

**CHAPTER 7-16-06**  
**SUBSTANTIATION OF NUTRITIONAL SUITABILITY**

Section  
7-16-06-01      Substantiation of Nutritional Suitability

**7-16-06-01. Substantiation of nutritional suitability.**

1. A commercial feed, other than a customer-formula feed, must be nutritionally suitable for its intended purpose as represented by its labeling.
2. If the commissioner has reasonable cause to believe a commercial feed is not nutritionally suitable, the commissioner may request the feed manufacturer to either submit an "affidavit of suitability" or an alternative procedure acceptable to the commissioner, certifying the nutritional adequacy of the feed. The affidavit of suitability or alternative procedure of suitability serves as substantiation of the suitability of the feed.
3. If an affidavit of suitability, or alternative procedure acceptable to the commissioner is not submitted by the feed manufacturer within thirty days of written notification, the commissioner may deem the feed adulterated under this rule and order the feed removed from the marketplace.
4. The affidavit of suitability must contain the following information:
  - a. The feed company's name;
  - b. The product name of the feed;
  - c. The name and title of the affiant submitting the document;
  - d. A statement that the affiant has knowledge of the nutritional content of the feed and based on valid scientific evidence the feed is nutritionally adequate for its intended purpose;
  - e. The date of submission; and
  - f. The signature of the affiant notarized by a certified notary public.

**History:** Effective July 1, 2020.

**General Authority:** NDCC 4.1-41-20

**Law Implemented:** NDCC 4.1-41-06