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IDAPA 02
TITLE 06
CHAPTER 02

02.06.02 - RULES PERTAINING TO THE IDAHO COMMERCIAL FEED LAW

000. LEGAL AUTHORITY.
This chapter is adopted under the legal authority of Section 25-2710, Idaho Code. (3-30-07)

001. TITLE AND SCOPE.

01. Title. The title of this chapter is IDAPA 02.06.02, "Rules Pertaining to the Idaho Commercial Feed Law." (4-6-05)

02. Scope. These rules specify general commercial feed label and ingredient requirements, special requirements for cottonseed and procedures concerning detained commercial feedstuffs. These rules also apply to pet food and specialty pet food except where specifically addressed in this rule under Section 475 Pet Food and Specialty Pet Food. (3-30-07)

002. WRITTEN INTERPRETATIONS.
There are no written interpretations of these rules. (4-6-05)

003. ADMINISTRATIVE APPEAL.
There is no provision for administrative appeals before the Idaho State Department of Agriculture under this chapter. Hearing and appeal rights are pursuant to Title 67, Chapter 52, Idaho Code. (4-6-05)

004. INCORPORATION BY REFERENCE.
Copies of these documents may be viewed at the Idaho State Department of Agriculture, 2270 Old Penitentiary Road, PO Box 790, Boise, Idaho 83701. IDAPA 02.06.02 incorporates by reference: (3-30-07)

01. The Association of American Feed Control Officials (AAFCO) Official Publication. The Terms, Ingredient Definitions and Policies as published in the "2016 Official Publication" of AAFCO where those terms and ingredient definitions, and policy statements do not conflict with terms and ingredient definitions, and policy statements adopted under Title 25, Chapter 27, Idaho Code, and any rule promulgated thereunder. The AAFCO Official Publication is a copyrighted publication and not available in electronic format. A copy may be purchased online from the AAFCO website at: www.aafco.org. (3-25-16)

02. The Merck Index. The "2006 Merck Index," 14th Edition, as published by Merck Research Laboratories Division of Merck & Co., Incorporated. The Merck Index is a copyrighted publication and not available in an electronic format. A copy may be purchased online from Merck & Co., Inc at: http://www.rsc.org/merckindex. (4-7-11)

005. ADDRESS, OFFICE HOURS, TELEPHONE AND FAX NUMBERS.

01. Physical Address. The central office of the Idaho State Department of Agriculture is located at 2270 Old Penitentiary Road, Boise, Idaho 83712-0790. (4-6-05)

02. Office Hours. Office hours are 8 a.m. to 5 p.m., Mountain Time, Monday through Friday, except holidays designated by the state of Idaho. (4-6-05)

03. Mailing Address. The mailing address for the central office is Idaho State Department of Agriculture, P. O. Box 790, Boise, Idaho 83701. (4-6-05)

04. Telephone Number. The telephone number of the central office is (208) 332-8500. (4-6-05)

05. Fax Number. The fax number of the central office is (208) 334-2283. (4-6-05)

006. PUBLIC RECORDS ACT COMPLIANCE.

These rules are public records and are available for inspection and copying at the department. (4-6-05)

007. -- 009. (RESERVED)

010. DEFINITIONS AND TERMS.
The Idaho State Department of Agriculture adopts the definitions set forth in Section 25-2703, Idaho Code. In addition as used in this chapter: (3-30-07)

01. All Life Stages. Gestation/lactation, growth, and adult maintenance life stages. (3-30-07)

02. Family. A group of products, which are nutritionally adequate for any or all life stages based on their nutritional similarity to a lead product, which has been successfully test-fed according to an AAFCO feeding protocol(s). (3-30-07)

03. Hay. The aerial portion of grass or herbage especially cut, cured and baled or stacked for animal feeding, without further processing. (4-6-05)

04. Immediate Container. The unit, can, box, tin, bag, or other receptacle or covering in which a pet food or specialty pet food is displayed for sale to retail purchasers, but does not include containers used as shipping containers. (3-30-07)

05. Ingredient Statement. A collective and contiguous listing on the label of the ingredients of which the pet food or specialty pet food is composed. (3-30-07)

06. Principal Display Panel. 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 and may include the front, back, or side panels of the package. (4-7-11)

07. Viable Noxious Weed Seed. Any seed or propagule of a noxious weed, as identified or listed by Title 22, Chapter 24, Idaho Code, or any rules promulgated thereunder, that has not been ground fine enough or otherwise treated to destroy the ability to germinate. (3-30-07)

011. EXEMPTIONS.
Exemptions from product registration shall include: (3-27-13)

01. Unmixed Whole Seeds. Unmixed whole seeds and physically altered entire unmixed seeds, when such whole or physically altered seeds are not chemically changed or are not adulterated within the meaning of Section 25-2707, Idaho Code, or misbranded within the meaning of Section 25-2708, Idaho Code. (3-27-13)

02. Seed Mixtures. Seeds mixed and planted as such mixture, grown and harvested as one (1) crop and processed as one (1) mixture when not adulterated within the meaning of Section 25-2707, Idaho Code, or misbranded within the meaning of Section 25-2708, Idaho Code. (3-27-13)

03. Hay. All hay, except commercially dehydrated legumes and grasses and when not adulterated within the meaning of Section 25-2707, Idaho Code, or misbranded within the meaning of Section 25-2708, Idaho Code. (3-27-13)

04. Straw. Whole or ground straw, stover, silage, cobs, husks, hulls, wet or pressed beet pulp, pea screenings and beet discard molasses when not mixed with other materials and when not adulterated within the meaning of Section 25-2707, Idaho Code, or misbranded within the meaning of Section 25-2708, Idaho Code. (3-27-13)

05. Animals. Live, whole or unprocessed animals when not adulterated within the meaning of Section 25-2707, Idaho Code, or misbranded within the meaning of Section 25-2708, Idaho Code. (3-27-13)

06. Animal Remedies. Animal remedies when not adulterated within the meaning of Section 25-2707, Idaho Code, or misbranded within the meaning of Section 25-2708, Idaho Code. (3-27-13)

07. Minerals. Individual mineral substances when not mixed with another material and when not adulterated within the meaning of Section 25-2707, Idaho Code, or misbranded within the meaning of Section 25-2708, Idaho Code. (3-27-13)

08. Byproducts or Production Waste. Processing byproducts or production waste, which do not undergo further processing, received by the end user directly from the fuel or food processor, when not adulterated within the meaning of Section 25-2707, Idaho Code, or misbranded within the meaning of Section 25-2707, Idaho Code. This may include wet or pressed beet pulp, pea screenings, and beet discard molasses. (3-27-13)

012. -- 019. (RESERVED)

020. REGISTRATION AND FEES.

01. Product Registration Fee. Whenever a commercial feed is registered for distribution in the state of Idaho, a fee of forty dollars ($40) per product shall be collected. (3-27-13)

a. The Department shall utilize these funds for the operation of all program activities, including but not limited to, registration, label review, inspection and sampling, and laboratory analysis. (3-27-13)

b. The fee shall be set by the Department such that all costs associated with the commercial feed program will be covered by the registration fee without the need for additional state general or dedicated funding. (3-27-13)

