DEPARTMENT OF AGRICULTURE

PESTICIDE AND PLANT PESTICIDE MANAGEMENT DIVISION

REGULATION NO. 635. COMMERCIAL FEED

(By authority conferred on the director of agriculture by section 11 of Act No. 120 of the Public Acts of 1975, being S287.531 of the Michigan Compiled Laws)

R 285.635.1 Definitions and terms.

Rule 1. (1) As used in these rules:

(a) "AAFCO" means the association of American feed control officials.

(b) "Act" means Act No. 120 of the Public Acts of 1975, being S287.521 et seq. of the Michigan Compiled Laws.

(c) "Director" means the director of the department of agriculture.

(d) "Pet" means any domesticated animal normally maintained in or near the household of the owner.

(e) "Pet food" means any commercial feed prepared and distributed for consumption by pets.

(f) "Principal display panel" is that portion of a label that is most likely to be displayed, presented, shown, or examined under normal and customary conditions for retail sale.

(2) Names and definitions for commercial feeds shall be the official definition of feed ingredients adopted by AAFCO, except as the director designates otherwise in specific cases. The terms used in reference to commercial feeds shall be the official feed terms adopted by AAFCO, except as the director designates otherwise in specific cases. The names, definitions, and terms adopted by AAFCO shall be from their annual publication available from their treasurer.

History: 1979 AC.

R 285.635.2 Label format.

Rule 2. Commercial feeds, except pet foods, shall be labeled with the information prescribed in these rules.

(a) The principal display panel shall show such information in the following general format:

(i) Net weight.

(ii) Product name and brand name.

(iii) If drugs are used, the following shall appear:

(A) The word "medicated" directly following or below the product name in type size not smaller than 1/2 the type size of the product name.

(B) The purpose of medication (claim statement).

(C) The required directions for use and precautionary statements or reference to their location if the detailed feeding directions and precautionary statements required by R 285.635.11 and R 285.635.12 appear elsewhere on the label.

(D) An active drug ingredient statement listing the active drug ingredients by their established name and the amounts pursuant to R 285.635.8(4).

(iv) The guaranteed analysis of the feed as required under section 5(1)(d) of the act, including the following items, unless exempted, 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 R 285.635.8(5).

(C) Minimum percentage of crude fat.

(D) Maximum percentage of crude fiber.

(E) Minerals, to include in the following order: Minimum and maximum percentages of calcium (Ca), minimum percentages of phosphorus (P), minimum and maximum percentages of salt (NaCl), and other minerals.

(F) Vitamins in such terms as specified in R 285.635.8(3).

(G) Total sugars as invert in dried molasses products or in products being sold primarily for their molasses content.

(H) Exemptions to the above guaranteed analysis requirements consist of the following:

1. Guarantees for minerals are not required when specific label claims do not exist and when the commercial feed contains less than 6 1/2% of total mineral elements.

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.

(b) The name of each ingredient as defined in the official definitions of feed ingredients published in the official publication of AAFCO, common or usual name, or one approved by the director, shall be used in the ingredient statement. Collective terms for the grouping of feed ingredients as defined in the official definitions of feed ingredients published in the official publication of AAFCO, in lieu of the individual ingredients, may be used if:

(i) Individual ingredients included in a collective term are not otherwise listed on the label.

(ii) The manufacturer provides the director, 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.

(c) The name and principal mailing address of the manufacturer or person responsible for distributing the feed shall appear on the label. 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.

(d) The information required in section 5(1)(a) to (e) of the act shall appear in its entirety on one side of the label or on one side of the container. The information required by section 5(1)(f) and (g) of the act 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 section 5(1)(f) and (g) is placed on a different side of the label or container, it shall 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 section 5 of the act shall be subordinated or obscured by other statements or designs.

History: 1979 AC.

R 285.635.3 Pet food label information.

Rule 3. Pet food shall be labeled with the information prescribed in this rule.

(a) The statement of net content and product name shall be on the principal display panel of the label. Other required information may be placed elsewhere on the label but shall be sufficiently conspicuous to render it easily readable.

(b) The label of a pet food shall specify the name and address of the place of business of the manufacturer, packer, or distributor of the pet food. The statement of the place of business shall include the street address, if any, of the place unless the street address is shown in a current city directory.

