

CHAPTER 7-17-13 PET AND SPECIALTY PET NUTRITION FACTS

Section
7-17-13-01 Pet and Specialty Pet Nutrition Facts

7-17-13-01. Pet and specialty pet nutrition facts.

1. **Pet nutrition facts** must be displayed in a prominent place on the label of all pet foods (including treats, food supplements, veterinary diets, and food mixers). Information must be set off in a box by use of hairlines and clearly be visible under the heading "pet nutrition facts" that is centered in the top row of the box. The box must contain the following required elements with all text the same size and style in the following order:
 - a. The stated whole familiar household unit (e.g., can, measuring cup, treat, or piece), consistent with the feeding directions, and its weight in grams.
 - b. A statement of calorie content, determined as specified in section 7-17-14-01, which must include:
 - (1) The calorie content per familiar household unit.
 - (2) Below the calorie content statement, the number of calories contributed by protein, fat, and carbohydrate must be declared, in that order, after "from:".
 - c. The nutrient guarantees under the headers "nutrients". Each nutrient value and total grams per familiar household unit must be listed as follows:
 - (1) A pet food label must list the following required guaranteed amounts:
 - (a) "Protein", which is minimum percentage of crude protein;
 - (b) "Fat", which is minimum percentage of crude fat;
 - (c) Maximum percentage of crude fat, if required;
 - (d) "Total carbohydrate[†]", which is maximum percentage equal to $[100 - (\text{crude protein} + \text{crude fat} + \text{moisture} + \text{ash})]$;
 - (e) "Dietary fiber", which is maximum percentage of total dietary fiber. The dietary fiber guarantee must be indented to reflect that it is a component of the total carbohydrate guarantee;
 - (f) "Moisture", which is maximum percentage of moisture; and
 - (g) Additional required or voluntary guarantees, which must follow moisture or ash, if listed.
 - (2) If "ash" is listed, it must be guaranteed as a maximum percentage and immediately must follow moisture.
 - (3) If listed on the label of a dog or cat food product, guarantees for "dietary starch" and "sugars" must be stated as maximum guaranteed amounts. Neither guaranteed amount may be listed without the other. The guaranteed amount for dietary starch must follow dietary fiber. The guaranteed amount for sugars must follow dietary starch with the same indentation.
 - (4) The "[†]calculated value" must appear immediately after the last guarantee.

- (5) Other additional required or voluntary guarantees must appear as follows:
- (a) Guarantees for nutrients must be in the same order and units of the nutrients in the AAFCO Dog (or Cat) Food Nutrient Profiles following ash, if listed, or moisture, if ash is not listed.
 - (b) Guarantees for substances not listed in the AAFCO Dog (or Cat) Food Nutrient Profiles, or not otherwise provided for in these regulations, must immediately follow the listing of the recognized nutrients and be accompanied by an asterisk.

The disclaimer "*not recognized as an essential nutrient by the AAFCO Dog [or Cat] Food Nutrient Profiles" must appear immediately after "†calculated value".

- (6) The statement of nutritional adequacy must follow the guarantees as follows:
- (a) A statement that the dog or cat food meets the requirements of one or more of the recognized categories of nutritional adequacy: gestation/lactation, growth, maintenance, and all life stages. It must be stated verbatim as one of the following:
 - [1] "(Name of product) is formulated to meet the nutritional levels established by the AAFCO Dog (or Cat) Food Nutrient Profiles for". This statement must also include the stage or stages of the pet's life, such as gestation/lactation, growth, maintenance, or the words "all life stages". For a dog food, when the words "growth" or "all life stages," one of the following phrases must also be added verbatim to the end of the claim: "including growth of large size dogs (70 lb. or more as an adult)", or "except for growth of large size dogs (70 lb. or more as an adult)"; or
 - [2] "Animal feeding tests using AAFCO procedures substantiate that (name of product) provides complete and balanced nutrition for". This statement must include the stage or stages of the pet's life tested, such as gestation/lactation, growth, maintenance, or the words "all life stages"; or
 - [3] "(Name of product) provides complete and balanced nutrition for". The statement must also include the stage or stages of the pet's life, such as gestation/lactation, growth, maintenance, or the words "all life stages" and end with "comparable in nutritional adequacy to a product that has been substantiated using AAFCO feeding tests".
 - (b) A nutritional or dietary statement for purposes other than those listed in subsection 2 or 3 of section 7-17-12-01 if the statement is scientifically substantiated; or
 - (c) The statement: "This product is intended for intermittent or supplemental feeding only", if a product does not meet the requirements of subsection 2 or 3 of section 7-17-12-01 or any other special nutritional or dietary need and so is suitable only for limited or intermittent or supplementary feeding.