02. Product Registration Fee Exemption. Sellers who are not regularly engaged in the business of manufacturing or selling commercial feed and whose total amount of gross annual sales does not exceed five hundred dollars ($500) shall be exempt from payment of the registration fee. However, the Department retains the right to inspect any feed in the possession of those persons exempted by Subsection 020.02 at any time. (3-27-13)

a. This exemption pertains to the registration fee only, and does not exempt a person or business from other sections of these rules and/or the Idaho Commercial Feed Law. (3-27-13)

b. The Department reserves the right to review the records of sellers who are claiming or who have claimed that they are exempt from the payment of the registration fee, in order to ensure that they qualify for the exemption. (3-27-13)

c. The Department further reserves the right to conduct any and all inspections allowed under Section 25-2709, Idaho Code, in order to ensure compliance with these rules and/or the Idaho Commercial Feed Law. (3-27-13)

021. -- 049. (RESERVED)

050. LABEL FORMAT.

01. Label Format. Commercial feeds shall be labeled with the information prescribed in this rule on the principal display panel of the product and in the following general format. (8-16-71)

a. Net Weight. (8-16-71)

b. Product name and brand name if any. (8-16-71)

c. If a drug is used: (8-16-71)

i. The word “Medicated” shall appear directly following and below the product name in type size, no smaller than one-half (1/2) the type size of the product name. (8-16-71)

ii. The purpose of medication (claim statement). (8-16-71)

iii. An active drug ingredient statement listing the active drug ingredients by their established name and the amounts in accordance with Subsection 150.04. (8-16-71)

iv. The required directions for use and precautionary statements or reference to their location if the detailed feeding directions and precautionary statements required by Sections 250 and 300 appear elsewhere on the label. (8-16-71)

d. The guaranteed analysis of the feed as required under the provisions of Section 25-2705(1)(c) of the Commercial Feed Law include the following items, unless exempted in Subsection 050.01.d.viii., and in the order listed: (3-30-07)

i. Minimum percentage of crude protein. (8-16-71)

ii. Maximum or minimum percentage of equivalent protein from non-protein nitrogen as required in Subsection 150.05. (8-16-71)

iii. Minimum percentage of crude fat. (8-16-71)

iv. Maximum percentage of crude fiber. (8-16-71)

v. Minerals, to include, in the following order: minimum and maximum percentages of calcium (Ca), minimum percentage of phosphorus (P), minimum and maximum percentages of salt (NaCl), and other minerals. (8-16-71)

vi. Vitamins in such terms as specified in Subsection 150.03. (8-16-71)

vii. Total sugars as invert on dried molasses products or products being sold primarily for their sugar content. (8-16-71)

viii. Exemptions. Guarantees for minerals are not required when there are no specific label claims and when the commercial feed contains less than six and one-half percent (6 1/2%) of Calcium, Phosphorus, Sodium, or Chloride. Guarantees for vitamins are not required when the commercial feed is neither formulated for nor represented in any manner as a vitamin supplement. 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. (4-7-11)

e. Feed ingredients, collective terms for the grouping of feed ingredients, or appropriate statements as provided under the provisions of Section 25-2705(1)(d) of the Commercial Feed Law shall be listed in decreasing order of predominance by weight: (4-7-11)

i. The name of each ingredient as defined in the Official Publication of the Association of American Feed Control Officials, common or usual name, or one approved by the Director. (8-16-71)

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 Association of American Feed Control Officials in lieu of the individual ingredients; provided that 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. 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. (8-16-71)

iii. The registrant may affix the statement, “ingredients as registered with the State” in lieu of the ingredient list on the label. The list of ingredients must be on file with the Director. This list shall be made available to the feed purchaser upon request. (8-16-71)

f. 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. (8-16-71)

g. The information required in Section 25-2705 of the Commercial Feed Law must appear in its entirety on the principal display panel of the container. (4-7-11)

h. Labeling shall include all statements and promotion on company websites or other internet based customer interfaces. (3-27-13)

02. Customer Formula Invoice and Tag Requirements. (8-16-71)

a. Bulk shipments of customer-formula feed shall be accompanied by an invoice, delivery slip or other shipping documents identifying the shipment as customer-formula feed and the name and address of the customer to whose order it is made. (8-16-71)

b. Bagged customer-formula feed will be labeled with a tag identifying each bag as such. The total bags in each customer's shipment will be segregated from other bagged feed and identified with the name and address of the customer to whose order it is made. (8-16-71)

c. Nutritional guarantees and guarantees of other analytes, and a list of ingredients, in descending order of predominance by weight, of a customer-formula feed may be used in lieu of specific weights or volumes of each ingredient, as required in Section 25-2705(2)(d), Idaho Code, when so ordered by the customer. (4-7-11)

051. -- 099. (RESERVED)

100. BRAND AND PRODUCT NAMES.

01. Intended Use. 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. (8-16-71)

02. Listings. 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. (4-7-11)

03. Name of Feed. The name of a commercial feed shall not be derived from one (1) 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 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. (8-16-71)

04. Protein. The word "protein" shall not be permitted in the product name of a feed that contains added non-protein nitrogen. (8-16-71)

05. Percentage Value. 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. (8-16-71)

06. Single Ingredient. Single ingredient feeds shall have a product name in accordance with the designated definition of feed ingredients as recognized by the Association of American Feed Control Officials unless the Director designates otherwise. (8-16-71)

07. Vitamin. 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 Subsection 150.03. (8-16-71)

08. **Mineralized**. 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. (8-16-71)

09. **Meat and Meat By-Products**. 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. (8-16-71)

101. -- 149. (RESERVED)

150. EXPRESSION OF GUARANTEES.

01. **Percentage by Weight**. 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 percentage by weight. (8-16-71)

02. **Commercial Feeds**. Commercial feeds containing six and one-half percent (6 1/2%) or more Calcium, Phosphorus, Sodium or 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: (4-7-11)

a. When the minimum is five percent (5%) or less, the maximum shall not exceed the minimum by more than one (1) percentage point. (8-16-71)

b. When the minimum is above five percent (5%), the maximum shall not exceed the minimum by more than twenty percent (20%) and in no case shall the maximum exceed the minimum by more than five (5) percentage points. (8-16-71)

03. **Vitamin Content**. 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: (8-16-71)

a. Vitamin A, other than precursors of vitamin A, shall be stated in International or USP units per pound. (8-16-71)

b. Vitamin D, in products offered for poultry feeding, shall be stated in International Chick Units per pound. (8-16-71)

c. Vitamin D for other uses shall be stated in International or USP units per pound. (8-16-71)

d. Vitamin E shall be stated in International USP units per pound. (8-16-71)

e. 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. (8-16-71)

f. Oils and premixes containing vitamin A or vitamin D or both may be labeled to show vitamin content in terms of units per gram. (8-16-71)