(c) The information required to appear in the "guaranteed analysis" shall be listed in the following order and in the form stipulated in R 285.635.8:

Crude protein (minimum)
Crude fat (minimum)
Crude fiber (maximum)
Moisture (maximum)
Additional guarantees shall follow moisture

(d) The maximum moisture in all canned pet foods shall be guaranteed and shall not exceed 78% of the natural moisture content of the constituent ingredients of the product, whichever is greater. Pet foods consisting principally of stew, gravy, sauce, broth, juice, or a milk replacer which are so labeled, may contain moisture in excess of 78%.

(e) Guarantees for minerals are not required if a pet food is neither formulated for, nor represented in any manner as, a mineral supplement. A guarantee as may be given or required shall be expressed as the element and in units of measurement established by a recognized authority on animal nutrition such as the national research council.

(f) Guarantees for vitamins are not required if a pet food is neither formulated for, nor represented in any manner as, a vitamin supplement. A guarantee as may be given or required shall be stated in units of measurement established by a recognized authority on animal nutrition such as the national research council.

(g) A vignette, graphic, or pictorial representation of a product on a pet food label shall not misrepresent the contents of the package.

(h) The words "dog food," "cat food," or similar designations shall appear conspicuously upon the principal display panel of a pet food label.

(i) 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 the entire life cycle or any limited stage of the life cycle of a dog or cat unless the product or feeding contains 1 of the following:

(i) Ingredients in quantities sufficient to provide the estimated nutrient requirements for all stages or any limited stage of the life of a dog or cat, which have been established by a recognized authority on animal nutrition, such as the committee on animal nutrition of the national research council.

(ii) A combination of ingredients which, if fed to a normal animal as the only source of nourishment, shall provide satisfactorily for fertility of females, gestation and lactation, normal growth from weaning to maturity without supplementary feeding, and shall 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 for the life cycle or for the specific stage of growth claimed. The testing shall be in accord with the protocol established by the association of American feed control officials.

History: 1979 AC.

R 285.635.4 Pet food brand and product names.

Rule 4. The brand and product name on commercial pet foods shall comply with each of the following:

(a) A flavor designation shall not 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 a pet. Any flavor designation on a pet food label shall either conform to the name of its source as shown in the ingredient statement or the ingredient statement shall show the source of the flavor. The word "flavor" shall be printed in the same size type and with an equal degree of conspicuousness as
the ingredient term or terms from which the flavor designation is derived. A distributor of pet food employing a flavor designation or claims on the labels of the product distributed by it shall, upon request, supply verification of the designation or claimed flavor.

(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 1 ingredient. However, for the purpose of this subdivision, water sufficient for processing, required decharacterizing agents, and trace amounts of preservatives and condiments shall not be considered ingredients.

(c) The terms "meat" and "meat by-products" shall be qualified by designating 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 a pet food shall not be derived from 1 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 ingredients included in the name as specified by subdivisions (a), (e), or (f). The name of an ingredient or combination of ingredients may be used as a part of the product name if 1 of the following exists:

(i) The ingredient or combination of ingredients is present in sufficient quantity to impart a distinctive characteristic to the product or is presented in amounts which have a material bearing upon the price of the product or upon acceptance of the product by the purchaser thereof.

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

(iii) It is not otherwise false or misleading.

(e) If an ingredient or 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 or ingredients may form a part of the product name of the pet food provided that where more than 1 ingredient is part of such product name, then all such ingredient names shall be in the same size, style, and color print.

(f) If an ingredient or 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 "meatballs" 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 the primary descriptive term shall be in the same size, style, and color print.

(g) Contractions or coined names referring to ingredients shall not be used in the brand name of a pet food unless it is in compliance with subdivisions (a), (d), (e), or (f).

History: 1979 AC.

R 285.635.5 Brand and product names.

Rule 5. The brand and product names on commercial feeds, except pet foods, shall comply with the following:

(a) The brand or product name shall be appropriate for the intended use of the feed and shall not be misleading. If the name indicates the feed is made for a specific use, the character of the feed shall conform therewith. A mixture labeled "dairy feed," for example, shall be suitable for that purpose.

