



## **PLEASE NOTE**

This document, prepared by the [Legislative Counsel Office](#), is an office consolidation of this regulation, current to February 1, 2004. It is intended for information and reference purposes only.

This document is *not* the official version of these regulations. The regulations and the amendments printed in the [Royal Gazette](#) should be consulted to determine the authoritative text of these regulations.

For more information concerning the history of these regulations, please see the [Table of Regulations](#).

If you find any errors or omissions in this consolidation, please notify the Legislative Counsel Office at (902) 368-4291 or by email to [pmporter@gov.pe.ca](mailto:pmporter@gov.pe.ca).

## CHAPTER P-14

### POULTRY AND POULTRY PRODUCTS ACT

#### MARKETING OF EGGS REGULATIONS

Made by the Lieutenant Governor in Council under the *Poultry and Poultry Products Act* R.S.P.E.I. 1988, Cap. P-14.

#### INTERPRETATION

1. In these regulations	Definitions
(a) “Act” means the <i>Poultry and Poultry Products Act</i> R.S.P.E.I. 1988, Cap. P-14;	Act
(b) “breaker eggs” means eggs intended for the direct production of egg product and which are clean and free from inedible eggs;	breaker eggs
(c) “carton” means a container made to contain, six, twelve, eighteen, twenty-four, or thirty eggs, with a separate compartment for each egg;	carton
(d) “consumer” means a person who buys eggs for use by himself or his household and not for resale;	consumer
(e) “container” means any case, box, carton or other receptacle made to contain eggs;	container
(e.1) “cracks” means eggs which have the following characteristics: (i) the shell is cracked but the internal contents are not leaking, and (ii) on candling, the egg meets the standards for at least Canada C;	cracks
(f) “domestic hen” means a hen belonging to the species <i>Gallus domesticus</i> ;	domestic hen
(g) “dye mark” means a mark consisting of a deposit of food colour not exceeding 20 mm in diameter that is applied to the large end of an egg at a registered egg station;	dye mark
(h) “egg” means an egg of a domestic hen but does not include a hatching egg;	egg
(h) revoked by EC35/93;	egg station
(i) revoked by EC35/93;	egg product station

egg product	(j) “egg product” means frozen egg, liquid egg, dried egg or a mix;
food service establishments	(j.1) “food service establishments” means institutions for the aged, hospitals, child care facilities, restaurants and public eating places and bakeries;
grade	(k) “grade” means to mark eggs with one of the terms specified in subsection 2(1);
grade cracks	(l) revoked by EC175/97;
grade eggs	(m) “grade eggs” means eggs in containers which are marked with one of the terms specified in subsection 2(1);
hatching eggs	(n) “hatching eggs” means eggs used for the production of chicks;
hatchery	(o) “hatchery” means any place, building, or premises equipped with an incubator and used for incubation purposes;
inspector	(p) “inspector” means the inspector appointed under the Act;
Minister	(q) “Minister” means the Minister of Agriculture and Forestry;
process	(r) “process” means any part of the work of preparing egg product;
producer	(s) “producer” means a person who ships, transports or sells only eggs produced on his own farm;
producer grader	(t) “producer grader” means a person who has been issued a license by the Minister to grade eggs produced on his own farm;
registered egg station	(t.1) “registered egg station” means a place where eggs are prepared, graded or marked, and which is registered, and in respect of which a certificate of registration has been issued under the Egg Regulations pursuant to the <i>Canada Agricultural Products Standards Act</i> ;
registered processed egg station	(t.2) “registered processed egg station” means a place in which processed egg product is prepared, graded and marked, and which is registered, and in respect of which a certificate of registration has been issued under the Processed Egg Regulations pursuant to the <i>Canada Agricultural Products Standards Act</i> ;
reject	(u) “reject” means any egg that does not meet the requirements of any of the terms specified in subsection 2(1) or that has been in an incubator;
retailer	(v) “retailer” means a person who offers, has in possession for sale or sells eggs to a consumer;
ungraded eggs	(w) “ungraded eggs” means eggs in containers which are not marked with one of the terms specified in subsection 2(1);
weight	(x) “weight” means the net weight of a box or case of shell eggs;

