

States; who each practice within the limits of the privilege thus granted them.

New section.

SEC. 13. There is added to chapter 43.74, RCW, a new section to read as follows:

Penalty.

Any person who violates any provision of this chapter shall in addition to any other penalty provided, be guilty of a misdemeanor.

Repeal.

SEC. 14. Section 7, chapter 183, Laws of 1927, and RCW 43.74.070 are each repealed.

Invalidity.

SEC. 15. If any part or parts of this chapter is held unconstitutional, such invalidity shall not affect any of the remaining portions of this chapter.

Passed the Senate March 4, 1955.

Passed the House March 2, 1955.

Approved by the Governor March 16, 1955.

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CHAPTER 193.

[ S. B. 180. ]

WASHINGTON STATE EGG LAW OF 1955.

AN ACT relating to eggs and egg products to be known as the "Washington State Egg Law of 1955," providing penalties; repealing chapter 17, Laws of 1933, chapter 157, Laws of 1937, and chapter 116, Laws of 1949, and chapter 69.24, RCW.

*Be it enacted by the Legislature of the State of Washington:*

Definition of terms.

SECTION 1. When used in this chapter:

"Director" means the director of agriculture of the state of Washington or his duly authorized representative.

"Person" means and includes any individual, firm, partnership, exchange, association, trustee, receiver, corporation or any other business organization and any member, officer or employee thereof.

"Sell" means offer for sale, expose for sale, have in possession for sale, exchange, barter, or trade.

“Container” means any box, case, basket, carton, sack, bag, or other receptacle. “Subcontainer” means any container when being used within another container.

“Dealer” means any person who produces, contracts for or obtains possession or control of any eggs, for the purpose of sale to another dealer or retailer.

“Retailer” means any person who sells eggs to a consumer.

“At retail” means a sale or transaction between a retailer and a consumer.

“Consumer” means any person who purchases eggs for his or her own family use or consumption; or any restaurant, hotel, boarding house, bakery, or other institution or concern which purchases eggs for serving to guests or patrons thereof, or for its own use in cooking or baking.

“Candling” means the examination of the interior of eggs by the use of transmitted light used in a partially dark room or place.

“Eggs” mean eggs in the shell from chickens, turkeys, ducks, geese, or any other species of fowl.

“Mislabel” means the placing or presence of any false, deceptive or misleading mark, term, statement, design, device, inscription or any other designation upon any egg or upon any container or subcontainer of eggs, or upon the label or lining or wrapper thereof, or upon any placard or sign used in connection therewith or in connection with any bulk lot or display having reference to eggs.

“Deceptive” means any arrangement of the contents of any container, or subcontainer, or of any lot, load, or display, in which the eggs in the outer layer or in any portion exposed to view are in quality, size, condition, or in any other respect so superior to those in the interior or unexposed portion as to materially misrepresent the contents or any part

thereof as to size, quality, condition or any other respects.

“Egg products” means and includes any product manufactured from eggs or any part thereof.

“Foreign eggs” means and includes eggs produced in a foreign country, and egg products manufactured from eggs produced in a foreign country.

“Cold storage eggs” means and includes eggs which have been in cold storage for a period of ninety days.

“Incubated eggs” means and includes eggs which have been in the course of incubation, whether natural or artificial, for more than forty-eight hours.

“Marked” means plainly, legibly and conspicuously labeled, stamped, stenciled, printed or branded.

Definitions related to eggs.

SEC. 2. As used in this chapter with relation to eggs:

“Addled” or “white rot” means putrid or rotten.

“Adherent yolk” means the yolk has become fastened to the shell.

“Blood” means the presence of blood rings or blood veins due to embryo development, or blood diffused into the white.

“Moldy” or “black spot” or “black rot” means the presence of mold or bacteria inside the shell.

“Processed” means that the shell has been treated with oil or other protective preparation.

“Visible germ development” means that there has been some development of the germ which is visible as a deeper colored area on the yolk as shown by candling the egg.

“Checks” means eggs with shells which are not sound as determined by candling, appearance, or other means: *Provided*, That no exudation is present.

