

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY

CHAPTER 30. CONSUMER PROTECTION

SUBCHAPTER 10. MOSS BALL (AEGAGROPILA LINNAEI) QUARANTINE

35:30-10-1. Establishment of quarantine

The State Board of Agriculture does hereby establish an external quarantine for the Moss Ball (aegagropila linnaei) and any other aquatic species found to be infested with Dreissenid mussels (Zebra Mussel Dreissena polymorpha and Quagga Mussel Dreissena rostriformis).

35:30-10-2. Regulated area

The regulated quarantined area includes all states, districts, and territories of the United States.

35:30-10-3. Regulated articles

The following shall be regulated pursuant to this quarantine:

- (1) Moss Ball (aegagropila linnaei), and
- (2) any aquatic species found to be infested with Dreissenid mussels (Zebra Mussel Dreissena polymorpha and Quagga Mussel Dreissena rostriformis).

35:30-10-4. Conditions governing movement

All regulated articles are prohibited entry into or transition through the State of Oklahoma unless the articles are:

- (1) Accompanied by a current certificate of inspection from the state of origin declaring the articles have been officially inspected and found free of Dreissenid mussels (Zebra Mussel Dreissena polymorpha and Quagga Mussel Dreissena rostriformis) and the articles have been stored in such a manner to remain free of the Dreissenid mussels (Zebra Mussel Dreissena polymorpha and Quagga Mussel Dreissena rostriformis) in storage and transit; or
- (2) Have a current certificate of inspection from the aquatics invasive species regulatory agency in the shipping state.

SUBCHAPTER 13. IMPORTED FIRE ANT QUARANTINE

35:30-13-3. Regulated area

Imported Fire Ant regulated areas are the Oklahoma counties of:

- (1) Bryan Jefferson, and McCurtain (1986);
- (2) Marshall (Additional Infested Area 1987);
- (3) Carter, Choctaw, Comanche, Johnston, and Love;
- (4) LeFlore, Pushmataha, Atoka, Coal, Pontotoc, Garvin, Murray, Stephens, Jefferson, Cotton, Tillman, and Jackson;
- (5) Latimer (2017);
- (6) Pittsburgh (2020); ~~and~~
- (7) Haskell (2024); ~~and~~

(8) Hughes, Kiowa, Pottawatomie, and Seminole (2025).

SUBCHAPTER 17. COMBINED PESTICIDE

PART 6. PESTICIDAL PRODUCT PRODUCING ESTABLISHMENTS

35:30-17-13. Incorporation by reference of federal pesticide producing establishment regulations

(a) The Registration of Pesticide and Active Ingredient Producing Establishments, Submission of Pesticide Reports and Books and Records of Pesticide Production and Distribution Regulations found in Title 40 of the Code of Federal Regulations (CFR) (~~2023~~2025 Revision), Part 167 et seq. and Part 169 et seq. for the United States Environmental Protection Agency (EPA) as promulgated and amended in the Federal Register, are hereby adopted in their entirety with the exception of 40 CFR § 167.90.

(b) All words or terms defined or used in the Federal regulations incorporated by reference shall mean the state equivalent or counterpart to those words or terms.

PART 15. MINIMUM STANDARDS FOR TERMITE WORK FOR EXISTING STRUCTURES

35:30-17-70. Borate or other wood applied termiticide treatment for post-construction

(a) Any borate or other wood applied termiticide may be used as a stand-alone or primary treatment for the prevention and control of subterranean termites in new construction and post construction if the product is labeled for such an application. The product must be registered by the Environmental Protection Agency and with the State of Oklahoma.

(b) A sticker, tag, or stencil must be placed on a stud in the attic readily visible within 5 feet of the attic access which displays the name of the applicator company, application date, and the name of the termiticide used. If a sticker or tag is used the words "Do not Remove" must also be displayed on the sticker or tag.

(c) A product information sheet must accompany the contract and the contract must be provided to the customer.

(d) For post construction treatments follow all the product's labeled directions.

(e) All contracts and records keeping requirements must be kept in accordance with 2 O.S. § 3-81(11) and O.A.C. 35:30-17-21.

PART 17. MINIMUM STANDARDS FOR TERMITE WORK FOR PRECONSTRUCTION (PRETREATS) AND NEW CONSTRUCTION

35:30-17-74. Borate or other wood applied termiticide treatment for new construction

(a) Any borate or other wood applied termiticide may be used as a stand-alone or primary treatment for the prevention and control of subterranean termites in new construction and post construction if the product is labeled for such an application. The product must be registered by the Environmental Protection Agency and with the State of Oklahoma.

