

## **CHAPTER 7-17-07**

### **NUTRITIONAL ADEQUACY FEEDING**

Section

7-17-07-01

Nutritional Adequacy

#### **7-17-07-01. Nutritional adequacy.**

1. The label of a pet food or specialty pet food that is intended for all life stages and sizes of the pet or specialty pet may include an unqualified claim, directly or indirectly, such as "complete and balanced", "perfect", or "scientific" if at least one of the following apply:
  - a. The product meets the nutrient requirements for all life stages and sizes established by an association of American feed control officials recognized nutrient profile;
  - b. The product meets the criteria for all life stages as substantiated by completion of the appropriate association of American feed control officials recognized animal feeding protocol; or
  - c. The product is a member of a product family that is nutritionally similar to a lead product that contains a combination of ingredients that has been fed to a normal animal as the sole source of nourishment in accordance with the testing procedures established by association of American feed control officials for all life stages, provided that:
    - (1) The nutritional similarity of the family product can be substantiated according to the procedures for establishing pet food product families developed by association of American feed control officials;
    - (2) The family product meets the criteria for all life stages; and
    - (3) Under circumstances of reasonable doubt, the state control official may require the manufacturer to perform additional testing of the family product in order to substantiate the claim of nutritional adequacy.
2. The label of a pet food or specialty pet food that is intended for a limited purpose, such as the size of dog or a specific life stage, but not for all sizes and life stages, may include a qualified claim such as "complete and balanced", "perfect", or "scientific" when the product and claim meet all of the following:
  - a. The claim is qualified with a statement of the limited purpose or specific life stage for which the product is intended or suitable, for example, "complete and balanced for puppies or kittens". The claim and the required qualification must be juxtaposed on the same label panel and in the same size, style, and color print; and
  - b. The product must meet at least one of the following:
    - (1) The nutrient requirements for the limited purpose or specific life stage established by an association of American feed control officials recognized nutrient profile;
    - (2) The criteria for a limited purpose or a specific life stage as substantiated by completion of the appropriate association of American feed control officials recognized animal feeding protocol; or
    - (3) The requirements of a product family that is nutritionally similar to a lead product that contains a combination of ingredients which, when fed for such limited purpose, will satisfy the nutrient requirements for such limited purpose and has had its capabilities in this regard demonstrated by adequate testing, and provided that:

- (a) The nutritional similarity of the family product can be substantiated according to the procedures for establishing pet food product families developed by association of American feed control officials;
  - (b) The family product meets the criteria for such limited purpose; and
  - (c) Under circumstances of reasonable doubt, the state control official may require the manufacturer to perform additional testing for the family product to substantiate the claim of nutritional adequacy.
- 3. Dog and cat food labels must include a statement of nutritional adequacy or purpose of the product except when the dog or cat food is clearly and conspicuously identified on the principal display panel as a "snack", "treat", or "supplement". The statement must consist of one of the following:
  - a. A claim that the dog or cat food meets the requirements of one or more of the recognized categories of nutritional adequacy: gestation and lactation, growth, maintenance, and all life stages. The claim must be stated verbatim as one of the following:
    - (1) "(Product name) is formulated to meet the nutritional levels established by the association of American feed control officials dog or cat food nutrient profiles for (stage of life, or the words "all life stages"). For a dog food, when the blank includes the words "growth" or "all life stages", one of the following phrases also must be added verbatim to the end of the claim:
      - (a) "including growth of large size dogs (seventy pound or more as an adult)" if the product has been formulated to meet the levels of nutrients specifically reference in the dog food nutrient profiles as being applicable to large size growing dogs; or
      - (b) "except for growth of large size dogs (seventy pounds or more as an adult)" if the product has not been formulated to meet the levels of nutrients specifically referenced in the dog food nutrient profiles as being applicable to large size growing dogs; or
    - (2) "Animal feeding tests using association of American feed control officials procedures substantiate that (product name) provides complete and balanced nutrition for (life stage).
    - (3) "(Product name) provides complete and balanced nutrition for (life stage) and is comparable in nutritional adequacy to a product that has been substantiated using association of American feed control officials feeding tests."
  - b. A nutritional or dietary claim for purposes other than those listed in this rule if the claim is scientifically substantiated;
  - c. The statement: "This product is intended for intermittent or supplemental feeding only", if a product does not meet the requirements of this rule or any other special nutritional or dietary need and is suitable only for limited or intermittent or supplementary feeding.
- 4. A product intended for use by, or under the supervision or direction of a veterinarian must make a statement in accordance with this rule.
- 5. A signed affidavit attesting that the product meets the requirements of this rule must be submitted to the state control official upon request.

6. If the nutrient content of a product does not meet those nutrient requirements established by an association of American feed control officials recognized nutrient profile, or if no requirement has been established by an association of American feed control officials recognized nutritional authority for the life stage of the intended species, the claimed nutritional adequacy or purpose of the product must be scientifically substantiated.
7. The following association of American feed control officials recognized nutritional authority, nutrient profile, and animal feeding protocol must be acceptable as the basis for a claim of nutritional adequacy:
  - a. As an association of American feed control officials recognized nutrient profile for nutritional authority:
    - (1) For dogs, the association of American feed control officials dog food nutrient profiles.
    - (2) For cats, the association of American feed control officials cat food nutrient profiles.
    - (3) For specialty pets, the nutrient recommendations approved by the committee on animal nutrition of the national research council of the national academy of sciences, provided that this nutrient recommendation is recognized only for the specific specialty pet for which the profile is intended.
  - b. As an association of American feed control officials recognized animal feeding protocol, the association of American feed control officials dog and cat food feeding protocols.

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

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

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