2. **Specialty pet nutrition facts** must be displayed in a prominent place on the label of all specialty pet foods (including treats, food supplements, veterinary diets, and food mixers), information shall be set off in a box by use of hairlines and be clearly visible under the heading "specialty pet nutrition facts" that is centered in the top row of the box. The box must contain the following required elements with all text the same size and style in the following order:

- a. The stated whole familiar household unit (e.g., can, measuring cup, treat, or piece), consistent with the feeding directions, and its weight in grams.
- b. The nutrient guarantees under the headers "nutrients". Each nutrient value and total grams per familiar household unit must be listed as follows:
 - (1) A specialty pet food label must list the following required guaranteed amounts:
 - (a) "Protein", which is minimum percentage of crude protein;
 - (b) "Fat", which is minimum percentage of crude fat;
 - (c) "Total carbohydrate[†]", which is maximum percentage equal to $[100 - (\text{crude protein} + \text{crude fat} + \text{moisture} + \text{ash})]$;
 - (d) "Dietary fiber", which is maximum percentage of total dietary fiber. The dietary fiber guarantee must be indented to reflect that it is a component of the total carbohydrate guarantee on the line above;
 - (e) "Moisture", which is maximum percentage of moisture; and
 - (f) Additional required or voluntary guarantees that must follow moisture or ash, if listed.
 - (2) If "ash" is listed, it must be guaranteed as a maximum percentage and must immediately follow moisture.
 - (3) If listed on the label of a specialty pet food product, guarantees for "dietary starch" and "sugars" must be stated as maximum guaranteed amounts. Neither guaranteed amount may be listed without the other. The guaranteed amount for dietary starch must follow dietary fiber. The guaranteed amount for sugars must follow dietary starch with the same indentation.
 - (4) The "†calculated value" must appear immediately after the last guarantee.
 - (5) Other additional required or voluntary guarantees must appear as follows:
 - (a) The guarantees must follow ash, if listed, or moisture, if ash is not listed;
 - (b) Guarantees for nutrients must be in the same order and units of the nutrients in an AAFCO-recognized nutrient profile for the intended animal species. However, if no species-specific AAFCO-recognized nutrient profile is available, the order and units must follow the same order and units of nutrients in the AAFCO Cat Food Nutrient Profile;
 - (c) For those specialty pet species with an AAFCO-recognized nutrient profile for the intended animal species, guarantees for substances not listed in that profile, or not otherwise provided for in these regulations, immediately must follow the listing of the recognized nutrients and be accompanied by an asterisk.

Guarantees must contain the disclaimer "not recognized as an essential nutrient by". The statement also must include the specific AAFCO-recognized nutrient profile and must appear immediately after the guaranteed amounts. However, no disclaimer is required if no AAFCO-recognized nutrient profile is available for the specific species of specialty pet.