04. **Drugs**. Guarantees for drugs shall be stated in terms of percent by weight, except: (8-16-71)

a. Antibiotics present at less than two thousand (2,000) grams per ton (total) of commercial feed shall be stated in grams per ton of commercial feed. (8-16-71)

b. Antibiotics present at two thousand (2,000) or more grams per ton (total) of commercial feed shall be stated in grams per pound of commercial feed. (8-16-71)

c. 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. (8-16-71)

d. 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. (8-16-71)

05. Non-Protein Nitrogen. Commercial feeds containing any added non-protein nitrogen shall be labeled as follows: (8-16-71)

a. For ruminants: (8-16-71)

i. Complete feeds, supplements, and concentrates containing added non-protein nitrogen and containing more than five percent (5%) protein from natural sources shall be guaranteed as follows:

Crude Protein, minimum, _____%
(This includes not more than _____% equivalent non-protein nitrogen.) (8-16-71)

ii. Mixed feed concentrates and supplements containing less than five percent (5%) protein from natural sources may be guaranteed as follows:

Equivalent Crude Protein from Non-Protein Nitrogen, minimum _____%. (8-16-71)

iii. 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 by the Association of American Feed Control Officials shall be guaranteed as follows:

Nitrogen, minimum _____%
Equivalent Crude Protein from Non-Protein Nitrogen, minimum _____% (8-16-71)

b. For non-ruminants: (8-16-71)

i. 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.) (8-16-71)

ii. Premixes, concentrates or supplements intended for non-ruminants containing more than one and twenty-five hundredths percent (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." (8-16-71)

06. Mineral Phosphate Materials. 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. (8-16-71)

151. -- 199. (RESERVED)

200. INGREDIENTS.

01. **Name**. 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 Association of American Feed Control Officials, the common or usual name, or one approved by the Director. (4-7-11)

02. **Same Size**. The name of each ingredient must be shown in letters or type of the same size. (8-16-71)

03. **Quality or Grade**. No reference to quality or grade of an ingredient shall appear in the ingredient statement of a feed. (8-16-71)

04. **Dehydrated**. The term "dehydrated" may precede the name of any product that has been artificially dried. (8-16-71)

05. **Single Ingredient**. A single ingredient product defined by the Association of American Feed Control Officials or by the Director is not required to have an ingredient statement. (8-16-71)

06. **Tentative Definitions**. 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, (e.g. sugar). (8-16-71)

07. **Iodized**. When the word "iodized" is used in connection with a feed ingredient, the feed ingredient shall contain not less than seven thousandths percent (0.007%) iodine, uniformly distributed. (8-16-71)

201. -- 249. (RESERVED)

250. DIRECTIONS FOR USE AND PRECAUTIONARY STATEMENTS.

01. **Labeling**. Directions for use and precautionary statements on the labeling of all commercial feeds containing additives (including drugs, special purpose additives, or non-nutritive additives) shall: (8-16-71)

a. 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, (8-16-71)

b. Include, but not be limited to, all information described by all applicable regulations under the Federal Food, Drug and Cosmetic Act. (8-16-71)

02. **Non-Protein Nitrogen**. Adequate directions for use and precautionary statements are required for feeds containing non-protein nitrogen as specified in Section 300. (8-16-71)

03. **Safe and Effective Use**. 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. (8-16-71)

251. -- 299. (RESERVED)

300. NON-PROTEIN NITROGEN.

01. **Urea**. Urea and other non-protein nitrogen products defined in the Official Publication of the Association of American Feed Control Officials or by the Director are acceptable ingredients only in commercial feeds for ruminant animals as a source of equivalent crude protein. If the commercial feed contains more than eight and seventy-five hundredths percent (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 (1/3) 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. (8-16-71)

02. Non-Protein Nitrogen Defined. Non-protein nitrogen defined in the Official Publication of the Association of American Feed Control Officials, 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 one and twenty-five hundredths percent (1.25%) of the total daily ration. (8-16-71)

03. Labels for Medicated Feeds. 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. (8-16-71)

301. -- 349. (RESERVED)

350. DRUG AND FEED ADDITIVES.

01. Evidence. Prior to approval of a registration application and/or approval of a label for commercial feeds 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. (8-16-71)

02. Satisfactory Evidence. Satisfactory evidence of safety and efficacy of a commercial feed may be: (8-16-71)

a. When the commercial feed 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 (8-16-71)

b. When the commercial feed is itself a drug 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 Title 21 U.S.C. 360(b). (8-16-71)

351. -- 399. (RESERVED)

400. ADULTERANTS.

01. Substances. For the purpose of Section 25-2707 of the Commercial Feed Law, the terms "poisonous or deleterious substances" include, but are not limited to, the following: (3-30-07)

a. 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 two tenths percent (0.2%) for breeding and dairy cattle; three tenths percent (0.3%) for slaughter cattle; three tenths percent (0.3%) for sheep; thirty-five hundredths percent (0.35%) for lambs; forty-five hundredths percent (0.45%) for swine; and six tenths percent (0.6%) for poultry. (8-16-71)

b. 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: four thousandths percent (0.004%) for breeding and dairy cattle; nine thousandths percent (0.009%) for slaughter cattle; six thousandths percent (0.006%) for sheep; one hundredths percent (0.01%) for lambs; fifteen thousandths percent (0.015%) for swine and three hundredths percent (0.03%) for poultry. (8-16-71)

c. 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 fifty (50) milligrams of fluorine per one hundred (100) pounds of body weight. (8-16-71)

d. Soybean meal, flakes or pellets or other vegetable meals, flakes or pellets which have been extracted with trichlorethylene or other chlorinated solvents. (8-16-71)

e. Sulfur dioxide, Sulfurous acid, and salts of Sulfurous acid when used in or on feeds of feed ingredients which are considered or reported to be a significant source of vitamin B1 (Thiamine). (8-16-71)

02. Screenings or By-Products. 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 seeds. (8-16-71)

03. Viable Noxious Weed Seed. Viable noxious weed seed as defined in Subsection 010.07. (3-30-07)

401. -- 449. (RESERVED)

450. ADOPTIONS AND PROMULGATION.
All rules heretofore adopted and promulgated August 16, 1971 pertaining to the Idaho Commercial Feed Law, Title 25, Chapter 27, Idaho Code, are hereby repealed, and are replaced by the above rules. (8-16-71)

451. -- 474. (RESERVED)