(b) Commercial, registered brand, or trade names shall not be permitted in guarantees or ingredient listings.

(c) The name of a commercial feed shall not be derived from 1 or more ingredients of a mixture to the exclusion of other ingredients and shall not be one representing components of a mixture unless all components are included in the name. 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 listed in the ingredient statement 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 nonprotein nitrogen.

(e) When the name carries a percentage value, it shall be understood to signify protein or equivalent protein content only, or both, even though it may not explicitly modify the percentage with the word "protein." Other percentage values may be permitted if they are followed by the proper description and conform to generally acceptable labeling practice. When a numeral 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 definition of feed ingredients as recognized by AAFCO, unless the director designates otherwise.

(g) The word "vitamin," a contraction thereof, or any word suggesting vitamin may 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 R 285.635.8(3).

(h) The term "mineralized" shall not be used in the name of a feed, except for "trace mineralized salt." When so used, the product shall contain significant amounts of trace minerals which are recognized as essential for animal nutrition.

History: 1979 AC.

R 285.635.8 Expression of guarantees.

Rule 8. (1) The guarantees for crude protein, equivalent protein from nonprotein nitrogen, crude fat, crude fiber, and mineral guarantees shall be in terms of percentage by weight.

(2) Commercial feeds containing 6 1/2% or more of total mineral elements 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, expect salt (NaCl), shall be guaranteed in terms of percentage of the element. When calcium or salt guarantees, or both, are given in the guaranteed analysis, that fact shall be stated and conform to the following:

(a) When the minimum is 5.0% or less, the maximum shall not exceed the minimum by more than 1 percentage point.

(b) When the minimum is above 5.0%, the maximum shall not exceed the minimum by more than 20% and in no case shall the difference between maximum and minimum exceed 5 percentage points.

(3) Guarantees for minimum vitamin content of commercial feeds and feed supplements shall be stated on the label in milligrams per pound of feed, except that:

(a) Vitamin A, other than precursors of vitamin A, shall be stated in international units (IU) or United States Pharmacopeia (USP) per pound.

(b) Vitamin D, in products offered for poultry feeding, shall be stated in international chick units per pound. Vitamin D for other uses shall be stated in international units (IU) or United States Pharmacopeia (USP) per pound.

(c) Vitamin E shall be stated in international units (IU) or United States Pharmacopeia (USP) per pound.

(d) 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.

(e) Oils and premixes containing vitamin A or vitamin D, or both, may be labeled to show vitamin content in terms of units per gram.

(4) Guarantees for drugs shall be stated in terms of percent by weight, except:

(a) Antibiotics present at less than 2,000 grams per ton, total, of commercial feed shall be stated in grams per ton of commercial feed.

(b) Antibiotics present at 2,000 grams or more per ton, total, of commercial feed shall be stated in grams per ton of commercial feed.

(c) Labels for commercial feeds which are to be fed continuously as the sole ration containing growth promotion or feed efficiency levels of antibiotics, or both, are not required to make quantitative guarantees, except as specifically noted in 21 C.F.R. part 121, chapter 1, for certain antibiotics wherein quantitative guarantees are required regardless of the level or purpose of the antibiotic.

(d) The term "milligrams per pound" may be used for drugs or antibiotics in those cases where a dosage is given in milligram in the feed directions.

(5) Commercial feeds containing added nonprotein nitrogen shall be labeled as follows:

(a) Complete feeds, supplements, and concentrates containing added nonprotein 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 nonprotein nitrogen)

(b) Mixed feed concentrates and supplements containing less than 5% protein from natural sources may be guaranteed as follows: Equivalent crude protein from nonprotein nitrogen, minimum,_____%

(c) Ingredient sources of nonprotein nitrogen such as urea, di-ammonium phosphate, ammonium polyphosphate solution, ammoniated rice hulls, or other basic nonprotein nitrogen ingredients defined by AAFCO shall be guaranteed as follows:

Nitrogen, minimum,_____% Equivalent crude protein from nonprotein nitrogen, minimum,_____%

(6) Mineral phosphatic materials for feeding purposes shall be labeled with the guarantee for minimum and maximum percentage of calcium, the minimum percentage of phosphorus, and the maximum percentage of fluorine.

