



**NEW YORK STATE
DEPARTMENT OF AGRICULTURE AND MARKETS
DIVISION OF FOOD SAFETY AND INSPECTION
10B AIRLINE DRIVE
ALBANY, NY 12235**

CIRCULAR 943

**Rules and Regulations Relating to the
MANUFACTURE AND DISTRIBUTION
OF
COMMERCIAL FEED**

**Part 257 of Title 1 of the Official Compilation
of Codes, Rules and Regulations of the
State of New York**

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PART 257

MANUFACTURE AND DISTRIBUTION OF COMMERCIAL FEED

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Section 257.1 Definitions and terms; exemptions.

As used in relation to the manufacture and distribution of commercial feed and as used in this Part:

(a) Definitions, terms and names shall be those set forth in article 8 of the Agriculture and Markets Law (hereinafter referred to as the "law"). Where no such definitions, terms or names are set forth in the law, such definitions, terms and names shall be those adopted by the Association of American Feed Control Officials (hereinafter referred to as "AAFCO"), except as the commissioner prescribes otherwise in this Part.

(b) The following commodities are hereby exempt from the definition of "commercial feed" as set forth in the law: hay, straw, stover, silage, cobs, husks, hulls and individual chemical compounds or substances, when not intermixed or mixed with other materials, provided that such commodities, compounds or substances are not adulterated as set forth in the law.

Section 257.2 Label format.

Any commercial feed shall be labeled with the information prescribed in the law or this Part on the principal display panel of the product and in the following general format:

- (a) Net weight;
- (b) Product name and brand name, if any;

(c) If any drug is used in or on such feed:

(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 the drug (claim statement);

(3) The direction for use and precautionary statement or reference to its location if such direction or statement is required by section 257.6 or 257.7 of this Part;

(4) An active drug ingredient statement listing the active drug ingredients by their established names and the amounts in accordance with section 257.4(d) of this Part;

(d) The guaranteed analysis of the feed as required by this Part, including the following items, unless exempted in paragraph (8) of this subdivision, and in the order listed:

(1) Minimum percentage of crude protein;

(2) Minimum (or where applicable, maximum) percentage of equivalent protein from non-protein nitrogen as required in section 257.4(e) of this Part;

(3) Minimum percentage of crude fat;

(4) Maximum percentage of crude fiber;

(5) Minerals, to include, in the following order:

(i) minimum and maximum percentages of calcium (Ca);

(ii) minimum percentage of phosphorus (P);

(iii) minimum and maximum percentages of salt (NaCl); and

(iv) any other minerals;

(6) Vitamins in such terms as required in section 257.4(c) of this Part;

(7) Total sugars expressed as invert on dried molasses products or products being sold primarily for their molasses content;

(8) Exemptions. (i) No guarantee for any mineral is required when there is no specific label claim and when the feed contains less than 6 1/2 percent of mineral elements;

(ii) No guarantee for any vitamin is required when the feed is neither formulated for nor represented in any manner as a vitamin supplement;

(iii) No guarantee for crude protein, crude fat or crude fiber is required when the feed is intended for purposes other than to furnish these substances or they are of minor significance in relation to the primary purpose of the product, such as drug premixes, mineral or vitamin supplements, and molasses.

(e) Feed ingredients, collective terms for a group of feed ingredients, or appropriate statements as provided under the provisions of section 130(d) of the law. Collective terms for the grouping of feed ingredients as defined in the official definitions of said ingredients in the official publication of AAFCO in lieu of the individual ingredients, provided that:

(1) 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;

(2) The manufacturer shall provide the commissioner or his authorized representative, 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 directory.

(g) The information required by section 130(1)(a)-(e) of the law shall appear in its entirety on one side of the label or container. The information required by section 130(1)(f) and (g) of the law 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 section 130(1)(f) and (g) is placed on a different side of the label or container, it shall be referenced on the front side with a statement such as "see back of label for direction for use". None of the information required by section 130 of the law shall be subordinated or obscured by other statement or designs.