“Inedible eggs” means eggs which as determined by candling or any other means contain black spot, black rot, white rot, mixed rot (addled), adherent yolks, bloody or green white, blood, embryo chicks,

sour eggs, musty eggs, or which are moldy, filthy, decomposed, putrid, or otherwise unfit for human consumption in whole or in part.

“Denatured” means eggs (1), made unfit for human food by treatment or the addition of a foreign substance or (2), with one-half or more of the shell’s surface covered by a permanent black, dark purple or dark blue dye.

SEC. 3. The director shall, from time to time, adopt, establish and promulgate reasonable obligatory rules and regulations specifying grades or standards of quality and/or grades of size or weight, governing the sale of eggs for human consumption: *Provided*, That such grades and standards of quality, and grades of size and weight, shall conform as nearly to those established by the United States department of agriculture as local conditions will permit. Said rules and regulations, and any changes therein shall be adopted only after official public hearings have been held pursuant to such reasonable rules prescribed by the director, as will insure a full, fair and impartial opportunity for all interested parties to be heard.

Director to promulgate rules and regulations.

The director may, upon his own initiative or upon petition of the industry covered by this chapter, call hearings from time to time on matters pertaining to the administration of this chapter.

SEC. 4. No person shall sell or distribute within this state any shell eggs to consumers or to retailers without having first obtained a dealer’s license from the state department of agriculture: *Provided*, That the above license shall not be required of a producer selling and delivering shell eggs direct to the consumer at the place of production, or for the sale of uncandled eggs to other than a consumer, or for the sale to a consumer of eggs which previously have been candled and graded by a dealer in compliance with this chapter.

Dealer’s license required.

Exception.

Application.

Application for such license shall be in writing on such forms as the director may prescribe.

Fee.

SEC. 5. There shall be paid to the director with each application for an egg dealer's license an annual license fee of fifteen dollars. The proceeds from the license fees shall be expended by the director to assist in defraying salaries and expenses incurred in the enforcement of the provisions of this chapter.

Expiration.

SEC. 6. Each egg dealer's license shall expire on the 30th day of June following its date of issuance. Such license shall not be transferable to any person, or be applicable to locations other than those for which originally issued, and shall be conspicuously displayed in such locations. Duplicate copies of licenses may be issued upon the payment of a fee of one dollar.

Duplicates.

Withholding issuance of license.

SEC. 7. The director may withhold the issuance of a license to an applicant for a period not to exceed thirty days pending an investigation for the purpose of determining:

- (1) Whether the applicant is violating or has violated any of the provisions of this chapter, or
- (2) Whether the application contains any materially false or misleading statement or involves any misrepresentation, concealment, or withholding of facts respecting any violation of this chapter by any officer, agent, or employee of the applicant. If, after investigation, it appears to the director that the applicant should be refused a license, the applicant shall be given notice and an opportunity for hearing.

Refusal, revocation or suspension.

SEC. 8. The director may decline to grant or may revoke or suspend a license after due notice and a hearing, if he is satisfied that the applicant or licensee is guilty of:

- (1) Any violation of the provisions of this chapter, or

(2) The following practices or any of them:

(a) Evidence of dealing of such a nature as to satisfy the director of the inability of the applicant or licensee to conduct properly the business of egg dealer.

(b) Fraud or deception by the licensee in his dealings with purchasers, including misrepresentation of eggs as to grade, conditions, quality, weights, quantity, or any other essential fact in connection therewith.

(c) Fraud or deception by the licensee in his license application.

SEC. 9. In the event the director has reason to suspect that any licensee or applicant is violating or has violated the provisions of this chapter, he shall attempt to secure a satisfactory explanation, and failing to secure an explanation, he shall cause a notice to be served upon such licensee or applicant, setting forth the provisions of this chapter which the licensee or applicant is charged with violating, and setting a date in the notice upon which a hearing will be had to determine whether or not the licensee or applicant is violating or has violated such provisions.

Upon completion of the hearing, the director shall make such written findings of fact and order as the circumstances may warrant. Such findings and order shall be final and conclusive upon all parties from and after their effective date, which date shall be ten days after being signed and deposited postage prepaid in the United States mails addressed to the last known address of said parties. An appeal from such findings or order may be taken within ten days of their effective date to the superior court of Thurston county upon such notice and in such manner as appeals are taken from judgments rendered in justice court.

