

THE ARKANSAS FEED LAW

ACT 726 of 1997

“An Act to regulate the manufacture and distribution of commercial feeds in the state of Arkansas; and for other purposes.”

SECTION 1. (2-37-101) Title.

This act shall be known as the "Arkansas Feed Law of 1997".

SECTION 2. (3-37-102) Enforcing Agency.

This act shall be administered by the State Plant Board.

SECTION 3. (2-37-103) Definitions of Words and Terms.

When used in this act:

(a) "Board" means the State Plant Board.

(b) "Brand name" means any word, name, symbol, device, or any combination thereof, identifying the commercial feed of a distributor or registrant and distinguishing it from that of others.

(c) "Commercial feed" means all materials or combination of materials which are distributed for use as feed or for mixing in feed, unless such materials are specifically exempted. Unmixed whole seeds, when such whole seeds are not adulterated, are exempt. The board by rule may exempt from this definition, or from specific provisions of this act, commodities such as hay, straw, stover, silage, cobs, husks, hulls, and individual chemical compounds or substances when such commodities, compounds or substances are not intermixed with other materials, and are not adulterated. Feed supplied to contract feeders and feed ingredients supplied to integrated operators are not commercial feed and are therefore exempt if granted an exemption license in accordance with Section 4 of this act. Furthermore, exchanges of feed or feed ingredients between or among integrated operators, who have been granted an exemption license as provided in Section 4 of this act, are not commercial feed and are therefore not subject to the provisions of this act. The board by rule may exempt from this definition, or from certain provisions of this act certain pet food or specialty pet food.

(d) "Contract feeder" means a person, who as an independent contractor, feeds animals pursuant to a contract whereby such feed is supplied, furnished, or otherwise provided such person and whereby such person's remuneration is determined all or in part by feed consumption, mortality, profits, or amount or quality of product.

(e) "Customer-formula feed" means commercial feed which consists of a mixture of commercial feeds and/or feed ingredients each batch of which is manufactured according to the specific instructions of the final purchaser.

(f) "Distribute" means to offer for sale, sell, exchange, or barter, commercial feed.

(g) "Distributor" means any person who distributes.

(h) "Drug" means any article intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in animals other than man and articles other than feed intended to affect the structure of any function of the animal body.

(i) "Feed ingredient" means each of the constituent materials making up a commercial feed.

(j) "Integrated operator" means a person who contracts with a contract feeder to supply feed and pays that person based on all or in part by feed consumption, mortality, profits, or amount or quality of product produced.

(k) "Label" means a display of written, printed, or graphic matter upon or affixed to the container in which a commercial feed is distributed, or on the invoice or delivery slip with which a commercial feed is distributed.

(l) "Labeling" means all labels and other written, printed, or graphic matter (1) upon a commercial feed or any of its containers or wrapper or (2) accompanying such commercial feed.

(m) "Manufacture" means to grind, mix or blend, or further process a commercial feed for distribution.

(n) "Mineral feed" means a commercial feed intended to supply primarily mineral elements or inorganic nutrients.

(o) "Official sample" means a sample of feed taken by the board or its agent in accordance with the provisions of Sections 11(c), (e), or (f) of this act.

(p) "Percent" or "percentages" means percentages by weights.

(q) "Person" includes individual, partnership, corporation, and association.

(r) "Pet" means any domesticated animal normally maintained in or near the households of the owners thereof.

(s) "Pet food" means any commercial feed prepared and distributed for consumption by pets.

(t) "Product name" means the name of the commercial feed which identifies it as to kind, class, or specific use.

(u) "Quantity statement" means the net weight (mass), net volume (liquid or dry) or count.

(v) "Specialty pet" means any domesticated animal pet normally maintained in a cage or tank, such as, but not limited to, gerbils, hamsters, canaries, psittacines, birds, mynahs, finches, tropical fish, goldfish, snakes and turtles.

(w) "Specialty pet food" means any commercial feed prepared and distributed for consumption by specialty pets.

(x) "Ton" means a net weight of two thousand pounds (2,000#) avoirdupois.

SECTION 4. (2-37-104) Registration and Licensing.

(a) Any person:

(1) Who manufactures a commercial feed within this state; or

(2) Who distributes a commercial feed in or into the state; or

(3) Whose name appears on the label of a commercial feed as guarantor, shall obtain a license for each facility which distributes in or into the state authorizing him to manufacture or distribute commercial feed before he engages in such activity. Any person who makes only retail sales of commercial feed which bears labeling or other approved indication that the commercial feed is from a licensed manufacturer, guarantor, or distributor who has assumed full responsibility for the tonnage inspection fee due under this act is not required to obtain a license.

(b) Any person who is required to obtain a license shall submit an application on a form provided or approved by the board accompanied by a license fee of ten dollars (\$10.00) paid to the board for each facility. The board shall remit such license fees to the State Treasurer for deposit into the State Treasury to the credit of the State Plant Board Fund for the sole use of the board. Each license shall expire on the last day of December of the year for which it is issued; provided that any license shall be valid through

ninety (90) days of the next ensuing year or until the issuance of the renewal license, whichever event first occurs, if the holder thereof has filed a renewal application with the board on or before December 31st of the year for which the current license was issued. Any new applicant who fails to obtain a license within fifteen (15) working days after notification of the requirement to obtain a license, or any licensee who fails to comply with license renewal requirements, shall pay a thirty dollars (\$30.00) late fee in addition to the license fee.

(c) The form and content of the commercial feed license application shall be established by rules adopted by the board.

(d) The board may, at any time, request from a license applicant or licensee copies of labels and labeling in order to determine compliance with the provisions of this act.

(e) The board is empowered to refuse to issue a license to any person not in compliance with the provisions of this act. The board may suspend or revoke any license issued to any person found not in compliance with any provision of this act. The board may place conditions that limit production or distribution of a particular commercial feed on the license of any person found not to be in compliance with this act. No license shall be conditioned, suspended, refused or revoked unless the applicant or licensee shall first be given an opportunity to be heard before the board in order to comply with the requirements of this act.

(f) In order to be exempt from the provisions of this act, integrated operators, as defined in Section 3, shall submit an application for exemption on a form provided or approved by the board accompanied by an application fee of ten dollars (\$10.00) for each facility. The board shall remit such application fees to the State Treasurer for deposit into the State Treasury to the credit of the State Plant Board Fund to be used solely by the board.

(g) A grower's production of unmanipulated poultry litter is exempt from the provisions of this act.

SECTION 5. (2-37-105) Labeling.

A commercial feed shall be labeled as follows:

(a) In the case of a commercial feed, except a customer-formula feed, it shall be accompanied by a label bearing the following information:

(1) The quantity statement (may be stated in metric units in addition to the required avoirdupois).

(2) The product name and brand name, if any, under which the commercial feed is distributed.

(3) The guaranteed analysis stated in such terms as the board by regulation determines is required to advise the user of the composition of the feed or to support claims made in the labeling. In all cases the substances or elements must be determinable by laboratory methods such as the methods published by the Association of Analytical Chemists International.

(4) The common or usual name of each ingredient used in the manufacture of the commercial feed, provided that the board by regulation may permit the use of a collective term for a group of ingredients which perform a similar function, or the board may exempt such commercial feeds, or any group thereof, from this requirement of an ingredient statement if the board finds that such statement is not required in the interest of consumers.

(5) The name and principal mailing address of the manufacturer or the person responsible for distributing the commercial feed.

(6) Adequate directions for use for all commercial feeds containing drugs and for such other feeds as the board may require by regulation as necessary for their safe and effective use.

(7) Such precautionary statements as the board by regulation determines are necessary for the safe and effective use of the commercial feed.

(8) If a drug containing product is used:

(A) The purpose of the medication (claim statement), and

(B) The established name of each active drug ingredient and the level of each drug used in the final mixture expressed as defined by rule.