Section 257.3 Brand and product names.

(a) The brand name and product name of any commercial feed shall be appropriate for the intended use of the feed and shall not be misleading. If either such name indicates the feed is made for a specific use, the character of the feed shall conform therewith; for example, a mixture labeled "dairy feed" shall be suitable for that purpose.

(b) Commercial, brand or trade names shall not be permitted in any guaranteed analysis or ingredient listing.

(c) The name of any commercial feed shall not be derived from one or more ingredients of a mixture to the exclusion of other ingredients and shall not represent any components of a mixture unless all components are included in the name; provided, that if any ingredient 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 name or product name is not otherwise false or misleading.

(d) The word "protein" shall not be permitted in the product name of any feed that contains added non-protein nitrogen.

(e) When the brand name or product name carries a percentage value, it shall signify actual 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 any 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.

(f) Single ingredient feeds shall have a product name in accordance with the official definitions of feed ingredients as recognized by AAFCO unless the commissioner prescribes otherwise.

(g) The word "vitamin", or any 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 provided in section 257.4(c) of this Part.

(h) The term "mineralized" shall not be used in the name of any feed, except for "trace mineralized salt". When the latter expression is used, the product shall contain significant amounts of trace minerals which are recognized as essential for animal nutrition.

(i) The terms "meat" and "meat by-products" shall be qualified to designate the animal from which the meat or meat by-products are derived unless the meat or meat by-products are from cattle, swine, sheep and goats.

Section 257.4 Expression of guarantees.

(a) The guarantees for crude protein, equivalent protein from non-protein nitrogen, crude fat, crude fiber and mineral guarantees (when required) shall be in terms of percentage by weight.

(b) Commercial feeds containing 6 1/2 percent or more mineral elements shall include in the guaranteed analysis the minimum and maximum percentages of calcium (Ca), if any, the minimum percentage of phosphorus (P), if any, and if salt (NaCl) is added, the minimum and maximum percentages of salt. In such case, the 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 conform to the following:

(1) When the minimum of calcium or salt is five percent or less, the maximum of the same shall not exceed the minimum by more than one percentage point.

(2) When the minimum of calcium or salt is above five percent, the maximum of the same shall not exceed the minimum by more than 20 percent and in no case shall the maximum exceed the minimum by more than five percentage points.

(c) 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:

(1) Vitamin A, other than precursors of vitamin A, shall be stated in international or USP units per pound.

(2) Vitamin D, in products offered for poultry feeding, shall be stated in international chick units per pound.

(3) Vitamin D for other uses shall be stated in international or USP units per pound.

(4) Vitamin E shall be stated in international or USP units per pound.

(5) Guarantees for vitamin content on the label of any commercial feed shall state the guarantee as true vitamins, not compounds, with the exception of the compounds, pyridoxine hydrochloride, choline chloride, thiamin, and d-pantothenic acid.

(6) Oils and premixes containing vitamin A or vitamin D or both may be labeled to show vitamin content in terms of units per gram.

(d) Guarantees for drugs shall be stated in terms of percent by weight, except that:

(1) Antibiotics present at less than 2,000 grams per ton (total) of commercial feed shall be stated in grams per ton of such feed;

(2) Antibiotics present at 2,000 or more grams per ton (total) of commercial feed shall be stated in grams per pound of such feed;

(3) 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 provided in the Federal food additive regulations for certain antibiotics, wherein quantitative guarantees are required regardless of the level or purpose of the antibiotic.

(4) The term "milligrams per pound" may be used for drugs or antibiotics in those cases where a dosage is given in "milligrams" in the feeding directions.

(e) Commercial feeds containing any added non-protein nitrogen shall be labeled as follows:

(1) Complete feeds, supplements, and concentrates containing added non-protein nitrogen and containing more than five percent protein from natural sources shall be guaranteed as follows:

Crude protein, minimum, _____% (This includes not more than _____% equivalent protein from non-protein nitrogen.)