History: 1979 AC.

R 285.635.10 Ingredients.

Rule 10. (1) The name of each ingredient or collective term for the grouping of ingredients shall be the name as defined in the official definitions of feed ingredients as published in the official publication of AAFCO, or one approved by the director.

(2) The name of each ingredient shall be shown in letters or type of the same size.

(3) A reference to quality or grade of an ingredient shall not appear in the ingredient statement of a feed.

(4) The term "dehydrated" may precede the name of a product that has been artificially dried.

(5) A single ingredient product defined by AAFCO need not have an ingredient statement.

(6) 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.

History: 1979 AC.

R 285.635.11 Directions for use; precautionary statements.

Rule 11. (1) Directions for use and precautionary statements on the labeling of commercial feeds and customer-formula feeds containing additives, including drugs, special purpose additives, or nonnutritive additives, shall:

(a) Be adequate to enable safe and effective use for the intended purposes by users without special knowledge of the purpose and use of the articles.

(b) Include all information prescribed by applicable regulations under the federal food, drug, and cosmetic act, 21 C.F.R. part 121 and part 558.

(2) Adequate directions for use and precautionary statements are required for feeds containing nonprotein nitrogen as specified in R 285.635.12.

(3) 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 a vitamin, mineral, or other dietary nutrient or compound.

History: 1979 AC.

R 285.635.12 Nonprotein nitrogen.

Rule 12. (1) Urea and other nonprotein nitrogen products defined in the official publication of AAFCO are acceptable ingredients only in commercial feeds for ruminant animals as a source of equivalent crude protein and shall not be used in commercial feeds for other animals and birds.

(2) If the commercial feed contains more than 8.75% of equivalent crude protein from all forms of nonprotein nitrogen, added as such, or the equivalent crude protein from all forms of nonprotein nitrogen, added as such, exceeds 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 may be read and understood by ordinary persons under customary conditions of purchase and use.

(3) On labels such as those for medicated feeds which bear adequate feeding directions or warning statements, or both, the presence of added nonprotein 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 nonprotein nitrogen.

History: 1979 AC.

R 285.635.13 Drug and feed additives.

Rule 13. (1) Prior to approval of a license application, or approval of a label for commercial feed which contains additives (including drugs, other special purpose additives, or nonnutritive additives, or both), the manufacturer may be required to submit evidence to prove the safety and efficacy of thecommercial feed when used according to the directions furnished on the label.

(2) Satisfactory evidence of safety and efficacy of a commercial feed is achieved when:

(a) The commercial feed contains such additives, the use of which conforms to the requirements of the applicable regulation in the food additives regulations, 21 C.F.R. part 121, chapter 1, or which are "prior sanctioned" or "generally recognized as safe" for such use.

(b) The commercial feed is itself a drug as defined in section 3(h) of the act 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. S512.

History: 1979 AC.

R 285.635.14 Adulterants.

Rule 14. (1) For the purpose of section 8(1)(a) of the act, the term "poisonous or deleterious substances" includes, but is not limited to, the following:

(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 0.10% for cattle, 0.30% for sheep, 0.45% for swine, and 0.60% for poultry.

(b) Fluorine-bearing ingredients when used in such amounts that they raise the fluorine content of the total ration exclusive of hay and silages above 0.002% for cattle, 0.006% for sheep, 0.014% for swine, and 0.030% for poultry.

(c) Soybean meal, flakes, or pellets, or other vegetable meals, flakes, or pellets, which have been extracted with trichlorethylene or other chlorinated solvents.

(d) 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).

(2) 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 so that the finished product does not contain any viable prohibited weed seeds per pound and not more than 90 viable restricted weed seeds per pound. Prohibited and restricted weed seeds shall be those defined in Act No. 329 of the Public Acts of 1965, as amended, being S286.701 et seq. of the Michigan Compiled Laws.

History: 1979 AC.

R 285.635.15 Rescinded.

History: 1979 AC; 2015 AACS.

R 285.635.16 Rescinded.

History: 1979 AC; 2015 AACS.

R 285.635.17 Rescinded.

History: 1979 AC; 2015 AACS.