

CHAPTER 7-17-04 EXPRESSION OF GUARANTEES

Section
7-17-04-01 Expression of Guarantees

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1. The "guaranteed analysis" must be listed in the following order and format unless otherwise specified in these rules:
 - a. A pet food or specialty pet food label must list the following required guarantees:
 - (1) Minimum percentage of crude protein;
 - (2) Minimum percentage of crude fat;
 - (3) Maximum percentage of crude fat, if required;
 - (4) Maximum percentage of crude fiber;
 - (5) Maximum percentage of moisture; and
 - (6) Additional guarantees shall follow moisture.
 - b. When ash is listed in the guaranteed analysis on a pet food or specialty pet food label, it must be guaranteed as a maximum percentage and must immediately follow moisture.
 - c. When listed on the label of a dog or cat food product, guarantees for dietary starch and sugars must be stated as maximum percentages. Neither guarantee must be listed without the other. The guarantee for dietary starch must follow ash, if also listed; or moisture, if ash is not listed. The guarantee for sugars must follow dietary starch.
 - d. A dog or cat food label must list other required or voluntary guarantees in the same order and units of the nutrients in the association of American feed control officials dog or cat food nutrient profiles. Guarantees for substances not listed in the association of American feed control officials dog or cat food nutrient profiles, or not otherwise provided for in these regulations, must immediately follow the listing of the recognized nutrients and must be accompanied by an asterisk referring to the disclaimer "not recognized as an essential nutrient by the association of American feed control officials dog or cat food nutrient profiles". The disclaimer must appear immediately after the last such guarantee in the same size type as the guarantees.
 - e. A specialty pet food label must list other required or voluntary guarantees in the same order and units of the nutrients in an association of American feed control officials recognized nutrient profile for the specific species; however, if no species-specific association of American feed control officials recognized nutrient profile is available, the order and units must follow the same order and units of nutrients in the association of American feed control officials cat food nutrient profile. Guarantees for substances not listed in an association of American feed control officials recognized nutrient profile for the specific species of animal must immediately follow the listing of recognized nutrients and must be accompanied by an asterisk referring to the disclaimer "not recognized as an essential nutrient by the "with the blank filled in by listing the specific association of American feed control officials recognized nutrient profile. This disclaimer must appear immediately after the last such guarantee in the same sized type as the guarantees. Such a disclaimer may not be required unless an association of American feed control officials recognized nutrient profile is available for the specific species of specialty pet.

2. The sliding scale method of expressing a guaranteed analysis on a pet food or specialty pet food label, for example "minimum crude protein 15-18 percent" is prohibited.
3. The label of a pet food or a specialty pet food that is formulated as and represented to be a mineral supplement must include:
 - a. Minimum guarantees for all minerals from sources declared in the ingredient statement and established by an association of American feed control officials recognized nutrient profile, expressed as the element in units specified in the nutrient profile;
 - b. Minimum guarantees for all minerals from sources declared in the ingredient statement expressed as the element in units specified in the association of American feed control officials cat food nutrient profiles when no species-specific nutrient profile has been recognized by association of American feed control officials;
 - c. Mineral guarantees required by these rules may be expressed in milligrams per unit (e.g., tablets, capsules, granules, or liquids) consistent with those employed in the quantity statement and directions for use; and
 - d. A weight equivalent (e.g., one fluid ounce equals twenty-eight grams) for liquid products.
4. The label of the pet food or a specialty pet food which is formulated as and represented to be a vitamin supplement must include:
 - a. Minimum guarantees for all vitamins from sources declared in the ingredient statement and established by an association of American feed control officials recognized nutrient profile, expressed in units specified in the nutrient profile;
 - b. Minimum guarantees for all vitamins from sources declared in the ingredient statement expressed in units specified in the association of American feed control officials cat food nutrient profiles when no species-specific nutrient profile has been recognized by association of American feed control officials;
 - c. Vitamin guarantees required by these rules may be expressed in approved units (e.g., IU, mg, g) per unit (e.g., tablets, capsules, granules, or liquids) consistent with those employed in the quantity statement and directions for use; and
 - d. A weight equivalent (e.g., one fluid ounce equals twenty-eight grams) for liquid products.
5. When the label of a pet food or specialty pet food includes a comparison of the nutrient content of the food with levels established by an association of American feed control officials recognized nutrient profile, such as a table of comparison, a percentage, or any other designation referring to an individual nutrient or all of the nutrient levels, the following apply:
 - a. The product must meet the association of American feed control officials recognized nutrient profile;
 - b. The statement of comparison must be preceded by a statement that the product meets the association of American feed control officials recognized profile. However, this statement is not required provided that the nutritional adequacy statement as required by these rules appears elsewhere on the product label;
 - c. The statement of comparison of the nutrient content must constitute a guarantee, but need not be repeated in the guaranteed analysis; and
 - d. The statement of comparison may appear on the label separate and apart from the guaranteed analysis.

6. The maximum moisture declared on a pet food or specialty pet food label may not exceed seventy-eight percent or the natural moisture content of the ingredients, whichever is higher. However, pet food and specialty pet food such as those consisting principally of stew, gravy, sauce, broth, aspic, juice, or a milk replacer, and which are so labeled, may contain moisture in excess of seventy-eight percent.
7. Guarantees for crude protein, crude fat, and crude 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.
8. Guarantees for microorganisms and enzymes must be stated in the format as stipulated in model regulation 4g and 4h (check North Dakota Century Code).

History: Effective July 1, 2020.

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Law Implemented: NDCC 4.1-41-05