten cc. of this suspension should be inoculated into 100 cc. of either Selenite F broth or Tetrathionate broth and into 100 cc. of a suitable noninhibitory nutrient broth.

² The procedure described is a modification of the method reported by Runnels, Coon, Farley, and Thorpe, *Amer. Vet. Med. Assoc. Jour.* 70 (N. S. 23): 660-662 (1927).

³ The procedure described is a modification of the method reported by Schaffer, MacDonald, Hall, and Bunyea, *Jour. Amer. Vet. Med. Assoc.* 79 (N. S. 32): 236-240 (1931).

(d) After 24 hours incubation at 37° C. a loopful of the broth cultures from each flask should be streaked on a suitable noninhibitory solid medium such as tryptose agar and one of the following selective media: Salmonella-Shigella (SS), MacConkey, Brilliant Green, Bismuth Sulfite, or Desoxycholate Citrate Lactose Sucrose (D. C. L. S.) agar. (All of these media may be obtained in dehydrated form.) If no suspicious colonies are observed after 24 hours incubation the enrichment broths should be restreaked on solid media.

(e) A portion of the crop wall and intestine to include the cecal tonsils are put into either Selenite F or Tetrathionate broth and incubated for 24 hours at 37° C. Transfers should be made from the broth onto agar plates as indicated in § 147.11 (d).

(f) Suspicious single colonies should be subcultured on nutrient agar or triple sugar iron agar slants and incubated for 24 hours at 37° C.

(g) Cultures should be transferred to the following fermentable media for identification: dextrose, lactose, sucrose (saccharose), mannite (mannitol), maltose, dulcitol (dulcitol) and salicin broths. Suitable tests also should be conducted for the detection of indole, hydrogen sulfide, acetylmethylcarbinol, and urease production. Motility or nonmotility is demonstrated by inoculation of a suitable semisolid medium. For the Gram stain a 24 hour nutrient agar slant culture should be used.

(h) All Salmonella cultures isolated should be serologically typed.

SUBPART C—PROCEDURE FOR CHANGING NATIONAL POULTRY AND TURKEY IMPROVEMENT PLANS

§ 147.21 *Definitions.* Except where the context otherwise requires, for the purposes of this subpart the following terms shall be construed, respectively, to mean:

(a) *NPIP.* The National Poultry Improvement Plan.

(b) *NTIP.* The National Turkey Improvement Plan.

(c) *Department.* The United States Department of Agriculture.

(d) *APH Branch.* The Animal and Poultry Husbandry Research Branch of the Agricultural Research Service of the Department.

(e) *State.* Any State, the District of Columbia, Alaska, Hawaii, or Puerto Rico.

(f) *USROP or ROP.* U. S. Record of Performance.

§ 147.22 *General.* Changes in this subchapter shall be made in accordance with the procedure described in this subpart; *Provided,* That the Department reserves the right to make changes in this subchapter without observance of such procedure, whenever, such action is deemed necessary in the public interest.

§ 147.23 *Submitting, compiling and distributing proposed changes.*

(a) Changes in this subchapter may be proposed by any participant, Official State Agency, the Department, or other interested person or industry organization.

(b) Except as provided in § 147.25 (d) (1), proposed changes shall be submitted in writing so as to reach the APH Branch not later than 90 days prior to the opening date of the conference, and participants in a Plan shall submit their proposed changes through their Official State Agency.

(c) The name of the proponent shall be indicated on each proposed change when submitted. Each proposal should be accompanied by a brief supporting statement.

(d) The APH Branch will notify all persons on the NPIP and NTIP mailing lists concerning the dates and general procedure of the conference. Hatchery, dealer and ROP participants will be reminded of their privilege to submit proposed changes and to request copies of all the published proposed changes.

(e) The proposed changes, together with the names of the proponents and supporting statements, will be compiled by the APH Branch and issued in processed form. When two or more similar changes are submitted, the APH Branch will endeavor to unify them into one proposal acceptable to each proponent. Copies will be distributed to State officials of the NPIP and NTIP and to ROP participants. Additional copies will be made available for meeting individual requests.

§ 147.24 *Official delegates.* Each State cooperating in the NPIP shall be entitled to one NPIP official delegate, and likewise, each State cooperating in the NTIP shall be entitled to one NTIP official delegate. The official delegates shall be elected by a representative group of participating industry members and be certified by the Official State Agency. It is recommended but not required that the NPIP official delegate be an NPIP participant.