- (6) The statement of nutritional adequacy must follow the guarantees as one of the following:
 - (a) For daily foods for specialty pet species for which no recognized nutritional authority exists, the statement: "This product is intended to be a daily food."
 - (b) For all other specialty pet foods:
 - [1] A statement substantiating that the specialty pet food meets the requirements for nutritional adequacy in subsection 2 or 3 of section 7-17-12-01 by an AAFCO-recognized nutritional authority. It must be stated verbatim as the following: "(Name of product) is formulated to meet the nutritional levels established by". It must also include the AAFCO-recognized authority for species and stage of specialty pets life;
 - [2] A nutritional or dietary claim for purposes other than those listed in subsection 2 or 3 of section 7-17-12-01 if the claim is scientifically substantiated; or
 - [3] The statement: "This product is intended for intermittent or supplemental feeding only", if a product is suitable only for limited or intermittent or supplementary feeding.
3. The pet nutrition facts or specialty pet nutrition facts box of a pet food or a specialty pet food formulated as and represented to be a food supplement must include the information required in subsection 1 or 2 except that guarantees must only be displayed on a per feeding unit (e.g., tablets, capsules, granules, or liquids) basis.
 - a. For a food supplement that is intended to be a source of nutrients, guarantees must appear for all nutrients that the product is intended to provide under the header "nutrients":
 - (1) For nutrients with an established requirement by an AAFCO-recognized nutrient profile, minimum guarantees must be declared in the same order and units (i.e., g, mg, or IU) specified in the AAFCO-recognized nutrient profile for the intended species.
 - (2) When no species-specific nutrient profile has been recognized by AAFCO, minimum guarantees must be declared in the same order and units (e.g., g, mg, or IU) specified in the AAFCO Cat Food Nutrient Profiles.
 - (3) Guarantees for substances not listed in an AAFCO-recognized nutrient profile for the intended animal species, or not otherwise provided for in these regulations, immediately must follow the listing of the recognized nutrients and be accompanied by an asterisk.

The guarantee must include the disclaimer "**not recognized as an essential nutrient by". The statement must also include the specific AAFCO-recognized nutrient profile and must appear immediately after the last such guaranteed amounts. No disclaimer is required if no AAFCO-recognized nutrient profile is available for the specific species of specialty pet.
 - b. For a food supplement that is intended to supply microorganisms or enzymes, guarantees must be declared on a per feeding unit (e.g., tablets, capsules, granules, or liquids) basis. The enzyme activity unit meaning must follow the disclaimer within the box.

4. The sliding scale method of expressing a guaranteed amount on a pet food or specialty pet food label (e.g., "protein 15-18 percent min") is prohibited.
5. Protein, fat, calculated total carbohydrate, or dietary fiber are not required when the pet food or specialty pet food is intended for purposes other than to furnish these substances or they are of minor significance relative to the primary purpose of the product, such as a mineral or vitamin supplement.
6. For small packages with a total printable area of more than twelve square inches [77.42 square centimeters] and less than or equal to forty square inches [258.06 square centimeters], all information required in subsection 1 of section 7-17-05-01 must be listed. This information does not have to be in a box and must appear in one place without other intervening material as follows:
 - a. The required information must appear in the same order as required by this chapter;
 - b. Text must be the same size and style, except the heading "pet nutrition facts" or "specialty pet nutrition facts" must be bolded;
 - c. The text must be sufficiently large so as to be conspicuous and must not be smaller than one-sixteenth of one inch [1.59 millimeters];
 - d. The guaranteed amount must appear immediately after the amount "per familiar household unit" for each nutrient with the guaranteed amount enclosed in parentheses and all units clearly identified; and
 - e. The following abbreviations may be used: total carbohydrate as "carb", dietary fiber as "fiber".
7. For very small packages with a total printable area of less than or equal to twelve square inches [77.42 square centimeters], the following limited information must appear on the label in one place without other intervening material:
 - a. The same size and style text, except the heading "nutrition facts" shall be bolded;
 - b. Text sufficiently large so as to be conspicuous and not smaller than one-sixteenth of one inch [1.59 millimeters];
 - c. For pet foods, only total calories that must be stated as:
 - (1) "Cal (calc): [#]" when the calorie content is calculated; or
 - (2) "Cal (fed): [#]" when the calorie content is determined by testing; and
 - d. Guaranteed amounts stated in weight per entire contents (e.g., grams per pouch). The following required guaranteed amounts stated as a maximum or minimum, as appropriate:
 - (1) "Protein", which is crude protein;
 - (2) "Fat", which is crude fat;
 - (3) "Carb", which is calculated from [100 - (% crude protein + % crude fat + % moisture + % ash)];
 - (4) "Fiber", which is total dietary fiber;
 - (5) "Moisture", which is moisture; and

- (6) Additional required or voluntary guarantees that must follow moisture or ash, if listed, and must comply with the requirements for such guarantees in subdivision c of subsection 1 or subdivision b of subsection 2, as appropriate, except they must be stated in weight per entire contents.

History: Effective July 1, 2024.

General Authority: NDCC 4.1-41-20

Law Implemented: NDCC 4.1-41-05, 4.1-41-06, 4.1-41-07