(2) Mixed feed concentrates and supplements containing less than five percent protein from natural sources may be guaranteed as follows: Equivalent crude protein from non-protein nitrogen, minimum, _____%

(3) Ingredient sources of non-protein nitrogen such as urea, di-ammonium phosphate, ammonium polyphosphate solution, ammoniated rice hulls, or other basic non-protein nitrogen ingredient sources officially defined by AAFCO, except where the commissioner prescribes otherwise, shall be guaranteed as follows: Nitrogen, minimum, _____% Equivalent crude protein from non-protein nitrogen, minimum, _____%.

(f) Mineral phosphatic materials for feeding purposes shall be labeled with the guarantee for minimum and maximum percentages of calcium (Ca), the minimum percentage of phosphorus (P), and the maximum percentage of fluorine (F), if any.

Section 257.5 Ingredients.

(a) The name of each ingredient or collective term for the grouping of ingredients, when required to be listed by the law or this Part, shall be in accord with the provisions of section 257.2(e) of this Part.

(b) The name of each ingredient shall be shown in letters or type of the same size as those for other ingredients.

(c) No reference to quality or grade of any ingredient shall appear in the ingredient statement of any feed.

(d) The term "dehydrated" may precede the name of any ingredient that has been artificially dried.

(e) A single ingredient product officially defined by AAFCO or by the commissioner shall not be required to have an ingredient statement.

(f) Definitions for ingredients shall not be used until officially adopted by AAFCO or by the commissioner, unless no official definition exists or the ingredient has a commonly accepted name that requires no definition (for example, sugar).

(g) When the word "iodized" is used in connection with a feed ingredient, the ingredient shall contain not less than 0.007 percent iodine, uniformly distributed.

Section 257.6 Directions for use and precautionary statements.

(a) Directions for use and precautionary statements on the labeling of all commercial feeds (including customer-formula feeds) containing additives (including drugs, special-purpose additives, or non-nutritive additives) shall:

(1) be adequate to enable safe and effective use for the intended purpose by users with no special knowledge of the purpose and use of such feeds; and

(2) include, but not be limited to, all information prescribed by all applicable regulations under the Federal Food, Drug and Cosmetic Act.

(b) Adequate directions for use and precautionary statements are required for feeds containing nonprotein nitrogen as provided in section 257.7 of this Part.

(c) Adequate directions for use and precautionary statements necessary for safe and effective use are required on all commercial feeds distributed to supply particular dietary needs or for supplementing or fortifying the usual diet or ration with any vitamin, mineral, or other dietary nutrient or compound.

Section 257.7 Nonprotein nitrogen.

(a) Urea and other nonprotein nitrogen products defined in the official publication of AAFCO or by the commissioner 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.

(b) If any commercial feed contains more than 8.75 percent of equivalent crude protein from all forms of nonprotein nitrogen, added as such, or the equivalent crude protein from all forms of nonprotein nitrogen, added as such, which exceeds one third of the total crude protein, the label shall bear adequate directions for the safe use of such feed and the precautionary statement: "CAUTION: USE AS DIRECTED." 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 by ordinary persons under customary conditions of purchase and use.

(c) On labels such as those for medicated feeds which bear adequate feeding directions and/or warning statements, the presence of added nonprotein nitrogen shall not require a duplication of the feeding directions or the precautionary statements, provided those statements include sufficient information to ensure the safe and effective use of the product due to the presence of nonprotein nitrogen.

Section 257.8 Drugs and other additives.

(a) The commissioner may require approval of any labeling on or for any commercial feed which contains any drug or other additive (including any special-purpose or nonnutritive additive).

(b) Prior to approval of any application for registration, as provided in section 129(1) or (2) of the law, or prior to approval by the commissioner of any labeling for any commercial feed which contains any additive, the commissioner may require the applicant or registrant to submit evidence to prove the safety and efficacy of such feed when used according to the directions furnished on the labeling.

