

PET FOOD REGULATIONS

Effective July 14, 1987

SECTION I. DEFINITIONS AND TERMS.

- A. “Principal display panel” means the part of a label that is most likely to be displayed, presented, shown or examined under normal customary conditions of display for retail sale.
- B. “Ingredient statements” means a collective and contiguous listing on the label of the ingredients of which the pet food is composed.
- C. “Immediate container” means the unit, can, box, tin, bag, or other receptacle or covering in which a pet food is displayed for sale to retail purchasers, but does not include containers used as shipping containers.

SECTION II. LABEL FORMAT AND LABELING.

- A. The statement of net content and product name must be shown on the principal display panel. All other required information may be placed elsewhere on the label but shall be sufficiently conspicuous as to render it easily read by the average purchaser under ordinary conditions of purchase and sale.
- B. The declaration of the net content shall be made in conformity with the United States “Fair Packaging and labeling Act” and the regulations promulgated thereunder.
- C. The information which is required to appear in the “Guaranteed Analysis” shall be listed in the following order.

Crude protein (Minimum Amount)

Crude fat (Minimum Amount)

Crude fiber (Maximum Amount)

Moisture (Maximum Amount)

Additional guarantees shall follow moisture.

- D. The label of pet food shall specify the name and address of the manufacturer, packer, or distributor of pet food. The statement of the place of business shall include an address that can be reached by mail.
- E. 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 such pet food was manufactured or packaged or is to

be distributed, if such statement is not misleading in any particular.

- F. A vignette, graphic, or pictorial representation of a product on a pet food label shall not misrepresent the contents of the package.
- G. The use of the word “proven” in connection with label claims for a pet food is improper unless scientific or other empirical evidence establishing the claim represented as “proven” is available.
- H. No statement shall appear upon the label of a pet food which makes false or misleading comparisons between that pet food and any other pet food.
- I. Personal or commercial endorsements are permitted on pet food labels where said endorsements are factual and not otherwise misleading.
- J. When a pet food is enclosed in any outer container or wrapper which is intended for retail sale, all required label information must appear on such outside container or wrapper, unless legible through apertures or transparencies.
- K. The words “Dog Food,” “Cat Food,” or similar designations must appear conspicuously upon the principal panels of the pet food labels.
- L. The label of a pet food shall not contain an unqualified representation of 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:
 - 1. 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, or,
 - 2. Contains a combination of ingredients which when fed to a normal animal as the only source of nourishment will provide satisfactorily for fertility of females, 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.
- M. Labels for products which are compounded for or which are suitable for only a limited purpose (i.e., a product designed for the feeding of puppies) may contain representations that said pet food product or recommended feed thereof, is or meets the requisites for a complete, perfect, scientific or balanced ration for dogs or cats only:
 - 1. In conjunction with a statement of a limited purpose for which the product is intended or suitable (as, for example, in the statement “a complete food for puppies”). Such representations and such required qualification therefore shall be juxtaposed on the same panel and in the same size, style and color print; and

2. Such qualified representations may appear on pet food labels only if:
 - (a) The pet food contains ingredients in quantities sufficient to satisfy the estimated nutrient requirements established by a recognized authority, for such limited or qualified purpose;
or
 - (b) 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.

- N. Except as specified by Section III. A., the name of any ingredient which appears on the label other than in the product name shall not be given undue emphasis so as to create the impression that such an ingredient is present in the product in a larger amount than is the fact, and if the names of more than one such ingredient are shown, they shall appear in the order of their respective predominance by weight in the product.

- O. The label of a dog or cat food (other than one prominently identified as a snack or treat as part of the designation required upon the principal display panel under Section II. K.) shall bear, on either the principal display panel or the information panel (as those terms are defined in 21 C.F.R. 501.1 and 501.2 respectively), in type of a size reasonably related to the largest type on the panel, a statement of the nutritional adequacy or purpose of the product. Such statement shall consist of one of the following:
 1. A claim that the pet food meets or exceeds the requirements of one or more of the recognized categories of nutritional adequacy: gestation, lactation, growth, maintenance, and complete for all life stages, as those categories are set forth in Section II. L. and M.
 2. A nutrition or dietary claim for purposes other than those listed in Section II. L. and M. if the claim is scientifically substantiated.
 3. The statement: "Use only as directed by your veterinarian", if it is a dietary animal food product intended for use by, or under the supervision or direction of a veterinarian.
 4. The statement: "this product is intended for intermittent or supplemental feeding only," if a product does not meet either the requirements of Section II, L. and M. or any other special nutritional or dietary need and so is suitable only for limited or intermittent or supplementary feeding.

SECTION III. BRAND AND PRODUCT NAMES.