Each official delegate shall endeavor to obtain, prior to the conference, the recommendations of industry members of his State with respect to each proposed change.

§ 147.25 *General Conference Committee.* (a) The General Conference Committee shall consist of the Poultry Coordinator in Charge, National Poultry and Turkey Improvement Plans, APH Branch, and one member to be elected from each of the following regions:

(1) North Atlantic: Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania.

(2) South Atlantic: Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, and Florida.

(3) East North Central: Ohio, Indiana, Illinois, Michigan, and Wisconsin.

(4) West North Central: Minnesota, Iowa, Missouri, North Dakota, South Dakota, Nebraska, and Kansas.

(5) Western: Montana, Idaho, Wyoming, Colorado, New Mexico, Arizona, Utah, Nevada, Washington, Oregon, and California.

(6) South Central: Kentucky, Tennessee, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma, and Texas.

(b) The committee members will be elected by the NPIP and NTIP official delegates of the respective regions. Each

region shall also elect one alternate member. There shall be at least two nominees for each position and the voting shall be by secret ballot.

(c) Three members shall be elected at each NPIP and NTIP Conference. At the 1954 conference, members were elected for 4-year terms for the North Atlantic, East North Central, and Western regions; whereas members were elected for 2-year terms for the South Atlantic, West North Central, and South Central regions. Thereafter, each member of the committee shall serve for a period of 4 years and may not succeed himself.

(d) The duties of the General Conference Committee are as follows:

(1) Determine whether new proposals (i. e., proposals that have not been submitted as provided in § 147.23) may be considered. New proposals will be considered only with the unanimous consent of the committee.

(2) During the interim between conferences, the committee shall represent the cooperating States in:

(i) Reviewing and giving recommendations regarding the Department's report of changes and editing of this subchapter to include the changes.

(ii) Serving in an advisory capacity with respect to administrative procedures and interpretations of the provisions of this subchapter.

(iii) Recommending such administrative changes as may be necessitated by unforeseen conditions when postponement until the next conference would seriously impair the operation of the program. Such changes shall not affect the basic provisions of this subchapter and shall remain in effect only until confirmed or rejected by the next NPIP and NTIP Conference, or until rescinded by the committee;

(iv) Assisting the APH Branch in formulating plans for the next conference.

§ 147.26 *Committee consideration of proposed changes.* (a) The following six committees shall be established to give preliminary consideration to the proposed changes, falling in their respective fields:

- (1) NPIP General Provisions.
- (2) NPIP Breeding.
- (3) NPIP Disease Control.
- (4) NTIP General Provisions.
- (5) NTIP Breeding.
- (6) NTIP Disease Control.

(b) Each official NPIP delegate shall be appointed a voting member in one of the committees specified in paragraph (a) (1), (2), and (3) of this section and each official NTIP delegate shall be appointed a voting member in one of the committees specified in paragraph (a) (4), (5), and (6) of this section.

(c) Since several of the proposals may be interrelated, the committees shall consider them as they may relate to others, and feel free to discuss related proposals with other committees.

(d) The committees shall make recommendations to the conference as a whole concerning each proposal. The committee report shall show any change in wording and the record of the vote on each proposal, and suggest an effective date for each proposal recommended for adoption. The individual committee reports shall be submitted to the chair-

man of the conference, who will combine them into one report showing, in numerical sequence, the committee recommendations on each proposal.

(e) The committee meetings shall be open to any interested person. Advocates for or against any proposal should feel free to appear before the appropriate committee and present their views.

§ 147.27 *Conference consideration of proposed changes.* (a) The chairman of the conference shall be a representative of the Department.

(b) At the time designated for voting on proposed changes by the official delegates, the chairman of the General Conference Committee and the six committee chairmen shall sit at the speaker's table and assist the chairman of the Conference.

(c) Each committee chairman shall present the proposals which his committee approves or recommends for adoption as follows: "Mr. Chairman. The committee on NPIP General Provisions recommends the adoption of Proposal No. —, for the following reasons: I move the adoption of Proposal No. —." A second will then be called for. If the recommendation is seconded, discussion and a formal vote will follow.

(d) Each committee chairman shall present the proposals which his committee does not approve as follows: "Mr. Chairman. The committee on NPIP General Provisions does not approve Proposal No. —." The chairman will then ask if any official delegate wishes to move for the adoption of the proposal. If moved and seconded, the proposal is subject to discussion and vote. If there is no motion for approval, or if moved, but not seconded, there can be no discussion or vote and the proposal is thereby rejected.

