

RHODE ISLAND GOVERNMENT REGISTER
PUBLIC NOTICE OF PROPOSED RULEMAKING

AGENCY: Department of Environmental Management

DIVISION: Agriculture and Resource Marketing

RULE IDENTIFIER: 250-RICR-40-20-5, ERLID #: 853

REGULATION TITLE: Rules and Regulations Relating to Commercial Feed

RULEMAKING ACTION: Direct Final

Direct Final: If no formal objection is received on or before October 15, 2017, Department of Environmental Management will file the amendment without opportunity for public comment.

TYPE OF FILING: Amendment

TIMETABLE FOR ACTION ON THE PROPOSED RULE:

Public Notice: September 15, 2017

End of Comment Period Date: October 15, 2017.

SUMMARY OF PROPOSED RULE: To regulate the sale and use of commercial feeds in the State of Rhode Island.

COMMENTS INVITED:

All interested parties are invited to submit written or oral comments concerning the proposed regulations by **October 15, 2017**, to the addresses listed below.

ADDRESSES FOR PUBLIC COMMENT SUBMISSIONS:

Mailing Address:

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Office of Legal Services

235 Promenade Street

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WHERE COMMENTS AND PROPOSED REGULATION MAY BE INSPECTED:

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FOR FUTURE INFORMATION CONTACT:

ATTN: Sarah Gousie, Administrative Officer,

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SUPPLEMENTARY INFORMATION:

Regulatory Analysis Summary and Supporting Documentation: N/A

Authority for This Rulemaking: R.I. Gen. Laws Chapter 4-2

Regulatory Findings:

In the development of the proposed amendment consideration was given to: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; and (3) significant economic impact on small business. No alternative approach, duplication, or overlap was identified based upon available information.

The Proposed Amendment: The purpose of this amendment is to reformat the regulation in accordance with RICR and incorporate by reference the AAFCO (Association of American Feed Control Officials) 2015 Official Publication.

Department of Environmental Management proposes to amend 250-RICR-40-20-5. Electronic copies of the proposed rulemaking are available at the Secretary of State and DEM's website at the following web addresses:

<http://sos.ri.gov/ProposedRules/>

<http://www.dem.ri.gov/documents/regulations/index.php>

250-RICR-40-20-5

TITLE 250 - DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

CHAPTER 40 - AGRICULTURE AND RESOURCE MARKETING

SUBCHAPTER 20 - MARKETING

PART 5 - Rules and Regulations Relating to Commercial Feed

5.1 Authority

These regulations are promulgated pursuant to R.I. Gen. Laws Chapter 4-2, and in accordance with the procedures set forth in the R.I. Administrative Procedures Act, R.I. Gen. Laws Chapter 42-35.

5.2 Incorporated Materials

These regulations hereby adopt and incorporate the AAFCO (Association of American Feed Control Officials) 2015 Official Publication by reference, not including any further editions or amendments thereof and only to the extent that the provisions therein are not inconsistent with these regulations.

5.3 Definitions and Terms

- A. The names and definitions for commercial feeds shall be the Official Ingredient Definitions specified in Feed Terms and Ingredient Definitions of the AAFCO 2015 Official Publication, incorporated above at § 5.2 of this Part, except as the Director designates otherwise in specific cases.
- B. The terms used in reference to commercial feeds shall be the Official Feed Terms specified in Feed Terms and Ingredient Definitions of the AAFCO 2015 Official Publication, incorporated above at § 5.2 of this Part, except as the Director designates otherwise in specific cases.
- C. The following commodities are hereby declared exempt from the definition of commercial feed, under the provisions of R.I. Gen. Laws § 4-2-3(2): raw meat; and 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 R.I. Gen. Laws § 4-2-7(1) through (5).
- D. Individual chemical compounds and substances are hereby declared exempt from the definition of commercial feed under the provisions of R.I. Gen. Laws § 4-2-3(2). 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 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.

E. List of Exempted Substances

1. Loose salt

5.4 Label Format

A. Commercial feeds shall be labeled with the information prescribed in this regulation on the principal display panel of the product and in the following general format:

1. Net weight.
2. Product name and brand name if any.
3. If drugs are used:
 - a. 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.
 - b. The purpose of medication (claim statement).
 - c. The required direction for use and precautionary statements or reference to their location if the detailed feeding direction and precautionary statements required by §§ 5.8 and 5.9 of this Part appear elsewhere on the label.
 - d. An active drug ingredient statement listing the active drug ingredients by their established name and the amounts in accordance with § 5.6(D) of this Part.