- (y) “wholesaler” means any person other than a producer who sells wholesaler  
eggs to
- (i) a retailer,
  - (ii) any person in quantities of fifteen dozen or more for use as food or in the preparation of food, or
  - (iii) an egg product station. (EC453/77; 115/84; 35/93; 175/97)

#### APPLICATION OF REGULATIONS

2. (1) Except as provided in these regulations all containers of eggs sold, Grades  
offered for sale or held in possession for sale in the Province of Prince Edward Island shall be marked with one of the following terms to indicate the grade, grade or standard of such eggs:

- (a) - Canada A Jumbo Size
- (b) - Canada A Extra Large Size
- (c) - Canada A Large Size
- (d) - Canada A Medium Size
- (e) - Canada A Small Size
- (f) - Canada A Pee-Wee Size
- (g) - Canada B
- (h) - Canada C
- (i) - Canada Nest Run
- (j) - “cracks”

(2) Standards for grade terms specified in subsection (1) are as set out Standards  
in the regulations respecting the grading, packaging, marking and international and interprovincial trade in eggs made under *Canada Agricultural Products Standards Act* (Canada) except “Cracks” which is defined in clause 1(e.1).

(3) Graded eggs packed in cartons not marked in accordance with Transmission for  
subsection (1) shall be sent or conveyed from one egg station to another grading  
egg station for marking as prescribed by these regulations.

(4) The provisions of these regulations shall not apply to eggs Farm sales  
produced on the farm of a producer and sold directly by the producer to a consumer.

(5) No person shall sell, offer for sale, send or convey from any place Egg products  
to any other place, eggs marked Canada C or eggs marked Grade C with the name of a foreign country except to an egg product station for the purpose of processing into egg product.

(6) Subsection (1) does not apply to eggs marked with the name of a Exception  
foreign country and the name of a grade of the foreign country if the

eggs meet the standard for the Canada grade equivalent to the grade name on the eggs.

Sale etc. to  
registered egg  
station

(7) No person shall sell, offer for sale, send, or convey, except to a registered processed egg station, eggs that

- (a) are graded Canada A, Canada B, Canada C and bear a dye-mark;
- or
- (b) are graded Canada C and do not bear a dye-mark.

Sale of processed  
eggs

(8) No processed eggs or egg products may be sold or marketed unless processed in a registered processed egg station.

Sale of cracks

(9) No “cracks”, broken or leaking eggs may be sold or marketed to food service establishments. (EC453/77; 35/93; 62/93; 175/97)

Eggs deemed to be  
for resale

**3.** All eggs on the premises of a retailer or wholesaler shall be deemed to be for sale. (EC453/77)

#### UNGRADED EGGS

Ungraded eggs

**4.** Subject to subsection 2(4), no person shall sell, offer for sale, process, or send or convey from any place to any other place ungraded eggs except that

- (a) a producer may send or convey eggs produced on his own farm to an egg station for grading or to an egg product station for processing; or
- (b) an egg station may send or convey ungraded eggs received by it to an egg product station for processing. (EC453/77)

Identification

**5.** Ungraded eggs received by an egg station or egg product station shall be clearly identified with the name of the producer and the date of receipt. (EC453/77)

Separate grading for  
each producer

**6.** (1) Subject to subsection (2), each producer’s eggs shall be graded entirely separately from those of any other producer.

Unidentified lots

(2) Eggs from producers in quantities less than six dozen need not be individually identified as specified above, and payment or settlement to producers for such eggs may be made on a basis of the combined grading of all such unidentified lots in the shipment. (EC453/77)

#### GRADE CRACKS

Sale of cracked  
eggs

**6.1** Subject to the applicable provisions of these regulations, cracked eggs may be marketed in the province through retail outlets subject to the following requirements:

