

Manufacture and Distribution of Pet Food

The manufacture and distribution of pet food and pet treats is regulated by both federal and state governments. The U.S. Food and Drug Administration regulates cat food, dog food and treats. The FDA's regulation of pet food is similar to that for other animal feeds. The Federal Food, Drug and Cosmetic Act (FFDCA) requires pet foods, like human foods, be pure and wholesome, safe to eat, produced under sanitary conditions, contain no harmful substances and be truthfully labeled. In addition, canned pet foods must be processed in conformance with the low acid canned food regulations to ensure the pet food is commercially sterile (see Title 21 Code of Federal Regulations, Part 113 (21 CFR 113)).

FDA also reviews *specific claims* on pet food, such as "maintains urinary tract health," "low magnesium," "tartar control," "hairball control," and "improved digestibility." Guidance for collecting data to make a urinary tract health claim is available in [Guideline 55](#) on the CVM (Center for Veterinary Medicine) portion of the FDA internet site.

The FDA's Center for Veterinary Medicine also provides an informational video on making pet food:

<http://www.fda.gov/AnimalVeterinary/ResourcesforYou/AnimalHealthLiteracy/ucm295056.htm?source=govdelivery>

Along with the federal guidelines, New York State has commercial feed laws and rules and regulations. Article 8 of the Agriculture and Markets Law Relating to the Manufacture and Distribution of Commercial Feed regulates the sale of pet food/treats and large animal feed in New York State.

All pet food and pet treat products must be registered prior to selling them in New York State. There is a \$100 annual registration fee per product. Anytime the composition, guaranteed analysis, descriptive designation or name, or formula of the product changes, it is considered a new product and will require a new product registration. All registrations, regardless of when registered, will expire on December 31st of each year.

This link will take you directly to **Circular 941** which contains Article 8, of the New York State Agriculture and Markets Law Relating to the Manufacture and Distribution of Commercial Feed; <http://www.agriculture.ny.gov/FS/industry/04circs/manufanddistfeedCIR941.pdf>

Circular 943, Part 257 contains NYS Rules and Regulations related to the manufacture and distribution of commercial feed; <http://www.agriculture.ny.gov/FS/industry/04circs/CIR943.pdf>

To register, the following form should be completed and sent in along with the \$100 registration fee per product and a legible label for each new or revised label.

<http://www.agriculture.ny.gov/FS/license/pdfs/petanimal/FSI-435fee.pdf>



Basic Labeling Guidelines:

The New York State Department of Agriculture and Markets Commercial Feed Laws and the Model Pet Food Regulations of the Association of American Feed Control Officials (AAFCO) require each package of food, snacks or treats for pets (dogs and cats) or specialty pets (animals normally kept in a cage such as hamsters, parakeets, reptiles or fish) to have a label printed on or affixed to the package. This includes pet foods and treats produced by a home-based business. The minimum information that is required either on your labels or in a handout available for purchasers should include:

- **Brand/Product name** – Sally’s dog treats
- **Species**– you must specify the species of animal that the product is formulated for. i.e. “dog treats” or “cat treats”. A picture is NOT sufficient to meet this requirement.
- **Quantity Statement** – must be expressed as weight in U.S, measures followed by the metric equivalent. Example: Net weight 8 oz. (227g); you may also use a count.
- **Ingredient Statement** – A continuous list of each approved ingredient using the name of the ingredient adopted by AAFCO. Ingredient shall be listed in descending order by predominance.
- **Guaranteed Analysis** – Include the correct heading, consist of at least the following, and be stated as and in order listed below:

Guaranteed Analysis

Crude Protein (min.) XX%

Crude Fat (min.) XX%

Crude Fiber (Max.) XX%

Moisture (Max.) XX%

Ash (Max.) XX%*

*Ash is not a required guarantee

- **Nutritional Adequacy Statement** – If the product is clearly identified on the front label as a snack or treat, a nutritional statement is not required. We do recommend that a statement such as “feed as a snack or treat” or “for intermittent or supplemental feeding only” be included for information purposes on the label. If you are making a pet food for complete nutrition of a specific life stage, or special nutritional or dietary needs, you will need to reference the AAFCO publication or the National Research Council for all of the necessary nutritional levels that must be met to make these claims.
- **Manufacturer/Guarantor** – As the manufacturer or guarantor of the product your name and mailing address is required to be on the label. You do not need to include the street address if it can be found in a local telephone directory. A web address is not sufficient.