In addition to the requirements for commercial feed otherwise provided in this part, the following requirements shall apply to pet food and specialty pet food:

- A. No flavor designation or claim shall be used on any pet food or specialty pet food label

unless the designated flavor is detectable by a recognized test method. Any flavor designation or claim on any such label shall 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. The word “flavor” shall be printed in the same size type and with an equal degree of conspicuousness as the ingredient term from which the flavor designation is derived. Distributors of pet food or specialty pet food employing such flavor designations or claims on the labels of such products shall, upon request by the Commissioner or his authorized representative, supply verification of the designated or claimed flavor.

- B. The designation “100%” or “All” or words of similar connotation shall not be used in the brand name or product name of any pet food or specialty pet food if it contains more than one ingredient, provided, for the purpose of this subdivision only, water sufficient for processing, required decharacterizing agents and trace amounts of preservatives and condiments shall not be considered ingredients.
- C. The terms “meat” and “meat by-products” may be used without a designation of the species from which the same was derived only if such meat or meat by-products have been derived from cattle, swine, sheep or goats; otherwise, the species shall be designated, for example, “horsemeat.”
- D. The name of any pet food or specialty pet food 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 of any such product unless all components or ingredients are included in the name, except as provided in subdivisions A., E., or F. of this section; provided that the name of an ingredient or combination of ingredients may be used as part of the product name if:
 - 1. the ingredient or combination of ingredients is present in sufficient quantity to impart a distinctive characteristic to the product or is present in amounts which have a material bearing upon acceptance of the product by the purchaser thereof; and
 - 2. it does not constitute a representation that the ingredient or combination of ingredients is present to the exclusion of other ingredients; and
 - 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 any pet food or specialty pet food mixture, the name or names of such ingredient or ingredients may form a part of the product name of such food; provided, that 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 print.
- F. When 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 any pet food or specialty pet food mixture, the name or names of such ingredient or ingredients may form a part of the product name of such food only if the product name also includes

a primary descriptive term, such as “meatballs” or “fishcakes” so that the product name describes the contents of the product in accordance with an established law, custom or usage and so that the product name is not misleading. All such ingredient names and primary descriptive term shall be in the same size, style and color print.

- G. Contractions of coined names referring to ingredients shall not be used in the brand name of any pet food or specialty pet food unless they are in compliance with subdivisions A., D., E., and F. of this section.

SECTION IV. EXPRESSION OF GUARANTEES.

In addition to the requirements for commercial feed otherwise provided in this part, the following requirements shall apply to pet food and specialty pet food:

- A. The sliding scale method of expressing any guaranteed analysis (for example, “protein 15-18%”) is prohibited.
- B. The label of any pet food, which is formulated as and represented to be a vitamin supplement, shall include a guarantee of the minimum content of each vitamin declared in the ingredient statement. Such guarantees shall be stated in units of measurements established by a recognized authority on animal nutrition.
- C. The vitamin potency of any pet food distributed in any container smaller than one pound may be guaranteed in such units per ounce as established by a recognized authority on animal nutrition.
- D. If the label of any pet food does not represent the pet food 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 such food with levels recommended by a recognized animal nutrition authority, such comparison may be stated in the units of measurement used by such authority. Any table of comparison of any vitamin, mineral, or nutrient content shall constitute a guarantee, but need not be repeated in the guaranteed analysis. Such table of comparison may appear on the label separate and apart from the guaranteed analysis.

SECTION V. INGREDIENTS.

- A. The maximum moisture in all pet foods shall be guaranteed and shall not exceed 78.00% 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, juice, or a milk replacer which are so labeled, may contain moisture in excess of 78.00%.
- B. Each ingredient of the pet food shall be listed in the ingredient statement, and the names of all ingredients in the ingredient statement must be shown in letters or type of the same size. The failure to list the ingredients of a pet food in descending order by their predominance by weight in non-quantitative terms may be misleading. 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.

- C. The term “dehydrated” may precede the name of any ingredient in the ingredient list that has been artificially dried.
- D. No reference to quality or grade of an ingredient may appear in the ingredient statement of a pet food.
- E. A reference to the quality, nature, form, or other attribute of an ingredient shall not be made unless such designation is accurate and unless the ingredient imparts a distinctive characteristic to the pet food because it possesses that attribute.
- F. Contractions of ingredient names shall be subject to the same regulation as the complete name of the ingredient.

SECTION VI. DRUGS AND OTHER PET FOOD ADDITIVES.

In addition to the requirements for commercial feed otherwise provided in this part, the following requirements shall apply to pet food.

