

**RULES  
OF  
TENNESSEE DEPARTMENT OF AGRICULTURE  
DIVISION OF MARKETS**

**CHAPTER 0080-05-05  
COMMERCIAL FEED**

**TABLE OF CONTENTS**

0080-05-05-.01	Definitions and Terms	0080-05-05-.11	Good Manufacturing Practices
0080-05-05-.02	Label Format	0080-05-05-.12	Definitions and Terms
0080-05-05-.03	Brand and Product Names	0080-05-05-.13	Label Format and Labeling
0080-05-05-.04	Expression of Guarantees	0080-05-05-.14	Brand and Product Names
0080-05-05-.05	Ingredients	0080-05-05-.15	Expression of Guarantees
0080-05-05-.06	Directions for Use and Precautionary Statements	0080-05-05-.16	Ingredients
0080-05-05-.07	Non-Protein Nitrogen	0080-05-05-.17	Directions for Use
0080-05-05-.08	Drug and Feed Additives	0080-05-05-.18	Drugs and Pet Food Additives
0080-05-05-.09	Adulterants	0080-05-05-.19	License Fees and Tonnage
0080-05-05-.10	Standards		Reports

**0080-05-05-.01 DEFINITION AND TERMS.**

- (1) The names and definitions for commercial feeds shall be the Official Definition of Feed Ingredients adopted by the Association of American Feed Control Officials, except as the Commissioner designates otherwise in specific cases.
- (2) The terms used in reference to commercial feeds shall be the Official Feed Terms adopted by the Association of American Feed Control Officials, except as the Commissioner designates otherwise in specific cases.
- (3) The following commodities are hereby declared exempt from the definition of commercial feed, under the provisions of Section 3(d) of the Act: hay, straw, stover, silage cobs, husks and hulls when unground and when not mixed or intermixed with other materials; Provided that these commodities are not adulterated within the meaning of 0080-05-06-.07(l) of the Act.

**Authority:** T.C.A. § 44-1127. **Administrative History:** Original rule certified June 5, 1974.

**0080-05-05-.02 LABEL FORMAT.** Commercial feeds shall be labeled with the information prescribed in this regulation on the principal display panel of the product and in following general format:

- (a) Net Weight.
- (b) Product name and brand name if any.
- (c) If drugs are used:
  1. The word "medicated" shall appear directly following and below the product name in type size no smaller than one half the type size of the product name.
  2. The purpose of medication (claim statement.)
  3. The required direction for use and precautionary statements or reference to their location if the detailed feeding directions and precautionary statements required by 0080-05-06-.06 and .07 of this regulation appear elsewhere on the label.

(Rule 0080-05-05-.02, continued)

4. An active drug ingredient statement listing the active drug ingredients by their established name and the amounts in accordance with regulation 0080-05-06-.04(4).
- (d) The guaranteed analysis of the feed as required under the provisions of Section 0080-05-06-.05(l) of the Act include the following items, unless exempted in 0080-05-06-.05(l) and in the order listed:
1. Minimum percentage of crude protein.
  2. Maximum percentage of equivalent protein from non-protein nitrogen as required in regulation 0080-05-06-.04(5).
  3. Minimum percentage of crude fat.
  4. Maximum percentage of crude fiber.
  5. Minerals to include in the following order; (a.) minimum and maximum percentages of calcium (CA), (b) minimum percentages of phosphorus (P), (c) minimum and maximum percentages of salt (NACL) and (d) other minerals.
  6. Vitamins in such terms as specified in regulation Section 0080-05-06-.04(3).
  7. Total sugars as invert on dried molasses products or products being sold primarily for their molasses content.
  8. EXEMPTIONS
    - (i) Guarantees for minerals are not required when there are no specific label claims and when the commercial feed contains less than 6 1/2% of mineral elements.
    - (ii) Guarantees for vitamins are not required when the commercial feed is neither formulated for nor represented in any manner as a vitamin supplement.
    - (iii) Guarantees for crude protein, crude fat and crude fiber are not required when the commercial feed is intended for purposes other than to furnish these substances or they are of minor significance relating to the primary purpose of the product, such as drug premixes, mineral or vitamin supplements, and molasses.
- (e) Feed ingredients, collective terms for the grouping of feed ingredients, or appropriate statements as provided under the provisions of Section 0080-05-06-.05(l) of the Act.
1. The name of each ingredient as defined in the Official Definitions of Feed Ingredients published in the Official Publication of the Association of American Feed Control Officials, common or usual name, or one approved by the Commissioner.
  2. Collective terms for the grouping of feed ingredients as defined in the Official Definitions of Feed Ingredients published in the Official Publication of the Association of American Feed Control Officials in lieu of the individual ingredients; Provided that:

(Rule 0080-05-05-.02, continued)

- (i) When a collective term for a group of ingredients is used on the label, individual ingredients within that group shall not be listed on the label.
  - (ii) The manufacturer shall provide the feed control official, upon request, with a listing of individual ingredients within a defined group, that are or have been used at manufacturing facilities distributing in or into the state.
- (f) Name and principal mailing address of the manufacturer or person responsible for distributing the feed. The principal mailing address shall include the street address, city, state, and zip code; however, the street address may be omitted if it is shown in the current city directory or telephone director.
- (g) The information required in 0080-05-06-.05(a) of the Act must appear in its entirety on one side of the label or on one side of the container. The information required by 0080-05-06-.05(l) and .06-.07 of the Act shall be displayed in a prominent place on the label or container but not necessarily on the same side as the above information. When the information required by 0080-05-06-.05(l) and .06-.07 is placed on a different side of the label or container, it must be referenced on the front side with a statement such as "See back of label for directions for use". None of the information required by 0080-05-06-.05 of the Act shall be subordinated or obscured by other statements or designs.

**Authority:** T.C.A. § 4-3-203, 44-1127, and 44-6-110. **Administrative History:** Original rule certified June 5, 1974. Amendments filed March 30, 2017; effective June 28, 2017.

#### **0080-05-05-.03 BRAND AND PRODUCT NAMES.**

- (1) The brand or product name must be appropriate for the intended use of the feed and not be misleading. If the name indicates the feed is made for a specific use, the character must conform therewith. A mixture labeled "Dairy Feed", for example, must be suitable for that purpose.
- (2) Commercial, registered brand or trade names are not permitted in guarantees or ingredient listings.
- (3) The name of a commercial feed shall not be derived from one or more ingredients of a mixture to the exclusion of other ingredients and shall not be one representing any components of a mixture unless all components are included in the name: Provided, That if any ingredients or combination of ingredients is intended to impart a distinctive characteristic to the product which is of significance to the purchaser, the name of that ingredient or combination of ingredients may be used as a part of the brand name or product name if the ingredient or combination of ingredients is quantitatively guaranteed in the guaranteed analysis, and the brand or product name is not otherwise false or misleading.
- (4) The word "protein" shall not be permitted in the product name of a feed that contains added non-protein nitrogen.
- (5) When the name carries a percentage value, it shall be understood to signify protein and/or equivalent protein content only, even though it may not explicitly modify the percentage with the word "protein": Provided, That other percentage values may be permitted if they are followed by the proper description and conform to good labeling practice. When a figure is used in the brand name (except in mineral, vitamin, or other products where the protein guarantee is nil or unimportant, it shall be preceded by the word "number" or some other suitable designation.

(Rule 0080-05-05-.03, continued)

- (6) Single ingredient feeds shall have a product name in accordance with the designated definition of feed ingredients as recognized by the Association of American Feed Control Officials unless the Commissioner designates otherwise.
- (7) The word "vitamin" or a contraction thereof, or any word suggesting vitamin can be used only in the name of a feed which is represented to be a vitamin supplement, and which is labeled with the minimum content of each vitamin declared, as specified in 0080-05-06-.04(3).
- (8) The term "mineralized" shall not be used in the name of a feed, except for "TRACE MINERALIZED SALT". When so used, the product must contain significant amounts of trace minerals which are recognized as essential for animal nutrition.
- (9) The term "meat" and "meat-by-products" shall be qualified to designate the animal from which the meat and meat by-products are derived unless the meat and meat by-products are from cattle, swine, sheep, and goats.