4. The guaranteed analysis of the feed as required under the provisions of R.I. Gen. Laws § 4-2-5(a)(3) include the following items, unless exempted in § 5.4(A)(4)(h) of this Part, and in the order listed:
 - a. Minimum percentage of crude protein.
 - b. Maximum or minimum percentage of equivalent protein from nonprotein nitrogen as required in § 5.6(E) of this Part.
 - c. Minimum percentage of crude fat.
 - d. Maximum percentage of crude fiber.
 - e. Minerals, to include, in the following order:
 - (1) Minimum and maximum percentages of calcium (Ca),
 - (2) Minimum percentages of phosphorus (P),
 - (3) Minimum and maximum percentages of salt (NaCl), and,
 - (4) Other minerals.
 - f. Vitamins in such terms as specified in § 5.6(C) of this Part.
 - g. Total sugars as invert or dried molasses products or products being sold primarily for their sugar content.
 - h. Exemptions:
 - (1) Guarantees for minerals are not required when there are no specific label claims and when the commercial feed contains less than 6 1/2% of calcium, phosphorus, sodium and chloride.
 - (2) Guarantees for vitamins are not required when the commercial feed is neither formulated for nor represented in any manner as a vitamin supplement.
 - (3) 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.
5. Feed ingredients, collective terms for the grouping of feed ingredients, or appropriate statements as provided under the provisions of R.I. Gen. Laws § 4-2-5(a)(4).

- a. The name of each ingredient as defined in the Official Ingredient Definitions specified in Feed Terms and Ingredient Definitions published in the AAFCO 2015 Official Publication, incorporated above at § 5.2 of this Part, common or usual name, or one approved by the Director.
 - b. Collective terms for the grouping of feed ingredients as defined in the Official Ingredient Definitions specified in Feed Terms and Ingredient Definitions published in the AAFCO 2015 Official Publication, incorporated above at § 5.2 of this Part, in lieu of the individual ingredients; Provided that:
 - (1) 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.
 - (2) The manufacturer shall provide the feed control official, upon request, with a listing of individual ingredients, within a defined group, that are or have been used at manufacturing facilities distributing in or into the State.
6. 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 and zip code; however, the street address may be omitted if it is shown in the current city directory or telephone directory.
 7. The information required in R.I. Gen. Laws § 4-2-5(a)(1) through (5) must appear in its entirety on one side of the label or on one side of the container. The information required by R.I. Gen. Laws § 4-2-5(a)(6) through (7) 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 R.I. Gen. Laws § 4-2-5(a)(6) through (7) 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 R.I. Gen. Laws § 4-2-5 shall be subordinated or obscured by other statements or designs.

5.5 Brand and Product Names

- A. 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 mixture labeled "dairy feed," for example, must be suitable for that purpose.

- B. 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.
- C. 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 ingredient or combination of ingredients is quantitatively guaranteed in the guaranteed analysis, and the brand or product name is not otherwise false or misleading.
- D. The word "protein" shall not be permitted in the product name of a feed that contains added non-protein nitrogen.
- E. 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. When a figure is used in the brand name (except in mineral, vitamin or other products where the protein guarantee is nil or unimportant), it shall be preceded by the word "number" or some other suitable designation.
- F. Single ingredient feeds shall have a product name in accordance with the designated Official Ingredient Definitions specified in Feed Terms and Ingredient Definitions published as recognized by the Association of American Feed Control Officials unless the Director designates otherwise.
- G. 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 § 5.6(C) of this Part.
- H. 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.
- I. 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 from cattle, swine, sheep and goats.