(b) For new construction treatments the following areas must be treated if the product label does not have specific application instructions or if these areas are not on a product label that has specific application instructions.

(1) To ensure a more complete treatment the treatment must be performed when the structures framing is complete (“dried-in”) and prior to the installation of any other construction components that may hinder proper treatment including but not limited to insulation, electrical, heating and cooling systems, exterior wraps, etc.

(2) All exterior surfaces of wood or non-cellulose framing such as the exterior side of the sheathing shall be treated up to a height of not less than two (2) feet above a contact with a slab foundation or a (2) foot horizontal and vertical treatment of wood above contact with a concrete crawlspace or basement foundation.

(3) All interior surfaces of wood or non-cellulose framing such as studs and the interior side of the exterior sheathing shall be treated up to a height of not less than two (2) feet above a contact with a slab foundation or a (2) foot horizontal and vertical treatment of wood above contact with a concrete crawlspace or basement foundation.

(4) The slab floor around all service pipe penetrations and bath traps must be treated not less than (2) feet in all directions. The slab along the base plates of the structure must be treated no less than (1) foot out from the base plates. Garage floor slabs are not required to be treated.

(5) Any support piers in a crawl space must be treated up to a height of not less than two (2) feet above contact with the soil and the subfloor above the pier must be treated no less than (2) feet in all directions around the pier.

(6) Any exterior wooded supports resting on concrete such as porch or patio awning supports shall be treated at a height of not less than (2) feet above the slab.

(7) In areas where access to all sides of the wood surface is limited including but not limited to married studs, and exterior wall base plates allow the sprays on wood surfaces to dry for 20 minutes. A second treatment must be performed on these surfaces once the sprays have dried.

(8) Indicator dye is required on exterior wall sheathing, interior treatment areas, and in crawl spaces. Dye is not required in treatment areas where the concrete slab will not be covered such as garages, basements, or awning supports.

(9) Where known cracks in concrete slabs exist treat along the crack and at least (1) foot on both sides of the crack.

(c) The application site must be identified by a sticker, tag, or stencil in an area readily visible near the front entrance to the structure which displays the name of the applicator company, application date, and the name of the termiticide used.

(d) An additional sticker, tag, or stencil must be placed on a stud in the attic readily visible within 5 feet of the attic access which displays the name of the applicator company, application date, and the name of the termiticide used. If a sticker or tag is used the words “Do not Remove” must also be displayed on the sticker or tag.

(e) A product information sheet must accompany the contract and the contract must be provided to the customer.

(f) All contracts and records keeping requirements must be kept in accordance with 2 O.S. § 3-81(11) and O.A.C. 35:30-17-21.

PART 21. STANDARDS FOR DISPOSAL OF PESTICIDE AND PESTICIDE CONTAINERS

35:30-17-89.1. Incorporation by reference of federal pesticide management and disposal regulations

(a) The Labeling Requirements for Pesticides and Devices, Container Labeling and Pesticide Management and Disposal regulations found in Title 40 of the Code of Federal Regulations (CFR) (~~2023~~2025 Revision), Part 156.140 et seq. and Part 165 et seq. for the United States Environmental Protection Agency (EPA) as promulgated and amended in the Federal Register, are hereby adopted in their entirety.

(b) All words or terms defined or used in the federal regulations incorporated by reference shall mean the state equivalent or counterpart to those words or terms.

SUBCHAPTER 24. OKLAHOMA INDUSTRIAL HEMP PROGRAM

35:30-24-7. Fees

(a) Each new, subsequent, or renewed application for a license to cultivate industrial hemp at a particular cultivation site shall require the payment of a nonrefundable application fee at the rate of Five Hundred Dollars (\$500.00).

(b) Each new, subsequent, or renewed application for a license to cultivate industrial hemp at a particular cultivation site shall require the payment of a nonrefundable site inspection fee calculated at the rate of Five Dollars (\$5.00) per acre on a contiguous field or Thirty-Three Cents (\$0.33) per square foot in a building.

(c) Fiber growers shall only pay one application fee for all properties licensed with ODAFF. Fiber growers who license 2000 acres or more will be able to include the application fee as part of the \$5/acre fee.

~~(e)~~ (d) An hourly inspection rate consisting of Thirty-Five Dollars (\$35.00) per hour per inspector for actual time devoted to the inspection of a cultivation site shall be charged following routine or unannounced inspections. The calculation of the hourly inspection rate shall include the inspectors' travel time from the inspectors' duty station to the cultivation site, the time devoted to inspection of the cultivation site, and the inspectors' travel time returning from the cultivation to the inspectors' duty station.