(b) In the case of a customer-formula feed, it shall be accompanied by a label, invoice, delivery slip or other shipping document, bearing the following information:

(1) Name and address of the manufacturer;

(2) Name and address of the purchaser;

(3) Date of delivery;

(4) The product name and net weight (may be stated in metric units in addition to the required avoirdupois) of each commercial feed and each other ingredient used in the mixture;

(5) Adequate directions for use and precautionary statements for all customer-formula feeds containing drugs and for such other feeds as the board may require by regulation as necessary for their safe and effective use.

(6) If a drug containing product is used:

(A) The purpose of the medication (claim statement); and

(B) The established name of each active drug ingredient and the level of each drug used in the final mixture expressed as defined by rule.

SECTION 6. (2-37-106) Misbranding.

A commercial feed shall be deemed to be misbranded if:

(a) its labeling is false or misleading in any particular;

(b) it is distributed under the name of another commercial feed;

(c) it is not labeled as required in Section 5 of this act;

(d) it purports to be or is represented as a commercial feed, or if it purports to contain or is represented as containing a commercial feed ingredient, unless such commercial feed or feed ingredient conforms to the definition, if any, prescribed by regulation by the board;

(e) any word, statement, or other information required by or under authority of this act to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

SECTION 7. (2-37-107) Adulteration.

A commercial feed shall be deemed to be adulterated:

(1) If it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance, such commercial feed shall not be considered adulterated under this subsection if the quantity of such substance in such commercial feed does not ordinarily render it injurious to health; or

(2) If it bears or contains any added poisonous, added deleterious, or added non-nutritive substance which is unsafe within the meaning of Section 406 of the Federal Food, Drug, and Cosmetic Act

(other than one which is (i) a pesticide chemical in or on a raw agricultural commodity; or (ii) a food additive); or

(3) If it is, or it bears or contains any food additive which is unsafe within the meaning of Section 409 of the Federal Food, Drug, and Cosmetic Act; or additive which is unsafe within the meaning of Section 409 of the Federal Food, Drug, and Cosmetic Act; or

(4) If it is a raw agricultural commodity and it bears or contains a pesticide chemical which is unsafe within the meaning of Section 408 (a) of the Federal Food, Drug, and Cosmetic Act; provided, that where a pesticide chemical has been used in or on a raw agricultural commodity in conformity with an exemption granted or a tolerance prescribed under Section 408 of the Federal Food, Drug, and Cosmetic Act and such raw agricultural commodity has been subjected to processing such as canning, cooking, freezing, dehydrating, or milling, the residue of such pesticide chemical remaining in or on such processed feed shall not be deemed unsafe if such residue in or on the raw agricultural commodity has been removed to the extent possible in good manufacturing practice and the concentration of such residue in the processed feed is not greater than the tolerance prescribed for the raw agricultural commodity unless the feeding of such processed feed will result or is likely to result in a pesticide residue in the edible product of the animal, which is unsafe within the meaning of Section 408 (a) of the Federal Food, Drug, and Cosmetic Act; or

(5) If it is, or it bears or contains any color additive which is unsafe within the meaning of Section 706 of the Federal Food, Drug and Cosmetic Act; or

(6) If it is, or it bears or contains any new animal drug which is unsafe within the meaning of Section 512 of the Federal Food, Drug, & Cosmetic Act; or

(7) If it consists in whole or in part of any filthy, putrid, or decomposed substance, or if it is otherwise unfit for feed; or

(8) If it has been prepared, packed, or held under unsanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health; or

(9) It is, in whole or in part, the product of a diseased animal or of an animal which has died otherwise than by slaughter which is unsafe within the meaning of Section 402(a)(1) or (2) of the Federal Food, Drug, and Cosmetic Act; or

(10) If its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health; or

(11) If it has been intentionally subjected to radiation, unless the use of the radiation was in conformity with the regulation or exemption in effect pursuant to Section 409 of the Federal Food, Drug, and Cosmetic Act; or

(12) If any valuable constituent has been in whole or in part omitted or abstracted therefrom or any less valuable substance substituted therefor; or

(13) If its composition or quality falls below or differs from that which it is purported or is represented to possess by its labeling; or

(14) If it contains viable weed seeds in amounts exceeding the limits which the board shall establish by rule; or

(15) If it contains a drug and the methods used in or the facilities or controls used for its manufacture, processing, or packaging do not conform to current good manufacturing practice regulations promulgated by the board to assure that the drug meets the requirement of this act as to safety and has the identity and strength and meets the quality and purity characteristics which it purports or is represented to possess. In promulgating such regulations, the board shall adopt the current good manufacturing practice (CGMP) regulations for Type A Medicated Articles and Type B and Type C Medicated Feeds established under authority of the Federal Food, Drug, and Cosmetic Act, unless the board determines the current good manufacturing regulations are not appropriate to the conditions which exist in this state.

SECTION 8.(2-37-108) Prohibited Acts.

The following acts and the causing thereof within the state are hereby prohibited:

- (a) The manufacture or distribution of any commercial feed that is adulterated or misbranded.
- (b) The adulteration or misbranding of any commercial feed.
- (c) The distribution of agricultural commodities such as whole seed, hay, straw, stover, silage, cobs, husks, and hulls, which are adulterated within the meaning of Section 7 of this act.
- (d) The removal or disposal of a commercial feed in violation of any order under Section 12 of this act.
- (e) The failure or refusal to register in accordance with Section 4 of this act.

(f) The violation of Section 13(f) of this act.

(g) Failure to pay inspection fees and file reports as required by Section 9 of this act.

SECTION 9. (2-37-109) Inspection Fees and Reports.

(a) An inspection fee at the rate of thirty cents (\$.30) per ton shall be paid on commercial feeds distributed in this state by the person whose name appears on the label as the manufacturer, guarantor or distributor, except that a person other than the manufacturer, guarantor or distributor may assume liability for the inspection fee, subject to the following:

(1) No fee shall be paid on a commercial feed if the payment has been made by a previous distributor.

(2) No fee shall be paid on customer-formula feeds if the inspection fee is paid on the commercial feeds which are used as ingredients therein.

(3) No fee shall be paid on commercial feeds which are used as ingredients for the manufacture of commercial feeds. If the fee has already been paid, credit shall be given for such payment.

(4) On commercial feed distributed in quantities of thirty-three . thirty-four (33.34) tons or less, a minimum fee of ten dollars (\$10.00) per quarterly report shall be paid. A tonnage report and minimum fee is due for each reporting period, even though no distribution of commercial feeds occurred in the state during that period.

(b) Each person who is liable for the payment of such fee shall:

(1) File, not later than the last day in January, April, July, and October of each year, quarterly statement, setting forth the number of net tons of commercial feeds distributed in this state during the preceding three (3) months; and upon filing such statement shall pay the inspection fee at the rate stated in paragraph (a) of this section. Inspection fees which are due and owing and have not been remitted to the board within fifteen (15) days following the date due shall have a penalty fee of fifteen percent (15%) or twenty-five dollars (\$25.00), whichever is the higher, added to the amount due when payment is finally made. The assessment of this penalty fee shall not prevent the board from taking other actions as provided in this act.

(2) Keep such records as may be necessary or required by the board to indicate accurately the tonnage of commercial feed distributed in this state, and the board shall have the right to examine such

records to verify statements of tonnage. Failure to make an accurate statement of tonnage or to pay the inspection fee or comply as provided herein shall constitute sufficient cause for the cancellation of the license of a distributor. However, no license shall be canceled or revoked before the distributor has been given an opportunity to be heard before the board and to pay the fees owed under this section.

(c) Fees collected shall constitute a fund for the payment of the costs of inspection, sampling, and analysis, and other expenses necessary for administration of this act and shall be deposited into the State Treasury to the credit of the State Plant Board Fund.

SECTION 10. (2-37-110) Regulations.