(e) Discussion on any motion must be withheld until the motion has been properly seconded, except that the delegate making the motion is privileged, if he desires, to give reasons for his motion at the time of making it. To gain the floor for a motion or for discussion on a motion, the official delegate in the case of a motion, or anyone in case of discussion on a motion, shall rise, address the chair, give his name and State, and be recognized by the chair before proceeding further. While it is proper to accept motions only from official delegates and to limit voting only to such delegates, it is however, equally proper to accept discussion from anyone interested. To conserve time, discussion should be pointed and limited to the pertinent features of the motion.

(f) Proposals that have not been submitted in accordance with § 147.23 will be considered by the conference only with the unanimous consent of the General Conference Committee. Any such proposals must be referred to the appropriate committee for consideration before being presented for action by the conference.

(g) Voting will be by States and each cooperating State will be allowed one vote. Unless otherwise arranged, the NPIP official delegate shall cast his State's vote on changes affecting the NPIP, and the NTIP official delegate shall cast his State's vote on changes affecting the NTIP.

(h) A roll call of States for a recorded vote will be used when requested by a delegate or at the discretion of the chairman.

(i) All motions on proposed changes shall be for adoption.

(j) Proposed changes shall be adopted by a majority vote of the official delegates present and voting.

(k) The conference shall be open to any interested person.

§ 147.28 *Approval of conference recommendations by the Department.* Proposals adopted by the official delegates will be recommended to the Department for incorporation into the provisions of the NPIP and NTIP. The Department reserves the right to approve or disapprove the recommendations of the conference as an integral part of its sponsorship of the NPIP and NTIP.

The foregoing provisions are based on recommendations of the 1954 National Poultry and Turkey Improvement Plans Conference of representatives of affected poultrymen from all of the States cooperating in the administration of the Plans, and do not deviate in substance from such recommendations except to the extent necessary (1) to reserve to the Department of Agriculture its primary power and responsibility under the legislation authorizing such cooperation, and (2) to make it possible for an ROP participant to produce ROP products within his own strain. Notice of rule-making with respect to the provisions was published in the FEDERAL REGISTER on October 9, 1954 (19 F. R. 6519) and all comments and suggestions received have been carefully considered. The only substantive change from the provisions in the notice constitutes a relieving of restrictions. All affected poultrymen were represented at the Conference and they are aware of the changes in their operations that will be required by the foregoing provisions. The General Conference Committee which functions as the representative of such poultrymen throughout the year has urged that the provisions recommended by the Conference be made effective as soon as possible. Therefore, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) it is found upon good cause that further notice and other public procedure are impracticable, unnecessary, and contrary to the public interest and good cause is found for making the foregoing provisions effective less than 30 days after their publication in the FEDERAL REGISTER.

The reporting and record keeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

The foregoing provisions shall become effective December 9, 1954.

Done at Washington, D. C., this 3d day of December 1954.

[SEAL]

M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

STATE OF NEW JERSEY
DEPARTMENT OF AGRICULTURE

W. H. ALLEN, *Secretary*

DIVISION OF MARKETS
WARREN W. OLEY, *Director*

SUPPLEMENT

to

The N.J.-U.S. National Poultry Improvement Plan
and the
N.J.-U.S. National Turkey Improvement Plan



Circular
No. 368 (Revised)

Trenton, N. J.
October 1954

N.J.-U.S. NATIONAL POULTRY IMPROVEMENT PLAN
N.J.-U.S. NATIONAL TURKEY IMPROVEMENT PLAN

BREEDING STAGES

1. The following breeding classifications are used in New Jersey:

N.J.-U.S. Approved N.J.-U.S. Record of Performance (*ROP*)
N.J.-U.S. Certified N.J. Register of Merit (*ROM*)

2. The work of flock selecting agents will be recognized in only the Approved and Certified stages.

3. The purchase of *ROP* hatching eggs to produce *ROP* chicks is permitted in New Jersey only when distance prohibits the shipment of chicks, and then only by *ROP* breeders or wing banded by State inspector or authorized selecting agent.

4. N.J. Register of Merit—Requirements same as listed in U.S. Miscellaneous Publication 300, Revised October 1952, page 20.

PULLORUM-TYPHOID DISEASE TESTING

1. The following stages for pullorum-typhoid disease control and eradication are used in New Jersey.

N.J.-U.S. Pullorum-Typhoid Passed (no reactors in last test of all breeders on farm).