475. PET FOOD AND SPECIALTY PET FOOD.

01. Label Format and Labeling. (3-30-07)

a. Pet food and specialty pet food shall be labeled with the following information prescribed in this rule: (3-30-07)

i. Product name and brand name, if any, on the principal display panel as stipulated in Subsection 475.02: (3-30-07)

ii. A statement specifying the species name of pet or specialty pet for which the food is intended, conspicuously designated on the principal display panel; (3-30-07)

iii. Quantity statement, as defined in Section 25-2705(1)(a), Idaho Code, on the principal display panel; (4-7-11)

iv. Guaranteed Analysis as stipulated in Subsection 475.03; (3-30-07)

v. Ingredient statement as stipulated in Subsection 475.04.a.; (3-30-07)

vi. A statement of nutritional adequacy or purpose if required under Subsection 475.06; (3-30-07)

vii. Feeding directions if required under Subsection 475.07; and (3-30-07)

viii. Name and address of the manufacturer or distributor as stipulated in Subsection 475.10. (3-30-07)

b. When a pet food or specialty pet food enclosed in an outer container or wrapper is intended for retail sale, all required label information shall appear on the outer container or wrapper. (3-30-07)

c. A vignette, graphic, or pictorial representation on a pet food or specialty pet food label shall not misrepresent the contents of the package. (3-30-07)

d. The use of the word “proven” in connection with a label claim for a pet food or specialty pet food is not permitted unless the claim is substantiated by scientific or other empirical evidence. (3-30-07)

e. No statement shall appear upon the label or labeling of a pet food or specialty pet food which makes false or misleading comparisons between that product and any other product. (3-30-07)

f. A personal or commercial endorsement is permitted on a pet food or specialty pet food label provided the endorsement is not false or misleading. (3-30-07)

g. A statement on a pet food or specialty pet food label stating "improved," "new," or similar designation shall be substantiated and limited to six (6) months production. (3-30-07)

h. A statement on a pet food or specialty pet food label stating preference or comparative attribute claims shall be substantiated and limited to one (1) year production, after which the claim shall be removed or re-substantiated. (3-30-07)

02. Brand and Product Names. (3-30-07)

a. The words "one hundred percent (100%)," or "all," or words of similar designation shall not be used in the brand or product name of a pet food or specialty pet food if the product contains more than one (1) ingredient, not including water sufficient for processing, decharacterizing agents, or trace amounts of preservatives and condiments. (3-30-07)

b. An ingredient or a combination of ingredients may form a part of the product name of a pet food or specialty pet food: (3-30-07)

i. When the ingredient(s) derived from animals, poultry, or fish constitutes at least ninety-five percent (95%) of the total weight of the product. Water sufficient for processing may be excluded when calculating the percentage; however, the ingredient(s) shall constitute at least seventy percent (70%) of the total product weight. (3-30-07)

ii. When any ingredient(s) constitutes at least twenty-five percent (25%) of the weight of the product, provided that: (3-30-07)

(1) Water sufficient for processing may be excluded when calculating the percentage, however, the ingredients(s) shall constitute at least ten percent (10%) of the total product weight; and (3-30-07)

(2) A descriptor is used with the ingredient name(s). This descriptor shall imply other ingredients are included in the product formula. Examples of descriptors include "dinner," "platter," "entree," "formula," and "recipe"; and (3-30-07)

(3) The descriptor shall be in the same size, style, and color print as the ingredient name(s). (3-30-07)

iii. When a combination of ingredients which are included in the product name in accordance with Subsection 475.02.b. meets all of the following: (3-30-07)

(1) Each ingredient constitutes at least three percent (3%) of the product weight, excluding water sufficient for processing; (3-30-07)

(2) The names of the ingredients appear in the order of their respective predominance by weight in the product; and (3-30-07)

(3) All such ingredient names appear on the label in the same size, style, and color print. (3-30-07)

c. When the name of any ingredient appears in the product name of a pet food or elsewhere on the product label and includes a descriptor such as "with" or similar designation, the named ingredient(s) must each constitute at least three percent (3%) of the product weight exclusive of water for processing. If the names of more than one (1) ingredient are shown, they shall appear in their respective order of predominance by weight in the product. The three percent (3%) minimum level shall not apply to claims for nutrients, such as, but not limited to vitamins, minerals, and fatty acids, as well as condiments. The word "with," or similar designation, and named ingredients shall be in the same size, style, color and case print and be of no greater size than:

Panel Size	Max "with claim" Type Size
< 5 sq. in.	1/8"
5-25 sq. in.	1/4"
25-100 sq. in	3/8"
100-400 sq. in	1/2"
400 sq. in +	1"

(3-30-07)

d. A flavor designation may be included as part of the product name or elsewhere on the label of a pet food or specialty pet food when the flavor designation meets all of the following: (3-30-07)

i. The flavor designation: (3-30-07)

(1) Conforms to the name of the ingredient as listed in the ingredient statement; or (3-30-07)

(2) Is identified by the source of the flavor in the ingredient statement; and (3-30-07)

ii. The word "flavor" is printed in the same size type and with an equal degree of conspicuousness as the name of the flavor designation; and (3-30-07)

iii. Substantiation of the flavor designation, the flavor claim, or the ingredient source is provided upon request. (3-30-07)

e. The product name of the pet food or specialty pet food shall not be derived from one (1) or more ingredients unless all ingredients are included in the name, except as specified by Subsection 475.04.a. or 475.04.b.; provided that the name of an ingredient or combination of ingredients may be used as a part of the product name if: (3-30-07)

i. 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 (3-30-07)

ii. It does not constitute a representation that the ingredient or combination of ingredients is present to the exclusion of other ingredients. (3-30-07)

f. Contractions or coined names referring to ingredients shall not be used in the brand name of a pet food or specialty pet food unless it is in compliance with Subsections 475.04.b., 475.04.c., or 475.04.d. (3-30-07)

03. Expression of Guarantees. (3-30-07)

a. The Guaranteed Analysis shall be listed in the following order and format unless otherwise specified in these rules: (3-30-07)

i. A pet food or specialty pet food label shall list the following required guarantees; (3-30-07)

(1) Minimum percentage of crude protein; (3-30-07)

(2) Minimum percentage of crude fat; (3-30-07)

(3) Maximum percentage of crude fat, if required by Subsection 475.09; (3-30-07)

(4) Maximum percentage of crude fiber; (3-30-07)

(5) Maximum percentage of moisture; and (3-30-07)

(6) Additional guarantees shall follow moisture. (3-30-07)

ii. When ash is listed in the guaranteed analysis on a pet food or specialty pet food label, it shall be guaranteed as a maximum percentage and shall immediately follow moisture. (3-30-07)

iii. A dog or cat food label shall list other required or voluntary guarantees in the same order and units of the nutrients in the AAFCO Dog (or Cat) Food Nutrient Profiles. Guarantees for substances not listed in the AAFCO Dog (or Cat) Food Nutrient Profiles, or not otherwise provided for in these rules, shall immediately follow the listing of the recognized nutrients and shall be accompanied by an asterisk referring to the disclaimer "not recognized as an essential nutrient by the AAFCO Dog (or Cat) Food Nutrient Profiles." The disclaimer shall appear immediately after the last such guarantee in the same size type as the guarantees. (3-30-07)

iv. A specialty pet food label shall list other required or voluntary guarantees as required by Subsection 475.01 of this rule. (4-7-11)

b. The sliding scale method of expressing a guaranteed analysis on a pet food or specialty pet food label (for example, "Minimum crude protein fifteen to eighteen percent (15-18%)") is prohibited. (3-30-07)

c. The label of a pet food or a specialty pet food which is formulated as and represented to be a mineral supplement shall include: (3-30-07)

i. Minimum guarantees for all minerals from sources declared in the ingredient statement and established by an AAFCO-recognized nutrient profile, expressed as the element in units specified in the nutrient profile; or (3-30-07)

ii. Minimum guarantees for all minerals from sources declared in the ingredient statement expressed as the element in units specified in Section 150 of this rule when no species-specific nutrient profile has been recognized by AAFCO; and provided that: (4-7-11)