(a) The board is authorized to promulgate such reasonable regulations as may be necessary for the efficient enforcement of this act. In the interest of uniformity the board shall by regulation adopt, unless the board determines that they are inconsistent with the provisions of this act or are not appropriate to conditions which exist in this state, the following:

(1) The Official Definitions of Feed Ingredients and Official Feed Terms adopted by the Association of American Feed Control Officials and published in the official publication of that organization; and

(2) Any regulation promulgated pursuant to the authority of the Federal Food, Drug, and Cosmetic Act, provided, that the board would have the authority under this act to promulgate such regulations.

(b) Before the issuance, amendment, or repeal of any regulation authorized by this act, the board shall publish the proposed regulation, amendment, or notice to repeal an existing regulation in a manner reasonably calculated to give interested parties, including all current registrants, adequate notice and shall afford all interested persons an opportunity to present their views thereon, orally or in writing, within a reasonable period of time. After consideration of all views presented by interested persons, the board shall take appropriate action to issue the proposed regulation or to amend or repeal an existing regulation. The provisions of this paragraph notwithstanding, if the board, pursuant to the authority of this act, adopts the Official Definitions of Feed Ingredients or Official Feed Terms as adopted by the Association of American Feed Control Officials, or regulations promulgated pursuant to the authority of the Federal Food, Drug, and Cosmetic Act, any amendment or modification adopted by said Association or by the U.

S. Secretary of Health and Human Services in the case of regulations promulgated pursuant to the Federal Food, Drug and Cosmetic Act, shall be adopted automatically under this act without regard to the publication of the notice required by this paragraph (b), unless the board by order specifically determines that said amendment of modification shall not be adopted.

SECTION 11. (2-37-111) Inspection, Sampling, and Analysis.

(a) For the purpose of enforcement of this act, and in order to determine whether its provisions have been complied with, including whether or not any operations may be subject to such provisions, officers or employees designated by the board, upon presenting appropriate credentials, and notice to the owner, operator, or agent in charge, are authorized:

(1) to enter, during normal business hours, any factory, warehouse, or establishment within the state in which commercial feeds are manufactured, processed, packed, or held for distribution, or to enter any vehicle being used to transport or hold such feeds; and

(2) to inspect at reasonable times and within reasonable limits and in a reasonable manner, such factory, warehouse, establishment or vehicle and all pertinent equipment, finished and unfinished materials, containers, and labeling herein. The inspection may include the verification of only such records, and production and control procedures as may be necessary to determine compliance with the Good Manufacturing Practice Regulations established under Section 7(15) of this act.

(b) Notice shall be given for each such inspection, but a notice shall not be required for each entry made during the period covered by the inspection. Each such inspection shall be commenced and completed with reasonable promptness. Upon completion of the inspection the person in charge of the facility or vehicle shall be so notified.

(c) If the owner of any factory, warehouse, or establishment described in paragraph (a), or his agent refuses to admit the board or its agent to inspect in accordance with paragraphs (a) and (b), the board is authorized to obtain from any state court a warrant directing such owner or his agent to submit premises described in such warrant to inspection.

(d) For the enforcement of this act, the board or its designated agent is authorized to enter upon any public or private premises including any vehicle of transport during regular business hours to have access to, and to obtain samples, and to examine records relating to distribution of commercial feeds.

(e) Sampling and analysis shall be conducted in accordance with methods published by the Association of Analytical Chemists International, or in accordance with other generally recognized methods.

(f) The results of all analyses of official samples shall be forwarded by the board to the person named on the label and to the purchaser. When the inspection and analysis of an official sample indicates a commercial feed has been adulterated or misbranded and upon request within thirty (30) days following the receipt of the analysis the board shall furnish to the registrant or licensee a portion of the sample concerned.

(g) The board, in determining for administrative purposes whether a commercial feed is deficient in any component, shall be guided by the official sample as defined in paragraph (o) of Section 3 and obtained and analyzed as provided for in paragraphs (d) and (e) of Section 11 of this act.

SECTION 12. (2-37-112) Detained Commercial Feeds.

(a) Withdrawal from distribution orders. When the board or its authorized agent has reasonable cause to believe any lot of commercial feed is being distributed in violation of any of the provisions of this act or any of the prescribed regulations under this act, the board may issue and enforce a written or printed "withdrawal from distribution" order, warning the distributor not to dispose of the lot of commercial feed in any manner until written permission is given by the board or the court. The board shall release the lot of commercial feed so withdrawn when said provisions and regulations have been complied with. If compliance is not obtained the board may begin, or upon request of the distributor or registrant, shall begin proceedings for condemnation. A withdrawal from distribution order issued under this section expires thirty (30) days after the day it was first issued unless condemnation proceedings have begun in a court of competent jurisdiction.

(b) Condemnation and Confiscation. Any lot of commercial feed not in compliance with said provisions and regulations shall be subject to seizure on complaint of the board to a court of competent jurisdiction in the area in which the commercial feed is located. In the event the court finds the commercial feed to be in violation of this act and orders the condemnation of the commercial feed, it shall be disposed of in any manner consistent with the quality of the commercial feed and the laws of the state. However, in no instance shall the disposition of the commercial feed be ordered by the court without first

giving the claimant an opportunity to apply to the court for release of the commercial feed or for permission to process or re-label the commercial feed to bring it into compliance with this act. If the court orders the sale of the feed, the proceeds from the sale shall be remitted to the State Treasurer to be credited to the General Revenue Fund.

SECTION 13. (2-37-113) Penalties.

(a) Any person convicted of violating any of the provisions of this act or who shall impede, hinder, or otherwise prevent, or attempt to prevent, the board or its authorized agent in performance of his duty in connection with the provisions of this act, shall be adjudged guilty of a misdemeanor punishable by a fine of not more than fifty dollars (\$50.00) for the first violation, and not more than two hundred dollars (\$200) for each subsequent violation and the proceeds from such fines shall be remitted into the State Treasury to the credit of the General Revenue Fund.

(b) Nothing in this act shall be construed as requiring the board or its representative to:

(1) report for prosecution;

(2) institute seizure proceedings; or

(3) issue a withdrawal from distribution order, as a result of minor violations of the act, or when the board believes the public interest will best be served by suitable notice of warning in writing.

(c) In all prosecutions for violations of this act, the certificate of the analyst, or other officer making the analysis or examination, when sworn to or subscribed by the analyst or officer, shall be prima facie evidence of the facts therein certified.

(d) The board is authorized to apply for and the court to grant a temporary or permanent injunction restraining any person from violating or continuing to violate any of the provisions of this act or any regulation promulgated under the act notwithstanding the existence of other remedies at law. The injunction shall be issued without bond.

(e) Any person adversely affected by an act, order, or ruling of the board made pursuant to the provisions of this act may within forty-five (45) days thereafter bring action in the Pulaski County Chancery Court for judicial review of such actions. The form of the proceeding may be any which may be provided by statutes of this state to review decisions of administrative agencies, or in the absence or

inadequacy thereof, any applicable form of legal action, including actions for declaratory judgements or writ or prohibitory or mandatory injunctions.

(f) Any person who uses to his own advantage, or reveals to other than the board or officers of the board or other officers of state agencies, or to the courts when relevant in any judicial proceeding, any information acquired under the authority of this act, concerning any method, records, formulations, or processes which as a trade secret is entitled to protection, is guilty of a Class C misdemeanor; provided, that this prohibition shall not be deemed as prohibiting the board or its authorized agent, from exchanging information of a regulatory nature with authorized officials of the United States Government, or of other states, who are similarly prohibited by law from revealing this information.

SECTION 14. (2-37-114) Cooperation with Other Entities.

The board may cooperate with and enter into agreements with governmental agencies of this state, other states, agencies of the United States Government, and private associations in order to carry out the purpose and provisions of this act.

SECTION 15. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 16. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 17. All laws and parts of laws in conflict with this act are hereby repealed.