(c) Evidence of the safety and efficacy of any commercial feed shall be deemed satisfactory for the purposes of this section when:

(1) the commercial feed contains such additives, the use of which conforms to the requirements of applicable regulations promulgated pursuant to the Federal Food, Drug and Cosmetic Act, or which are "prior sanctioned" or "generally recognized as safe" for such use pursuant to the provisions of such act; or

(2) the commercial feed is itself a drug as defined in the law and is generally recognized as safe and effective for the labeled use or is marketed subject to an application approved by the Federal Food and Drug Administration under title 21 of USC 355, 357 or 360(b).

Section 257.9 Adulterants.

(a) For the purposes of section 132(1) of the law, the term *poisonous* or *deleterious substance* includes, but is not limited to, the following:

(1) 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 percent for cattle, 0.35 percent for sheep, 0.45 percent for swine, or 0.60 percent for poultry.

(2) Fluorine-bearing ingredients when used in such amounts that they raise the fluorine content of the total ration above the following amounts: 0.009 percent for cattle, 0.01 percent for sheep, 0.014 percent for swine, or 0.035 percent for poultry.

(3) Soybean meal, flakes or pellets or other vegetable meals, flakes or pellets which have been extracted with trichlorethylene or other chlorinated solvents.

(4) Sulfur dioxide, sulfurous acid, and salts of sulfurous acid when used in or on feeds or feed ingredients which are considered to be a significant source of vitamin B₁ (thiamine).

(b) All screenings or byproducts of grains and seeds containing weed seeds, when used in commercial feed or sold as commercial feed to the ultimate consumer, shall be ground finely enough or otherwise treated to destroy the viability of such weed seeds so that the finished product contains no more than one percent viable weed seeds and not more than 10 viable noxious weed seeds per pound. The term *noxious weed seeds* shall mean those weed seeds as defined in section 136(7) of the law.

Section 257.10 Good manufacturing practices.

For the purposes of enforcement of section 132(4) of the law, the commissioner hereby 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 (revised as of April 1, 1987; U.S. Government Printing Office, Washington, DC 20402), Part 225, sections 225.1 to 225.202 at pages 97-104.

(b) The regulations prescribing good manufacturing practices for medicated premixes as published in the *Code of Federal Regulations*, title 21 (revised as of April 1, 1987; U.S. Government Printing Office, Washington, DC 20402), Part 226, sections 226.1 to 226.115 at pages 104-109.

Copies of these regulations, as published in title 21 of the *Code of Federal Regulations*, are maintained in a file at the Department of Agriculture and Markets, Division of Food Safety and Inspection, 10B Airline Drive, Albany, NY 12235, and at the Department of State, 41 State Street, Albany, NY 12231, and are available for public inspection and copying during regular business hours.

Section 257.11 Registration.

The registration year for pet food and specialty pet food as required by section 129(2) of the law shall be the calendar year. Applications for such registration shall be made, and all annual fees required by the law shall be paid on or before the first day of December for the following calendar year.

Section 257.12-257.15 [Reserved]

Section 257.16 Definitions and terms for pet food and specialty pet food.

As used in relation to pet food and specialty pet food and as used in this Part:

(a) *Principal display panel* means the part of a label on the pet food or specialty pet food that is most likely to be displayed, presented, shown or examined under normal and customary conditions of display for retail sale.

(b) *Ingredient statement* means a collective and contiguous listing on the label of the ingredients of which the pet food or specialty pet food is composed.

(c) *Immediate container* means the unit, can, box, tin, bag, or other receptacle or covering in which a pet food or specialty pet food is displayed for sale to retail purchasers, but does not include containers used as shipping containers.

Section 257.17 Label format for pet food and specialty pet food.

In addition to the requirements for commercial feed otherwise provided in this Part, the following requirements shall apply to pet food and specialty pet food:

(a) The statement of net weight, product name and brand name shall 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 weight shall be made in conformity with the Federal Fair Packaging and Labeling Act and the regulations promulgated thereunder.

(c) The information which is required to appear in the "guaranteed analysis" shall be the following elements listed in the following order:

crude protein--minimum amount

crude fat--minimum amount

crude fiber--maximum amount

moisture--maximum amount

Additional guarantees, if any, shall follow "moisture."

