

02 NCAC 09D .0102 LABEL FORMAT AND LABELING

(a) The statement of net content and product name must be shown on the principal display panel. All other required information may be placed elsewhere on the label but shall be sufficiently conspicuous as to render it easily read by the average purchaser under ordinary conditions of purchase and sale.

(b) The declaration of the net content shall be made in conformity with the United States "Fair Packaging and Labeling Act" and the regulations promulgated thereunder.

(c) The information which is required to appear on the label under the "Guaranteed Analysis" shall be listed in the following order:

- (1) Crude protein (minimum amounts);
- (2) Crude fat (minimum amounts);
- (3) Crude fiber (maximum amounts);
- (4) Moisture (maximum amounts);
- (5) Additional guarantees shall follow moisture.

(d) The label of a pet food shall specify the name and address of the manufacturer, packer, or distributor of the pet food. The statement of the place of business should include the street address, if any, of such place unless such street address is shown in a current city directory or telephone directory.

(e) If a person manufactures, packages, or distributes a pet food in a place other than his principal place of business, the label may state the principal place of business in lieu of the actual place where each package of such pet food was manufactured or packaged or is to be distributed if such statement is not misleading in any particular, and provided each package of such pet food shall be coded to indicate location of plant where manufactured or processed when more than one plant is involved in the processing or packaging of one pet food.

(f) A vignette, graphic, or pictorial representation of a product on a pet food label shall not misrepresent the contents of the package.

(g) The use of the word "proven" in connection with label claims for a pet food is improper unless scientific or other empirical evidence establishing the claim represented as "proven" is available.

(h) No statement shall appear upon the label of a pet food which makes false or misleading comparisons between that pet food and any other pet food.

(i) Personal or commercial endorsements are permitted on pet food labels where said endorsements are factual and not otherwise misleading.

(j) When a pet food is enclosed in an outer container or wrapper which is intended for retail sale, all required label information must appear on such outside wrapper or container unless all of the required label information is readily legible through apertures or transparencies in such outside container or wrapper.

(k) The words "Dog Food," "Cat Food," or similar designations must appear conspicuously upon the principal display panels of the pet food labels.

(l) The label of a pet food shall not contain an unqualified representation or claim, directly or indirectly, that the pet food therein contained or a recommended feeding thereof, is or meets the requisites of a complete, perfect, scientific or balanced ration for dogs or cats unless such product or feeding contains other than the following:

- (1) ingredients in quantities sufficient to provide the estimated nutrient requirements for all stages of the life of a dog or cat, as the case may be, which have been established by a recognized authority on animal nutrition, such as the Committee on Animal Nutrition of the National Academy of Sciences; To the extent that the product's ingredients provide nutrients in amounts which substantially deviate from those nutrient requirements estimated by such a recognized authority on animal nutrition, or in the event that no estimation has been made by a recognized authority on animal nutrition of the requirements of animals for one or more stages of said animals' lives, the product's represented capabilities in this regard must have been demonstrated by adequate testing;
- (2) a combination of ingredients which when fed to a normal animal as the only source of nourishment will provide satisfactory for fertility of male and female, gestation and lactation, normal growth from weaning to maturity without supplementary feeding, and will maintain the normal weight of an adult animal whether working or at rest and has had its capabilities in this regard demonstrated by adequate testing.

(m) Labels for products which are compounded for or which are suitable for only a limited purpose (i.e., a product designed for the feeding of puppies) may contain representations that said pet food product or recommended feeding thereof, is or meets the requisites of a complete, perfect, scientific or balanced ration for dogs or cats only in the following instances:

- (1) In conjunction with a statement of the limited purpose for which the product is intended or suitable (as, for example, in the statement "a complete food for puppies"). Such representations

and such required qualifications therefor shall be juxtaposed on the same panel and in the same size, style and color print; and

- (2) Such qualified representations may appear on pet food labels only if the following are present:
- (A) The pet food contains ingredients sufficient to satisfy the estimated nutrient requirements established by a recognized authority on animal nutrition, such as the Committee on Animal Nutrition of the National Research Council of the National Academy of Sciences for such limited or qualified purpose; or
 - (B) The pet food product 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.

History Note: Authority G.S. 106-284.1;
Eff. February 1, 1976;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 22, 2015.