State egg seal.

Rules and regulations.

SEC. 10. The director shall provide and make available a suitable seal to be known as the Washington state egg seal; and to accomplish this end he is authorized to issue special permits allowing reasonable facsimiles of the Washington state egg seal to be imprinted on cartons, bags, or other containers used for shell eggs. The director shall from time to time perscribe rules and regulations governing the affixing of seals and the issuance, use, and cancellation of such permits or seals and he is authorized to cancel any special permit issued pursuant to this chapter or to said rules and regulations at any time whenever the director finds that a violation of the terms under which the permit was granted has occurred or a violation of any of the provisions of this chapter has occurred. The director shall have the power from time to time to establish a sum not in excess of one and three-fourths mills per dozen eggs which persons who purchase such gummed seals or who imprint such facsimile seals or who use the same shall pay for each seal so purchased, affixed, or imprinted and to promulgate rules and regulations relating to the time and manner of the payment of such sums. The proceeds from the sale of said seals shall be expended by the director to assist in defraying salaries and expenses incurred in the enforcement of the provisions of this chapter.

Reuse of containers.

It shall be unlawful for any person to sell any eggs for human consumption within the state of Washington in previously used cartons, bags, or other containers bearing the Washington state egg seal, or any similar identification whatsoever, except the same is obliterated or defaced.

SEC. 11. Each person who sells to any retailer, or to any restaurant, hotel, boarding house, bakery, or other institution or concern which purchases eggs for serving to guests or patrons thereof or for its use in preparation of any food products for human

consumption, candled or graded eggs other than those of his own production sold and delivered on the premises where produced, shall furnish that retailer or other purchaser with an invoice covering each such sale, showing the exact grade or quality and the size or weight of the eggs sold, according to the standards prescribed by the director, together with the name and address of the person by whom the eggs were sold. The person selling and the retailer or other purchaser shall each keep a copy of said invoice on file at his place of business for a period of thirty days, during which time the copy shall be available for inspection at all reasonable times by the director: *Provided*, That no retailer or other purchaser shall be guilty of a violation of this chapter if he can establish a guarantee from the person from whom the eggs were purchased to the effect that they, at the time of purchase, conformed to the grade or quality and the size or weight stated in the invoice: *Provided, further*, That if the retailer or other purchaser having labeled any such eggs in accordance with the invoice keeps them for such time after they are purchased as to cause them to deteriorate to a lower grade or standard, and then sells them under the label of the invoiced grade or standard, he shall be guilty of a violation of this chapter.

Invoice re-  
quired of  
grades and  
standards.

Copy.

Exceptions.

Violation.

No invoice shall be required on eggs when packed for sale to the United States navy or army if labeled with the United States department of agriculture grades.

SEC. 12. It shall be unlawful to prepare, pack, place, deliver for shipment, deliver for sale, load, ship, transport or sell in bulk or in containers or subcontainers eggs:

Requirements  
for shipment,  
or bulk  
sales, etc.

(1) Unless each container and subcontainer of chicken eggs is marked with the full, correct and unabbreviated designation of size and quality of eggs therein according to the standards as prescribed



by regulations promulgated by the director together with a date for identification and the name and address of the producer, dealer, or retailer, by or for whom the eggs were graded or marked;

(2) Which are mislabeled;

(3) Which are deceptive;

(4) That are or contain inedibles and which are not denatured: *Provided*, That not to exceed five percent by count of inedibles shall be permitted when eggs are going to a dealer for candling and grading, or to breaking plant for breaking purposes;

(5) Which have been in an incubator, unless the inedibles have been removed.

**Description.**

Only one description of the size and quality of eggs shall appear upon a container, subcontainer or placard required by this chapter, except that as to eggs placed in containers the markings may show different size and quality descriptions for specified quantities of eggs in the container.

**Designations.**

Designations of size and quality required by this section to be marked upon container of eggs shall be plainly and conspicuously marked in bold face type letters:

(a) Not less than one-fourth inch in height on the outside top face of each container holding less than fifteen dozen eggs and;

(b) Not less than one-half inch in height on one outside end of any oblong container holding fifteen dozen or more eggs and on one outside side of any other container holding fifteen dozen or more eggs.