ARKANSAS FEED RULES

Regulation 1. Definition and Terms

- (a) "Act" means the Arkansas Feed Law of 1997.
- (b) "Board" means the State Plant Board.
- (c) "AAFCO" means the Association of American Feed Control Officials, Inc., a non-profit association of state and federal feed regulatory officials.
- (d) "FDA" means the U.S. Food and Drug Administration.
- (e) The names and definitions for commercial feeds shall be the Official Definition of Feed Ingredients adopted by the AAFCO, except as the Board designates otherwise in specific cases.
- (f) The terms used in reference to commercial feeds shall be the Official Feed Terms adopted by the AAFCO, except as the Board designates otherwise in specific cases.
- (g) The following commodities are hereby declared exempt from the definition of commercial feed, under the provisions of Section 3(c) of the Act: Raw meat, hay, straw, stover, silages, cobs, husks, and hulls when unground and when not mixed or intermixed with other materials: Provided that these commodities are not adulterated within the meaning of Section 7, of the Act.
- (h) Individual chemical compounds and substances are hereby declared exempt from the definition of commercial feed under the provisions of Section 3(c) of the Act. It has been determined that these products meet the following criteria:
 - (1) There is an adopted AAFCO definition for the product.
 - (2) The product is either generally recognized as safe (GRAS) or is not covered by a specific FDA Regulation.
 - (3) The product is either a natural occurring product of relatively uniform chemical composition or is manufactured to meet the AAFCO definition of the product.
 - (4) The use of the product in the feed industry constitutes a minor portion of its total industrial use.

- (5) Small quantities of additives, which are intended to impart special desirable characteristics, shall be permitted.
- (6) There is no need or problem of control of this product.
- (i) Canned pet food and specialty pet food are hereby declared exempt from the definition of commercial feed under Section 3(c) of the Act.
- (j) The term "quantity statement" means the net weight (mass), net volume (liquid or dry) or count.
- (k) Feed Supplied to contract feeders and feed ingredients supplied to integrated operators as well as exchanges of feed or feed ingredients between integrated operators who have obtained an exemption license as provided in Section 4 of the Act are exempt from the definition of commercial feed under Section 3C of the Act.
- (l) A growers production of unmanipulated poultry litter is exempt from the provisions of this Act

Regulation 2. Label Format

- (a) Commercial feed, other than customer-formula feed, shall be labeled with the information prescribed in this regulation on the principal display panel of the product and in the following format.
 - (1) Product name and brand name, if any, as stipulated in Regulation 3(a)(1).
 - (2) If a drug is used, label as stipulated in Regulation 3(a)(2).
 - (3) Purpose statement as stipulated in Regulation 3(a)(3).
 - (4) Guaranteed analysis as stipulated in Regulation 3(a)(4).
 - (5) Feed ingredients as stipulated in Regulation 3(a)(5).
 - (6) Directions for use and precautionary statements as stipulated in Regulation 3(a)(6).
 - (7) Name and principal mailing address of the manufacturer or person responsible for distributing the feed as stipulated in Regulation 3(a)(7).
 - (8) Quantity Statement.
- (b) (1) The information required in regulation 2(a)(1)-(5) and (7)-(8) must appear in its entirety on one side of the label or on one side of the container.

- (2) The information required by regulation 2(a)(6) shall be displayed in a prominent place on the label or container but not necessarily on the same side as the above information. When the information required by regulation 2(a)(6) is placed on a different side of the label or container, it must be referenced on the front side with a statement such as "See back of label for directions for use". None of the information required by Regulation 2 shall be subordinated or obscured by other statements or designs.
- (c) Customer-formula feed shall be accompanied with the information prescribed in this regulation using labels, invoice, delivery ticket, or other shipping document bearing the following information.
- (1) The name and address of the manufacturer.
 - (2) The name and address of the purchaser.
 - (3) The date of sale or delivery.
 - (4) The customer-formula feed name and brand name if any.
 - (5) The product name and net quantity of each registered commercial feed and each other ingredient used in the mixture.
 - (6) The direction for use and precautionary statements as required by rules 7 and 8.
 - (7) If a drug containing product is used:
 - I. The purpose of the medication (claim statement).
 - II. The established name of each active drug ingredient and the level of each drug used in the final mixture expressed in accordance with Regulation 4(d).

Regulation 3. Label Information

- (a) Commercial feed, other than customer-formula feed, shall be labeled with the information prescribed in this regulation.
 - (1) Product name and brand name if any.

- I. The brand or product name must be appropriate for the intended use of the feed and must not be misleading. If the name indicates the feed is made for a specific use, the character of the feed must conform therewith. A commercial feed for a particular animal class, must be suitable for that purpose.
- II. Commercial, registered brand or trade names are not permitted in guarantees or ingredient listings and only in the product name of feeds produced by or for the firm holding the rights to such a name.
- III. The name of a commercial feed shall not be derived from one or more ingredients of a mixture to the exclusion of other ingredients and shall not be one representing any components of a mixture unless all components are included in the name; Provided, that if any ingredient or combination of ingredients is intended to impart a distinctive characteristic to the product which is of significance to the purchaser, the name of that ingredient or combination of ingredients may be used as a part of the brand name or product name if the ingredients or combination of ingredients is quantitatively guaranteed in the guaranteed analysis, and the brand or product name is not otherwise false or misleading.
- IV. The word "protein" shall not be permitted in the product name of a feed that contains added non-protein nitrogen.
- V. When the name carries a percentage value, it shall be understood to signify protein and/or equivalent protein content only, even though it may not explicitly modify the percentage with the word "protein": Provided, that other percentage values may be permitted if they are followed by the proper description and conform to good labeling practice. Digital numbers shall not be used in such a manner as to be misleading or confusing to the customer.
- VI. Single ingredient feeds shall have a product name in accordance with the designated definition of feed ingredients as recognized by the AAFCO unless the Board designates otherwise.
- VII. The word "vitamin", or a contraction thereof, or any word suggesting vitamin can be used only in the name of a feed which is represented to be a vitamin

supplement, and which is labeled with the minimum content of each vitamin declared, as specified in Regulation 4(c).

- VIII. The term "mineralized" shall not be used in the name of a feed except for "TRACE MINERALIZED SALT". When so used, the product must contain significant amounts of trace minerals, which are recognized as essential for animal nutrition.
 - IX. The term "meat" and "meat by-products" shall be qualified to designate the animal from which the meat and meat by-products is derived unless the meat and meat by-products are made from cattle, swine, sheep and goats.
- (2) If a drug is used:
- I. The word "medicated" shall appear directly following and below the product name in type size, no smaller than one-half the type size of the product name.
 - II. Purpose statement as required in Regulation 3(a)(3).
 - III. The purpose of medication (claim statement).
 - IV. An active ingredient statement listing the active drug ingredients by their established name and the amounts in accordance with Regulation 4(d).
- (3) Purpose Statement
- I. The statement of purpose shall contain the specific species and animal class(es) for which the feed is intended as defined in Regulation 3(a)(4).
 - II. The manufacturer shall have flexibility in describing in more specific and common language the defined animal class, species and purpose while being consistent with the category of animal class defined in Regulation 3(a)(4) which may include, but is not limited to weight range(s), sex, or ages of the animal(s) for which the feed is manufactured.
 - III. The purpose statement may be excluded from the label if the product name includes a description of the species and animal class(es) for which the product is intended.
 - IV. The purpose statement of a premix for the manufacture of feed may exclude the animal class and species and state "For Further Manufacture of Feed" if the

nutrients contained in the premix are guaranteed and sufficient for formulation into various animal species feeds and premix specifications are provided by the end user of the premix. [This section applicable to commercial feeds regulated under Regulation 3(a)(4)Xb(10).]

