Subpart C. MISCELLANEOUS PROVISIONS

CHAPTER 71. COMMERCIAL FEED

Authority

The provisions of this Chapter 71 issued under section 10 of the Pennsylvania Commercial Feed Law of 1966 (3 P. S. § 58.10) (Repealed), unless otherwise noted.

Source

The provisions of this Chapter 71 amended June 17, 1972, 2 Pa.B. 1039. Immediately preceding text appears at serial pages (1661) to (1666).

§ 71.1. General provisions.

(a) The names and definitions for commercial feeds shall be those contained in the Official Definition of Feed Ingredients adopted by the Association of American Feed Control Officials, unless in specific cases the Secretary designates otherwise.

(b) The terms used in reference to commercial feeds shall be those contained in the Official Feed Terms adopted by the Association of American Feed Control Officials, unless in specific cases, the Secretary designates otherwise.

(c) The following commodities are excluded from the definition of commercial feed, under the provisions of section 3(4) of the act (3 P. S. 58.3(4)); hay, straw, stover, silages, cobs, husks, and hulls, when unground and not mixed with other materials.

§ 71.2. Definitions.

The following words and terms, when used in this Chapter, shall have the following meanings, unless the context clearly indicates otherwise:

Act—The Pennsylvania Commercial Feed Law (3 P. S. §§ 58.1—58.16) (Repealed).

Prohibited weed seeds—The seeds of perennial weeds such as not only reproduce by seed but also spread by underground roots, stems, and other reproductive parts, and which, when well established, are highly destructive and difficult to control in this Commonwealth ordinary good cultural practice.

Restricted weed seed—The seeds of such weeds as are very objectionable in fields, lawns, and gardens of this Commonwealth, but can be controlled by good cultural practices.

Secretary—The Secretary of Agriculture of the Commonwealth.

§ 71.3. Label format.

(a) Commercial feeds shall be labeled with the information prescribed in this Chapter on the principal display panel of the product and in the following format:

(1) Net weight.

(2) Product name and any brand name.

(3) Drug labeling information.

(4) Guaranteed analysis of the feed.

(5) Feed ingredients, collective terms for the grouping of feed ingredients, or appropriate statements under the provisions of section 5(a)(4) of the act (3 P. S. § 58.5(a)(4)).

(6) Name and principal mailing address of the manufacturer or person responsible for distributing the feed. The principal mailing address shall include the street address, city, state and ZIP code; however, the street address may be omitted if it is shown in the current city directory or telephone directory.

(7) Directions for use and precautionary statements.

(b) The directions for use and precautionary statements required by subsection (a)(7) may appear on a portion of the label other than the principal display panel if the principal display panel contains an appropriate reference to the location of such directions for use and precautionary statements.

(c) None of the information required by subsection (a) shall be subordinated or obscured by other statements or designs.

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§ 71.4. Drug labeling.

If drugs are contained in the feed, all of the following information shall appear on the principal display panel of the product:

(1) The word ''medicated'' directly following and below the product name in type size no smaller than 1/2 the type size of the product name.

(2) The purpose of the medication (claim statement).

(3) An active drug ingredient statement listing the active drug ingredients by their established name and the amounts in accordance with the requirements of § 71.5(g) (relating to guaranteed analysis requirements).

§ 71.5. Guaranteed analysis requirements.

(a) All of the following items of information shall be stated in the guaranteed analysis, in the order listed, subject to the exemptions contained in subsection (b) of this section:

(1) Minimum percentage of crude protein.

(2) Maximum percentage of equivalent protein from nonprotein nitrogen.

(3) Minimum percentage of crude fat.

(4) Maximum percentage of crude fiber.

(5) Minerals, to include, in the following order:

(i) Minimum and maximum percentage of calcium (Ca).

(ii) Minimum percentage of phosphorus (P).

(iii) Minimum and maximum percentage of salt (NaCl).

(iv) Other minerals.

(6) Vitamins, in accordance with the provisions of subsection (e).

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

(b) The following shall constitute exemptions from the guaranteed analysis requirements set forth in subsection (a) of this section:

(1) Guarantees for minerals are not required when there are no specific label claims and when the commercial weed contains less than 6.5% of 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.

(c) The guaranteed analyses for crude protein, equivalent protein from nonprotein nitrogen, crude fat, crude fiber and minerals (when required) will be expressed in terms of percentage by weight.