**Markings not required; when.**

SEC. 13. No markings are required on containers or subcontainers of eggs:

(1) When sold at retail from a properly marked bulk display and packaged in the presence of the purchaser for the immediate purpose of the sale;

(2) When packed for sale to the United States navy or army if labeled with United States department of agriculture grades;

(3) When packed for shipment or being shipped to points outside of the state of Washington;

(4) When occasional sales are made to consumers by the producer from eggs produced and delivered on his own premises;

(5) When the containers and subcontainers are packed and certified in accordance with the standards of grade and quality and the grading rules promulgated by the United States department of agriculture;

(6) When being delivered from outside of the state to dealers in the state for candling and grading;

(7) When being delivered to or when in possession of a dealer for candling and grading, or when being delivered to cold storage, when in cold storage, or being removed therefrom, provided eggs which have been in an incubator shall be marked "hatchery test" together with the name and address of the hatchery of origin.

Eggs when marked with United States department of agriculture grades such as referred to in subsections (2) and (5) of this section shall be considered as complying with the provisions of this chapter if the eggs so marked as to grade and size meet requirements of the comparable quality grade and size designation according to the standards prescribed by the director. In no case may eggs so marked with United States grade designations be of a lower quality or size than comparable grades or standards prescribed by the director.

SEC. 14. It shall be unlawful to sell eggs for human consumption without notifying the consumer of the exact grade or quality and size or weight of the eggs according to the standards prescribed by the director by stamping or printing on the container of the eggs such grade or quality and size or weight or if the eggs are offered for sale in bulk, without displaying in a conspicuous place on the container from which

Unlawful to sell without notifying consumer of grade, etc.

they are offered or exposed for sale, a sign printed in letters not less than two inches high, giving the grade, quality, size and weight, and without placing a state egg seal upon each container in which eggs are sold or delivered at retail. The provisions of this section shall not apply to a person selling eggs of his own production except when they are sold at retail to the consumer: *Provided*, That this section shall not affect the sale of eggs by the producers when the consumer purchases and receives them at the place of production.

Exceptions.

Misrepresenting chicken eggs unlawful.

SEC. 15. It shall be unlawful to sell or represent as chicken eggs, eggs from any other species of fowl, or mixed eggs from more than one species of fowl, or eggs from ducks, turkeys, geese, or any species of fowl other than chickens, without marking the containers and subcontainers of such eggs or otherwise indicating fully by sign, placard or other inscription the species of fowl from which such eggs were produced.

Removal of markings from containers before reuse.

SEC. 16. It shall be unlawful to place or pack eggs in any containers or subcontainers bearing any name, markings of any designation of brand quality, grade or other matter, unless all of such markings which do not properly and accurately apply to the eggs placed or packed therein have been removed, erased or obliterated.

Trademarks and trade names.

SEC. 17. It shall be unlawful to sell or use any container or subcontainer of eggs which bears a name, a trademark or a tradename unless such a name, trademark or tradename is obliterated or effaced, except where the seller or user is entitled to use such name, trademark or tradename.

Cold storage eggs.

SEC. 18. It shall be unlawful to sell or advertise cold storage eggs or eggs below the quality grade of grade A as "fresh eggs," "ranch eggs," "farm eggs" or to represent the same to be fresh.

SEC. 19. It shall be unlawful to move any eggs or their containers to which any warning tag or notice has been affixed, as provided in section 28, or to remove such warning tag or notice from the place where it may be affixed, except upon written permission or upon the specific direction of the director.

Warning tags or notice; removal of.

SEC. 20. It shall be unlawful to sell or offer or expose for sale foreign eggs in the shell, without having stamped on each such egg, in legible type and in durable indelible ink the words "FROM .....," and the name of the country in which the egg is produced.

Foreign eggs in shell.

Identified.

SEC. 21. It shall be unlawful to sell foreign eggs in any other form than in the shell, or any egg products manufactured from foreign eggs, without having stamped or printed in legible type in letters two inches high, in durable paint or ink on the side and on the cover of each container, the words "EGGS FROM .....," followed by the name of the country in which the eggs were produced, or in which the eggs from which the egg products were manufactured were produced.