- V. The purpose statement of a single purpose ingredient blend, such as a blend of animal protein products, milk products, fat products, roughage products or molasses products, may exclude the animal class and species and state "For Further Manufacture of Feed" if the label guarantees of the nutrients contained in the single purpose nutrient blend are sufficient to provide for formulation into various animal species feeds. [This section applicable to commercial feeds regulated under Regulation 3(a)(4)Xb(10).]
- VI. The purpose statement of a product shall include a statement of the enzyme functionality if enzymatic activity is represented in any manner.

(4) Guarantees - Crude Protein, Equivalent Crude Protein from Non-Protein Nitrogen, Amino Acids, Crude Fat, Crude Fiber, Acid Detergent Fiber, Calcium, Phosphorus, Salt and Sodium shall be the sequence of nutritional guarantees when such guarantee is stated. Other required and voluntary guarantees should follow in a general format such that the units of measure used to express guarantees (percentage, parts per million, International Units, etc.) are listed in a sequence that provides a consistent grouping of the units of measure.

I. Required guarantees for swine formula feeds

a. Animal classes

- (1) Pre-Starter - 2 to 11 pounds
- (2) Starter - 11 to 44 pounds
- (3) Grower - 44 to 110 pounds
- (4) Finisher - 110 to 242 pounds (market)
- (5) Gilts, Sows and Adult Boars
- (6) Lactating Gilts and Sows

b. Guaranteed analysis for swine complete feeds and supplements (all animal

classes)

- (1) Minimum percentage of Crude Protein
- (2) Minimum percentage of Lysine
- (3) Minimum percentage of Crude Fat
- (4) Maximum percentage of Crude Fiber
- (5) Minimum and maximum percentage of Calcium
- (6) Minimum percentage of Phosphorus
- (7) Minimum and maximum percentage of Salt (if added)
- (8) Minimum and maximum percentage of total Sodium shall be guaranteed only when total Sodium exceeds that furnished by the maximum salt guarantee
- (9) Minimum Selenium in parts per million (ppm)
- (10) Minimum Zinc in parts per million (ppm)

II. Required guarantees for formula poultry feeds (broilers, layers and turkeys)

a. Animal classes

- (1) Layer - Chickens that are grown to Produce eggs for food, e.g., table eggs
 - (a) Starting/Growing - From day of hatch to approximately 10 weeks of age.
 - (b) Finisher - From approximately 10 weeks of age to time first egg is produced. (Approximately 20 weeks of age).
 - (c) Laying - From time first egg is laid throughout the time of egg production.
 - (d) Breeders - Chickens that produce fertile eggs for hatch replacement layers to produce eggs for food, table eggs, from time first egg is laid throughout their productive cycle.
- (2) Broilers - Chickens that are grown for human food.
 - (a) Starting/Growing - From day of hatch to approximately 5

weeks of age.

- (b) Finisher - From approximately 5 weeks of age to market, (42 to 52 days).
 - (c) Breeders - Hybrid strains of chickens whose offspring are grown for human food, (broilers), any age and either sex.
- (3) Broilers, Breeders - Chickens whose offspring are grown for human food (broilers).
- (a) Starting/Growing - From day of hatch until approximately 10 weeks of age.
 - (b) Finishing - From approximately 10 weeks of age to time first egg is produced, approximately 20 weeks of age.
 - (c) Laying - Fertile egg producing chickens (broilers/roasters) from day of first egg throughout the time fertile eggs are produced.
- (4) Turkeys
- (a) Starting/Growing - Turkeys that are grown for human food from day of hatch to approximately 13 weeks of age (females) and 16 weeks of age (males).
 - (b) Finisher - Turkeys that are grown for human food, females from approximately 13 weeks of age to approximately 17 weeks of age; males from 16 weeks of age to 20 weeks of age, (or desired market weight).
 - (c) Laying - Female turkeys that are producing eggs; from time first egg is produced, throughout the time they are producing eggs.
 - (d) Breeder - Turkeys that are grown to produce fertile eggs, from day of hatch to time first egg is produced (approximately 30 weeks of age), both sexes.
- b. Guaranteed analysis for poultry complete feeds and supplements (all

animal classes)

- (1) Minimum percentage of Crude Protein
- (2) Minimum percentage of Lysine
- (3) Minimum percentage of Methionine
- (4) Minimum percentage of Crude Fat
- (5) Maximum percentage of Crude Fiber
- (6) Minimum and maximum percentage of Calcium
- (7) Minimum percentage of Phosphorus
- (8) Minimum and maximum percentage of Salt (if added)
- (9) Minimum and maximum percentage of total Sodium shall be guaranteed only when total Sodium exceeds that furnished by the maximum salt guarantee.

III. Required guarantees for beef cattle formula feeds.

a. Animal classes

- (1) Calves (birth to weaning)
- (2) Cattle on pasture (may be specific as to production stage; e.g. stocker, feeder, replacement heifers, brood cows, bulls, etc.
- (3) Feedlot cattle

b. Guaranteed analysis for beef complete feeds and supplements (all animal classes)

- (1) Minimum percentage of Crude Protein
- (2) Maximum percentage of equivalent crude protein from Non-Protein Nitrogen (NPN) when added
- (3) Minimum percentage of Crude Fat
- (4) Maximum percentage of Crude Fiber
- (5) Minimum and maximum percentage of Calcium
- (6) Minimum percentage of Phosphorus
- (7) Minimum and maximum percentage of Salt (if added)

- (8) Minimum and maximum percentage of total Sodium shall be guaranteed only when total Sodium exceeds that furnished by the maximum salt guarantee
 - (9) Minimum percentage of Potassium
 - (10) Minimum Vitamin A, other than precursors of Vitamin A, in International Units per pound (if added)
- c. Guaranteed analysis for beef mineral feeds (if added)
- (1) Minimum and maximum percentage Calcium
 - (2) Minimum percentage of Phosphorus
 - (3) Minimum and maximum percentage of Salt
 - (4) Minimum and maximum percentage of total Sodium shall be guaranteed only when total Sodium exceeds that furnished by the maximum salt guarantee
 - (5) Minimum percentage of Magnesium
 - (6) Minimum percentage of Potassium
 - (7) Minimum Copper in parts per million (ppm)
 - (8) Minimum Selenium in parts per million (ppm)
 - (9) Minimum Zinc in parts per million (ppm)
 - (10) Minimum Vitamin A, other than precursors of Vitamin A, in International Units per pound

IV. Required guarantees for dairy formula feeds

- a. Animal classes
- (1) Veal milk replacer - Milk replacer to be fed for veal production.
 - (2) Herd milk replacer - Milk replacer to be fed for herd replacement calves.
 - (3) Starter - Approximately 3 days to 3 months
 - (4) Growing heifers, bulls and dairy beef
 - (a) Grower 1-3 months to 12 months of age
 - (b) Grower 2-More than 12 months of age

- (5) Lactating dairy cattle
- (6) Non-lactating dairy cattle
- b. Guaranteed analysis for veal and herd replacement milk replacer
 - (1) Minimum percentage Crude Protein
 - (2) Minimum percentage Crude Fat
 - (3) Maximum percentage of Crude Fiber
 - (4) Minimum and maximum percentage Calcium
 - (5) Minimum percentage of Phosphorus
 - (6) Minimum Vitamin A, other than precursors of Vitamin A, in International Units per pound (if added)
- c. Guaranteed analysis for dairy cattle complete feeds and supplements
 - (1) Minimum percentage of Crude Protein
 - (2) Maximum percentage of equivalent Crude Protein from Non-Protein Nitrogen (NPN) when added
 - (3) Minimum percentage of Crude Fat
 - (4) Maximum percentage of Crude Fiber
 - (5) Maximum percentage of Acid Detergent Fiber (ADF)
 - (6) Minimum and maximum percentage of Calcium
 - (7) Minimum percentage of Phosphorus
 - (8) Minimum Selenium in parts per million (ppm)
 - (9) Minimum Vitamin A, other than precursors of Vitamin A, in International Units per pound (if added)
- d. Guaranteed analysis for dairy mixing and pasture mineral
 - (1) Minimum and maximum percentage of Calcium
 - (2) Minimum percentage of Phosphorus
 - (3) Minimum and maximum percentage of Salt
 - (4) Minimum and maximum percentage of total Sodium
 - (5) Minimum percentage of Magnesium
 - (6) Minimum percentage of Potassium

