

12 KAR 3:022. Expression of guarantees.

RELATES TO: KRS 250.501, 250.521

STATUTORY AUTHORITY: KRS 250.521(1)(b), 250.571(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 250.571(1) authorizes the Director of the Agricultural Experiment Station to promulgate administrative regulations necessary for efficient enforcement of KRS 259.491 to 250.631. KRS 250.521(1)(b) requires that a commercial feed label contain a guaranteed analysis that advises the purchaser of the composition of the feed or to support claims made in the labeling. This administrative regulation establishes a uniform format for expressing guarantees for pet foods and specialty pet foods.

Section 1. The "Guaranteed Analysis" shall be listed in the following order and format unless otherwise established in 12 KAR Chapter 3:

(1) A pet food or specialty pet food label shall list the following required guarantees;

(a) Minimum percentage of crude protein;

(b) Minimum percentage of crude fat;

(c) Maximum percentage of crude fat, if required by 12 KAR 3:028;

(d) Maximum percentage of crude fiber;

(e) Maximum percentage of moisture; and

(f) Additional guarantees, if applicable, shall follow moisture;

(2) If ash is listed in the guaranteed analysis on a pet food or specialty pet food label, ash shall be guaranteed as a maximum percentage and shall immediately follow moisture;

(3) If listed on the label of a dog or cat food product, guarantees for dietary starch and sugars shall be stated as maximum percentages. Neither guarantee shall be listed without the other. The guarantee for dietary starch shall follow ash, if also listed, or moisture, if ash is not listed. The guarantee for sugars shall follow dietary starch;

(4) 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 12 KAR Chapter 3, 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 guarantee in the same size type as the guarantees; and

(5)(a) Except as established in paragraph (b) of this subsection, a specialty pet food label shall list other required or voluntary guarantees in the same order and units for the nutrients in an AAFCO-recognized nutrient profile for the specific species.

(b) If no species-specific AAFCO-recognized nutrient profile is available, the order and units shall follow the same order and units of nutrients in the AAFCO Cat Food Nutrient Profile. (c) Guarantees for substances not listed in an AAFCO recognized nutrient profile for the specific species of animal shall immediately follow the listing of recognized nutrients and shall be accompanied by an asterisk referring to the disclaimer "not recognized as an essential nutrient by the _____." The blank shall be completed by listing the specific AAFCO recognized nutrient profile. This disclaimer shall appear immediately after the last guarantee in the same size type as the guarantees. The disclaimer shall not be required unless an AAFCO-recognized nutrient profile is available for the specific species of specialty pet.

Section 2. The sliding scale method of expressing a guaranteed analysis on a pet food or specialty pet food label (for example, "Minimum crude protein 15-18%") shall not be used.

Section 3. The label of a pet food or a specialty pet food that is formulated as and represented to be a mineral supplement shall include:

(1)(a) 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

(b) Minimum guarantees for all minerals from sources declared in the ingredient statement expressed as the element in units specified in the AAFCO Cat Food Nutrient Profiles if no species-specific nutrient profile has been recognized by AAFCO;

(2) Mineral guarantees required by subsection (1) of this section 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) A weight equivalent (e.g., 1 fl. oz. = 28 grams) for liquid products.

Section 4. The label of a pet food or a specialty pet food that is formulated as and represented to be a vitamin supplement shall include:

(1)(a) 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

(b) Minimum guarantees for all vitamins from sources declared in the ingredient statement expressed in units specified in the AAFCO Cat Food Nutrient Profiles if no species-specific nutrient profile has been recognized by AAFCO;

(2) Vitamin guarantees required by subsection (1) of this section 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) A weight equivalent (e.g., 1 fl. oz. = 28 grams) for liquid products.

Section 5. If 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 shall apply:

(1) The product shall meet the AAFCO-recognized nutrient profile;

(2)(a) Except as established in paragraph (b) of this subsection, the statement of comparison shall be preceded by a statement that the product meets the AAFCO-recognized profile.

(b) The statement that the product meets the AAFCO-recognized nutrient profile shall not be required if the nutritional adequacy statement as per 12 KAR 3:039, Section 1(1) or Section 2(2)(a) appears elsewhere on the product label;

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

(4) The statement of comparison may appear on the label separate and apart from the guaranteed analysis.

Section 6. (1) Except as established in subsection (2) of this section, the maximum moisture declared on a pet food or specialty pet food label shall not exceed seventy-eight (78) percent or the natural moisture content of the ingredients, whichever is higher.

(2) Pet food and specialty pet food such as those consisting principally of stew, gravy, sauce, broth, aspic, juice, or a milk replacer, and that are so labeled, may contain moisture in excess of seventy-eight (78) percent.

Section 7. Guarantees for crude protein, crude fat, and crude fiber shall not be required if

the pet food or specialty pet food is intended for purposes other than to furnish these substances or if they are of minor significance relative to the primary purpose of the product, such as a mineral or vitamin supplement.

Section 8. Guarantees for microorganisms and enzymes shall be stated in the format as established in 12 KAR 2:021, Sections 7 and 8.

Section 9. Incorporation by Reference. (1) "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 4; 1 Ky.R. 1002; eff. 6-11-1975; Am. 23 Ky.R. 1616; eff. 1-10-1997; 25 Ky.R. 898; 2362; eff. 4-14-1999; 45 Ky.R. 114, 631; eff. 9-28-2018.)