**Authority:** T.C.A. § 44-1127. **Administrative History:** Original rule certified June 5, 1974.

#### **0080-05-05-.04 EXPRESSION OF GUARANTEES.**

- (1) The guarantees for crude protein, equivalent protein from non-protein nitrogen, crude fat, crude fiber, and mineral guarantees (when required) will be in terms of percentage of weight.
- (2) Commercial feeds containing 6 1/2% or more mineral elements shall include in the guaranteed analysis the minimum and maximum percentages of calcium (CA), the minimum percentage of phosphorus (P), and if salt is added, the minimum and maximum percentage of salt (NACL). Minerals, except salt (NACL) shall be guaranteed in terms of percentage of the element. When calcium and/or salt guarantees are given in the guaranteed analysis such shall be stated and conform to the following:
  - (a) When the minimum is 5% or less, the maximum shall not exceed the minimum by more than one percentage point.
  - (b) When the minimum is above 5%, the maximum shall not exceed the minimum by more than 20%, and in no case shall the maximum exceed the minimum by more than 5 percentage points.
- (3) Guarantees for minimum vitamin content of commercial feeds and feed supplements, when made, shall be stated on the label in milligrams per pound of feed except that:
  - (a) Vitamin A, other than precursors of Vitamin A, shall be stated in USP units per pound.
  - (b) Vitamin D, in products offered for poultry feeding, shall be stated in International Chick Units per pound.
  - (c) Vitamin D for other uses shall be stated in USP units per pound.
  - (d) Vitamin E shall be stated in International or USP units per pound.
  - (e) Guarantees for vitamin content on the label of a commercial feed shall state the guarantee as true vitamins, not compounds, with the exception of the compounds, Pyridoxine, Hydrochloride, Choline Chloride, Thiamine and d-Pantothenic Acid.
  - (f) Oils and premixes containing Vitamin A or Vitamin D or both may be labeled to show vitamin content in terms of units per gram.

(Rule 0080-05-05-.04, continued)

- (4) Guarantees for drugs shall be stated in terms of percent by weight, except:
- (a) Antibiotics present at less than 2000 grams per ton (total) of commercial feed shall be stated in grams per ton of commercial feed.
  - (b) Antibiotics present at more than 2000 grams per ton (total) of commercial feed shall be stated in grams per pound of commercial feed.
  - (c) Labels for commercial feeds containing growth promotion and/or feed efficiency levels of antibiotics, which are to be fed continuously as the sole ration, are not required to make quantitative guarantees except as specifically noted in the Federal Food Additive Regulations for certain antibiotics, wherein quantitative guarantees are required regardless of the level or purpose of the antibiotic.
  - (d) The terms "milligrams per pound" may be used for drugs or antibiotics in those cases where a dosage is given in "milligrams" in the feeding directions.
- (5) Commercial feeds containing any added non-protein nitrogen shall be labeled as follows:
- (a) Complete feeds, supplements, and concentrates containing added non-protein nitrogen and containing more than 5% protein from natural sources shall be guaranteed as follows:  
  
Crude protein, minimum \_\_\_\_\_ % (This includes not more than \_\_\_\_\_% equivalent protein from non-protein nitrogen).
  - (b) Mixed feed concentrates and supplements containing less than 5% protein from natural sources may be guaranteed as follows:  
  
Equivalent crude protein from non-protein nitrogen, minimum \_\_\_\_\_ % .
  - (c) Ingredient sources of non-protein nitrogen such as Urea, Di-Ammonium Phosphate, Ammonium Polyphosphate Solution, Ammoniated Rice Hulls, or other basic non-protein nitrogen ingredients defined by the Association of American Feed Control Officials shall be guaranteed as follows:  
  