- (a) cracked eggs shall not be sold in cartons or containers containing more than 30 eggs;
- (b) cracked eggs shall be clearly labelled on the carton as follows:
  - (i) identifying the eggs as eggs and cracks and the quantity contained in the carton;
  - (ii) indicating
    - (A) the producer identity and address or the producer code,
    - (B) the grading station and address,
    - (C) the “best before” date,
  - (iii) bearing the following warnings
    - (A) “Cracked Eggs should be Cooked Thoroughly”,
    - (B) “Keep Refrigerated at 4 ° Celsius”,
- (c) cracked eggs shall be clearly labelled on a container that is a box or receptacle containing eggs other than cartons as follows:
  - (i) identifying the eggs as eggs and as cracks and the quantity contained in the container,
  - (ii) indicating
    - (A) the grading station and address,
    - (B) that the product must be kept refrigerated; and
- (d) cracked eggs held at a grading station for the purpose of retail sale to consumers shall be kept refrigerated at a temperature not exceeding 4 degrees Celsius. (EC175/97)

#### PRODUCER GRADERS

**7.** Revoked by EC35/93.

License

**8.** Revoked by EC35/93.

Grading room

#### RECORDS

- 9.** The operator of an egg station or an egg products station shall maintain and be responsible for complete records which will include a grading statement showing Station records
- (a) name and address and registration number of the egg station or egg product station;
  - (b) name and address of producer;
  - (c) date of receipt of eggs;
  - (d) quantity of eggs received;
  - (e) date of grading or processing;
  - (f) date of payment;
  - (g) amount of any advance payment;
  - (h) quantity of eggs graded into each grade, or quantity and weight processed;

- (i) the price to be paid for each grade, or for the quantity and weight processed; and
- (j) the total value of the eggs. (EC453/77)

Report to  
Agriculture Canada

**10.** Every producer grader shall make a report to the District Supervisor, Poultry Division of Agriculture (Canada) disclosing the number of eggs graded during that week, the grades of such eggs, and such other information as may be requested. (EC453/77)

Grading statements

**11.** The operator of an egg station or an egg product station shall retain at his place of business for a period of ninety days after payment, one copy of each grading statement. (EC453/77)

#### PAYMENTS FOR EGGS

Payments on  
account

**12.** Where the operator or an egg station or egg product station makes a payment on account to the producer, the amount of the payment shall not exceed eighty per cent of the total value of the eggs computed at the price for Grade Canada B eggs, or in the case of an egg product station the price for breaker eggs being paid to the producer at the time and place of payment. (EC453/77)

Payment basis

**13.** Egg stations and egg product stations shall pay on a graded basis or a weight basis for all ungraded eggs received by them for processing. (EC453/77)

Graded basis

**14.** Eggs shall be deemed to have been paid for on a graded basis only if

- (a) the eggs are graded in accordance with the terms set forth in subsection 2(1); and
- (b) the price paid for each grade differs from the price paid for each of the other grades, except that if the current market price at time and place of grading is the same for two grades the price paid for those grades may be the same. (EC453/77)

Ungraded eggs

**15.** The operator of an egg station or egg product station shall within seven days of receipt of ungraded eggs

- (a) furnish to the person who shipped the ungraded eggs to the egg station one copy of the grading statement or statement of quantity and weight of eggs processed; and
- (b) make payment or final settlement for the eggs received. (EC453/77)

#### WHOLESALEERS

License

**16.** (1) No wholesaler shall operate without a license from the Minister.

(2) Application for such license shall be made upon forms supplied by the Minister. (EC453/77) Application

#### ADVERTISING

**17.** No person shall publish any untrue, deceptive or misleading advertisement or statement in respect to eggs offered for sale or held in possession for sale or distribution. (EC453/77) False advertising

**18.** In any advertisement pertaining to eggs wherein the price appears, the grade name shall also be stated. (EC453/77) Grade to be specified

**19.** Any carton or card displayed in connection with eggs in a retail store shall be deemed to be an advertisement. (EC453/77) Advertisements

**20.** No person shall in any advertisement offering eggs for sale, state or use words or phrases implying that the eggs of the grade advertised are superior in condition or quality to that required for eggs of that grade. (EC453/77) *Idem*

#### OFFENCES

**21.** Any wholesaler or retailer who fails to comply with these regulations shall be guilty of an offence. (EC453/77) Offence

#### LICENSES FOR REJECTS

**22.** (1) No person shall sell or offer for sale rejects without a license from the Minister. License

(2) An application for a license to sell rejects shall be in Form 3 of the Schedule. Application