Foreign eggs not in shell.

Identification.

SEC. 22. It shall be unlawful for the owner or operator of any public place where food is served, or a bakery or confectionery shop where food products are sold, to serve or sell foreign eggs or egg products manufactured from foreign eggs, without maintaining in a conspicuous place where the customers entering can see it, a placard bearing the words "WE USE FOREIGN EGGS" printed or painted in legible letters not less than two inches high.

Sale of foreign eggs in public places.

SEC. 23. It shall be unlawful for a person manufacturing or selling any food product containing eggs or egg products, to sell or offer or expose for sale food products containing foreign eggs, or egg products manufactured from foreign eggs, without having printed on the outside of the wrapper or con-

Food products containing foreign eggs.

tainer of each product in legible letters of bold faced type of a size not less than eight point, the words "FOREIGN EGGS USED IN THIS PRODUCT," or if the products are sold, offered, or exposed for sale in bulk, without displaying in a conspicuous place at the point where the products are exposed for sale, a placard printed in letters two inches high, and containing the words "FOREIGN EGGS USED IN THIS PRODUCT."

**Presumption.** SEC. 24. It shall be presumed from the fact of possession by any person, firm or corporation engaged in the sale of eggs that such eggs are for sale.

**Failure to comply with lawful orders.** SEC. 25. (1) It shall be unlawful to fail to comply with any lawful order of the director, or of any court, in any proceeding under the provisions of this chapter.

**Failure to allow inspection unlawful.** (2) It shall be unlawful to refuse to submit any eggs or any container, subcontainer, lot, load, or display of eggs to the inspection of the director or to refuse to stop, at the request of the director, any vehicle transporting eggs.

**Director to administer.** SEC. 26. (1) The director is charged with the administration of this chapter and the director shall make and enforce such reasonable rules and regulations as may be necessary to carry out the provisions of this chapter. He shall appoint inspectors to carry out the provisions of this chapter. Such inspectors shall pass an examination by the director as will satisfy him they are qualified in knowledge and experience to satisfactorily perform egg inspection work.

**Inspectors.**

**Inspections.** (2) The director may enter and inspect any place or conveyance within this state, where any eggs are produced, candled, incubated, stored, packed, delivered for shipment, loaded, shipped, transported, or sold, and may inspect all such eggs and the containers thereof and equipment found in any such places or

conveyances, and may take for inspection representative samples of such eggs and containers, for the purpose of determining whether or not any provisions of this chapter have been violated.

(3) The director may, while enforcing the provisions of this chapter, have seized and held as evidence any container of eggs or all or any part of any pack, load, lot consignment or shipment of eggs packed, stored, delivered for shipment, loaded, shipped, transported, or sold in violation of any provisions of this chapter.

Seizure  
of eggs.

SEC. 27. The director shall prescribe methods of selecting samples of lots or containers of eggs which shall be reasonably calculated to produce by such sampling fair representations of the entire lots or containers sampled. Any sample taken hereunder shall be prima facie evidence, in any court in this state, of the true condition of the entire lot in the examination of which said sample was taken.

Sampling.

SEC. 28. (1) Any eggs prepared, packed, stored, delivered for shipment, delivered for sale, loaded, shipped, transported or sold in violation of any of the provisions of this chapter, together with their containers, are a public nuisance, and such eggs shall be held by the person in whose possession they may be and shall not be moved from the place where they may be, except upon the written permission or upon the specific direction of the director.

Eggs in violation a public nuisance.

(2) The director may have affixed a warning tag or notice to such nuisance and may give notice of such violation to the producer, packer, or owner, or any person in possession of such eggs. If such person, so notified, refuses or fails within seventy-two hours to commence and proceed with due diligence to recondition or remark the same so as to comply with all provisions of this chapter, such eggs and their containers may be seized by the director. When the eggs are in cold storage the seventy-two hour period

Warning tag or notice of violation.

Seizure.

does not commence to run until they are removed from cold storage, and delivered to a dealer.

Duties of  
county  
prosecutors.

Abatement by  
court order.