iii. Mineral guarantees required by Subsections 475.03.c.i. and 475.03.c.ii. may be expressed in milligrams (mg) per unit (e.g., tablets, capsules, granules, or liquids) consistent with those employed in the quantity statement and directions for use; and (3-30-07)

iv. A weight equivalent (e.g., one (1) fl. oz. = twenty-eight (28) grams) for liquid products. (3-30-07)

d. The label of a pet food or a specialty pet food which is formulated as and represented to be a vitamin supplement shall include: (3-30-07)

i. Minimum guarantees for all vitamins from sources declared in the ingredient statement and established by an AAFCO-recognized nutrient profile, expressed in units specified in the nutrient profile; or (3-30-07)

ii. Minimum guarantees for all vitamins from sources declared in the ingredient statement expressed in units specified in Section 150 of this rule when no species-specific nutrient profile has been recognized by AAFCO; and provided that: (4-7-11)

iii. Vitamin guarantees required by Subsections 475.03.d.i. and 475.03.d.ii., may be expressed in approved units (e.g., IU, mg, g) per unit (e.g., tablets, capsules, granules, or liquids) consistent with those employed in the quantity statement and directions for use; and (3-30-07)

iv. A weight equivalent (e.g., one (1) fl. oz. = twenty-eight (28) grams) for liquid products. (3-30-07)

e. When the label of a pet food or specialty pet food includes a comparison of the nutrient content of

the food with levels established by an AAFCO-recognized nutrient profile, such as a table of comparison, a percentage, or any other designation referring to an individual nutrient or all of the nutrient levels, the following apply: (3-30-07)

i. The product shall meet the AAFCO-recognized nutrient profile; and (3-30-07)

ii. The statement of comparison shall be preceded by a statement that the product meets the AAFCO-recognized profile: however, the statement that the product meets the AAFCO-recognized nutrient profile is not required provided that the nutritional adequacy statement as per Subsections 475.06.a.i. or 475.06.b.ii.(1) appears elsewhere on the product label; and (3-30-07)

iii. The statement of comparison of the nutrient content shall constitute a guarantee, but need not be repeated in the guaranteed analysis; and (3-30-07)

iv. The statement of comparison may appear on the label separate and apart from the guaranteed analysis. (3-30-07)

f. The maximum moisture declared on a pet food or specialty pet food label shall not exceed seventy-eight percent (78%) or the natural moisture content of the ingredients, whichever is higher. However, pet food and specialty pet food such as, but not limited to, those consisting principally of stew, gravy, sauce, broth, aspic, juice, or a milk replacer, and which are so labeled, may contain moisture in excess of seventy-eight percent (78%). (3-30-07)

g. Guarantees for crude protein, crude fat, and crude fiber are not required when the pet food or specialty pet food is intended for purposes other than to furnish these substances or they are of minor significance relative to the primary purpose of the product, such as a mineral or vitamin supplement. (3-30-07)

h. Guarantees for microorganisms and enzymes shall be stated in the format as stipulated in AAFCO Model Regulations 4(g) and (h). (3-30-07)

04. Ingredients. (3-30-07)

a. Each ingredient of a pet food or specialty pet food shall be listed in the ingredient statement as follows: (3-30-07)

i. The names of all ingredients in the ingredient statement shall be shown in letters or type of the same size; (3-30-07)

ii. The ingredients shall be listed in descending order by their predominance by weight in non-quantitative terms; (3-30-07)

iii. Ingredients shall be listed and identified by the name and definition established by AAFCO; and (3-30-07)

iv. Any ingredient for which no name and definition have been so established shall be identified by the common or usual name of the ingredient. (3-30-07)

b. The ingredients “meat” or “meat by-products” shall be qualified to designate the animal from which the meat or meat by-products are derived unless the meat or meat by-products are derived from cattle, swine, sheep, goats, or any combination thereof. For example, ingredients derived from horses shall be listed as “horsemeat” or “horsemeat by-products.” (3-30-07)

c. Brand or trade names shall not be used in the ingredient statement. (3-30-07)

d. A reference to the quality, nature, form, or other attribute of an ingredient shall be allowed when the reference meets all of the following: (3-30-07)

i. The designation is not false or misleading; (3-30-07)

ii. The ingredient imparts a distinctive characteristic to the pet food or specialty pet food because it possesses that attribute; and (3-30-07)

iii. A reference to quality or grade of the ingredient does not appear in the ingredient statement. (3-30-07)

05. Drugs and Pet Food Additives. (3-30-07)

a. An artificial color may be used in a pet food or specialty pet food only if it has been shown to be harmless to pets or specialty 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 or specialty pets. (3-30-07)

b. Evidence may be required to prove the safety and efficacy or utility of a pet food or specialty pet food which contains additives or drugs, when used according to directions furnished on the label. Satisfactory evidence of the safety and efficacy of a pet food or specialty pet food may be established: (3-30-07)

i. When the pet food or specialty 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 "informal review sanctioned" or "generally recognized as safe" for such use; or (3-30-07)

ii. When the pet food or specialty pet food itself is a drug or contains a drug as defined in Section 3 (g) of the Model Bill 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 Title 21, U.S.C. 360(b). (3-30-07)

c. When a drug is included in a pet food or specialty pet food, the format required by Model Regulation 3(a)(2) for labeling medicated feeds shall be used. (3-30-07)

06. Nutritional Adequacy. (3-30-07)

a. The label of a pet food or specialty pet food which is intended for all life stages of the pet or specialty pet may include an unqualified claim, directly or indirectly, such as "complete and balanced," "perfect," "scientific," or "100% nutritious" if at least one (1) of the following apply: (3-30-07)

i. The product meets the nutrient requirements for all life stages established by an AAFCO-recognized nutrient profile; or (3-30-07)

ii. The product meets the criteria for all life stages as substantiated by completion of the appropriate AAFCO-recognized animal feeding protocol(s); or (3-30-07)

iii. The product is a member of a product family which is nutritionally similar to a lead product which contains a combination of ingredients that has been fed to a normal animal as the sole source of nourishment in accordance with the testing procedures established by AAFCO for all life stages, provided that: (3-30-07)

(1) The nutritional similarity of the family product can be substantiated according to the Procedures for Establishing Pet Food Product Families developed by AAFCO; and (3-30-07)

(2) The family product meets the criteria for all life stages; and (3-30-07)

(3) Under circumstances of reasonable doubt, the Director may require the manufacturer to perform additional testing of the family product in order to substantiate the claim of nutritional adequacy. (3-30-07)

b. The label of a pet food or specialty pet food which is intended for a limited purpose or a specific life stage, but not for all life stages, may include a qualified claim such as "complete and balanced," "perfect," "scientific," or "100% nutritious" when the product and claim meets all of the following: (3-30-07)

i. The claim is qualified with a statement of the limited purpose or specific life stage for which the product is intended or suitable, for example, "complete and balanced for puppies (or kittens)." The claim and the required qualification shall be juxtaposed on the same label panel and in the same size, style and color print; and (3-30-07)

ii. The product meets at least one (1) of the following: (3-30-07)