(3) A license to sell rejects shall Terms of license

- (a) only be issued to a producer, the operator or an egg station, or hatchery;
- (b) not be transferable;
- (c) remain in force until December 31 next following the day of issue, unless sooner cancelled, suspended or surrendered; and
- (d) be in Form 4 of the Schedule. (EC453/77)

**23.** (1) The conditions under which a license to sell rejects shall be issued are Conditions for sale of rejects

- (a) that the holder of the license make a record with respect to the sale of all rejects showing
  - (i) the name and address of each purchaser of each lot of rejects sold,



	(ii) the quantity of eggs in each lot, and (iii) the date of sale; and (b) that the holder of the license retain the record made pursuant to clause (a) for at least ninety days after the date of sale.
Marking of containers	(2) A container which contains rejects shall be marked as follows: (a) on the first line in letters one-half inch in height the words "Rejects - Not for Human Consumption"; and (b) on the second line in letters one-quarter inch in height the name and address of the egg station, producer, or the name and address of the hatchery, as the case may be.
Mode of marking	(3) The required markings for a container shall be printed, stamped or stencilled on the containers, or printed in black lettering on a brown tag at least three inches by six inches in size and affixed securely to the container. (EC453/77)
Restrictions on purchase of rejects	<b>24.</b> (1) No person shall purchase or otherwise obtain rejects (a) for resale; (b) for use as breaker eggs; or (c) in any quantity amounting to more than fifteen dozen eggs in any calendar month, without a license from the Minister.
License	(2) An application for a license to purchase rejects shall be in Form 5 of the Schedule.
Terms of license	(3) A license to purchase rejects shall (a) not be transferable; (b) remain in force until the 31st day of December next following the date of issue, unless sooner cancelled, suspended or surrendered; and (c) be in Form 6 of the Schedule. (EC453/77)
Conditions for purchase of rejects	<b>25.</b> The condition under which a license to purchase rejects shall be issued is that the holder of the license furnish on or before the fifteenth day of each month, a statement to an inspector showing (a) the quantities of all rejects purchased or otherwise obtained during the previous calendar month; (b) the name and address of the person from whom the rejects were purchased or otherwise obtained, and the date of purchasing or otherwise obtaining the rejects; and (c) the purpose for which the rejects were purchased or otherwise obtained. (EC453/77)
Preparation of food	<b>26.</b> No person shall purchase or sell or offer for sale rejects for use as food, or in the preparation of food, for human consumption. (EC453/77)

## DETENTION

**27.** (1) An inspector may place under detention any eggs that do not comply with the Act or these regulations by attaching to at least one container of the lot a numbered tag hereinafter referred to as a “detention tag” upon which shall be clearly written the following: Detention of eggs

- (a) the words “Under Detention - Department of Agriculture and Forestry, Province of Prince Edward Island”;
- (b) a detention number given by the inspector;
- (c) a brief description of the lot being detained;
- (d) the reason for detention;
- (e) the date of detention; and
- (f) the inspector’s signature.

(2) Where the eggs are not in a container, an inspector may require the owner to place such eggs in a container and the container shall be marked in accordance with subsection (1) . (EC453/77; 639/93) Marking of container

**28.** Immediately after attaching the detention tag, the inspector shall deliver or mail to the owner of the eggs or egg product or his agent a duly completed notice of detention in Form 7 of the Schedule, and where such eggs or egg product are on premises other than that of the owner, a copy of the notice of detention shall also be delivered or mailed to the person on whose premises the eggs or egg product are found. ( EC453/77) Notice of detention

**29.** An inspector may make such orders and give such directions as to him appear necessary for the proper preservation and safeguarding of any eggs or egg product respecting which a detention tag has been placed on a container or containers marked pursuant to section 27, and every person to whom any such order is made or direction given shall comply therewith according to its terms. (EC453/77) Directions

**30.** Except as authorized by an inspector, no person shall alter or remove a detention tag placed on a container of eggs or egg product or alter any marks made on a container by an inspector pursuant to section 27. (EC453/77) Interference with detention tag

