

CHAPTER 71
GRADES AND STANDARDS

Authority

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

Source and Effective Date

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

Executive Order No. 66(1978) Expiration Date

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

Chapter Historical Note

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

Subchapters 1 and 2 were readopted in compliance with Executive Order No. 66(1978) effective September 1, 1983 as R.1983 d.394. See: 15 N.J.R. 1050(a), 16 N.J.R. 1574(a).

Chapter 71 was readopted in compliance with Executive Order No. 66(1978) effective July 8, 1988 with amendments effective August 1, 1988 as R.1988 d.370. See: 20 N.J.R. 953(a), 20 N.J.R. 1871(a).

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

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

CHAPTER TABLE OF CONTENTS

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

- 2:71-1.1 through 2:71-1.22 (Reserved)
- 2:71-1.23 Marketing of shell eggs
- 2:71-1.24 through 2:71-1.29 (Reserved)
- 2:71-1.30 Certificates of grade
- 2:71-1.31 Name and address on containers
- 2:71-1.32 Sealing containers
- 2:71-1.33 Registering sample of label or container
- 2:71-1.34 (Reserved)
- 2:71-1.35 Reused container
- 2:71-1.36 (Reserved)
- 2:71-1.37 Sanitary conditions
- 2:71-1.38 Labeling of eggs
- 2:71-1.39 Use of the New Jersey map symbol on egg packages and in advertising
- 2:71-1.40 Container defined

SUBCHAPTER 2. FRUITS AND VEGETABLES

- 2:71-2.1 New Jersey grades of fruits and vegetables based on United States Standards
- 2:71-2.2 Use of "Jersey Fresh" as the logo for the "Jersey Fresh Quality Grading Program" and "Jersey Fresh Quality Premium Program" (referred to as the "logos") on containers of certain fresh fruits, vegetables, shell eggs and cut flowers
- 2:71-2.3 Fee and reporting requirements for Jersey Fresh Quality Grading Program participation

- 2:71-2.4 Agricultural commodities intended to be marketed under the Jersey Fresh Quality Grading Program and Premium Program
- 2:71-2.5 Commodity grades, packing requirements, packer identification and containers
- 2:71-2.6 Definitions
- 2:71-2.7 Penalties
- 2:71-2.8 Asparagus for canning or freezing
- 2:71-2.9 Diameter classifications
- 2:71-2.10 Definition of terms
- 2:71-2.11 Grade classifications of asparagus spears
- 2:71-2.12 Asparagus spears described and permitted in N.J. No. 1 grade
- 2:71-2.13 Procedure for loads received after severe wind and rain-storm
- 2:71-2.14 Asparagus spears described and permitted in N.J. No. 2 grade
- 2:71-2.15 Function and need for unrestricted sampling of asparagus for processing
- 2:71-2.16 Unrestricted sampling; definition
- 2:71-2.17 Equipment and personnel required
- 2:71-2.18 through 2:71-2.25 (Reserved)
- 2:71-2.26 Requests; charges
- 2:71-2.27 Agreements for inspection services
- 2:71-2.28 Charges for inspection or grading and certification services; written agreements for single commodity inspection
- 2:71-2.29 Written agreements for multiple commodity inspection
- 2:71-2.30 Charges; oral agreements; trailer, car, warehouse and storage lots
- 2:71-2.31 Charges; oral agreements between Department of Agriculture and requestor
- 2:71-2.32 Hourly rate charges

SUBCHAPTER 3. PLANT MATERIALS

- 2:71-3.1 Standards for plant material

SUBCHAPTER 4. (RESERVED)

SUBCHAPTER 5. MARKING OPEN AND CLOSED PACKAGES OF POTATOES

- 2:71-5.1 General provisions; purpose
- 2:71-5.2 Grades on potato package
- 2:71-5.3 Markings of potato package
- 2:71-5.4 Tags
- 2:71-5.5 Invoices and/or manifests (bills of lading)
- 2:71-5.6 Prohibition of sale
- 2:71-5.7 Responsibility of packer or repacker

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

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

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

2:71-1.23 Marketing of shell eggs

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

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

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

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

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

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

2:71-1.30 Certificates of grade

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

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

2:71-1.31 Name and address on containers

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

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

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

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

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

Authority

N.J.S.A. 4:3-11.13

2:71-1.32 Sealing containers

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

As amended, R.1978 d.402, eff. November 21, 1978.