

CHAPTER 72. PET FOOD

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Authority

The provisions of this Chapter 72 issued under the Pennsylvania Commercial Feed Law of 1966 (3 P. S. §§ 58.1—58.16) (Repealed), unless otherwise noted.

Source

The provisions of this Chapter 72 adopted June 29, 1972, 2 Pa.B. 1330, unless otherwise noted.

§ 72.1. Definitions.

The following words and terms, when used in this Chapter, shall have the following meanings, unless the context clearly indicates otherwise:

Act—The Pennsylvania Commercial Feed Law of 1966 (3 P. S. §§ 58.1—58.16) (Repealed).

Immediate container—The unit, can, box, tin, bag or other receptacle or covering in which a pet food is displayed for sale at retail.

Ingredient statement—A complete listing on the label of the ingredients of which the pet food is composed.

Principal display panel—That part of a label on an immediate container that is most likely to be displayed or examined under normal and customary conditions of display for sale at retail.

§ 72.2. Label format.

- (a) The following information shall be shown on the principal display panel:
 - (1) Statement of net content.
 - (2) Product name.
 - (3) The words “Dog Food,” “Cat Food” or similar designations.
- (b) The following information shall be shown either on the principal display panel or elsewhere on the label and shall be sufficiently conspicuous as to render it easily read by the average purchaser under ordinary conditions of sale:
 - (1) Guaranteed analysis.

- (2) Ingredients list.
- (3) Listing of artificial color, drugs, and other additives, if any.
- (4) Directions for use, if a limited purpose food.
- (5) Name and address of the manufacturer, packer or distributor.

§ 72.3. Statement of net content.

The declaration of net content shall be made in conformity with the Fair Packaging and Labeling Act (15 U.S.C.A. § 1451 et seq.).

§ 72.4. Guaranteed analysis.

- (a) The guaranteed analysis shall be stated in the following order:
 - (1) Crude protein (minimum).
 - (2) Crude fat (minimum).
 - (3) Crude fiber (maximum).
 - (4) Moisture (maximum).
 - (5) Any additional guarantees.
- (b) The sliding scale method of expressing a guaranteed analysis, such as “protein 15-18%,” is prohibited.
- (c) The label of a pet food which is formulated as, and represented to be, a mineral supplement shall include a guarantee of all the minerals contained in the ingredient statement.
- (d) Pet foods containing 5.0% or more mineral ingredients shall include in the guaranteed analysis the minimum and maximum percentage of calcium (Ca) and salt (NaCl) and the minimum percentage of any added phosphorus (P) and iodine (I). Minerals (except salt NaCl) shall be stated in terms of percentage of the element when quantitatively guaranteed.
- (e) The label of a pet food which is formulated as, and represented to be, a vitamin supplement shall include a guarantee of the minimum content of each vitamin contained in the ingredient statement.
- (f) Vitamin guarantees shall be stated in units or milligrams per pound or parts per million, with the following exceptions:
 - (1) Vitamin E shall be stated in U.S.P. or International units.
 - (2) Vitamin A, other than precursors of vitamin A, shall be stated in U.S.P. units.
 - (3) The compounds pyridoxine hydrochloride, choline chloride and thiamine need not be stated in true vitamin units.
- (g) Oils and concentrates containing vitamin A or vitamin D or both may be additionally labeled to show vitamin contents in units per gram.
- (h) The term “d-pantothenic acid” may be used in stating the pantothenic acid guarantee.
- (i) The vitamin potency of pet foods distributed in container smaller than one pound may be guaranteed in approved units per ounce.

(j) If the label of a pet food does not represent the product to be either a vitamin or a mineral supplement, but does include a table of comparison of a typical analysis of the vitamin, mineral or nutrient content of the product with levels recommended by a recognized animal nutrition authority, such comparison may be stated in the units of measurement used by such recognized authority. The statement, in a table of comparison, of the vitamin, mineral or nutrient content shall constitute a guarantee and need not be repeated in the guaranteed analysis.

§ 72.5. Ingredients statement.

