



ANDREW M. CUOMO
Governor

Agriculture and Markets

RICHARD A. BALL
Commissioner

INTERIM GUIDANCE ON THE PACKAGING AND LABELING OF SHELL EGGS SOLD BY RETAIL FOOD ESTABLISHMENTS DURING THE COVID-19 PUBLIC HEALTH EMERGENCY April 28, 2020

This interim guidance provides temporary flexibility regarding certain packaging and labeling requirements for shell eggs sold in retail food establishments, allowing the industry to meet the increased demand for shell eggs during the COVID-19 public health emergency. This policy is intended to remain in effect only for the duration of the declared New York State COVID-19 public health emergency. This guidance document is effective immediately and will remain in effect until further notice, but no longer than the duration of the emergency.

Background

Retail food establishments receive shell eggs from suppliers in cartons labeled for retail sale, in accordance with New York State laws and regulations, as well as federal food labeling requirements, including 21 CFR Part 101. Food labeling requirements include, but are not limited to the grade of the eggs (see A&ML section 160-c and 1 NYCRR section 190.1[h]), the number of eggs in a carton (see subdivisions [f] and [g] of 1 NYCRR section 221.5), and a “keep refrigerated” warning (see 1 NYCRR section 271-2.2[c]).

As a result of the COVID-19 public health emergency, consumer demand for shell eggs has increased. While additional shell eggs for consumers are available, an adequate supply of appropriately labeled retail packaging is limited. In accordance with [FDA guidance](#), the New York State Department of Agriculture and Markets (AGM) is providing temporary flexibility regarding certain packaging and labeling requirements for shell eggs to allow the industry to meet the increased current consumer demand.

Temporary Packaging and Labeling Guidance

To facilitate the distribution of shell eggs during the COVID-19 public health emergency, AGM is following the FDA Temporary Packaging and Labeling guidelines which requires:

- The retail food establishment clearly displays at the point of purchase (for example, on a counter card, sign, tag affixed to the product, or some other appropriate device), the following information:
 - Statement of identity;
 - The name and place of business of the manufacturer, packer, or distributor; and
 - Safe handling instructions for shell eggs that have not been processed to destroy all viable *Salmonella*.
- If shell eggs from multiple suppliers are offered for sale at the same time and in the same location, it is clear to consumers which point of sale labeling applies to which of the shell eggs that are offered for sale.
- The shell eggs are sold by the complete carton or flat (for example, 30 eggs are sold in a flat designed to hold 30 eggs).
- There are no nutrition claims at the point of purchase for the shell eggs.

As soon as an adequate supply of appropriately labeled retail packaging is available, it must be used.

Note: Given the ongoing COVID-19 public health emergency and to the extent practical, entities wishing to utilize this guidance should implement reasonable measures to increase social distancing and reduce the density of people congregated in any given area.

Anyone who is over age two and able to medically tolerate a face-covering must cover their nose and mouth with a mask or cloth face-covering when in public in accordance with [Executive Order 202.17 and 202.18](#). Additional information can be found at [Interim Guidance on Executive Orders 202.17 and 202.18 Requiring Face Coverings in Public During the COVID-19 Outbreak, April 17, 2020](#).

Employers must provide essential workers with masks free of charge to wear when interacting with the public in accordance with [Executive Order 202.16](#). Additional information can be found at [Interim Guidance on Executive Order 202.16 Requiring Face Coverings for Public and Private Employees Interacting with the Public During the COVID-19 Outbreak, April 14, 2020](#).

Additional Resources

New York State Department of Health COVID-19 Website
<https://coronavirus.health.ny.gov/home>

New York State Department of Agriculture and Markets COVID-19 Website
<https://agriculture.ny.gov/coronavirus>

United States Centers for Disease Control and Prevention COVID-19 Website
<https://www.cdc.gov/coronavirus/2019-ncov/index.html>