- (7) Minimum Selenium in parts per million (ppm)
- (8) Minimum Vitamin A, other than the precursors of Vitamin A, in International Units per pound

V. Required guarantees for equine formula feeds

a. Animal classes

- (1) Foal
- (2) Mare
- (3) Breeding
- (4) Maintenance

b. Guaranteed analysis for equine complete feeds and supplements (all animal classes)

- (1) Minimum percentage of Crude Protein
- (2) Minimum percentage of Crude Fat
- (3) Maximum percentage of Crude Fiber
- (4) Minimum and maximum percentage of Calcium
- (5) Minimum percentage of Phosphorus
- (6) Minimum Copper in parts per million (ppm)
- (7) Minimum Selenium in parts per million (ppm)
- (8) Minimum Zinc in parts per million (ppm)
- (9) Minimum Vitamin A, other than the precursors of Vitamin A, in International Units per pound (if added)

c. Guaranteed analysis for equine mineral feed (all animal classes)

- (1) Minimum and maximum percentage of Calcium
- (2) Minimum percentage of Phosphorus
- (3) Minimum and maximum percentage of Salt (if added)
- (4) Minimum and maximum percentage of Sodium shall be guaranteed only when the total sodium exceeds that furnished by the maximum salt guarantee
- (5) Minimum Copper in parts per million (ppm)

- (6) Minimum Selenium in parts per million (ppm)
- (7) Minimum Zinc in parts per million (ppm)
- (8) Minimum vitamin A, other than precursors of Vitamin A, in International Units per pound (if added)

VI. Required guarantees for goat and sheep formula feeds

a. Animal classes

- (1) Starter
- (2) Grower
- (3) Finisher
- (4) Breeder
- (5) Lactating

b. Guaranteed analysis for goat and sheep complete feeds and supplements
(all animal classes)

- (1) Minimum percentage of Crude Protein
- (2) Maximum percentage of equivalent crude protein from Non-Protein Nitrogen (NPN) when added
- (3) Minimum percentage of Crude Fat
- (4) Maximum percentage of Crude Fiber
- (5) Minimum and maximum percentage of Calcium
- (6) Minimum percentage of Phosphorus
- (7) Minimum and maximum percentage of Salt (if added)
- (8) Minimum and maximum percentage of total Sodium shall be guaranteed only when total Sodium exceeds that furnished by the maximum salt guarantee.
- (9) Minimum and maximum Copper in parts per million (ppm) (if added, or if total copper exceeds 20 ppm)
- (10) Minimum Selenium in parts per million (ppm)
- (11) Minimum Vitamin A, other than precursors of Vitamin A, in International Units per pound (if added)

VII. Required guarantees for duck and geese formula feeds.

a. Animal classes

(1) Ducks

- (a) Starter - 0 to 3 weeks of age
- (b) Grower - 3 to 6 weeks of age
- (c) Finisher - 6 weeks to market
- (d) Breeder Developer - 8 to 19 weeks of age
- (e) Breeder - 22 weeks to end of lay

(2) Geese

- (a) Starter - 0 to 4 weeks of age
- (b) Grower - 4 to 8 weeks of age
- (c) Finisher - 8 weeks to market
- (d) Breeder Developer - 10 to 22 weeks of age
- (e) Breeder - 22 weeks to end of lay

b. Guaranteed analysis for duck and geese complete feeds and supplements
(for all animal classes)

- (1) Minimum percentage of Crude Protein
- (2) Minimum percentage of Crude Fat
- (3) Maximum percentage of Crude Fiber
- (4) Minimum and maximum percentage of Calcium
- (5) Minimum percentage of Phosphorus
- (6) Minimum and maximum percentage of Salt (if added)
- (7) Minimum and maximum percentage of total Sodium shall be guaranteed only when total Sodium exceeds that furnished by the maximum salt guarantee

VIII. Required guarantees for fish complete feeds and supplements

a. Animal species shall be declared in lieu of animal class

- (1) Trout
- (2) Catfish

- (3) Species other than trout or catfish
 - b. Guaranteed analysis for all fish complete feeds and supplements
 - (1) Minimum percentage of Crude Protein
 - (2) Minimum percentage of Crude Fat
 - (3) Maximum percentage of Crude Fiber
 - (4) Minimum percentage of Phosphorus
- IX. Required guarantees for rabbit complete feeds and supplements
 - a. Animal classes
 - (1) Grower - 4 to 12 weeks of age
 - (2) Breeder - 12 weeks of age and over
 - b. Guaranteed analysis for rabbit complete feeds and supplements (all animal classes)
 - (1) Minimum percentage of Crude Protein
 - (2) Minimum percentage of Crude Fat
 - (3) Minimum and maximum percentage of Crude Fiber (the maximum crude fiber shall not exceed the minimum by more than 5.0 units)
 - (4) Minimum and maximum percentage of Calcium
 - (5) Minimum percentage of Phosphorus
 - (6) Minimum and maximum percentage of Salt (if added)
 - (7) Minimum and maximum percentage of total Sodium shall be guaranteed only when total Sodium exceeds that furnished by the maximum salt guarantee
 - (8) Minimum Vitamin A, other than precursors of Vitamin A, in International Units per pound (if added)
- X. The required guarantees of grain mixtures with or without molasses and feeds other than those described in regulation 3(a)(4)(I thru IX) shall include the following items, unless exempted in section XI, in the order listed:
 - a. Animal class(es) and species for which the product is intended.
 - b. Guaranteed analysis

- (1) Minimum percentage Crude Protein
- (2) Maximum or minimum percentage of Crude Protein from Non-Protein Nitrogen as required in Regulation 4(e)
- (3) Minimum percentage of Crude Fat
- (4) Maximum percentage of Crude Fiber
- (5) Minerals in formula feeds, to include in the following order:
 - (a) Minimum and maximum percentages of Calcium
 - (b) Minimum percentage of Phosphorus
 - (c) Minimum and maximum percentage of Salt (if added)
 - (d) Minimum and maximum percentage of total Sodium shall be guaranteed only when total Sodium exceeds that furnished by the maximum salt guarantee
- (6) Minerals in feed ingredients - as specified by the official definitions of the AAFCO
- (7) Vitamins in such terms as specified in Regulation 4(c)
- (8) Total sugars as invert on dried molasses products or products being sold primarily for their sugar content
- (9) Viable lactic acid producing microorganisms for use in silages in terms specified in Regulation 4(g)
- (10) A commercial feed (e.g. vitamin/mineral premix, base mix, etc.) intended to provide a specialized nutritional source for use in the manufacture of other feeds, must state its intended purpose and guarantee those nutrients relevant to such stated purpose.

