

HEALTH  
REGULATION

REGULATION TO COMMISSIONER OF HEALTH  
IN REGARD TO EGGS.

September 13, 1943

Honorable James Stewart  
State Health Commissioner  
Jefferson City, Missouri



Dear Sir:

This is in reply to yours of recent date on the validity of your proposed regulation pertaining to eggs.

The proposed regulation reads as follows:

"A duly authorized agent of the State Board of Health may suspend from sale a lot of shell eggs when inedible eggs are found in the lot; a duly authorized agent of the State Board of Health may suspend from sale a lot of broken eggs when inedible eggs are found in part or all of the containers. A lot of shell eggs suspended from sale may be candled under supervision of an agent of the State Board of Health, and the edible eggs separated from the inedible; or, if in broken form, the containers of edible eggs may be separated, under supervision of an agent of the State Board of Health, from the containers of inedible eggs.

"The State Board of Health or its agents may release from suspension all eggs found to be edible. Inedible shell eggs may be disposed of after the shell of each egg has been broken and the shells and eggs denatured so they cannot be used for human food. Inedible broken eggs may be disposed of when denatured so they cannot be used for human food. Pure kerosene or any other denaturing agent specified or approved by the State Board of Health, used in sufficient quantity to be easily detected by smell or sight shall be used to denature all inedible eggs."

Authority for such regulation must be derived from the statute.

Committee substitute Senate Bill for Senate Bill 79 of the 62 General Assembly contains the law covering the authority of the Commissioner of Health in relation to Food and Drugs.

Sec. 9861 of C. S. S. B. 79 of the 67th General Assembly reads in part as follows:

"Whenever a duly authorized agent of the State Board of Health finds or has probable cause to believe, that any food is adulterated,\*\*\* he shall affix to such article a tag or other appropriate marking, giving notice that such article is, or is suspected of being, adulterated \*\*\* and has been detained \*\*\* and warning all persons not to remove or dispose of such article by sale or otherwise until permission for removal or disposal is given by such agent or the court. It shall be unlawful for any person to remove or dispose of such detained \*\*\* article by sale or otherwise without such permission."

Sec. 9865 of said bill also provides in part as follows:

" A food shall be deemed to be adulterated \*\*\* if it consists, in whole or in part, of any diseased, contaminated, filthy, putrid, or decomposed substance, or if it is otherwise unfit for food:"\*\*\*

Sec. 9905 H. B. 393 of the 62nd General Assembly, provides as follows:

"No person, firm or corporation shall sell, or have in his possession with intent to sell, offer or expose for sale, or traffic in, any egg unfit for human food, unless the same is broken in shell and then denatured so that it cannot be used for human food. For

the purposes of this article, an egg shall be deemed unfit for human food if it be addled or mouldy, a black rot, a white rot, or a blood ring; or if it has an adherent yolk, or a bloody or green white; or if it has been in an incubator; or if it consist in whole or in part of a filthy, decomposed or putrid substance. Any person, firm or corporation violating the provisions of this act shall be guilty of a misdemeanor. " \*\*\*

Sec. 9912 R. S. Mo., 1939, provides in part as follows:

"It shall be unlawful to ship or otherwise dispose of for manufacturing purposes or for food, in any kind of a container or in any other manner, any egg or collection of eggs, or any eggs known as yolks stuck to the shell, heavy blood rings, partially hatched, mouldy eggs, black spots, black rots or any other eggs of an unwholesome nature, unless the same are cased and labeled, or broken in the shells and then denatured so as to render them unfit for human food. "\*\*\*

C O N C L U S I O N .

Comparing the proposed regulations with the above statutes we think they come within the bounds of same and that they are valid.

Respectfully submitted,

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APPROVED:

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Attorney General