N.J.-U.S. Pullorum-Typhoid Clean (no reactors in two consecutive tests at least six months apart, or flock raised from Passed or Clean chicks with no reactors on first test, or two consecutive tests not less than 21 days apart).

2. Reactors must be retained for bacteriological examination for pullorum and typhoid disease. The examination must be done in one of three laboratories:

Division of Animal Industry Laboratory
New Jersey Department of Agriculture
1 West State Street, Trenton 8, N.J.

Rutgers University
Animal Pathology Laboratories
New Brunswick, N.J.

or
East Landis Avenue, Vineland, N.J.

COST OF SERVICE TO POULTRYMEN

- | 1. No. of Birds Handled | 1-Man Crew | 2-Man Crew | 3-Man Crew |
|-------------------------|------------------|------------------|------------------|
| 1 to 500 | 4 cents per bird | 5 cents per bird | 6 cents per bird |
| 501 up | 3 cents per bird | 4 cents per bird | 5 cents per bird |
- 1-Man Crew—Includes a pullorum-typhoid tester or tube bleeder or selector.
- 2-Man Crew—Includes (a) a pullorum-typhoid tester or tube bleeder, (b) a bleeder or selector.
- 3-Man Crew—Includes (a) a pullorum-typhoid tester, (b) a bleeder, (c) a selector.
2. Retests—One-half cent per bird less than above charges.
3. Maximum Charge—Top charges for any one day.
\$30 for one man
\$40 for two men
\$50 for three men
(Laboratory tube charge, checking selection or testing of agents not included.)
4. Laboratory Tube Test Charge—
*State Crews 1 cent per bird
*Agent Crews (straight tube) 1 cent per bird
Other Crews (no N.J.-U.S. rating) 1.2 cents per bird
5. Flock selection and pullorum-typhoid testing agents' fees—
(a) 0.8 cent per bird—includes bands, supervision of selecting and supervision of testing on Pullorum-Typhoid Passed flocks.
(b) 1.2 cents per bird—includes bands, supervision of selecting and supervision of testing on Pullorum-Typhoid Clean flocks.
6. Hatchery Fees—10,000 to 100,000 egg capacity..... \$10
100,001 and up egg capacity..... \$20
7. When very small flocks are to be tested we will send the bands and tubes. Charges will be the cost of the bands used, and 1.2 cents for each tube. No N.J.-U.S. rating will be given.
8. Record of Performance (ROP) Trapnest Charges—
First 100 birds 35 cents per bird
Second 100 birds 30 cents per bird
Third 100 birds 25 cents per bird
All over 300 birds 20 cents per bird
(The regular Selection and Testing charges are in addition to the ROP Trapnest fees.)
9. Fees may be increased in any case where lack of cooperation on the part of the applicant tends to raise the cost to the Department of Agriculture.

* 0.2 cents per bird antigen charge included in field charge.

GENERAL REGULATIONS

All breeding birds are selected and banded by a poultry inspector of the New Jersey Department of Agriculture or by qualified flock selecting agents under Department supervision. Flocks entered in any of the breeding stages are required to be officially tested for pullorum-typhoid disease.

The pullorum-typhoid testing is done by representatives of the New Jersey Department of Agriculture or qualified testing agents under Department supervision.

Flock selection and testing agents and blood collectors shall take a course of training as prescribed by the New Jersey Department of Agriculture and shall pass satisfactorily an examination to prove their ability in selecting and testing birds for pullorum-typhoid disease.

The New Jersey Department of Agriculture shall designate the number of samples of blood to be taken from each flock tested. The tests shall be made by the Division of Animal Industry.

Applications for service should be made in writing, sufficiently in advance to permit the orderly scheduling of work by the Department's staff. Notification before September 1 of intention to participate will be mutually helpful.

METHOD OF PAYMENT

1. A deposit of three cents per bird must accompany application.
2. Where flock selection and testing agents are employed, one-quarter cent per bird must accompany application.
3. The flock and hatchery inspection fee must accompany application.
4. ROP Trapnest payments:
One-fourth of total fees with application.
One-fourth of total fees February 1.
Balance June 1.
5. The individual, firm or hatchery making application will be held responsible for payment of all fees.
6. All bills must be paid promptly after notification, and no certificates will be issued until all fees are paid.
7. Checks shall be payable to the State of New Jersey, Department of Agriculture.

Address all inquiries to B. K. Messersmith, Supervisor, Poultry Standardization, Division of Markets, Department of Agriculture, Trenton 8, N.J.