(1) The nutrient requirements for the limited purpose or specific life stage established by an AAFCO-recognized nutrient profile; or (3-30-07)

(2) The criteria for a limited purpose or a specific life stage as substantiated by completion of the appropriate AAFCO-recognized animal feeding protocol(s); or (3-30-07)

(3) The requirements of a product family which is nutritionally similar to a lead product which 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; and provided that: (3-30-07)

(a) The nutritional similarity of the family product can be substantiated according to the Procedures for Establishing Pet Food Product Families developed by AAFCO; and (3-30-07)

(b) The family product meets the criteria for such limited purpose; and (3-30-07)

(c) Under circumstances of reasonable doubt, the Director may require the manufacturer to perform additional testing for the family product to substantiate the claim of nutritional adequacy. (3-30-07)

c. Dog and cat food labels shall include a statement of nutritional adequacy or purpose of the product except when the dog or cat food is clearly and conspicuously identified on the principal display panel as a "snack" or "treat." The statement shall consist of one (1) of the following: (3-30-07)

i. A claim that the dog or cat food meets the requirements of one (1) or more of the recognized categories of nutritional adequacy: gestation/lactation, growth, maintenance, and all life stages. The claim shall be stated verbatim as one (1) of the following: (3-30-07)

(1) "(Name of product) is formulated to meet the nutritional levels established by the AAFCO Dog (or Cat) Food Nutrient Profiles for _____." (Blank is to be completed by using the stage or stages of the pet's life, such as, gestation/lactation, growth, maintenance or the words "all life stages"); or (3-30-07)

(2) "Animal feeding tests using AAFCO procedures substantiate that (Name of Product) provides complete and balanced nutrition for _____." (Blank is to be completed by using the stage or stages of the pet's life tested, such as, gestation/lactation, growth, maintenance or the words "All Life Stages"); or (3-30-07)

(3) "(Name of Product) provides complete and balanced nutrition for _____." (Blank is to be completed by using the stage or stages of the pet's life, such as gestation, lactation, growth, maintenance or the words "all life stages") and is comparable in nutritional adequacy to a product which has been substantiated using AAFCO feeding tests." (3-30-07)

ii. A nutritional or dietary claim for purposes other than those listed in Subsections 475.06.a. or 475.06.b. if the claim is scientifically substantiated; or (3-30-07)

iii. The statement: "This product is intended for intermittent or supplemental feeding only," if a product does not meet the requirements of Subsections 475.06.a. or 475.07.b. or any other special nutritional or dietary need and so is suitable only for limited or intermittent or supplementary feeding. (3-30-07)

d. A product intended for use by, or under the supervision or direction of a veterinarian shall make a statement in accordance with Subsections 475.06.c.i. or 275.06.c.iii. (3-30-07)

e. A signed affidavit attesting that the product meets the requirements of Subsections 475.07.a. or 475.06.b.ii. shall be submitted to the Director upon request. (3-30-07)

f. If the nutrient content of a product does not meet those nutrient requirements established by an AAFCO-recognized nutrient profile, or if no requirement has been established by an AAFCO recognized nutritional authority for the life stage(s) of the intended species, the claimed nutritional adequacy or purpose of the product shall be scientifically substantiated. (3-30-07)

g. The following AAFCO-recognized nutritional authority, nutrient profile, and/or animal feeding protocol shall be acceptable as the basis for a claim of nutritional adequacy: (3-30-07)

i. As an AAFCO-recognized nutrient profile or nutritional authority: (3-30-07)

(1) For dogs, the AAFCO Dog Food Nutrient Profiles; (3-30-07)

(2) For cats, the AAFCO Cat Food Nutrient Profiles; (3-30-07)

(3) For specialty pets, the nutrient recommendations approved by the Committee on Animal Nutrition of the National Research Council of the National Academy of Sciences, provided that, this nutrient recommendation is recognized only for the specific specialty pet for which the profile is intended. (3-30-07)

ii. As an AAFCO-recognized animal feeding protocol(s), the AAFCO Dog and Cat Food Feeding Protocols. (3-30-07)

07. Feeding Directions. (3-30-07)

a. Dog or cat food, including snacks or treats, labeled as complete and balanced for any or all life stages, as provided in Subsection 475.06.c.i., except those pet foods labeled in accordance with Subsection 475.06 of this rule, shall list feeding directions on the product label. These directions shall be consistent with the intended use(s) indicated in the nutritional adequacy statement, unless a limited use or more limited life stage designation is declared elsewhere (e.g., "adult formula"). These directions shall be expressed in common terms and shall appear prominently on the label. Feeding directions shall, at a minimum, state, "feed (weight/unit of product) per (weight only) of dog (or cat)." The frequency of feeding shall also be specified. (4-7-11)

b. When a dog or cat food is intended for use by or under the supervision or direction of a veterinarian, the statement: "use only as directed by your veterinarian" may be used in lieu of feeding directions. (3-30-07)

c. Specialty pet food, including snacks or treats, labeled as complete and balanced for any or all life stages, as provided in Subsection 475.06.a., shall list feeding directions on the product label. These feeding directions shall be adequate to meet the nutrient requirements of the intended species of specialty pet as recommended by the AAFCO-recognized nutritional authority. These directions shall be expressed in common terms and shall appear prominently on the label. The frequency of feeding shall also be specified. (3-30-07)

08. Statements of Calorie Content. (3-30-07)

a. Except as required in Subsection 475.09, the label of a dog or cat food may bear a statement of calorie content when the label meets all of the following: (3-30-07)

i. The statement shall be separate and distinct from the Guaranteed Analysis and shall appear under the heading "Calorie Content"; (3-30-07)

ii. The statement shall be measured in terms of metabolizable energy (ME) on an "as fed" basis and must be expressed as "kilocalories per kilogram" ("kcal/kg") of product, and may also be expressed as kilocalories per familiar household measure (e.g., cans, cups, pounds); and (3-30-07)

iii. The calorie content is determined by one (1) of the following methods: (3-30-07)

(1) By calculation using the following "Modified Atwater" formula: (3-30-07)

(a) ME(kcal/kg) = 10[(3.5 x CP) + (8.5 x CF) + (3.5 x NFE)] (3-30-07)

(b) Where: ME = Metabolizable Energy:

CP = % crude protein "as fed"
CF = % crude fat "as fed"
NFE = % nitrogen-free extract (carbohydrate) "as fed" and the percentages of CP and CF are the arithmetic averages from proximate analyses of at least four production batches of the product, and the NFE is calculated as the difference between one hundred (100) and the sum of CP, CF, and the percentages of crude fiber, moisture and ash (determined in the same manner as CP and CF); or

(3-30-07)

(2) In accordance with a testing procedure established by AAFCO. (3-30-07)

iv. An affidavit shall be provided upon request to the Department substantiating that the calorie content was determined by: (3-30-07)

(1) Subsection 475.08.a.iii.(1) in which case the results of all the analyses used in the calculation shall accompany the affidavit; or (3-30-07)