~~(d)~~ (e) Application amendments or notifications of material change to the information provided in an application shall not require the payment of additional application fees but may, at the discretion of the Department, require additional inspections and the payment of additional site inspection fees and fees assessed at the hourly inspection rate at the same rate charged for a new application.

~~(e)~~ (f) Each new, subsequent, or renewed application for a license to process or handle industrial hemp shall require the payment of a nonrefundable application fee as follows:

(1) One Thousand Dollars (\$1,000.00) for annual sales less than and including Fifty Thousand Dollars (\$50,000.00);

(2) Two Thousand Five Hundred Dollars (\$2,500.00) for annual sales less than and including Two Hundred Fifty Thousand Dollars (\$250,000.00) but more than Fifty Thousand Dollars (\$50,000.00); and

(3) Five Thousand Dollars (\$5,000.00) for annual sales greater than Two Hundred Fifty Thousand Dollars (\$250,000.00).

35:30-24-11.1. Allowable testing thresholds

- (a) Hemp and processed hemp shall meet the allowable laboratory testing thresholds for medical marijuana and medical marijuana products established by the ~~Oklahoma State Department of Health~~ Oklahoma Medical Marijuana Authority at 310:681-8-1 and Appendix A.
- (b) Processors shall not process, sell, or otherwise transfer any hemp products from any hemp production batch unless samples of the production batch have passed all tests in accordance with this section.
- (c) The provisions of this section shall not apply to hemp produced for seed or fiber production.

SUBCHAPTER 27. FEED

PART 3. PET FOOD

35:30-27-51. Definitions and terms

The definitions in the Association of American Feed Control Officials (AAFCO) Model Bill and Model Feed Regulations shall apply in addition to the following:

"All life stages" means gestation/lactation, growth, and adult maintenance life stages for dogs, cats, and other mammals or adult (including breeding animals) and juvenile life stages for non-mammalian species.

"Daily Food" means a specialty pet food product, other than a treat, food mixer or food supplement, for specialty pet species with no recognized nutritional authority.

"Family" means a group of products, which are nutritionally adequate for any or all life stages based on their nutritional similarity to a lead product, which has been successfully test-fed according to an AAFCO feeding protocol(s).

"Familiar Household Unit" means a typical feeding unit in volume or count (e.g., can, measuring cup, treat, or piece).

"Food Mixer" means a pet or specialty pet food product that is intended to top, accompany, or contribute to a complete diet but is not generally intended to be a complete diet.

"Food Supplement" means a pet or specialty pet food product that is intended to supply specific nutrient(s) or other food components but is not a complete diet.

"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.

"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.

"Pet Nutrition Facts" means a graphic box located on the label containing nutritional information for a pet food product.

"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.

“Specialty Pet Nutrition Facts” means a graphic box located on the label containing nutritional information for a specialty pet food product.

“Veterinary Diet” means a pet or specialty pet food product that is intended to be used under veterinary supervision only.

35:30-27-52. Label format and labeling

(a) Pet food and specialty pet food shall be labeled with the following information prescribed in this Regulation:

(1) Product name and brand name, if any, on the principal display panel as stipulated in Regulation 35:30-27-53;

(2) ~~The species of pet or specialty pet for which the food is intended conspicuously designated on the principal display panel~~ A Statement specifying the intended use of the products as stipulated in Regulation 35:30-27-54(a);

(3) Quantity statement, ~~as defined in 35:30-27-2(a)(8)~~ as defined in Section 3(s) of this Act and Regulation 3(a)(8) of the Model Regulations, by weight (pounds and ounces, and metric), liquid measure (quarts, pints, and fluid ounces, and metric) or by count, on the principal display panel;

(4) ~~Guaranteed analysis as stipulated in 35:30-27-54~~ Pet Nutrition Facts or Specialty Pet Nutrition Facts as stipulated in Regulation 35:30-27-55;

(5) Ingredient statement as stipulated in ~~35:30-27-55~~ 56(a);

~~(6) A statement of nutritional adequacy or purpose if required under 35:30-27-57;~~

~~(7) (6) Feeding directions if required under 35:30-27-58; and~~

~~(8) (7) Name and address of the manufacturer or distributor as stipulated in 35:30-27-61; and~~

~~(8) Handling and Storage Instructions may be displayed as stipulated in 35:30-27-62.~~

(b) When a pet food or specialty pet food enclosed in an outer container or wrapper is intended for retail sale, all required label information shall appear on the outer container or wrapper.

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

(d) The use of the word "proven" in connection with a label claim for a pet food or specialty pet food is not permitted unless the claim is substantiated by scientific or other empirical evidence.