(3) The prosecuting attorney of the county in which any such nuisance is found, on the relation of the director shall maintain, in the name of the state, a civil action to abate and prevent such nuisance; and upon judgment and by order of the court, such nuisance shall be condemned and destroyed in the manner directed by the court, or remarked, denatured, or otherwise reconditioned, or released upon such conditions as the court in its discretion may impose to insure that the nuisance will be abated. If the owner fails to comply with the order of the court within the time specified therein the court may order disposal of the eggs and their containers or the sale thereof, under such terms and conditions as the court may prescribe and in the event the court orders the sale of any of the eggs and their containers which can be salvaged, the cost of disposal shall be deducted from the proceeds of sale and the balance paid into court for the owner.

Disposal.

SEC. 29. Whenever eggs, egg products, or food products containing eggs or egg products, inedible (or denatured) and unfit for human consumption, they shall be deemed to be adulterated for all purposes of law, including all of the purposes of chapter 69.04, RCW.

Adulteration.

All eggs, egg products, food products containing eggs or egg products and containers holding the same shall be deemed to be misbranded for all of said purposes unless they bear or are purveyed under the seals, labels, markings, printed matter, signs, displays, or other branding and labeling devices required by this chapter, and unless they conform to the standards and grades heretofore or hereafter promulgated by the director pursuant to this chapter.

Misbranded.

Violations.

SEC. 30. Any person convicted of violating any provision of this chapter or the rules and regulations

issued thereunder, which is not otherwise provided for under chapter 69.04, RCW, or who shall impede, obstruct, hinder, or otherwise prevent or attempt to prevent the director in performance of his duty in connection with the provisions of this chapter, shall be adjudged guilty of a misdemeanor: *Provided*, That if such violation is committed after a previous conviction of such person has become final, such person shall be guilty of a gross misdemeanor. Each separate violation shall be a separate offense, except that in the case of a violation through continuing failure or neglect to obey the provisions of this chapter, each day of continuance of such failure or neglect shall be deemed a separate offense.

Penalties.

SEC. 31. Any prosecution for the violation of any provisions of this chapter may be instituted in any county where any part of the offense occurred. Any evidence taken by the director in any county may be admitted in evidence in any prosecution in any other county.

Venue.

Evidence.

SEC. 32. Any egg dealer licensed under the provisions of this chapter shall, with respect to his operations as such licensee, be exempt from the provisions of Title 20.

Licensees' exempt.

SEC. 33. All moneys collected under this chapter shall be paid into a special fund which is hereby created in the state treasury and designated the "State Egg Account" in the general fund, which shall be expended for necessary expenses hereunder. Moneys in the egg inspection fund created by RCW 69.24.040 at the time of the effective date of this chapter shall be transferred to and shall constitute a part of the account herein created.

"State Egg Account."

SEC. 34. This chapter shall be known as the "Washington State Egg Law of 1955."

Short title.

SEC. 35. If any clause, sentence, paragraph, or part of this chapter is for any reason judged invalid



**Invalidity.** by any court of competent jurisdiction, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operations to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

**Repealer.** SEC. 36. Chapter 17, Laws of 1933, as last amended by chapter 157, Laws of 1937 and chapter 116, Laws of 1949, and chapter 69.24, RCW are repealed.

Passed the Senate March 4, 1955.

Passed the House March 2, 1955.

Approved by the Governor March 16, 1955.

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CHAPTER 194.

[ S. B. 353. ]

COUNTIES—BONDS AUTHORIZED FOR TOLL BRIDGES.

AN ACT relating to counties; providing that a county may issue general obligation bonds for the purpose of contributing to the construction of toll bridges located in the county or in counties contiguous thereto; adding a new section to chapter 36.75 RCW, and declaring an emergency.

*Be it enacted by the Legislature of the State of Washington:*

**Issuance of bonds authorized.**

SECTION 1. The board of a county may, by majority vote, and by submission to the voters under the same procedure required in RCW 36.76.090 and 36.76.100, issue general obligation bonds for the purpose of contributing money, or the bonds themselves, to the Washington toll bridge authority to help finance the construction of toll bridges across topographical formations constituting boundaries between the county and an adjoining county, or a toll bridge across topographical formation located wholly within an adjoining county, which in the discretion of the board, directly or indirectly benefits the county. Such bonds may be transferred to the Wash-

**Purpose.**

**Bond transfer.**