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

(e) The use of the word "proven" in connection with label claims for any pet food or specialty pet food is prohibited unless scientific or other empirical evidence establishing the claim represented as "proven" is available to the commissioner.

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

(g) Personal or commercial endorsements are permitted on pet food or specialty pet food labels when said endorsements are factual and not otherwise misleading.

(h) The words "dog food", "cat food", or similar designation shall appear conspicuously upon the principal display panel of any pet food or specialty pet food label.

(i) The label of any pet food or specialty pet food shall not contain any unqualified representation or claim, directly or indirectly, that the pet food or specialty pet food therein contained, or a recommended feeding thereof, is or meets the requisites of a complete, scientific or balanced ration for any pet or specialty pet, unless such product or feeding:

(1) Contains ingredients in quantities sufficient to provide the estimated nutrient requirements for all stages of the life of the pet or specialty pet, which have been established by a recognized authority on animal nutrition; or

(2) Contains a combination of ingredients which, when fed to a normal animal as the only source of nourishment, will provide satisfactorily for fertility of females, 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, scientific testing.

(j) Labels for pet foods or specialty pet foods which are compounded for or which are suitable for only a limited purpose (for example, a product designed for the feeding of puppies) may contain representations that said product, or recommended feeding thereof, is or meets the requisites of a complete, scientific or balanced ration for pets or specialty pets, but only:

(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 qualification therefor shall be juxtaposed on the same panel and in the same size, style and color print; and

(2) Such qualified representations may be so used only if:

(i) The product contains ingredients in quantities sufficient to satisfy the estimated nutrient requirements established by a recognized authority on animal nutrition for such limited purpose; or

(ii) The 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, scientific testing.

(k) Except as provided by section 257.18 of this Part, the name of any ingredient which appears on the label other than in the product name shall not be given undue emphasis so as to create the impression that such an ingredient is present in the product in a larger amount than is the fact, and if the names of more than one such ingredient are shown, they shall appear in the order of their respective predominance by weight in the product.

Section 257.18 Brand and product names; pet food and specialty pet food.

In addition to the requirements for commercial feed otherwise provided in this Part, the following requirements shall apply to pet food and specialty pet food:

(a) No flavor designation or claim shall be used on any pet food or specialty pet food label unless the designated flavor is detectable by a recognized test method. Any flavor designation or claim on any label shall 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. The word "flavor" shall be printed in the same size type and with an equal degree of conspicuousness as the ingredient term from which the flavor designation is derived. Distributors of pet food or specialty pet food employing such flavor designations or claims on the labels of such products shall, upon request by the commissioner or his authorized representative, supply verification of the designated or claimed flavor.

(b) The designation "100%" or "All" or words of similar connotation shall not be used in the brand name or product name of any pet food or specialty pet food if it contains more than one ingredient, provided, for the purpose of this subdivision only, water sufficient for processing, required decharacterizing agents and trace amounts of preservatives and condiments shall not be considered ingredients.

(c) The terms "meat" and "meat by-products" may be used without a designation of the species from which the same was derived only if such meat or meat by-products have been derived from cattle, swine, sheep or goats; otherwise, the species shall be designated, for example, "horsemeat."

(d) The name of any pet food or specialty 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 any such product unless all components or ingredients are included in the name, except as provided in subdivision (a), (e) or (f) of this section; provided that the name of an ingredient or combination of ingredients may be used as a part of the product name if:

(1) the ingredient or combination of ingredients is present in sufficient quantity to impart a distinctive characteristic to the product or is present in amounts which have a material bearing upon acceptance of the product by the purchaser thereof; and

(2) it does not constitute a representation that the ingredient or combination of ingredients is present to the exclusion of other ingredients; and

(3) it is not otherwise false or misleading.

(e) When an ingredient or a combination of ingredients derived from animals, poultry, or fish constitutes 95 percent or more of the total weight of all ingredients of any pet food or specialty pet food mixture, the name or names of such ingredient or ingredients may form a part of the product name of such 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.