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

(f) A personal or commercial endorsement is permitted on a pet food or specialty pet food label provided the endorsement is not false or misleading.

(g) A statement on a pet food or specialty pet food label stating "Improved", "New", or similar designation shall be substantiated and limited to six (6) months production.

(h) A statement on a pet food or specialty pet food label stating preference or comparative attribute claims shall be substantiated and limited to one (1) year production, after which the claim shall be removed or re-substantiated.

(i) Raw milk distributed as pet food or specialty pet food shall bear the following statement **“WARNING: NOT FOR HUMAN CONSUMPTION - THIS PRODUCT HAS NOT BEEN PASTEURIZED AND MAY CONTAIN HARMFUL BACTERIA.”** This statement shall be displayed in a conspicuous manner and shall not be smaller than the height of the minimum font required by the Federal Fair Packaging and Labeling Act for the net quantity statement as shown

in the following table:

- (1) A panel size of ≤ 5 in.² has a maximum "with" claim type size of 1/16 inch.
- (2) A panel size of $> 5 - \leq 25$ in.² has a maximum "with" claim type size of 1/8 inch.
- (3) A panel size of $> 25 - \leq 100$ in.² has a maximum "with" claim type size of 3/16 inch.
- (4) A panel size of $> 100 - \leq 400$ in.² has a maximum "with" claim type size of 1/4 inch.
- (5) A panel size of > 400 in.² has a maximum "with" claim type size of 1/2 inch.

(j) When pet food or specialty pet food consists of raw milk, the words, "Raw [blank] Milk" shall appear conspicuously on the principal display panel (blank is to be completed by using the species of animal from which the raw milk is collected).

35:30-27-53. Brand and product names

(a) The names of the ingredient(s) used in the brand or product name or elsewhere on the product label shall appear in order of predominance by weight in the product. Names of flavors due to their varying intensity can be in any order.

~~(a)(b)~~ The words "100%", "All", or words of similar designation shall not be used in the brand or product name of a pet food or a specialty pet food if the product contains more than one ingredient, ~~not including water sufficient for processing, decharacterizing agents, or trace amounts of preservatives and condiments.~~

~~(b)(c)~~ An ingredient or a combination of ingredients may form a part of the product name of a pet food or specialty pet food:

(1) When the ingredient(s) ~~derived from animals, poultry, or fish~~ constitutes at least 95% of the total weight of the product. Water sufficient for processing may be excluded when calculating the percentage; however, the ingredient(s) shall constitute at least 70% of the total product weight.

(2) When any ingredient(s) constitutes at least 25% of the weight of the product, provided that:

(A) Water sufficient for processing may be excluded when calculating the percentage; however, the ingredient(s) shall constitute at least 10% of the total product weight; and

(B) A descriptor is used with the ingredient name(s). This descriptor shall imply other ingredients are included in the product formula. Examples of descriptors include "dinner", "platter", "entree", "formula", and "recipe"; and

(C) The descriptor shall be in the same size, style, and color print as the ingredient name(s).

(3) When a combination of ingredients are included in the brand or product name, ~~the product shall meet all of the following in accordance with Regulation 35:30-27-3(c) provided that:~~

(A) Each named ingredient constitutes a least 3% of the total weight of the product weight, excluding water sufficient for processing; and

~~(B) The names of the ingredients appear in the order of their respective predominance by weight in the product; and~~

~~(C)~~(B) All the ingredient names appear on the label in the same size, style, and color print.

~~(e)~~(d) When the name of any ingredient appears in the product name of a pet food or elsewhere on the product label and includes a descriptor like "with" or similar designation, the named

ingredient(s) shall each constitute at least 3% of the product weight exclusive of water sufficient for processing. ~~If the names of more than one ingredient are shown, they shall appear in their respective order of predominance by weight in the product.~~ The 3% minimum level shall not apply to claims for nutrients, including, but not limited to, vitamins, minerals, and fatty acids, as well as condiments. The word "with", or similar designation, and named ingredients shall be in the same size, style, color, and case print and be of no greater size than:

Maximum "with claim"

Panel Size	Type Size
<5 sq. in.	1/8"
5-25 sq. in.	1/4"
25-100 sq. in.	3/8"
100-400 sq. in.	1/2"
400 sq. in. +	1"

- (1) A panel size of <5 in.2 has a maximum "with" claim type size of 1/8 inch.
- (2) A panel size of >5 – <25 in.2 has a maximum "with" claim type size of 1/4 inch.
- (3) A panel size of >25 – <100 in.2 has a maximum "with" claim type size of 3/8 inch.
- (4) A panel size of >100 – <400 in.2 has a maximum "with" claim type size of 1/2 inch.
- (5) A panel size of >400 in.2 has a maximum "with" claim type size of 1 inch.