Small pet food manufacturers can find more information to assist you in understanding the labeling and regulatory issues related to the distribution of pet food and treats at the AAFCO (Association of American Feed Control Officials) website. You can access the website through the AAFCO home page at www.aafco.org then click on “The Business of Pet Food”. If you decide to sell your products on the Internet or in other states you can also find a list of commercial feed regulators at this site who will assist you in registering your products for distribution in their state.

For further information you can contact donna.dicesare@agriculture.ny.gov or by phone at

518-457-5457.

FAQ's

Can my pet treats be made in my home kitchen?

Yes, they can.

I understand that I must complete form #435 to register; are there any other forms necessary to register pet foods or treats?

No, form number # 435 should be completed and sent in along with a label for each new or revised product and the \$100 registration fee for each.

What if my product is only sold at a farmers market, do I still need to register?

Yes, the rules are the same for everyone, whether you are selling your products at a big box store or the farmers markets, all products must be registered prior to distribution in the state.

Do pet treats need to meet any nutritional requirements?

No, there are no nutritional levels that must be met for those products that are sold for “supplemental or intermittent feeding” only.

If I want to sell a pet food “meal” what are the nutritional requirements that must be met?

You can reference the “National Research Council”, Nutrients for Dogs and Cats publication or to the Association of American Feed Control Officials web site (www.aafco.org) to purchase their official publication, both resources contains charts listing all of the nutritional levels of those nutrients required to label the product for “Growth and Reproduction”, “Adult Maintenance” or “All Life Stages”.

How do we know what ingredients can be used in the production of pet food?

New York State Department commercial feed laws references and permits those ingredients that are defined and listed in the AAFCO official publication. There are also Generally Recognized as Safe (GRAS) substances which are permitted to be used in pet foods, because they have a long history of safe use in foods. Refer to FDA's web site, Title 21, Part 582. <http://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcr/CFRSearch.cfm?CFRPart=582>; there are also ingredients that are classified as “common” or “usual” that are allowed in pet foods; for example, fruits, vegetables, and grains.

Can I sell my pet food products on the Internet?

Yes, but all states have their own registration requirements regarding the sale and distribution of pet food in their state. Refer to www.aafco.org , click on “Directory” then click on “find members by state” to obtain contact information for those state regulators where you anticipate selling your products. All products should be registered prior to distribution in those states.

When I'm ready to have my products analyzed for the guaranteed analysis, do I need to use a lab required by the NYS Department of Agriculture and Markets?

No, any lab that can perform a “crude analysis” would be acceptable.

Can I label my product as “organic”?

The United States Department of Agriculture and Markets regulates organic products and the information related to “organic” can be found at: <http://www.ams.usda.gov/AMSV1.0/ams.fetchTemplateData.do?template=TemplateA&navID=NationalOrganicProgram&leftNav=NationalOrganicProgram&page=NONationalOrganicProgramHome&acct=AMSPW>

Can I state on my label that my product was “Made in the USA”?

Anyone who chooses to make this claim on their label must comply with the Federal Trade Commission’s “Made in the USA” policy. That guidance can be found at <http://business.ftc.gov/documents/bus03-complying-made-usa-standard>

If I need more help in designing and developing my labels, is there anyone who can help?

Yes, there are associations that can recommend people who can help, they are listed here:

Pet Food Institute

Pat Tovey – email: pat@petfoodinstitute.org
Pet Food Institute
2025 M Street, NW, Suite 800
Washington, DC 20036
Phone: 202-367-1120, Fax: 202-367-2120
<http://www.petfoodinstitute.org/index/html>

American Pet Products Association

255 Glenville Road
Greenwich, CT 06831
Einar Rod – email: ed@americanpetproducts.org
Phone: 203-532-3600, fax 203-532-0551
<http://americanpetproducts.org>

NASC contact information

National Animal Supplement Council (NASC) www.nasc.cc
Ryan Cargo r.cargo@nasc.cc
Phone: 760-751-3360

AFIA’s contact information:

Leah Wilkinson – Email Lwilkinson@afia.org
Phone: 703-558-3560
American Feed Industry Association
2101 Wilson Blvd, Suite 916
Arlington, VA 22201
Phone number for association: 703-524-0810

