

CHAPTER 137A

FOOD PRODUCTS MISBRANDED AS EGG PRODUCTS

Referred to in §137F.3A, 137F.4A, 260C.10A, 262.25E, 283A.13

For food products misbranded as meat products, see chapter 137E
For mislabeling of foods, see chapter 191

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137A.1 Definitions.

As used in [this chapter](#), unless the context otherwise requires:

1. “*Department*” means the department of inspections, appeals, and licensing.
2. *a.* “*Egg*” means a food product that is the reproductive output of an agricultural food animal classified as a chicken.
 - b.* “*Egg*” includes albumen and yolk encased in a calcium-based shell.
3. “*Egg processing*” means the processing of eggs that may include any of the following:
 - a.* The handling, preparation, and packaging of whole shelled or unshelled eggs.
 - b.* The handling, preparation, heating, and packaging of whole shelled or unshelled eggs.
 - c.* The breaking of eggs and the separation of eggs; pasteurization; filtering, mixing, stabilizing, or blending parts of the egg; any cooling, freezing, or drying of parts of the egg; storage; and packaging.
4. “*Egg product*” means a food product derived from egg processing in which eggs or egg parts are the primary ingredient.
5. “*Fabricated-egg product*” means a food product, if it has one or more sensory attributes that resemble an egg product but that, in lieu of being the output of a chicken commonly referred to as a laying hen, is derived from manufactured plants or other organic materials.
6. *a.* “*Identifying egg term*” means any word or phrase that states, indicates, suggests, or describes an egg product, regardless of whether the word or phrase is used individually, as a portmanteau, or as a compound word.
 - b.* “*Identifying egg term*” includes but is not limited to any of the following:
 - (1) (a) A common name for a type of a chicken, including laying hen, hen, or layer, cage-free, poultry, or fowl.
 - (b) A common name for a characteristic of a chicken based on age, breed, or sex.
 - (2) Any part of the egg, including its egg, eggshell, egg white, or yolk.
 - (3) (a) A common name that a reasonable purchaser would immediately and exclusively associate with an egg product prepared for sale in normal commercial channels such as custard, eggnog, frittata, huevos rancheros, omelette, mayonnaise, meringue, sunny side up, over easy, over hard, scrambled, or quiche.
 - (b) A comparable word or phrase as approved by the department.
7. “*Label*” means a display of written, printed, or graphic matter placed upon any container storing a food product that is offered for sale or sold on a wholesale or retail basis, regardless of whether the label is printed on the container’s packaging or a sticker affixed to the container.
8. *a.* “*Qualifying term*” means a word, compound word, or phrase that would clearly disclose to a reasonable purchaser of egg products from a food processing plant that a food product is not an egg product.
 - b.* “*Qualifying term*” includes but is not limited to fake, imitation, egg-free, plant, plant-based, vegan, vegetable, vegetarian, veggie, or a comparable word or phrase as approved by the department.
9. “*Regulatory authority*” means the same as defined in [section 137F.1](#).

[2024 Acts, ch 1158, §14](#)
Referred to in [§135.16D](#)

137A.2 Administration.

1. In conducting a routine inspection of the premises of a food processing plant licensed under [chapter 137F](#), a regulatory authority is not required to determine if any food product located on the premises is misbranded as an egg product as provided in [section 137A.3](#).

2. A regulatory authority shall inspect an inventory of food products offered for sale or sold at a food processing plant based on a credible complaint that the food products are misbranded as egg products as provided in [section 137A.3](#).

3. A regulatory authority shall have the same powers to inspect a food processing plant under [this chapter](#) as it does under [chapter 137F](#).

4. The department shall adopt rules pursuant to [chapter 17A](#) that are necessary or desirable to administer and enforce [this chapter](#).

[2024 Acts, ch 1158, §15](#)

137A.3 Misbranded food product.

A food product is misbranded as an egg product if all of the following apply:

1. The food product is a fabricated-egg product or the food product contains a fabricated-egg product.

2. The food product is offered for sale or sold by a food processing plant.

3. *a.* A label that is part of or placed on the package or other container storing the food product includes an identifying egg term.

b. Paragraph “*a*” does not apply if the label contains a conspicuous and prominent qualifying term in close proximity to an identifying egg term.

[2024 Acts, ch 1158, §16](#)

Referred to in [§137A.2](#), [137A.4](#), [137A.6](#)

137A.4 Prohibition — sale.

A food processing plant shall not offer for sale or sell a food product that is misbranded as an egg product as provided in [section 137A.3](#).

[2024 Acts, ch 1158, §17](#)

Referred to in [§137A.5](#), [137E.4A](#)

137A.5 Enforcement — stop order.

1. If a regulatory authority has reasonable cause to believe that a food processing plant is offering for sale or selling a food product that is misbranded as an egg product in violation of [section 137A.4](#), the regulatory authority may issue a stop order. Upon being issued the stop order, the food processing plant shall not offer for sale or sell the food product until the regulatory authority determines that the food product is or is not misbranded as an egg product.

2. The regulatory authority may require that the food product be held by the food processing plant and be secured from purchase.

3. If a regulatory authority determines that the food product being offered for sale or sold by a food processing plant is misbranded as an egg product, the regulatory authority may issue an embargo order requiring the food processing plant to dispose of the misbranded egg product other than by sale to purchasers in this state.

4. The department, the attorney general, or the county attorney in the county where the food product is being offered for sale or sold may enforce the stop order or embargo order by petitioning the district court of that county.

[2024 Acts, ch 1158, §18](#)

137A.6 Violation — misbranding — civil penalty.

1. A food processing plant shall not misbrand a food product as an egg product as provided in [section 137A.3](#) as determined by the department.

2. A food processing plant violating [subsection 1](#) is subject to a civil penalty of not more than five hundred dollars, not to exceed ten thousand dollars total for violations arising out of the same transaction or occurrence. Each day that a violation continues constitutes a separate offense.

3. The department shall impose the civil penalty provided in [subsection 2](#). A food

processing plant may contest the imposition of the civil penalty by initiating a contested case proceeding pursuant to [chapter 17A](#).

4. Civil penalties collected under [this section](#) shall be deposited in the general fund of the state.

[2024 Acts, ch 1158, §19](#)