(f) When an ingredient or a combination of ingredients derived from animals, poultry or fish constitutes at least 25 percent but less than 95 percent of the total weight of all ingredients of any pet food or specialty pet food mixture, the name or names of such ingredient or ingredients may form a part of the product name of such 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 and 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.

(g) Contractions or coined names referring to ingredients shall not be used in the brand name of any pet food or specialty pet food unless they are in compliance with subdivisions (a), (d), (e) and (f) of this section.

Section 257.19 Expression of guarantees.

In addition to the requirements for commercial feed otherwise provided in this Part, the following requirements shall apply to pet food and specialty pet food:

(a) The sliding scale method of expressing any guaranteed analysis (for example, "protein 15-18%") is prohibited.

(b) The label of any pet food or specialty 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 guarantees shall be stated in units of measurements established by a recognized authority on animal nutrition.

(c) The vitamin potency of any pet food or specialty pet food distributed in any container smaller than one pound may be guaranteed in such units per ounce as established by a recognized authority on animal nutrition.

(d) If the label of any pet food or specialty pet food does not represent such 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 such food with levels recommended by a recognized animal nutrition authority, such comparison may be stated in the units of measurement used by such authority. Any table of comparison of any 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.

Section 257.20 Ingredients.

In addition to the requirements for commercial feed otherwise provided in this Part, the following requirements shall apply to pet food and specialty pet food:

(a) The maximum moisture in any pet food or specialty pet food shall be guaranteed and shall not exceed 78 percent or the natural moisture content of the constituent ingredients of the product, whichever is greater. Pet food or specialty pet food such as those consisting principally of stew, gravy, sauce, broth, juice or a milk replacer, which are so labeled, may contain moisture in excess of 78 percent.

Section 257.21 Directions for use; pet food and specialty pet food.

In addition to the requirements for commercial feed otherwise provided in this Part, the following requirements shall apply to pet food and specialty pet food:

(a) The label of any pet food or specialty pet food which is suitable only for intermittent or supplemental feeding or for some other limited purpose shall:

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

Section 257.22 Drugs and other pet food additives.

In addition to the requirements for commercial feed otherwise provided in this Part, the following requirements shall apply to pet food and specialty pet food:

(a) An artificial color may be used in any pet food or specialty pet food only if it has been satisfactorily shown to be harmless to pets or specialty pets, as the case may be. The permanent or provisional listing of any artificial color in the Federal 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 or specialty pets.

Section 257.23 Labeling approval; pet food and specialty pet food.

The commissioner may require approval of any labeling on or for any pet food or specialty pet food.

Section 257.24 Records and reports.

For the purpose of administering the law, any manufacturer of any commercial feed and any distributor of any commercial feed, including pet food and specialty pet food, shall maintain and furnish upon request by the commissioner or his authorized representative, such records and reports as the commissioner deems necessary to indicate the accuracy of any registration of a commercial feed manufacturing facility, any registration of a pet food or specialty pet food, the tonnage of commercial feed distributed, and any other records and reports required for the enforcement of the law or of this Part.

Section 257.25 Animal proteins prohibited in ruminant feed.

(a) For the purposes of article 8 of the Agriculture and Markets Law, and except where in conflict with the statutes of this State or with rules and regulations promulgated by the commissioner, the commissioner hereby adopts the current federal regulation as it appears in title 21 of the Code of Federal Regulations, section 589.2000 (revised as of April 1, 2001; U.S. Government Printing Office, Washington, D.C. 20402) at pages 533-535, entitled Animal proteins prohibited in ruminant feed, prohibiting the use of certain animal proteins in ruminant feed.

(b) Copies of this regulation, as published in title 21 of the Code of Federal Regulations, are maintained in a file at the Department of Agriculture and Markets, Division of Food Safety and Inspection, 10B Airline Drive, Albany, New York 12235, and at the Department of State, 41 State Street, Albany, New York 12231, and are available for public inspection and copying during regular business hours