

CHAPTER 7-17-05 INGREDIENTS

Section
7-17-05-01 Ingredients

7-17-05-01. Ingredients.

1. Each ingredient of a pet food or specialty pet food must be listed in the ingredient statement as follows:
 - a. The names of all ingredients in the ingredient statement must be shown in letters or type of the same size, style, and color, except if the defined name of the ingredient includes genus and species (e.g., microorganisms) which may be shown in italics;
 - b. The ingredients must be listed in descending order by their predominance by weight in nonquantitative terms except if the ingredient is a vitamin or mineral premix, the premix may be declared in order of predominance by the name "vitamins" or "minerals," as appropriate, followed by a parenthetical listing of all the vitamins or minerals in the premix, each in order of predominance by weight as listed on the ingredient statement of the premix label;
 - c. Ingredients must be listed and identified by the name established by AAFCO;
 - d. An ingredient for which no name and definition have been established must be identified by the common or usual name of the ingredient;
 - e. An ingredient suitable for use in pet food or specialty pet food for which there is a codified standard of identity in title 9 or 21, Code of Federal Regulations shall be declared in accordance with the applicable regulation, which includes the name of the standardized food followed by a parenthetical listing of its ingredients, if necessary, as provided in the regulation;
 - f. The ingredients "meat," "poultry," "poultry byproducts," or "meat byproducts" must be qualified to designate the animal from which the ingredients are derived unless the meat or meat byproducts are derived from cattle, swine, sheep, goats, or any combination thereof or the poultry or poultry meal are derived from chickens, turkeys, ducks, geese, guineas, ratites, or squabs, or any combination thereof. For example, ingredients derived from deer shall be listed as "venison" or "venison byproducts";
 - g. For ingredients consisting of fish, "fish meal," or "fish byproducts," the name of the ingredient may include "fish" without further specification of the type of the fish or if it bears a name descriptive of its kind (e.g., "ocean whitefish" or by using the acceptable market name or common name, but not any vernacular or slang names, of the individual fish species in the ingredient as established by the FDA Seafood List), it must correspond thereto; and
 - h. For purposes of ingredient labeling of pet food or specialty pet food, the ingredient "sugar" must refer to sucrose, which is obtained from sugar cane or sugar beets in accordance with the provisions in title 21, Code of Federal Regulations. For all other labeling purposes outside the ingredient list, the term "sugar" is synonymous with "sugars" as defined in the official feed terms.
2. Brand or trade names may not be used in the ingredient statement.
3. Reference to quality or grade of an ingredient may not appear in the ingredient statement.

4. The term "organic", if properly used as specified by the United States department of agriculture national organic program (title 7, Code of Federal Regulations, part 205), is allowed.
5. A reference to the nature, form, or other attribute of an ingredient must be allowed in the ingredient statement when that attribute imparts a distinctive characteristic to the pet food or specialty pet food.
6. Any reference to the percentage of an ingredient or combination of ingredients, by symbol or word, in the brand or product name or elsewhere on a pet food or specialty pet food label, must be based in relation to the total weight of all ingredients in the product.
 - a. The names of the ingredients must appear in order of predominance by weight in the product, provided that names of flavors due to their varying intensity may be in any order.
 - b. If water sufficient for processing is excluded from the declared percentage, the exclusion of water must be indicated in words juxtaposed to, the same style and color print, and at least one-half the print size of the stated percentage (e.g., "95% beef exclusive of water" or "95 percent chicken and liver exclusive of water").

History: Effective July 1, 2020; amended effective July 1, 2024.

General Authority: NDCC 4.1-41-20

Law Implemented: NDCC 4.1-41-05