Nitrogen, minimum \_\_\_\_\_%. Equivalent Crude Protein from Non-Protein Nitrogen minimum \_\_\_\_\_ %.
- (6) Mineral phosphatic materials for feeding purposes shall be labeled with the guarantee for minimum and maximum percentage of calcium (when present), the minimum percentage of phosphorus, and the maximum percentage of fluorine.
- (7) The sliding scale method of expressing guarantees (for example, protein 15-18%) is prohibited.

**Authority:** T.C.A. § 44-1127. **Administrative History:** Original rule certified June 5, 1974.

**0080-05-05-.05 INGREDIENTS.**

- (1) The name of each ingredient or collective term for the grouping of ingredients, when required to be listed, shall be the name as defined in the Official Definitions of Feed Ingredients as published in the Official Publication of American Feed Control Officials, the common or usual name or one approved by the Commissioner.
- (2) The name of each ingredient must be shown in letters or type of the same size.
- (3) No reference to quality or grade of an ingredient shall appear in the ingredient statement of a feed.
- (4) The term "dehydrated" may precede the name of any product that has been artificially dried
- (5) A single ingredient product defined by the Association of American Feed Control Officials is not required to have an ingredient statement.
- (6) Tentative definitions for ingredients shall not be used until adopted as official, unless no official definition exists or the ingredient has a common accepted name that requires no definition, (i.e. sugar).
- (7) When the word "iodized" is used in connection with a feed ingredient, the feed ingredient shall contain not less than 0.007% iodine, uniformly distributed.

**Authority:** T.C.A. § 44-1127. **Administrative History:** Original rule certified June 5, 1974.

**0080-05-05-.06 DIRECTIONS FOR USE AND PRECAUTIONARY STATEMENTS.** Directions for use and precautionary statements on the labeling of all commercial feeds and customer formula feeds containing additives (including drugs, special purpose additives, or non-nutritive additives) shall be adequate:

- (a) To enable safe and effective use for the intended purposes by users with no special knowledge of the purpose and use of such articles: and,
- (b) Shall include, but not be limited to, all information prescribed by all applicable regulations under the Federal Food, Drug and Cosmetic Act.
- (c) Adequate directions for use and precautionary statements are required for feeds containing non-protein nitrogen as specified in 0080-05-06-.07.

**Authority:** T.C.A. § 44-1127. **Administrative History:** Original rule certified June 5, 1974.

**0080-05-05-.07 NON-PROTEIN NITROGEN.**

- (1) Urea and other non-protein nitrogen products defined in the Official Publication of the Association of American Feed Control Officials are acceptable ingredients only in commercial feeds for ruminant animals as a source of equivalent crude protein and are not to be used in commercial feeds for other animals and birds.
- (2) If the commercial feed contains more than 8.75% of equivalent crude protein from all forms of non-protein nitrogen, added as such, or the equivalent crude protein from all forms of non-protein nitrogen, added as such, exceeds one-third of the total crude protein, the label shall bear adequate directions for the safe use of feeds and a precautionary statement:

"CAUTION: USE AS DIRECTED"

(Rule 0080-05-05-.07, continued)

The directions for use and the caution statement shall be in type of such size so placed on the label that they will be read and understood under customary conditions of purchase and use.

- (3) On labels such as those for medicated feeds which bear adequate feeding directions and/or warning statements, the presence of added non-protein nitrogen shall not require a duplication of the feeding directions or the precautionary statements as long as those statements include sufficient information to insure the safe and effective use of this product due to the presence of non-protein nitrogen.