XI. Exemptions

- a. A mineral guarantee for feed excluding those feeds manufactured as complete feeds and for feed supplements intended to be mixed with grain to produce a complete feed for swine, poultry, fish, and veal and herd milk replacers, is not required when:

- (1) The feed or feed ingredient is not intended or represented or does

- not serve as a principal source of that mineral to the animal; or
- (2) The feed or feed ingredient is intended for non-food producing animals and contains less than 6.5% total mineral.
- b. Guarantees for vitamins are not required when the commercial feed is neither formulated for nor represented in any manner as a vitamin supplement.
- c. Guarantees for crude protein, crude fat, and crude fiber are not required when the commercial feed is intended for purposes other than to furnish these substances or they are of minor significance relating to the primary purpose of the product, such as drug premixes, mineral or vitamin supplements, and molasses.
- d. Guarantees for microorganisms are not required when the commercial feed is intended for a purpose other than to furnish these substances or they are of minor significance relating to the primary purpose of the product, and no specific label claims are made.
- e. The indication for animal class(es) and species is not required on single ingredient products if the ingredient is not intended, represented, or defined for a specific animal class(es) or species.
- (5) Feed ingredients, collective terms for the grouping of feed ingredients, or appropriate statements as provided under the provisions of Section 5(a)(4) of the Act.
- I. The name of each ingredient as defined in the Official Publication of the AAFCO, common or usual name, or one approved by the Board.
- II. Collective terms for the grouping of feed ingredients as defined in the Official Definitions of Feed Ingredients published in the Official Publication of the AAFCO in lieu of the individual ingredients; Provide that:
- a. When a collective term for a group of ingredients is used on the label, individual ingredients within that group shall not be listed on the label.
- b. The manufacturer shall provide the feed control official, upon request,

with a list of individual ingredients, within a defined group, that are or have been used at manufacturing facilities distributing in or into the state.

- (6) Directions for use and precautionary statements or reference to their location if the detailed feeding directions and precautionary statements required by rules 7 and 8 appear elsewhere on the label.
- (7) Name and principal mailing address of the manufacturer or person responsible for distributing the feed. The principal mailing address shall include the street address, city, state, zip code; however, the street address may be omitted if it is shown in the current city directory or telephone directory.
- (8) Quantity Statement

Regulation 4. Expression of Guarantees

- (a) The guarantees for crude protein, equivalent crude protein from non-protein nitrogen, lysine, methionine, other amino acids, crude fat, crude fiber and acid detergent fiber shall be in terms of percentage.
- (b) Mineral Guarantees
 - (1) When the calcium, salt, and sodium guarantees are given in the guaranteed analysis such shall be stated and conform to the following:
 - I. When the minimum is below 2.5%, the maximum shall not exceed the minimum by more than one percentage point.
 - II. When the minimum is 2.5% but less than 5.%, the maximum shall not exceed the minimum by more than one percentage point.
 - III. When the minimum is above 5.0% or greater the maximum shall not exceed the minimum by more than 20% of the minimum and in no case shall the maximum exceed the minimum by more than five percentage points.
 - (2) When stated, guarantees for minimum and maximum total sodium, and salt: minimum potassium, magnesium, sulfur, phosphorus and maximum fluoride shall be in terms of percentage. Other minimum mineral guarantees shall be stated in

parts per million (ppm) when the concentration is less than 10,000 ppm and in percentage when the concentration is 10,000 ppm (1%) or greater.

- (3) Products labeled with a quantity statement (e.g., tablets, capsules, granules, or liquid) may state mineral guarantees in milligrams (mg) per unit (e.g., tablets, capsules, granules, or liquids) consistent with the quantity statement and directions for use.
- (c) Guarantees for minimum vitamin content of commercial feeds shall be listed in the order specified and are stated in mg/lb or in units consistent with those employed for the quantity statement unless otherwise specified:
- (1) Vitamin A, other than precursors of Vitamin A, in International Units per pound.
 - (2) Vitamin D-3 in products offered for poultry feeding, in International Chick Units per pound.
 - (3) Vitamin D for other uses, International Units per pound.
 - (4) Vitamin E, in International Units per pound.
 - (5) Concentrated oils and feed additive premixes containing vitamins A, D and /or E may, at the option of the distributor be stated in units per gram instead of units per pound.
 - (6) Vitamin B-12, in milligrams or micrograms per pound.
 - (7) All other vitamin guarantees shall express the vitamin activity in milligrams per pound in terms of the following: menadione; riboflavin; d-pantothenic acid; thiamin; niacin; vitamin B-6; folic acid, choline, biotin, inositol; p-amino benzoic acid; ascorbic acid; and carotene.
- (d) Guarantees for drugs shall be stated in terms of percent by weight, except:
- (1) Antibiotics, present at less than 2,000 grams per ton (total) of commercial feed shall be stated in grams per ton of commercial feed.
 - (2) Antibiotics present at 2,000 or more grams per ton (total) of commercial feed, shall be stated in grams per pound of commercial feed.
 - (3) Labels for commercial feeds containing growth promotion and/or feed efficiency levels of antibiotics, which are to be fed continuously as the sole ration, are not

required to make quantitative guarantees except as specifically noted in the Federal Food Additive rules for certain antibiotics, wherein, quantitative guarantees are required regardless of the level or purpose of the antibiotic.

- (4) The term "milligrams per pound" may be used for drugs or antibiotics in those cases where a dosage is given in "milligrams" in the feeding directions.
- (e) Commercial feeds containing any added non-protein nitrogen shall be labeled as follows:
 - (1) For ruminants
 - a. Complete feeds, supplements, and concentrates containing added non-protein nitrogen and containing more than 5% protein from natural sources shall be guaranteed as follows:

Crude Protein, minimum, _____%

(This includes not more than _____% equivalent crude protein from non-protein nitrogen).
 - b. Mixed feed concentrates and supplements containing less than 5% protein from natural sources may be guaranteed as follows:

Equivalent Crude Protein from Non-Protein Nitrogen, minimum, _____%
 - c. Ingredient sources of non-protein nitrogen such as Urea, Diammonium Phosphate, Ammonium Polyphosphate Solution, Ammoniated Rice Hulls, or other basic non-protein nitrogen ingredients defined by the AAFCO shall be guaranteed as follows:

Nitrogen, minimum, _____%

Equivalent Crude Protein from Non-Protein Nitrogen, minimum, _____%
 - (2) For non-ruminants
 - a. Complete feeds, supplements and concentrates containing crude protein from all forms of non-protein nitrogen, added as such, shall be labeled as follows:

Crude protein, minimum _____%

(This includes not more than _____% equivalent crude protein which is not nutritionally available to **(species of animal for which feed is intended)**).

- b. Premixes, concentrates or supplements intended for non-ruminants containing more than 1.25% equivalent crude protein from all forms of non-protein nitrogen, added as such, must contain adequate directions for use and a prominent statement:

WARNING: This feed must be used only in accordance with directions furnished on the label.

- (f) Mineral phosphatic materials for feeding purposes shall be labeled with the guarantee for minimum and maximum percentage of calcium (when present), the minimum percentage of phosphorus, and the maximum percentage of fluorine.
- (g) Guarantees for microorganisms shall be stated in colony forming units per gram (CFU/g) when directions are for using the product in grams, or in colony forming units per pound (CFU/lb) when directions are for using the product in pounds. A parenthetical statement following the guarantee shall list each species in order of predominance.
- (h) Guarantees for enzymes shall be stated in units of enzymatic activity per unit weight or volume, consistent with label directions. The source organism for each type of enzymatic activity shall be specified, such as: Protease (Bacillus subtilis) 5.5 mg amino acids liberated/min/mg. If two or more sources have the same type of activity, they shall be listed in order of predominance based on the amount of enzymatic activity provided.