(d) Commercial feeds containing 6.5% or more mineral elements shall include in the guaranteed analysis the minimum and maximum percentage 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 or salt guarantees, or both, are given in the guaranteed analysis, such guarantees shall conform to the following requirements:

(1) When the minimum is 5.0% or less, the maximum shall not exceed the minimum by more than 20% and in no case shall the maximum exceed the minimum by more than five percentage points.

(2) When the minimum is above 5.0% the maximum shall not exceed the minimum by more than 20% and in no case shall the maximum exceed the minimum by more than five percentage points.

(e) 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 supplements, when made, shall be stated on the label in milligrams per pound of feed, except that:

(1) Vitamin A, other than precursors of vitamin A, shall be stated in U.S.P. units per pound.

(2) Vitamin D, in products offered for poultry feeding, shall be stated in international chick units per pound.

(3) Vitamin D for other uses shall be stated in U.S.P. units per pound.

(4) Vitamin E shall be stated in International or U.S.P. units per pound.

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

(f) 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, choloride, thiamine, and d-pantothenic acid.

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

(1) Antibiotics present at less than 2,000 grams per ton (total) of commercial feed.

(2) Antibiotics present at more than 2,000 grams per ton (total) of commercial feed.

(3) Labels for commercial feeds containing growth promotion and 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, 30 FR 15845, 21 CFR Part 121, Subpart C, for certain antibiotics, wherein quantitative guarantees are required regardless of the level or purpose of the antibiotic.

(4) The term ''milligrams per pound'' may be used for drugs or antibiotics in those cases where a dosage is given in ''milligrams'' in the feeding directions.

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

(1) Complete feeds, supplements and concentrates containing added nonprotein nitrogen and containing more than 5.0% protein from natural sources shall be guaranteed as follows:

"Crude Protein, minimum ____ %. This includes not more than ____ % equivalent protein from nonprotein nitrogen."

(2) Mixed feed concentrates and supplements containing less than 5.0% protein from natural sources may be guaranteed as follows:

"Equivalent Crude Protein from Nonprotein Nitrogen, minimum ____ %."

(3) 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 the Association of American Feed Control Officials shall be guaranteed as follows:

"Nitrogen, minimum, ____ %, Equivalent Crude Protein from Nonprotein Nitrogen, minimum, ____ %."

(i) Mineral phosphatic materials for feeding purposes shall be labeled with the guarantee for minimum and maximum percentage of calcium (Ca), when present, the minimum percentage of phosphorous (P) and the maximum percentage of fluorine (F).

Cross References

This section cited in 7 Pa. Code § 71.4 (relating to drug labeling); and 7 Pa. Code § 71.10 (relating to brand and product names).

§ 71.6. Ingredient listing requirements.

(a) The name of each ingredient shall be as defined in the Official Definitions of Feed Ingredients published in the current Official Publication of the Association of American Feed Control Officials, the common or usual name or a name approved by the Secretary.

(b) Collective terms for the grouping of feed ingredients, as defined in the Official Definitions of Feed Ingredients published in the current Official Publication of the Association of American Feed Control Officials, may be used in lieu of the individual ingredients.

(c) 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.

(d) The manufacturer shall provide the Secretary, upon request, with a listing of individual ingredients, within a defined group of feed ingredients that are or have been used at manufacturing facilities distributing in or into this State.

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

(f) No reference to quality or grade of an ingredient shall appear in the ingredient statement of a feed.

(g) The term ''dehydrated'' shall precede the name of any product that has been artificially dried.

(h) A single ingredient product, as contained in the current listing of the Association of American Feed Control Officials, is not required to have an ingredient statement.

(i) 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 for example, sugar.

(j) When the word ''iodized'' is used in connection with a feed ingredient, the feed ingredient shall contain not less than 0.007% iodine (I), uniformly distributed.

§ 71.7. Nonprotein nitrogen.

(a) Urea and other nonprotein nitrogen products defined in the Official Publication of the Association of American Feed Control Officials are acceptable ingredients only in commercial feeds for ruminant animals as a source of equivalent crude protein and are not to be used in commercial feeds for other animals and birds.

(b) If the commercial feed contains more than 8.75% of the 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 the following precautionary statement:

CAUTION: USE AS DIRECTED

The directions for use and the caution statement shall be in type of such size and be so placed on the label that they will be read and understood by ordinary persons under customary conditions of purchase and use.

(c) 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 provided those statements include sufficient in those statements include sufficient information to ensure the safe and effective use of this product due to the presence of nonprotein nitrogen.