**Authority:** T.C.A. § 44-1127. **Administrative History:** Original rule certified June 5, 1974.

#### **0080-05-05-.08 DRUG AND FEED ADDITIVES.**

- (1) Prior to approval of a registration application and/or approval of a label for commercial feed which contains additives (including drugs, other special purpose additives, or nonnutritive additives) the distributor may be required to submit evidence to prove the safety and efficacy of the commercial feed when used according to the directions on the label.
- (2) Satisfactory evidence of safety and efficacy of a commercial feed may be:
  - (a) When the commercial feed contains such additives, the use of which conforms to the requirements of the applicable regulation in the Code of Federal Regulations, Title 21, or which are "prior sanctioned" or "generally recognized as safe" for such use, or
  - (b) When the commercial feed is itself a drug as defined in Section 3 (g) of the Act and is generally recognized as safe and effective for the label use or is marketed subject to an application approved by the Food and Drug Administration under Title 21 U.S.C. 360(b).

**Authority:** T.C.A. § 44-1127. **Administrative History:** Original rule certified June 5, 1974.

#### **0080-05-05-.09 ADULTERANTS.**

- (1) For the purpose of Section 7 (a)(1) of the Act, the terms "poisonous or deleterious substances include but are not limited to the following:
  - (a) Fluorine and any mineral or mineral mixture which is to be used directly for the feeding of domestic animals and in which the fluorine exceeds 0.30% for cattle; 0.35% for sheep; 0.45% for swine; and 0.60% for poultry.
  - (b) Fluorine bearing ingredients when used in such amounts that they raise the fluorine content of the total ration above the following amounts: 0.009% for cattle; 0.01% for sheep; 0.014% for swine; and 0.035% for poultry.
  - (c) Soybean meal, flakes or pellets or other vegetable meals, flakes or pellets which have been extracted with trichlorethylene or other chlorinated solvents.
  - (d) Sulfur dioxide, sulfurous acid and salts of sulfurous acid when used in or on feeds or feed ingredients which are considered or reported to be a significant source of Vitamin B1 (Thiamine).
- (2) All screenings or by-products of grains and seeds containing weed seeds, when used in commercial feed or sold as such to the ultimate consumer, shall be ground fine enough or otherwise treated to destroy the viability of such weed seeds so that the finished product contains no more than 20 viable prohibited weed seeds per pound and not more than 100 viable restricted weed seeds per pound.

(Rule 0080-05-05-.09, continued)

**Authority:** T.C.A. § 44-1127. **Administrative History:** Original rule certified June 5, 1974.

**0080-05-05-.10 STANDARDS.** Standards for various classes of feed will be published as conditions require.

- (1) (a) A standard in effect is: The following materials are prohibited in all feeds: Coconut shells, sawdust, damaged or salvaged feed, moldy material, metal particles, screenings containing whole viable weed seeds beyond limitation, sand, gravel or crotalariae spectabilis.

**Authority:** T.C.A. § 44-1127. **Administrative History:** Original rule certified June 5, 1974.

**0080-05-05-.11 GOOD MANUFACTURING PRACTICES.**

- (1) For the purpose of enforcement of Section 7 (d) of the Act the Commissioner adopts the following as current good manufacturing practices:
  - (a) The regulations prescribing good manufacturing practices for medicated feeds as published in the Code of Federal Regulations, Title 21, Part 133, Sections 133.100-133.110.
  - (b) The regulations prescribing good manufacturing practices for medicated premixes as published in the Code of Federal Regulations, Title 21, Part 133, Sections 133.200-133.210.

**Authority:** T.C.A. § 44-1127. **Administrative History:** Original rule certified June 5, 1974.

**0080-05-05-.12 DEFINITIONS AND TERMS.**

- (1) PRINCIPAL DISPLAY PANEL means the part of a label that is most likely to be displayed, presented, shown or examined under normal and customary conditions of display for retail sale.
- (2) INGREDIENT STATEMENT means a collective and contiguous listing on the label of the ingredients of which the pet food is composed.
- (3) IMMEDIATE CONTAINER means the unit, can, box, tin, bag, or other receptacle or covering in which a pet food is displayed for sale to retail purchasers, but does not include containers used as shipping containers.