5.6 Expression of Guarantees

- A. The guarantees for crude protein, equivalent protein from non-protein nitrogen, crude fat, crude fiber and mineral guarantees (when required) will be in terms of percentages by weight.
- B. Commercial feeds containing 6 1/2% or more calcium, phosphorus, sodium and chloride shall include in the guaranteed analysis the minimum and maximum percentages of calcium (Ca), the minimum percentage of phosphorus (P), and if salt is added, the minimum and maximum percentage of salt (NaCl). Minerals, except salt (NaCl), shall be guaranteed in terms of percentage of the element. When calcium and/or salt guarantees are given in the guaranteed analysis such shall be stated and conform to the following:
 - 1. When the minimum is 5.0% or less, the maximum shall not exceed the minimum by more than one percentage point.
 - 2. When the minimum is above 5.0%, the maximum shall not exceed the minimum by more than 20% and in no case shall the maximum exceed the minimum by more than 5 percentage points.
- C. Guarantees for minimum vitamin content of commercial feeds and feed supplements, when made, shall be stated on the label in milligrams per pound of feed except that:
 - 1. Vitamin A, other than precursors of vitamin A, shall be stated in international or USP units per pound.
 - 2. Vitamin D, in products offered for poultry feeding, shall be stated in international chick units per pound.
 - 3. Vitamin D for other uses shall be stated in international or USP units per pound.
 - 4. Vitamin E shall be stated in international or USP units per pound.
 - 5. Guarantees for vitamin content on the label of a commercial feed shall state the guarantee as true vitamins, not compounds, with the exception of the compounds pyridoxine hydrochloride, choline chloride, thiamine, and d-pantothenic acid.
 - 6. Oils and premixes containing vitamin A or vitamin D or both may be labeled to show content in terms of units per gram.
- 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 Regulations 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 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, di-ammonium phosphate, ammonium polyphosphate solution, ammoniated rice hulls, or other basic non-protein nitrogen ingredients defined in Official Ingredient Definitions specified in Feed Terms and Ingredient Definitions published in the AAFCO 2015 Official Publication, incorporated above at § 5.2 of this Part, shall be guaranteed as follows:
 - (1) Nitrogen, minimum,%.
 - (2) 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:
 - (1) Adequate directions for use, and,
 - (2) 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:
 - 1. The guarantee for minimum and maximum percentage of calcium (when present),
 - 2. The minimum percentage of phosphorus, and,
 - 3. The maximum percentage of fluorine.

5.7 Ingredients

- A. The name of each ingredient or collective term for the groupings of ingredients, when required to be listed, shall be the name as defined in the Official Ingredient Definitions specified in Feed Terms and Ingredient Definitions as published in the AAFCO 2015 Official Publication, incorporated above at § 5.2 of this Part, the common or usual name, or one approved by the Director.
- 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 in Official Ingredient Definitions specified in Feed Terms and Ingredient Definitions published in the AAFCO 2015 Official Publication, incorporated above at § 5.2 of this Part, 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 require 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.

5.8 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 prescribed by all applicable regulations 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 § 5.9 of this Part.
- 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.

5.9 Non-Protein Nitrogen

- A. Urea and other non-protein nitrogen products defined in Official Ingredient Definitions specified in Feed Terms and Ingredient Definitions published in the AAFCO 2015 Official Publication, incorporated above at § 5.2 of this Part, are acceptable ingredients 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:
 - 1. Adequate directions for the safe use of feeds, and,
 - 2. A precautionary statement: "caution: use as directed",
 - 3. 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 products defined in Official Ingredient Definitions specified in Feed Terms and Ingredient Definitions published in the AAFCO 2015 Official Publication, incorporated above at § 5.2 of this Part, 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.

5.10 Drug and Feed Additives

- A. Prior to approval of a registration application and/or approval of a label for commercial feed which contain 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 regulations 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 commercial feed is itself a drug as defined in R.I. Gen. Laws § 4-2-3(7) 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 21 U.S.C. § 360(b).

5.11 Adulterants

- A. For the purpose of R.I. Gen. Laws § 4-2-7(1), 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 0.30% for cattle; 0.35% for sheep; 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 above the following amounts:

0.009% for cattle; 0.01% for sheep; 0.014% for swine; and 0.035% for poultry.

3. Soybean meal, flakes or pellets or other vegetable meals, flakes or pellets which have been extracted with trichlorethylene or other chlorinated solvents.
 4. 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 or otherwise treated to destroy the viability of such weed seed so that the finished product contains no more than allowed by the Director, through promulgation of regulations of R.I. Gen. Laws Chapter 2-6, Rhode Island Seed Act.

5.12 Good Manufacturing Practices

- A. For the purpose of enforcement of R.I. Gen. Laws § 4-2-7(8), the Director adopts the following as current good manufacturing practices:
1. The regulations prescribing good manufacturing practices for medicated feeds as published in 21 C.F.R. §§ 225.1-225.115.
 2. The regulations prescribing good manufacturing practices for medicated pre-mixes as published in 21 C.F.R. §§ 226.1-226.115.

5.13 Official Pet Food Regulations - Definitions and Terms

- A. "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.
- B. "Ingredient statements" means a collective and contiguous listing on the label of the ingredients of which the pet food is composed.
- C. "Principal display panel" means the part of a label that is most likely to be displayed, presented, shown or examined under normal and customary conditions of display for retail sale.