- A. An artificial color may be used in any pet food only if it has been satisfactorily shown to be harmless to pets or specialty pets, as the case may be. The permanent or provisional listing of any artificial color in the federal food and drug regulations 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 pursuant to such regulations, harmless to pets.
- B. Prior to approval of a registration application and/or approval of a label for pet food, 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 pet food, when used according to directions furnished on the label. Satisfactory evidence of the safety and efficacy of a pet food may be:
 - 1. When the pet food contains such additives, the use of which conforms to the requirements of the applicable regulation in the Code of Federal Regulations, Title 21, or which are “prior sanctioned” or “Generally Recognized as Safe” for such use or
 - 2. When the pet food itself is a drug as defined in 323 (6) of the Act and is generally recognized as safe and effective for label use or is marketed subject to an application approved by the Food and Drug Administration under Title 21, U.S.C. 360 (b).
- C. The use of mold inhibitors and anti-oxidants, in pet foods, shall be permissible, provided:
 - 1. They are not harmful to pets in the concentration employed; the permanent or

provisional listing of a mold inhibitor or an anti-oxidant in the United States Food and Drug Regulations as safe for use, together with the conditions, limitations and tolerances, if any, incorporated therein, shall be deemed to be satisfactory evidence that the substance is, when used pursuant to such regulations, not harmful to pets; and

2. The specific material used shall be listed in the ingredient statement by its common, usual or chemical name.

SECTION VII. DIRECTIONS FOR USE.

- A. Each commercial pet food product intended by the distributor for intermittent or supplemental feeding shall:
 1. Clearly so indicate by name or specific written statement to that effect; or
 2. In the event the product is not so marked or identified, then specific feeding directions shall be a part of the label of said product.

SECTION VIII. ADMINISTRATIVE PENALTY AND ANALYTICAL TOLERANCES.

- A. A commercial feed is deemed deficient for the purposes of the administrative penalty set forth in Section VIII B. if either of the following conditions is met:
 1. If the analysis of any component varies from the guarantee by an amount exceeding the values in the following schedule:

(a)	Proximate Analysis Determination	AV%	Concentration Range
	Moisture	12	3 - 40%
	Protein	$(20/x + 2)$	10 - 85%
	Fat	10	3 - 20%
	Fiber	$(30/x + 6)$	2 - 30%
	Ash	$(45/x + 3)$	2 - 88%
	Pepsin Digest Protein	13	
	Total Sugar as Invert	12	24 - 37%
	NPN Protein	$(80/x + 3)$	7 - 60%
(b)	Minerals Determination	AV %	Concentration Range
	Calcium	$(14/x + 6)$.5 - 25%
		10	10 - 25%
		12	$\frac{1}{4}$ 10%
	Phosphorus	$(3/x + 8)$.5 - 20%
	Salt	$(7/x + 5)$.5 - 14%
		$(15/x + 9)$.5 - 14%

Fluorine	40	
Cobalt	25	0.01 - .16%
Iodine	40	
Copper	20	.03 - 1%
	30	¼.03%
Magnesium	20	.01 - 15%
Iron	25	.01 - 5%
Manganese	30	.01 - 17%
Potassium	15	.04 - 8%
Zinc	20	.002 - 6%
Selenium	25	ppm

(c)	Vitamins Determination	AV%	Concentration Range
	Vitamin A	30	1200 - 218,000 IU/lb
	Vitamin B12	45	
	Riboflavin	30	1 - 1500 mg/lb
	Niacin	25	3 - 500 mg/lb
	Pantothenic Acid	25	4-190 mg/lb
	Amprolium	20	.01 - .014%
	Arsanilic Acid	20	.01 - .05%
	Carbodox	20	.005 - .5%
	Ethopabate	25	.004 - .04%
	Furazolidone	25	.005 - .022%
	Melengestrol Acetate	30	up to .07%
	Nicarbazin	25	.01 - .02%
	Nitarson	30	.01 - .02%
	Phenothiazine	20	.1 - .5%
	Piperazine	25	.1 - .4%
	Pyrantel Tartrate	25	.01%
	Roxarsone	25	.005 - .5%
	Sulfamethazine	20	.01 - .033%
	Sulfaquinoxaline	25	.01 - .025%
	Sulfathiazole	20	.008 - .034%
	Thiabendazole	30	up to 1/5%
	Zoalene	25	.004 - .0125%
	Bacitracin	40	10 - 200 g/T
	Chlortetracycline	30	10 - 260 g/T
	Lincomycin	25	10 - 200 g/T
	Monensin	30	10 - 200 g/T
	Neomycin	45	20 - 250 g/T
	Oxytetracycline	30	10 - 300 g/T
	Penicillin	35	10 - 200 g/T
	Streptomycin	45	10 - 75 g/T
	Tylosin	30	10 - 150 g/T
	Virginiamycin	40	80 g/T

2. If the weight of the feed is found not to be the net weight appearing on the label as required by Section III.
- B. The registrant of a commercial feed deemed deficient under Section VIII A. shall be assessed an administrative penalty. A penalty shall not exceed:
1. \$150.00 for the first violation for a particular product during the calendar year.
 2. \$300.00 for the second violation for the same product during the same calendar year.
 3. \$500.00 for the third or any subsequent violation for the same product during the same calendar year.
- C. The Commissioner shall issue quarterly reports to registrants found to be in violation of this section. The quarterly report shall include an analysis of the deficient product or products and the proposed penalty. This quarterly report shall serve as written notice of deficiency as provided in 6 V.S.A. 331(c).