(2) Subsection 475.08.a.iii.(2) in which case the summary data used in the determination of calorie content shall accompany the affidavit. (3-30-07)

v. The calorie content statement shall appear as one (1) of the following: (3-30-07)

(1) The claim on the label or other labeling shall be followed parenthetically by the word "calculated" when the calorie content is determined in accordance with Subsection 475.08.a.iii.(1); or (3-30-07)

(2) The value of calorie content stated on the label which is determined in accordance with Subsection 475.08.a.iii.(2) shall not exceed or understate the value determined in accordance with Subsection 475.08.a.iii.(1) by more than fifteen percent (15%). (3-30-07)

b. Comparative claims shall not be false, misleading, or given undue emphasis and shall be based on the same methodology for the products compared. (3-30-07)

09. Descriptive Terms. (3-30-07)

a. Calorie Terms: (3-30-07)

i. "Light"; (3-30-07)

(1) A dog food product which bears on its label the terms "light," "lite," "low calorie," or words of similar designation shall: (3-30-07)

(a) Contain no more than three thousand one hundred (3,100) kcal ME/kg for products containing less than twenty percent (20%) moisture, no more than two thousand five hundred (2,500) kcal ME/kg for products containing twenty percent (20%) or more but less than sixty-five percent (65%) moisture, and no more than nine-

hundred (900) kcal ME/kg for products containing sixty-five percent (65%) or more moisture; and (3-30-07)

(b) Include on the label a calorie content statement: (3-30-07)

(i) In accordance with the format provided in Subsection 475.08; and (3-30-07)

(ii) Which states no more than three-thousand one-hundred (3,100) kcal ME/kg for products containing less than twenty percent (20%) moisture, no more than two-thousand five-hundred (2,500) kcal ME/kg for products containing twenty percent (20%) or more but less than sixty-five percent (65%) moisture, and no more than nine hundred (900) kcal ME/kg for products containing sixty-five percent (65%) or more moisture; and (3-30-07)

(c) Include on the label feeding directions which reflect a reduction in calorie intake consistent with the intended use. (3-30-07)

(2) A cat food product which bears on its label the terms "light," "lite," "low calorie," or words of similar designation shall: (3-30-07)

(a) Contain no more than three thousand two hundred fifty (3,250) kcal ME/kg for products containing less than twenty percent (20%) moisture, no more than two thousand six hundred fifty (2,650) kcal ME/kg for products containing twenty percent (20%) or more but less than sixty-five (65%) moisture, and no more than nine-hundred fifty (950) kcal ME/kg for products containing sixty-five percent (65%) or more moisture; and (3-30-07)

(b) Include on the label a calorie content statement: (3-30-07)

(i) In accordance with the format provided in Subsection 475.08; and (3-30-07)

(ii) Which states no more than three thousand two hundred fifty (3,250) kcal ME/kg for products containing less than twenty percent (20%) moisture, no more than two thousand six hundred fifty (2,650) kcal ME/kg for products containing twenty percent (20%) or more but less than sixty-five (65%) moisture, and no more than nine-hundred fifty (950) kcal ME/kg for products containing sixty-five percent (65%) or more moisture; and (3-30-07)

(c) Include on the label feeding directions which reflect a reduction in calorie intake consistent with the intended use. (3-30-07)

ii. "Less" or "Reduced Calories"; (3-30-07)

(1) A dog or cat food product which bears on its label a claim of "less calories," "reduced calories," or words of similar designation, shall include on the label: (3-30-07)

(a) The name of the product of comparison and the percentage of calorie reduction (expressed on an equal weight basis) explicitly stated and juxtaposed with the largest or most prominent use of the claim on each panel of the label on which the term appears; and (3-30-07)

(b) The comparative statement printed in type of the same color and style and at least one-half (1/2) the type size used in the claim; and (3-30-07)

(c) A calorie content statement in accordance with the format provided in Subsection 475.08; and (3-30-07)

(d) Feeding directions which reflect a reduction in calories compared to feeding directions for the product of comparison. (3-30-07)

(2) A comparison between products in different categories of moisture content (i.e., less than twenty percent (20%), twenty percent (20%) or more but less than sixty-five percent (65%), sixty-five percent (65%) or more) is misleading. (3-30-07)

b. Fat Terms. (3-30-07)

i. "Lean"; (3-30-07)

(1) A dog food product which bears on its label the terms "lean," "low fat," or words of similar designation shall: (3-30-07)

(a) Contain no more than nine percent (9%) crude fat for products containing less than twenty percent (20%) moisture, no more than seven percent (7%) crude fat for products containing twenty percent (20%) or more but less than sixty-five percent (65%) moisture, and no more than four percent (4%) crude fat for products containing sixty-five percent (65%) or more moisture; (3-30-07)

(b) Include on the product label in the Guaranteed Analysis: (3-30-07)

(i) A maximum crude fat guarantee immediately following the minimum crude fat guarantee in addition to the mandatory guaranteed analysis information as specified in Subsection 475.03.a.i.; and (3-30-07)

(ii) A maximum crude fat guarantee which is no more than nine percent (9%) crude fat for products containing less than twenty percent (20%) moisture, no more than seven percent (7%) crude fat for products containing twenty percent (20%) or more but less than sixty-five percent (65%) moisture, and no more than four percent (4%) crude fat for products containing sixty-five percent (65%) or more moisture. (3-30-07)

ii. A cat food product which bears on its label the terms "lean," "low fat," or words of similar designation shall: (3-30-07)

(a) Contain a maximum percentage of crude fat which is no more than ten percent (10%) crude fat for products containing less than twenty percent (20%) moisture, no more than eight percent (8%) crude fat for products containing twenty percent (20%) or more but less than sixty-five percent (65%) moisture, and no more than five percent (5%) crude fat for products containing sixty-five percent (65%) or more moisture; and (3-30-07)

(b) Include on the product label in the Guaranteed Analysis: (3-30-07)

(i) A maximum crude fat guarantee immediately following the minimum crude fat guarantee in addition to the mandatory guaranteed analysis information as specified in Regulation PF4(a)(1); and (3-30-07)

(ii) A maximum crude fat guarantee which is no more than ten percent (10%) crude fat for products containing less than twenty percent (20%) moisture, no more than eight percent (8%) crude fat for products containing twenty percent (20%) or more but less than sixty-five percent (65%) moisture, and no more than five percent (5%) crude fat for products containing sixty-five percent (65%) or more moisture. (3-30-07)

iii. "Less" or "Reduced Fat"; (3-30-07)

(1) A dog or cat food product which bears on its label a claim of "less fat," "reduced fat," or words of similar designation, shall include on the label: (3-30-07)

(a) The name of the product of comparison and the percentage of fat reduction (expressed on an equal weight basis) explicitly stated and juxtaposed with the largest or most prominent use of the claim on each panel of the label on which the term appears; and (3-30-07)

(b) The comparative statement printed in type of the same color and style and at least one-half (1/2) the type size used in the claim; and (3-30-07)

(c) A maximum crude fat guarantee in the Guaranteed Analysis immediately following the minimum crude fat guarantee in addition to the mandatory Guaranteed Analysis information as specified in Subsection 475.03.a.i. (3-30-07)