**31.** Except with the written permission of an inspector, no person shall remove, sell or otherwise dispose of any eggs or egg product contained in a container on which a detention tag has been placed or in a container of eggs or egg product or alter any marks made on a container by an inspector pursuant to section 27. (EC453/77) Sale, etc., of detained eggs

**32.** (1) Where an inspector is satisfied that eggs or egg product held under detention comply with these regulations, he shall complete a “Notice of Release” in the form determined by the Minister. Notice of release

10

Cap. P-14

*Poultry and Poultry Products Act*  
Marketing of Eggs Regulations

Updated 2002

*Idem*

(2) The inspector shall deliver or mail one copy of the notice of release to the owner of the eggs or egg product and one copy to the person on whose premises the eggs or egg product were found. (EC453/77)

**SCHEDULE**

**FORM 1**

**DEPARTMENT OF AGRICULTURE AND FORESTRY**

**PROVINCE OF PRINCE EDWARD ISLAND**

**Application for Producer Grader's License**

TO: Minister of Agriculture and Forestry  
Province of Prince Edward Island

.....  
(Name of Applicant)

.....  
(Address)

Applies for a Producer Grader's License under the *Poultry and Poultry Products Act*.

.....  
(Date)

.....  
(Signature of Applicant)

**FORM 2**  
**DEPARTMENT OF AGRICULTURE AND FORESTRY**  
**PROVINCE OF PRINCE EDWARD ISLAND**

**License**

No. ....

Under the *Poultry and Poultry Products Act*

This is to certify that..... of .....  
is hereby licensed under the *Poultry and Poultry Products Act* to carry on business as a

..... of .....  
(Eggs, egg product or graded poultry products only)

at..... in the Province of Prince Edward Island.

Granted at Charlottetown this ..... day of ....., 20 .....

This license expires on the thirty-first day of December, 20.....

.....  
(Signature of Licensee) (Minister of Agriculture and Forestry)

**FORM 3**  
**DEPARTMENT OF AGRICULTURE AND FORESTRY**  
**PROVINCE OF PRINCE EDWARD ISLAND**  
**Application For License To Sell Rejects**

TO: Minister of Agriculture and Forestry  
Province of Prince Edward Island

.....  
(Name of Applicant)

.....  
(Address)

applies for a license to sell rejects under the *Poultry and Poultry Products Act* and the regulations.

State whether you are a producer or the operator of an egg grading station.....

State registration number, if any .....

.....  
(Date)

.....  
(Signature of Applicant)



**FORM 5**

**DEPARTMENT OF AGRICULTURE AND FORESTRY  
PROVINCE OF PRINCE EDWARD ISLAND  
Application for License to Purchase Rejects**

TO: Minister of Agriculture and Forestry  
Province of Prince Edward Island

.....  
(Name of Applicant)

.....  
(Address)

applies for a License to purchase rejects under the *Poultry and Poultry Products Act* and the regulations, and in support of this application the following facts are stated:

1. Location of all premises where rejects are to be stored or used .....

2. Use to be made of rejects .....

.....

3. Approximate quantity of rejects to be used per month.....

.....  
(Date)

.....  
(Signature of Applicant)



**FORM 6**  
**DEPARTMENT OF AGRICULTURE AND FORESTRY**  
**PROVINCE OF PRINCE EDWARD ISLAND**  
**License to Purchase Rejects**

Under the *Poultry and Poultry Products Act* and the regulations, and subject to the limitations thereof, this license to purchase rejects is issued to

.....  
(Name)

.....  
(Address)

License No. .... Expiry date - December 31, 20 .....

Non-transferable  
.....  
(Signature)

**FORM 7**

**DEPARTMENT OF AGRICULTURE AND FORESTRY  
PROVINCE OF PRINCE EDWARD ISLAND  
Notice of Detention - Prince Edward Island Poultry Products**

Name ..... Date .....

Address .....

You are hereby notified that the poultry products described below have been placed under detention.

Details of Poultry Products	Cases	Boxes	Dozen	Pounds

Reason for detention .....

.....

Place of detention .....

.....

How notice served .....

(Mailed or delivered personally)

.....

(Inspector)

Receipt acknowledged by

.....

(Signature of Recipient)

(EC453/77)