Regulation 5. Suitability

- (a) The nutritional content of commercial feed shall be as purported or is represented to possess by its labeling. Such animal feed, its labeling and intended use must be suitable for the intended purpose of the product.
- (b) Commercial feeds for swine, poultry, and fish, and milk replacer for veal calves and herd replacement calves, when fed according to directions, must meet the nutritional requirements established by:

- (1) The Committee on Animal Nutrition of the National Research Council of the National Academy of Sciences, or
- (2) A signed affidavit attesting to the nutritional adequacy of the feed based upon valid scientific evidence. Such affidavit shall be submitted to the Board upon request.
 - I. An Affidavit certifying the feed sponsor has valid scientific knowledge which assures suitability of the nutritional content of the feed product shall be submitted to the Board only when the suitability of a product is challenged.
 - II. Submission of a completed "Affidavit of Suitability" shall serve as proof of suitability and therefore the feed sponsor shall not be required to provide scientific information nor any reference thereto unless the Board has reason to believe that such product is not suitable for its intended use. In such case the Board shall have the authority to conduct a hearing pursuant to the Administrative Procedures Act requiring the feed sponsor to produce sufficient scientific and other evidence of the product's suitability.
 - III. Upon receipt of a completed "Affidavit of Suitability", the feed sponsor may continue to market the product. When such affidavit is not adequately submitted, the Board may continue to stop sale the feed and order its removal from the marketplace as well as all other feeds manufactured or distributed under the same product name.
 - IV. The Affidavit of Suitability shall contain the following information:
 - a. The feed company's name;
 - b. The feed's product name;
 - c. The name and title of the affiant submitting the document;
 - d. The statement that the affiant has knowledge of the nutritional content of the listed feed product and is familiar with the nutritional requirements for the animal species and animal class(es)

for which the product is intended as established by the National Research Council of the National Academy of Science;

- e. The statement that the affiant has knowledge of valid scientific evidence that supports the suitability of the product for the intended animal species and animal class(es) for which the feed is intended;
- f. The date of submission; and
- g. The signature of the affiant notarized by a Notary Public.

Regulation 6. Ingredients

- (a) The name of each ingredient or collective term for the grouping of ingredients, when required to be listed, shall be the name as defined in the Official Definitions of Feed

Ingredients as published in the Official Publication of the AAFCO, the common or usual name, or one approved by the Board.

- (b) The name of each ingredient must be shown in letters or type of the same size.
- (c) No reference to quality or grade of an ingredient shall appear in the ingredient statement of a feed.
- (d) The term "dehydrated" may precede the name of any product that has been artificially dried.
- (e) A single ingredient product defined by the AAFCO is not required to have an ingredient statement.
- (f) Tentative definitions for ingredients shall not be used until adopted as official, unless no official definition exists or the ingredient has a common accepted name that requires no definition, (i.e. sugar).
- (g) When the word "iodized" is used in connection with a feed ingredient, the feed ingredient shall contain not less than 0.007% iodine, uniformly distributed.

Regulation 7. Directions for Use and Precautionary Statements

- (a) Directions for use and precautionary statements on the labeling of all commercial feeds and customer-formula feeds containing additives (including drugs, special purpose additives, or non-nutritive additives) shall:
 - (1) Be adequate to enable safe and effective use for the intended purposes by users with no special knowledge of the purpose and use of such articles; and,
 - (2) Include, but not be limited to, all information described by all applicable rules under the Federal Food, Drug and Cosmetic Act.
- (b) Adequate directions for use and precautionary statements are required for feeds containing non-protein nitrogen as specified in Regulation 8.
- (c) Adequate directions for use and precautionary statements necessary for safe and effective use are required on commercial feeds distributed to supply particular dietary needs or for supplementing or fortifying the usual diet or ration with any vitamin, mineral, or other dietary nutrient or compound.

Regulation 8. Non-Protein Nitrogen

- (a) Urea and other non-protein nitrogen products defined in the Official Publication of the AAFCO are acceptable ingredients only in commercial feeds for ruminant animals as a source of equivalent crude protein. If the commercial feed contains more than 8.75% of equivalent crude protein from all forms of non-protein nitrogen, added as such, or the equivalent crude protein from all forms of non-protein nitrogen, added as such, exceeds one-third of the total crude protein, the label shall bear adequate directions for the safe use of feeds and a precautionary statement: "CAUTION: USE AS DIRECTED". The directions for use and the caution statement shall be in type of such size so placed on the label that they will be read and understood by ordinary persons under customary conditions of purchase and use.
- (b) Non-protein nitrogen defined in the Official Publication of the AAFCO, when so indicated, are acceptable ingredients in commercial feeds distributed to non-ruminant animals as a source of nutrients other than equivalent crude protein. The maximum equivalent crude protein from non-protein nitrogen sources when used in non-ruminant

rations shall not exceed 1.25% of the total daily ration.

- (c) On labels such as those for medicated feeds which bear adequate feeding directions and/or warning statements, the presence of added non-protein nitrogen shall not require a duplication of the feeding directions or the precautionary statements as long as those statements include sufficient information to ensure the safe and effective use of this product due to the presence of non-protein nitrogen.

Regulation 9. Drug and Feed Additives

- (a) In order to distribute a commercial feed which contains additives (including drugs, other special purpose additives, or non-nutritive additives) the distributor may be required to submit evidence to prove the safety and efficacy of the commercial feed when used according to the directions furnished on the label.
- (b) Satisfactory evidence of safety and efficacy of a commercial feed may be:
 - (1) When the commercial feed contains such additives, the use of which conforms to the requirements of the applicable regulation in the Code of Federal rules, Title 21, or which are "prior sanctioned" or "informal review sanctioned" or "generally recognized as safe" for such use, or
 - (2) When the commercial feed is itself a drug as defined in Section 3(h) of the Act and is generally recognized as safe and effective for the labeled use or is marketed subject to an application approved by the Food and Drug Administration under Section 512 of the Federal Food, Drug and Cosmetic Act, or
 - (3) When one of the purposes for feeding a commercial feed is to impart immunity (that is to act through some immunological process) the constituents imparting immunity have been approved for the purpose through the Federal Virus, Serum and Toxins Act of 1913, as amended, or
 - (4) When the commercial feed is a direct fed microbial product and:
 - I. The product meets the particular fermentation product definition; and
 - II. The microbial content statement, as expressed in the labeling, is limited to the following: "Contains as source of live (viable) naturally occurring

- microorganisms". This statement shall appear on the label; and
- III. The source is stated with a corresponding guarantee expressed in accordance with Regulation 4(g).
- (5) When the commercial feed is an enzyme product and:
- I. The product meets the particular enzyme definition defined by AAFCO; and
- II. The enzyme is stated with a corresponding guarantee expressed in accordance with Regulation 4(h).

Regulation 10. Adulteration

- (a) For the purpose of Section 7 of the Act, the terms "poisonous or deleterious substances" include but are not limited to the following:
- (1) Fluorine and any mineral or mineral mixture which is to be used directly for the feeding of domestic animals and in which the fluorine exceeds 0.20% for breeding and dairy cattle; 0.30% for slaughter cattle; 0.30% for sheep; 0.35% for lambs; 0.45% for swine; and 0.60% for poultry.
- (2) Fluorine bearing ingredients when used in such amounts that they raise the fluorine content of the total ration (exclusive of roughage) above the following amounts: 0.004% for breeding and dairy cattle; 0.009% for slaughter cattle; 0.006% for sheep; 0.01% for lambs; 0.015% for swine and 0.03% for poultry.
- (3) Fluorine bearing ingredients incorporated in any feed that is fed directly to cattle, sheep or goats consuming roughage (with or without) limited amounts of grain, that results in a daily fluorine intake in excess of 50 milligrams of Fluorine per 100 pounds of body weight.
- (4) Soybean meal, flakes or pellets or other vegetable meals, flakes or pellets which have been extracted with trichloroethylene or other chlorinated solvents.
- (5) Sulfur dioxide, Sulfurous acid, and salts of Sulfurous acid when used in or on feeds or feed ingredients which are considered or reported to be a significant source of vitamin B₁ (Thiamine).

- (b) All screenings or by-products of grains and seeds containing weed seeds, when used in commercial feed or sold as such to the ultimate consumer, shall be ground fine enough to destroy the viability of such weed seeds.

Regulation 11. Good Manufacturing Practices

- (a) For the purposes of enforcement of Section 7(d) of the Act the Board adopts the following as current good manufacturing practices:
 - (1) The rules prescribing current good manufacturing practices for Type B and Type C medicated feeds as published in the Code of Federal rules, Title 21, Part 225, Sections 225.1-222.202.
 - (2) The rules prescribing current good manufacturing practices for Type A Medicated Articles as published in the Code of Federal rules, Title 21, Part 226, Sections 226.1-226.115.