**Authority:** T.C.A. § 44-1127. **Administrative History:** Original rule certified June 5, 1974.

**0080-05-05-.13 LABEL FORMAT AND LABELING.**

- (1) 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.
- (2) 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.
- (3) The information which is required to appear in the "Guaranteed Analysis" shall be listed in the following order:



(Rule 0080-05-05-.13, continued)

Crude protein (Minimum Amount)  
Crude fat (Minimum Amount)  
Crude fiber (Maximum Amount)  
Moisture (Maximum Amount)

Additional guarantees shall follow moisture.

- (4) 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.
- (5) 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.
- (6) A vignette, graphic, or pictorial representation of a product on a pet food label shall not misrepresent the contents of the package.
- (7) 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.
- (8) 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.
- (9) Personal or commercial endorsements are permitted on pet food labels where said endorsements are factual and not otherwise misleading.
- (10) 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 of transparencies in such outside container or wrapper.
- (11) The words "Dog Food", "Cat Food" or similar designations must appear conspicuously upon the principal display panels of the pet food labels.
- (12) 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:
  - (a) Contains 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 Research Council of the National Academy of Sciences, or 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.
  - (b) Contains a combination of ingredients which when fed to a normal animal as the only source of nourishment will provide satisfactorily for fertility of male and female,

(Rule 0080-05-05-.13, continued)

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.

- (13) 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 and cats only:
- (a) In conjunction with a statement of the limited purpose for which the product is intended or suitable (as, example, in the statement 'a complete food for puppies'). Such representations and such required qualification therefor shall be juxtaposed on the same panel and in the same size, style and color print; and
  - (b) Such qualified representations may appear on pet food labels only if:
    - 1. The pet food contains ingredients in quantities 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
    - 2. 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.

**Authority:** T.C.A. § 44-1127. **Administrative History:** Original rule certified June 5, 1974.

#### **0080-05-05-.14 BRAND AND PRODUCT NAMES.**

- (1) No flavor designation shall be used on a pet food label unless the designated flavor is detectable by a recognized test method, or is one the presence of which provides a characteristic distinguishable by the pet. Any flavor designation on a pet food label must either conform to the name of its source as shown in the ingredient statement or the ingredient statement shall show the source of the flavor. Distributors of pet food employing such flavor designation or claims on the labels of the product distributed by them shall, upon request, supply verification of the designated or claimed flavor to the appropriate control official.
- (2) The designation "100% " or "All" or words of similar connotation shall not be used in the brand or product name of a pet food if it contains more than one ingredient. However, for the purpose of this provision, water sufficient for processing, required decharacterizing agents and trace amounts of preservatives and condiments shall not be considered ingredients.
- (3) The term "meat" and "meat by-products" shall be qualified to designate the animal from which the meat and meat by-products are derived unless the meat and meat by-products are from cattle, swine, sheep, and goats. For example, "horsemeat" and "horsemeat by-products".
- (4) The name of the pet food shall not be derived from one or more ingredients of a mixture to the exclusion of other ingredients and shall not be one representing any components of a mixture of a pet food product unless all components or ingredients are included in the name except as specified by 0080-05-06-.14(l),(5),(6), Provided, That if any ingredient or combination of ingredients is intended to impart a distinctive characteristic to the product which is significant to the purchaser, the name of that ingredient or combination of ingredients may be used as a part of the name of the pet food if:

(Rule 0080-05-05-.14, continued)

- (a) The ingredient or combination of ingredients is present in sufficient quantity to impart a distinctive characteristic to the product;
  - (b) It does not constitute a representation that the ingredient or combination of ingredients is present to the exclusion of other ingredients; and
  - (c) It is not otherwise false or misleading.
- (5) When an ingredient or a combination of ingredients derived from animals, poultry, or fish constitutes 95% or more of the total weight of all ingredients of a pet food mixture, the name or names of such ingredient(s) may form a part of the product name of the pet food; Provided, That where more than one ingredient is part of such product name, then all such ingredient names shall be in the same size, style, and color print.
- (6) When an ingredient or a combination of ingredients derived from animals, poultry, or fish constitutes at least 25% but less than 95% of the total weight of all ingredients of a pet food mixture the name or names of such ingredient or ingredients may form a part of the product name of the pet food only if the product name also includes a primary descriptive term such as "meatballs" or "fishcakes" so that the product name describes the contents of the product in accordance with an established law, custom or usage or so that the product name is not misleading. All such ingredient names and the primary descriptive term shall be in the same size, style, and color print.