5.14 Official Pet Food Regulations - 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 contents shall be made in conformity with the Fair Packaging and Labeling Act, 15 U.S.C. § 1451, and the regulations promulgated thereunder.
- C. The information which is required to appear in the "guaranteed analysis" shall be listed in the following order:
 - 1. Crude protein (minimum amount),
 - 2. Crude fat (minimum amount),
 - 3. Crude fiber (maximum amount),
 - 4. Moisture (maximum amount),
 - 5. Additional guarantees shall follow moisture.
- D. 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 should include the street address, if any, of such place unless such street address is shown in a current city directory or telephone directory.
- 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 an outer container or wrapper which is intended for retail sale, all required label information must appear on such outside wrapper or container unless all of the required label information is readily legible through apertures or transparencies in such outside container or wrapper.
- K. The words "dog food", "cat food", or similar designations must appear conspicuously upon the principal display panels of the pet food labels.

- L. 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:
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, such as the Committee on Animal Nutrition of the National Research Council of the National Academy of Science (to the extent that the product's ingredients provide nutrients in amounts which substantially deviate from those nutrient requirements estimated by such 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 stages of said animals' lives, the product's represented capabilities in this regard must have been demonstrated by adequate testing), 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 feeding thereof, is or meets the requisites of a complete, perfect, scientific or balanced ration for dogs or cats only:
1. In conjunction with a statement of the 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 therefor 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 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; 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 § 5.15(A) of this Part, 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 name of more than one such ingredient are shown, they shall appear in the order of their respective predominance by weight in the product.

5.15 Official Pet Food Regulations - 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. The word flavor shall be printed in the same size type and with an equal degree of conspicuousness as the ingredient term(s) from which the flavor designation is derived.
1. 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 appropriate control official.
- 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. However, for the purpose of this provision, water sufficient for processing, required decharacterizing agents and trace amount of preservatives and condiments shall not be considered ingredients.
- C. The term "meat" and "meat by-products" shall be qualified to designate the animal from which the meat and meat-by-products are derived unless the meat and meat-by-products are from cattle, swine, sheep, and goats. For example, "horsemeat" and "horsemeat-by-products".
- 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 shall 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 by §§ 5.15(A), (E) and (F) of this Part; provided that the name of an ingredient or combination of ingredients may be used as a 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 the price of the product or upon acceptance of the product by the purchaser thereof; or,

2. It does not constitute a representation that the ingredient or combination of ingredients is present to the exclusion of other ingredients; or,
 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 ingredient(s) may form a part of the product name of the pet 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 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 "meat- balls" or "fishcakes" 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 primary descriptive term shall be,
- G. Contractions or coined names referring to ingredients shall be used in the brand name of a pet food unless it is in compliance with §§ 5.15(A), (D), (E) or (F) of this Part.

5.16 Official Pet Food Regulations - Expression of Guarantees

- A. The sliding scale method of expressing a guaranteed analysis (for example, "protein 15-18%") is prohibited.
- B. Pursuant to R.I. Gen. Laws § 4-2-5(a)(3), the label of a pet food which is formulated as and represented to be a mineral additive supplement, shall include in the guaranteed analysis the maximum and minimum percentages of calcium, the minimum percentage of phosphorus and the maximum and minimum percentages of salt. The minimum content of all other essential nutrient elements recognized by NRC from sources declared in the ingredient statement shall be expressed as the element and in units of measurement established by a recognized authority of animal nutrition such as the National Research Council.
- C. Pursuant to R.I. Gen. Laws § 4-2-5(a)(3), the label of 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 such as the National Research Council.

- D. The vitamin potency of pet food products distributed in containers smaller than 1 lb. may be guaranteed in approved units per ounce.
- E. If the label of a pet food does not represent the pet food to be either a vitamin or a mineral supplement, but does not include a table of comparison of a typical analysis of the vitamin, mineral, or nutrient content of the pet food with levels recommended by a recognized animal nutrition authority, such comparison maybe stated in the units of measurement used by the recognized authority on animal nutrition such as the National Research Council. The statement in a table of comparison of the 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.

5.17 Official Pet Food Regulations - 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 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 there has been established a name and definition in the AAFCO 2015 Official Publication, incorporated above at § 5.2 of this Part, 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 shall 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.

5.18 Official Pet Food Regulations - Directions for Use

- A. The label of a pet food product which is suitable only for intermittent or supplemental feeding or for some other limited purpose shall:
 - 1. Bear a clear and conspicuous disclosure to that effect; or,
 - 2. Contain specific feeding directions which clearly state that the product should be used only in conjunction with other foods.

5.19 Official Pet Food Regulations - Drugs and Pet Food 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 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 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 use, or,
 - 2. When the pet food itself is a drug as defined in R.I. Gen. Laws § 4-2-3(7) 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 21 U.S.C. § 360(b).
- C. The medicated labeling format recommended in the AAFCO 2015 Official Publication, incorporated above at § 5.2 of this Part, shall be used to assure that adequate labeling is provided.