

## **12 KAR 3:012. Label format and labeling.**

RELATES TO: KRS 250.501, 250.521, 15 U.S.C. 1451-1461

STATUTORY AUTHORITY: KRS 250.521(2)(e), (f), 250.571

NECESSITY, FUNCTION, AND CONFORMITY: KRS 250.571(1) authorizes the Director of the Agricultural Experiment Station to promulgate administrative regulations necessary for the efficient enforcement of KRS 250.491 to 250.631. KRS 250.521 requires that pet foods be labeled and establishes the information that shall be stated on the label. This administrative regulation establishes a uniform format for labeling information for pet foods and specialty pet foods and delineates criteria for product claims.

Section 1. Pet food and specialty pet food shall be labeled with:

- (1) Product name and brand name, if any, on the principal display panel as established in 12 KAR 3:017;
- (2) 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) "Quantity statement", as defined by KRS 250.501(22) and as established in 12 KAR 2:011, Section 1(9), by weight (pounds and ounces, and metric), liquid measure (quarts, pints, and fluid ounces, and metric) or by count, on the principal display panel;
- (4) Guaranteed analysis as established in 12 KAR 3:022;
- (5) Ingredient statement as established in 12 KAR 3:027;
- (6) A statement of nutritional adequacy or purpose if required pursuant to 12 KAR 3:039;
- (7) A statement of calorie content if required pursuant to 12 KAR 3:042;
- (8) Feeding directions if required pursuant to 12 KAR 3:032; and
- (9) Name and address of the manufacturer or distributor as established in Sections 10 and 11 of this administrative regulation.

Section 2. If 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.

Section 3. A vignette, graphic, or pictorial representation on a pet food or specialty pet food label shall not misrepresent the contents of the package.

Section 4. The word "proven," in connection with a label claim for a pet food or specialty pet food, shall not be used unless the claim is substantiated by scientific or other empirical evidence.

Section 5. A statement shall not appear upon the label or labeling of a pet food or specialty pet food that makes false or misleading comparisons between that product and any other product.

Section 6. A personal or commercial endorsement may be used on a pet food or specialty pet food label if the endorsement is not false or misleading.

Section 7. 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 of production.

Section 8. A statement on a pet food or specialty pet food label stating preference or com-

parative attribute claims shall be substantiated and limited to one (1) year production, after which the claim shall be removed or re-substantiated.

Section 9. (1) Raw milk distributed as pet food or specialty pet food shall bear the following statement "WARNING: NOT FOR HUMAN CONSUMPTION – THIS PRODUCT HAS NOT BEEN PASTEURIZED AND MAY CONTAIN HARMFUL BACTERIA."

(2) This statement shall be displayed in a conspicuous manner and shall not be smaller than the height of the minimum font required by the federal Fair Packaging and Labeling Act 15 U.S.C. 1451-1461, for the quantity statement as shown in the following table:

Panel Size	Minimum Warning Statement Type Size
≤5 in. <sup>2</sup>	1/16 in.
>5-≤25 in. <sup>2</sup>	1/8 in.
>25-≤100in. <sup>2</sup>	3/16 in.
>100-≤400in. <sup>2</sup>	1/4 in.
>400 in. <sup>2</sup>	1/2 in.

Section 10. The label of a pet food or specialty pet food shall specify the name and address of the manufacturer or distributor. (1) Except as established in subsection (2) of this section, the statement of the place of business shall include the street address, city, state, and zip code.

(2) The street address may be omitted if the street address is shown in a current city directory or telephone directory for the city listed on the label.

Section 11. If 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 the pet food or specialty pet food was manufactured or packaged or from where each package is to be distributed.

Section 12. Incorporation by Reference. (1) "2018 Official Publication", (2018 Edition), Association of American Feed Control Officials, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Regulatory Services, 103 Regulatory Services Building, College of Agriculture, University of Kentucky, Lexington, Kentucky 40546-0275, Monday through Friday, 8 a.m. to 4:30 p.m. (AES-2 (1973)-PF 2; 1 Ky.R. 1001; eff. 6-11-1975; Am. 23 Ky.R. 1613; eff. 1-10-1997; 25 Ky.R. 1088; 2359; eff. 4-14-1999; 45 Ky.R. 109, 628; eff. 9-28-2018.)