Contractions or coined names referring to ingredients shall not be used in the brand name of a pet food unless it is in compliance with 0080-05-06-.14(l),(4),(5) or (6).

**Authority:** T.C.A. § 44-1127. **Administrative History:** Original rule certified June 5, 1974.

#### **0080-05-05-.15 EXPRESSION OF GUARANTEES.**

- (1) The sliding scale method of expressing a guaranteed analysis (for example, "Protein 15.18%") is prohibited.
- (2) Pursuant to Section 0080-05-06-.16(l) of the Act, pet foods containing 5% or more mineral ingredients, shall include in the guaranteed analysis the minimum and maximum percentages of calcium (Ca) and salt (NaCl), and the minimum percentages of phosphorus (P) and iodine (I), if added. Minerals, except salt (NaCl), when quantitatively guaranteed, shall be stated in terms of percentage of the element. The label of the pet food which is formulated as and represented to be a mineral supplement shall include a guarantee of all the minerals contained in the ingredient statement.
- (3) Pursuant to Section 0080-05-06-.16(l) of the Act, the label of the pet food which is formulated as and represented to be a vitamin supplement, shall include a guarantee of the minimum content of each vitamin declared in the ingredient statement. Such vitamin guarantees shall be stated in units or milligrams per pound or ppm, as provided herein; vitamin E in USP or International Units; vitamin A, other than precursors of vitamin A, in USP Units, vitamin D in USP Units; all other vitamins as true vitamins, not compounds, except pyridoxine hydrochloride, choline chloride, and thiamine; oils and concentrates containing vitamin A or vitamin D or both may be additionally labeled to show vitamin content in units per gram; and providing that the term "D-pantothenic acid" be used in stating the pantothenic acid guarantee.
- (4) The vitamin potency of pet food products distributed in containers smaller than 1 lb. may be guaranteed in approved units per ounce.

(Rule 0080-05-05-.15, continued)

- (5) If the label of a pet food does not represent the pet food to be either a vitamin or a mineral supplement, but does include a table of comparison of a typical analysis of the vitamin, mineral, or nutrient content of the pet food with levels recommended by a recognized animal nutrition authority, such comparison may be stated in the units of measurement used by the recognized authority. The statement in a table of comparison of the vitamin, mineral, or nutrient content shall constitute a guarantee, but need not be repeated in the guaranteed analysis. Such table of comparison may appear on the label separate and apart from the guaranteed analysis.

**Authority:** T.C.A. § 44-1127. **Administrative History:** Original rule certified June 5, 1974.

#### **0080-05-05-.16 INGREDIENTS.**

- (1) "The maximum moisture in all pet foods shall be guaranteed and shall not exceed 78.00% or the natural moisture content of the constituent ingredients of the product, whichever is greater. Pet foods such as those consisting principally of stew, gravy, sauce, broth, or juice which are so labeled, may contain moisture in excess of 78.00%."
- (2) Each ingredient of the pet food shall be listed in the ingredient statement, and names of all ingredients in the ingredient statement must be shown in letters or type of the same size. The failure to list the ingredients of a pet food in descending order by their predominance by weight in non-quantitative terms may be misleading. Any ingredient for which the Association of American Feed Control Officials has established a name and definition shall be identified by the name so established. Any ingredient for which no name and definition has been so established shall be identified by the common or usual name of the ingredient. Brand or trade names shall not be used in the ingredient statement.
- (3) The term "dehydrated" may precede the name of any ingredient in the ingredient list that has been artificially dried.
- (4) No reference to quality or grade of an ingredient shall appear in the ingredient statement of a pet food.