(2) A comparison on the label between products in different categories of moisture content (i.e., less than twenty percent (20%), twenty percent (20%) or more but less than sixty-five percent (65%), sixty-five percent

(65%) or more) is misleading. (3-30-07)

10. Manufacturer or Distributor; Name and Address. (3-30-07)

a. The label of a pet food or specialty pet food shall specify the name and address of the manufacturer or distributor. The statement of the place of business shall include the street address, city, state, and zip code; however, the street address may be omitted if such street address is shown in a current city directory or telephone directory for the city listed on the label. (3-30-07)

b. When a person manufactures or distributes a pet food or specialty pet food in a place other than the 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 or specialty pet food was manufactured or packaged or from where each package is to be distributed. (3-30-07)

476. -- 499. (RESERVED)

500. COTTONSEED.

01. Certification. Prior to entry into the state of Idaho all shipments of cottonseed or cottonseed seed products destined for animal feed shall be certified as having been sampled and analyzed and no greater amount than twenty (20) ppb of aflatoxin shall be contained within the product or products, except that cottonseed meal intended for use as an animal feed or feed ingredient for beef cattle, swine and poultry, may be certified to contain more than twenty (20) ppb but less than three hundred (300) ppb of aflatoxin. (4-21-92)

02. Storage Location and Destination. Whole cottonseed, cottonseed meal or cottonseed seed products entering the state certified to contain no greater than twenty (20) ppb aflatoxin, or cottonseed meal certified to contain more than twenty (20) ppb but less than three hundred (300) ppb aflatoxin shall be accompanied by the certification document aboard carrier, be identified with a storage location at destination, and the certification document shall be maintained on file at the shipment destination for no less than one (1) year. In the case of bulk rail car shipments, the certification document shall accompany the invoice or bill-of-lading and be identified with a storage location at destination. The certification document shall be maintained on file at the shipment destination for no less than one (1) year. (4-21-92)

03. Registration. Idaho firms wishing to import into the state and/or handle cottonseed meal containing more than twenty (20) ppb but less than three hundred (300) ppb aflatoxin for distribution or sale shall register annually with the Department their intent to do so. Feedlots and other end user operations importing the cottonseed meal as defined above in this paragraph for their own use are exempted from registration requirement. The importing firm shall also register the cottonseed meal (if not already registered by another firm) with the Department and pay any applicable registration and tonnage fees (Title 25, Chapter 27, Sections 25-2704 and 25-2706, Idaho Code). As a condition of registration, firms importing and/or handling cottonseed meal certified to contain more than twenty (20) ppb but less than three hundred (300) ppb aflatoxin, shall enter into a compliance agreement with the Department agreeing to: (3-30-07)

a. Store and label cottonseed meal certified to contain more than twenty (20) ppb but less than three hundred (300) ppb aflatoxin separately from cottonseed meal certified to contain less than twenty (20) ppb aflatoxin; (4-21-92)

b. Inform the purchaser in writing of the certified aflatoxin level in the meal purchased; and (4-21-92)

c. Submit to periodic record and facility inspections, and product testing by the Department. (4-21-92)

04. Certification Performance. Required certification shall be performed by any state government or Federal government engaged in this type of certification. In the event that a state government or Federal government laboratory is not available, an independent or company laboratory may upon request be approved by the Department. Requests and approval shall be made in advance of the shipment entering the state. (4-21-92)

501. -- 549. (RESERVED)

550. COTTONSEED -- EXEMPTIONS.
Cottonseed hulls are exempted from laboratory certification requirements as stated in Subsections 500.01 through 500.04, provided that, cottonseed hulls shall not contain greater than twenty (20) ppb aflatoxin as required by the U. S. Food and Drug Administration. Any invoice or bill of lading accompanying or sent in regard to a shipment of cottonseed hulls shall state the level of aflatoxin in parts per billion contained in the shipment. (4-21-92)

551. -- 599. (RESERVED)

600. DETAINED COMMERCIAL FEEDS.

01. Stop Sale, Use, or Removal. Any commercial feed or identified lot of commercial feed that is the subject of a "stop sale, use, or removal" order under Section 25-2711(1), Idaho Code, may be released from such an order by the following means: (4-7-11)

a. A commercial feed detained for nutritional violation(s) may be: (4-21-92)

i. Remanufactured, using ingredients listed on the approved label, to meet label guarantees. The remixed feed shall be resampled and analyzed to ensure compliance prior to its return to sale. (4-21-92)

ii. Relabeled to reflect actual values, upon approval of a new label and registration, provided that these values are appropriate for their intended use. (4-21-92)

iii. Returned to the manufacturer if the seller and manufacturer are not the same. (4-21-92)

iv. Diverted to an alternate use such as inclusion into another feed, or feeding to the manufacturer's own livestock, provided that it is appropriate for the diverted use and that it does not conflict with labeling or other State or Federal requirements for the diverted use. (4-21-92)

v. Destroyed. (4-21-92)

b. A commercial feed detained for a drug or antibiotic violation may be: (4-21-92)

i. Remanufactured to meet label guarantees. The remixed feed shall be resampled and analyzed prior to its return to sale. (4-21-92)

ii. Returned to the manufacturer if the seller and manufacturer are not the same. (4-21-92)

iii. Diverted to an alternate use, provided that it is appropriate for the diverted use labeling or other State or Federal requirements for the diverted use. (4-21-92)

iv. Destroyed. (4-21-92)

c. A commercial feed deemed to be adulterated under Section 25-2707(1), Idaho Code, or which cannot safely be remanufactured, relabeled, or diverted to an alternate use may be: (3-30-07)

i. Returned to the manufacturer if the seller and manufacturer are not the same. (4-21-92)

ii. Destroyed. (4-21-92)

02. Appropriate Compliance Procedure. The Department shall indicate which of the above listed compliance procedures are appropriate for the particular "withdrawal from sale" order. The seller shall indicate which procedure is to be followed and, upon approval from the Department, shall carry out the procedure within thirty (30) days. Other procedures may be considered upon application by the state inspector or seller to the Chief, Bureau of Feeds and Plant Services, Idaho Department of Agriculture, Boise, Idaho. (4-21-92)

03. Violation of Stop Sale, Use, or Removal Order. Any violation of the terms or conditions of a Stop Sale, Use, or Removal Order shall be considered a prohibited act. (4-7-11)

601. -- 899. (RESERVED)

900. CIVIL PENALTIES.
In addition to any other penalty provided by law, the Department may assess civil penalties for violations of Title 25, Chapter 27, Idaho Code, or rules promulgated thereunder. Civil penalties will be issued in accordance with a penalty matrix established by a Department guidance document. Any violation that results in substantial harm to human health, animal health or the environment may be subject to a civil penalty of not more than ten thousand dollars ($10,000) for the initial violation or any subsequent violation. The Department is not precluded from utilizing other enforcement alternatives. Enforcement alternatives may include, but are not limited to, letter of advisement, notice of violation, stop sale, use or removal order, and registration revocation, suspension or denial. (3-30-07)

901. -- 999. (RESERVED)

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