Cross References

This section cited in 7 Pa. Code § 71.11 (relating to directions for use and precautionary statements).

§ 71.8. Drug and feed additives.

(a) Prior to approval of a facility registration for commercial feed which contains additives, including drugs, other special purpose additives or nonnutritive

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additives, the distributor may be required to submit evidence to prove the safety and efficacy of the commercial feed when used according to the directions furnished on the label.

(b) Satisfactory evidence of safety and efficacy of a commercial feed may consist of either of the following:

(1) When the commercial feed contains such additives, the use of which conforms to the requirements of the applicable regulation in Title 21 of the *Code of Federal Regulations*, or which are ''prior sanctioned'' or ''generally recognized as safe'' for such use.

(2) When the commercial feed is itself a drug as defined in section 3(16) of the act (3 P. S. § 58.3(16)) and is generally recognized as safe and effective for the labeled use or is marketed subject to an application approved by the United States Food and Drug Administration under the Federal Food, Drug and Cosmetic Act, section 302, 76 Stat. 794, 21 U.S.C.A. § 360(b).

§ 71.9. Adulterants.

(a) For the purpose of section 7(1) of the act (3 P. S. § 58.7(1)), poisonous and deleterious ingredients include, but are not limited to, the following:

(1) Fluorine and any mineral or mineral mixture which is to be used directly for the feeding of domestic animals and in which the fluorine exceeds the following amounts:

(i) 0.30% for cattle.

(ii) 0.35% for sheep.

(iii) 0.45% for swine.

(iv) 0.60% for poultry.

(2) Fluorine-bearing ingredients when used in such amounts that they raise the fluorine content of the total ration above the following amounts:

(i) 0.009% for cattle.

(ii) 0.01% for sheep.

(iii) 0.014% for swine.

(iv) 0.035% for poultry.

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

(4) Sulfur dioxide, sulfurous acid and salts of sulfurous acid when used in or on feeds or feed ingredients which are deemed to be a significant source of vitamin B^1 (Thiamine).

(b) All screenings or byproducts 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 contains no more than ten viable prohibited weed seeds per pound and not more than 100 viable restricted weed seeds per pound.

§ 71.10. Brand and product names.

(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.

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

(c) The name of a commercial feed shall not be derived from one or more ingredients of a mixture to the exclusion of other ingredients and shall not be one representing any components of a mixture unless all components are included in the name. If any ingredient or combination of ingredients is intended to impart a distinctive characteristic to the product which is of significance to the purchaser, the name of that ingredient or combination of ingredients may be used as a part of the brand name or product name if the ingredient or combination of ingredients is quantitatively guaranteed in the guaranteed analysis, and the brand or product name is not otherwise false or misleading.

(d) The word ''protein'' shall not be included 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 and equivalent protein content only, 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 good labeling practice. When a figure is used in the brand name (except in mineral, vitamin, or other products where the protein guarantee is nil or unimportant), it shall be preceded by the word ''number'' or some other suitable designation.

(f) Single ingredient feeds shall have a product name in accordance with the designated definition of feed ingredients as recognized by the Association of American Feed Control Officials unless the Secretary designates otherwise.

(g) The word ''vitamin,'' or 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 § 71.5 (relating to guaranteed analysis requirements).

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

(i) The term ''meat'' and ''meat byproducts'' shall be used only if the meat and meat byproducts are from cattle, swine, sheep and goats.

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§ 71.11. Directions for use and precautionary statements.

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

(1) be adequate to permit safe and effective use for the intended purposes by users with no special knowledge of the purpose and use of such articles; and

(2) include all information prescribed by 11 applicable regulations adopted under the Federal Food, Drug, and Cosmetic Act of 1938, ch. 675, 52 Stat. 1040, 21 U.S.C.A. § 321, as amended.

(b) Adequate directions for use and precautionary statements are required for feeds containing nonprotein nitrogen as specified in § 71.7 (relating to nonprotein nitrogen).

(c) Adequate directions for use and precautionary statements necessary for safe and effective use are required on commercial feeds distributed to supply particular dietary needs or for supplementing or fortifying the usual diet or ration with any vitamin, mineral or other dietary nutrient or compound.

§ 71.12. Good manufacturing practices.

For the purpose of enforcement of the act, the Federal regulations relating to the production of medicated feeds, 30 FR 6475, 21 CFR 133.100—110 and relating to medicated premixes, 32 FR 15109, 21 CFR 133.200—210, are adopted as standards of good manufacturing practices.

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