(a) Each ingredient of the pet food shall be listed in the ingredient statement in descending order of predominance by weight and names of all ingredients in the ingredient statement shall be shown in letters or type of the same size. Any ingredient for which the Association of American Feed Control Officials has established a name and definition shall be identified by the name so established. Any ingredient for which no name and definition has been so established shall be identified by the common or usual name of the ingredient. Brand or trade names shall not be used in the ingredient statement.

(b) The term “dehydrated” shall precede the name of any ingredient in the ingredient list that has been artificially dried.

(c) No reference to quality or grade of an ingredient shall appear in the ingredient statement of a pet food product label.

§ 72.6. Brand and product names.

(a) No flavor designation shall be used on a pet food label unless the designated flavor is detectable by a recognized test method, or is one the presence of which provides a characteristic distinguishable by the pet. Any flavor designation on a pet food label must either conform to the name of its source as shown in the ingredient statement or the ingredient statement shall show the source of the flavor. Distributors of pet food employing such flavor designation or claims on the labels of the product distributed by them shall, upon request, supply verification of the designated or claimed flavor to the Secretary.

(b) The designation “100%” or “All” or words of similar connotation shall not be used in the brand or product name of a pet food if it contains more than one ingredient. Water sufficient for processing, required decharacterizing agents, and trace amounts or preservatives and condiments shall not be considered ingredients for the purpose of this subsection.

(c) The terms “meat” and “meat byproducts” shall be used on a pet food label only if the meat and meat byproducts are from cattle, swine, sheep and goats.

(d) The name of the pet food shall not be derived from one or more ingredients of a mixture to the exclusion of other ingredients and may not be one representing any components of a mixture of a pet food product unless all components or ingredients are included in the name except as specified in subsection (a), (e)

or (f). If any ingredient or combination of ingredients is intended to impart a distinctive characteristic to the product which is significant to the purchaser, the name of the ingredient or combination of ingredients may be used as a part of the name of the pet food provided the following conditions exist:

- (1) The ingredient or combination of ingredients is present in sufficient quantity to impart a distinctive characteristic to the product.
 - (2) It does not constitute a representation that the ingredient or combination of ingredients is present to the exclusion of other ingredients.
 - (3) It is not otherwise false or misleading.
- (e) When an ingredient or a combination of ingredients derived from animals poultry or fish constitutes 95% or more of the total weight of all ingredients of a pet food mixture, the name or names of such ingredients may form a part of the product name of the pet food. Where more than one ingredient is part of such product name, then all such ingredient names shall be in the same size, style and color printing.
- (f) If an ingredient or a combination of ingredients derived from animals, poultry or fish constitutes at least 25% but less than 95% of the total weight of all ingredients of a pet food mixture, the name or names of such ingredient or ingredients may form a part of the product name of the pet food only if the product name also includes a primary descriptive term, such as "meatballs" or "fish-cakes," so that the product name describes the contents of the product in accordance with an established law, custom or usage or so that the product name is not misleading. All such ingredient names and the primary descriptive term shall be in the same size, style and color printing.
- (g) Contractions or coined names referring to ingredients shall not be used in the brand name of a pet food unless it is in compliance with subsection (a), (d), (e) or (f).

§ 72.7. Balanced and complete rations.

- (a) The label of a pet food shall not contain an unqualified representation or claim, directly or indirectly, that the pet food therein contained, or a recommended feeding thereof, is or meets the requisites of a complete, perfect, scientific, or balanced ration for dogs or cats unless such product or feeding meets one of the following requisites:
- (1) It contains ingredients in quantities sufficient to provide the estimated nutrient requirements for all stages of the life of a dog or cat, as the case may be, which have been established by a recognized authority on animal nutrition, such as the Committee on Animal Nutrition of the National Research Council of the National Academy of Sciences.
 - (2) It contains a combination of ingredients which when fed to a normal animal as the only source of nourishment will provide satisfactorily for fertility of male and female gestation and lactation, normal growth from weaning to maturity without supplementary feeding, and will maintain the normal weight

of an adult animal whether working or at rest and has had its capabilities in this regard demonstrated by adequate testing.

(b) To the extent that the ingredients of the product provide nutrients in amounts which substantially deviate from those nutrient requirements estimated by a recognized authority on animal nutrition, or in the event that no estimation has been made by a recognized authority on animal nutrition of the requirements of animals for one or more states of these animals lives, the represented capabilities of the product in this regard shall have been demonstrated by adequate testing.

