Government Regulation of the Pet Food Industry

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Pet foods are subject to federal, state, and local laws and regulations - not only those governing the sale of animal feeds, but also many of those regulating the distribution of human food.

Federal Regulations

At the federal level, pet foods are subject to the Food and Drug Administration (FDA), the United States Department of Agriculture (USDA), and the Federal Trade Commission (FTC).

Food and Drug Administration

In addition to approving drugs and medications for use in animals and people, the FDA also has regulations designed to prevent the adulteration (harmful change) or misbranding (untruthful labeling) of pet food. The FDA must also approve all foods containing drugs or making therapeutic claims. Pet food manufacturing plants are subject to inspection by the FDA, as well as state regulatory agencies. Many of the FDA's requirements and prohibitions regarding the manufacture and sale of pet foods can be found in the Federal Food, Drug and Cosmetic Act, and the Fair Packaging and Labeling Act. Although there is no requirement that pet food products have premarket approval by the FDA, there may be severe consequences for manufacturers who do not comply with FDA regulations. These range from a letter to management requesting voluntary correction, to product seizure, to prison and fines for the individuals and/or the company involved.

Federal Food, Drug and Cosmetic Act

The Federal Food, Drug and Cosmetic Act requires that pet foods, like human foods, be pure and wholesome, contain no harmful or deleterious substances, and be truthfully labeled. The Act states, among many other things, that a food may be deemed to be adulterated if it contains poisonous or deleterious substances which may render it injurious to health; if it has been prepared, packed, or held under unsanitary conditions whereby it may have been contaminated with filth or rendered injurious to health; if it contains any part or product of a diseased animal; or if its container is composed of any poisonous or deleterious substance which may render its contents injurious to health. It may also be adulterated if any valuable constituent has been omitted or substituted. A pet food may be considered misbranded if it contains any statement on the label which is false or misleading; does not contain an ingredient statement; does not contain the name of the food and proper identification of it as a pet food; does not contain the net weight or does not contain the name and address of the manufacturer, packer, or distributor. The ingredients must be listed in descending order of predominance by weight, and identified by their common or usual names. The label must list any artificial flavoring, artificial coloring, or chemical preservative. If the food is to be used only under certain conditions, or only with other foods, this must be stated on the label, along with any other necessary information.

Fair Packaging and Labeling Act

The Fair Packaging and Labeling Act contains additional regulations designed to prevent unfair or deceptive packaging and labeling, and to help make it possible for consumers to make value comparisons between products. Federal regulations concerning the labeling of pet food are published in Title 21, part 501 of the Code of Federal Regulations.

United States Department of Agriculture

The USDA is involved with regulations concerning pet food labeling and identification and the approval of pet food ingredients. USDA regulations also provide for a voluntary inspection of canned pet foods. These Voluntary Inspection Regulations specify the amount of meat ingredients which must be used in the product, along with minimum nutrient requirements and label specifications. Manufacturers that undergo this inspection may apply an inspection seal to the label. This option is not widely used.

Federal Trade Commission

The FTC works to prevent misleading advertising, and pet food manufacturers must conform to the FTC's general truth in advertising standards.

State Regulations

Pet foods come under even tighter control at the state level, where each state can have its own Feed Control Laws and Regulations, Food and Drug Acts, and Weights and Measures Acts. It is important to note that state feed laws regulate the distribution of a pet food everywhere within that state. Pet foods are subject to the same regulations whether they are sold by a veterinarian, feed store, or grocery store. Pet food manufacturers who do not conform to State regulations can be subject to a warning, fine, or they can be made to stop marketing the product in that state until they comply.

Most states require registration of each product and a label review or registration of the company prior to placing the product on the market. The label is reviewed to determine whether or not it meets the specific requirements of state laws in terms of necessary information and to assure that there are no false or misleading statements on the label. The information the state law requires on a pet food label is comparable to that required by the Federal Food, Drug and Cosmetic Act, and the Fair Packaging and Labeling Act. However, the state law requires the pet food manufacturer to also provide guarantees of the

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minimum percentage amounts of crude protein and crude fat, the maximum amount of crude fiber, and in most cases, the maximum amount of moisture. All states also have manufacturing plant inspection authority in their laws.

Association of American Feed Control Officials

Many states follow the pet food regulations of the Association of American Feed Control Officials (AAFCO). AAFCO includes officials from all States and the Federal government who are responsible for enforcing the laws regulating the production, labeling, distribution, and/or sale of animal feeds. The Official Pet Food Regulations are published annually in the AAFCO handbook. Each state can adopt the Official Pet Food Regulations as published in the handbook, or have its own set of pet food regulations. Many states have elected to use the Official Pet Food Regulations or have set up regulations similar to it.

AAFCO regulations for pet food include requirements regarding product names, flavor designations, guaranteed analysis, nutritional adequacy statements, proper ingredient names, and other aspects of labeling. The organization also provides test requirements or protocols for manufacturers so that they can meet State requirements of proof of safety and nutritional quality before a pet food is marketed.

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