**Authority:** T.C.A. § 44-1127. **Administrative History:** Original rule certified June 5, 1974.

**0080-05-05-.17 DIRECTIONS FOR USE.** The label of a pet food product which is suitable only for intermittent or supplemental feeding or for some other limited purpose should:

- (1) (a) Bear a clear and conspicuous disclosure to that effect; or  
(b) Contain specific feeding directions which clearly state that the product should be used only in conjunction with other foods.

**Authority:** T.C.A. § 44-1127. **Administrative History:** Original rule certified June 5, 1974.

#### **0080-05-05-.18 DRUGS AND PET FOOD ADDITIVES.**

- (1) An artificial color may be used in a pet food only if it has been shown to be harmless to pets. The permanent or provisional listing of an artificial color in the United States Food and Drug Regulations as safe for use, together with the conditions, limitations, and tolerances, if any, incorporated therein, shall be deemed to be satisfactory evidence that the color is, when used pursuant to such regulations, harmless to pets.
- (2) Prior to approval of a registration application and/or approval of a label for pet food, which contain additives (including drugs, other special purpose additives, or non-nutritive additives) the distributor may be required to submit evidence to prove the safety and efficacy of the pet

(Rule 0080-05-05-.18, continued)

food, when used according to directions furnished on the label. Satisfactory evidence of the safety and efficacy of a pet food may be:

- (a) When the pet food contains such additives, the use of which conforms to the requirements of the applicable regulation in the Code of Federal Regulations, Title 21, or which are “prior sanctioned” or “Generally Recognized as Safe” for such use; or
  - (b) When the pet food itself is a drug as defined in Section 3 (g) of the Act and is generally recognized as safe and effective for label use or is marketed subject to an application approved by the Food and Drug Administration under Title 21, U.S.C. 355 or 357.
- (3) The medicated labeling format recommended by Association of American Feed Control Officials shall be used to assure that adequate labeling is provided.

**Authority:** T.C.A. § 44-1127. **Administrative History:** Original rule certified June 5, 1974.

### 0080-05-05-.19 LICENSE FEES AND TONNAGE REPORTS.

- (1) Annual statement. Every person required to have a commercial feed license shall file with the department on or before July 1 an annual statement indicating the number of net tons of commercial feed the person distributed in the state during the previous calendar year (January 1 – December 31), with the following exemptions.
  - (a) Feed may not be reported in the annual statement if:
    1. The feed has been previously reported to the department and calculated in the annual license fee of a manufacturer, distributor, or guarantor in good standing;
    2. The feed is a customer-formula feed and all the commercial feed used as ingredients has been previously reported to the department and calculated in the annual license fee of a manufacturer, distributor, or guarantor in good standing; or,
    3. The annual statement is that of a contract feeder.
  - (b) If distillery wet grains or by-products are distributed as feed containing more than 75% moisture, only 10% of their weight shall be reported in the annual statement.
- (2) License fee. Every person required to have a commercial feed license shall pay an annual license fee based on the weight of feed distributed in the state during the previous calendar year (January 1 – December 31), as reported in the annual statement. The fee shall be determined by dividing the total tons of feed distributed by 350 tons and multiplying the dividend by a Tier 2 fee under T.C.A. § 43-1-703(f). In no event shall any person pay less than a Tier 2 fee under T.C.A. § 43-1-703(f) for an annual license under this chapter. The department may credit payment of annual license fees that have been paid based on feed that was exempt from reporting requirements.

**Authority:** T.C.A. §§ 4-3-203, 43-1-703, 44-6-104, 44-6-109, and 44-6-110. **Administrative History:** Original rule filed May 14, 1987; effective August 29, 1987. Amendments filed March 24, 2016; effective June 22, 2016. Amendments filed March 30, 2017; effective June 28, 2017.