

## **CHAPTER 7-17-03 BRAND AND PRODUCT NAMES**

Section

7-17-03-01

Brand and Product Names

### **7-17-03-01. Brand and product names.**

1. The words "one hundred percent" or "all", or words of similar designation may not be used in the brand or product name of a pet food or specialty pet food if the product contains more than one ingredient, not including decharacterizing agents, or trace amounts of preservatives and condiments.
2. An ingredient or combination of ingredients may form part of a product name of a pet food or specialty pet food when:
  - a. The ingredient constitutes at least ninety-five percent of the total weight of the product. Water sufficient for processing may be excluded when calculating the percentage; however, the ingredients must constitute at least seventy percent of the total product weight.
  - b. When any ingredient constitutes at least twenty-five percent of the weight of the product, provided:
    - (1) Water sufficient for processing may be excluded when calculating the percentage. However, the ingredient must constitute at least ten percent of the total product weight;
    - (2) A descriptor is used with the ingredient name. This descriptor must imply other ingredients are included in the product formula; and
    - (3) The descriptor must be in the same size, style, and color print as the ingredient name.
  - c. When a combination of ingredients that are included in the product name in accordance with this section meets all of the following:
    - (1) Each ingredient constitutes at least three percent of the product weight, excluding water sufficient for processing;
    - (2) The names of the ingredients appear in the order of their respective predominance by weight in the product; and
    - (3) All such ingredient names appear on the label in the same size, style, and color print.
  - d. When the name of any ingredient appears in the product name of a pet food, specialty pet food, or elsewhere on the product label and includes a descriptor such as "with" or similar designation, the named ingredient must constitute at least three percent of the product weight exclusive of water sufficient for processing. If the names of more than one ingredient are shown, they must appear in their respective order of predominance by weight in the product. The three percent minimum level may not apply to claims for nutrients, such as vitamins, minerals, and fatty acids, as well as condiments. The word "with" or similar designation, and named ingredients must be in the same size, style, color, and case print, and be of no greater size than:

Panel Size	Max "With Claim" Type Size
≤5 inches <sup>2</sup>	⅛ inch
>5 to ≤25 inches <sup>2</sup>	¼ inch
>25 to ≤100 inches <sup>2</sup>	⅜ inch
>100 to ≤400 inches <sup>2</sup>	½ inch
>400 inches <sup>2</sup>	1 inch

- e. A flavor designation may be included as part of the product name or elsewhere on the label of a pet food or specialty pet food when the flavor designation meets all of the following:
  - (1) The flavor designation:
    - (a) Conforms to the name of the ingredient as listed in the ingredient statement; or
    - (b) Is identified by the source of the flavor in the ingredient statement; and
  - (2) The word "flavor" is printed in the same size type and with an equal degree of conspicuousness as the name of the flavor designation; and
  - (3) Substantiation of the flavor designation, the flavor claim, or the ingredient source is provided upon request.
- f. The product name of the pet food or specialty pet food may not be derived from one or more ingredients unless all ingredients are included in the name, except as specified by this rule, provided that the name of an ingredient or combination of ingredients may be used as a part of the product name if:
  - (1) The ingredient or combination of ingredients is present in sufficient quantity to impart a distinctive characteristic to the product or is present in amounts that have a material bearing upon the price of the product or upon acceptance of the product by the purchaser thereof; or
  - (2) It does not constitute a representation that the ingredient or combination of ingredients is present to the exclusion of other ingredients.
- g. Contractions or coined names referring to ingredients may not be used in the brand name of a pet food or specialty pet food unless it is in compliance with this rule.

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

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

**Law Implemented:** NDCC 4.1-41-05