§ 72.8. Limited purpose pet foods.

(a) The label of a pet food product which is suitable only for intermittent or supplemental feeding or for some other limited purpose shall either bear a clear and conspicuous disclosure to that effect or contain specific feeding directions which clearly state that the product should be used only in conjunction with other foods.

(b) Labels for products which are compounded for or which are suitable for only a limited purpose may contain representations that the particular pet food product or a recommended feeding thereof is or meets the requisites of a complete, perfect, scientific, or balanced ration for dogs or cats only in conjunction with a statement of the limited purpose for which the product is intended or suitable, for such as "a complete food for puppies." Such representations and the required qualifications of purpose shall be juxtaposed on the same panel and in the same size, style and color printing.

(c) Qualified representations for limited purpose pet food products may appear on labels only if one of the following conditions exist:

(1) The pet food contains ingredients in quantities sufficient to satisfy the estimated nutrient requirements established by a recognized authority on animal nutrition, such as the Committee on Animal Nutrition of the National Research Council of the National Academy of Sciences for such limited or qualified purpose.

(2) The pet food product contains a combination of ingredients which when fed for such limited purpose will satisfy the nutrient requirements for such limited purpose and has had its capabilities in this regard demonstrated by adequate testing.

§ 72.9. Moisture limitation.

The maximum moisture in all pet foods shall not exceed 78% or the natural moisture content of the constituent ingredients of the product, whichever is greater. Pet foods such as those consisting principally of stew, gravy, sauce, broth or juice which are so labeled, may contain moisture in excess of 78%.

§ 72.10. Drugs and additives.

(a) An artificial color may be used in a pet food only if it has been shown to be harmless to pets. The permanent or provisional listing of an artificial color by the United States Food and Drug Administration at 21 CFR Parts 8 and 9 as safe for use, together with the conditions, limitations and tolerances, if any, incorporated therein, shall be deemed to be satisfactory evidence that the color is, when used, under the regulations, harmless to pets.

(b) Prior to approval of a facility registration for pet foods which contain additives, including drugs, other special purpose additives or nonnutritive additives, the distributor may be required to submit evidence to prove the safety and efficacy of the pet food, when used according to directions furnished on the label. Evidence of the safety and efficacy of a pet food is not required under the following conditions:

(1) The pet food contains additives which conforms to the requirements of Federal standards set forth at 21 CFR 121.101(a)—(h), or which are prior sanctioned or generally recognized as safe for that use.

(2) The pet food itself is a drug as defined in section 3 of the act (3 P. S. § 58.3) and is generally recognized as safe and effective for use or is marketed subject to an application approved by the United States Food and Drug Administration under the provisions of sections 505 and 507 of the Food, Drug and Cosmetic Act of 1938 (21 U.S.C.A. §§ 355 and 357).

(c) The medicated labeling format recommended by Association of American Feed Control Officials shall be used.

§ 72.11. Misrepresentations.

(a) A vignette, graphic or pictorial representation of a product on a pet food label shall not misrepresent the contents of the package.

(b) The use of the word “proven” in connection with label claims for a pet food is prohibited unless scientific or other empirical evidence establishing the claim is first submitted to the Secretary for review.

(c) No statement may appear upon the label of a pet food which makes false or misleading comparisons between that pet food and another pet food.

(d) Personal or commercial endorsements are permitted on pet food labels where said endorsements are factual and not otherwise misleading.

§ 72.12. Identification of producer.

(a) The label of a pet food shall specify the name and address of the manufacturer, packer or distributor of the pet food. The statement of the place of business shall include the street address, if any, of the place unless the street address is shown in a current city directory or telephone directory.

(b) If a person manufactures, packages or distributes a pet food in a place other than his principal place of business, the label may state the principal place

of business in lieu of the actual place where each package of the pet food was manufactured or packaged or is to be distributed, if the statement is not misleading in any particular.

§ 72.13. Outer containers or wrappers.

When a pet food is enclosed in an outer container or wrapper which is intended for retail sale, the required label information shall appear on the outside wrapper or container unless all of the required label information is readily legible through apertures or transparencies in the outside container or wrapper.

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