~~(d)~~(e) A flavor designation may be included as part of the product name or elsewhere on the label of a pet food or specialty pet food when the flavor designation meets all of the following:

- (1) The flavor designation:
 - (A) Conforms to the name of the ingredient as listed in the ingredient statement;
 - or
 - (B) Is identified by the source of the flavor in the ingredient statement; and
- (2) The word "flavor" is printed in the same size type and with an equal degree of conspicuousness as the name of the flavor designation; and
- (3) Substantiation of the flavor designation, the flavor claim, or the ingredient source is provided upon request.

~~(e) The product name of the pet food or specialty pet food shall not be derived from one or more ingredients unless all ingredients are included in the name, except as specified by 35:30-27-53(b) or (c); provided 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 the price of the product or upon acceptance of the product by the purchaser;~~
- ~~or~~
- ~~(2) It does not constitute a representation that the ingredient or combination of ingredients is present to the exclusion of other ingredients.~~

(f) Contractions or coined names referring to ingredients shall not be used in the brand name of a pet food or specialty pet food unless it is in compliance with Regulation 35:30-27-53(b)(c), ~~(e)(d)~~, or ~~(d)(e)~~.

(g) Unless a pet food and specialty pet food is identified on the principal display panel as a stew, gravy, sauce, broth, aspic, juice, milk replacer, or other such name, the maximum moisture declared on a pet food or specialty pet food label shall not exceed 78.00% or the natural moisture content of the ingredients, whichever is higher.

35:30-27-54. Expression of guarantees Intended use statement and nutritional adequacy claims

(a) The "Guaranteed Analysis" shall be listed in the following order and format:

(1) A pet food or specialty pet food label shall list the following required guarantees:

(A) Minimum percentage of crude protein;

(B) Minimum percentage of crude fat;

(C) Maximum percentage of crude fat, if required by 35:30-27-60;

(D) Maximum percentage of crude fiber;

(E) Maximum percentage of moisture; and

(F) Additional guarantees shall follow moisture.

(2) When ash is listed in the guaranteed analysis on a pet food or specialty pet food label, it shall be guaranteed as a maximum percentage and shall immediately follow moisture.

(3) A dog or cat food label shall list other required or voluntary guarantees in the same order and units of the nutrients in the AAFCO Dog (or Cat) Food Nutrient Profiles. Guarantees for substances not listed in the AAFCO Dog (or Cat) Profiles, or not provided for in these rules, shall immediately follow the listing of the recognized nutrients and shall be accompanied by an asterisk (*) referring to the disclaimer "not recognized as an essential nutrient by the AAFCO Dog (or Cat) Food Nutrient Profiles". The disclaimer shall appear immediately after the last guarantee in the same size type as the guarantees.

(4) A specialty pet food label shall list other required or voluntary guarantees as required by Regulation 3a(4)X of AAFCO Model Bill.

(b) The sliding scale method of expressing a guaranteed analysis on a pet food or specialty pet food label (for example, "Minimum crude protein 15-18%") is prohibited.

(c) The label of a pet food or a specialty pet food which is formulated as and represented to be a mineral supplement shall include:

(1) Minimum guarantees for all minerals from sources declared in the ingredient statement and established by an AAFCO-recognized nutrient profile, expressed as the element in units specified in the nutrient profile; or

(2) Minimum guarantees for all minerals from sources declared in the ingredient statement expressed as the element in units specified in Regulation 4(b) of the AAFCO Model Bill when no species-specific nutrient profile has been recognized by AAFCO; and

(3) Mineral guarantees required by 35:30-27-54(c)(1) and (2) may be expressed in milligrams (mg) per unit (e.g., tablets, capsules, granules, or liquids) consistent with those employed in the quantity statement and directions for use; and

(4) A weight equivalent (e.g., 1 fl. oz. = 28 grams) for liquid products.

(d) The label of a pet food or a specialty pet food which is formulated as and represented to be a vitamin supplement shall include:

- (1) Minimum guarantees for all vitamins from sources declared in the ingredient statement and established by an AAFCO-recognized nutrient profile, expressed in units specified in the nutrient profile; or
- (2) Minimum guarantees for all vitamins from sources declared in the ingredient statement expressed in units specified in AAFCO Model Regulation 4(e) when no species-specific nutrient profile has been recognized by AAFCO; and
- (3) Vitamin guarantees required by 35:30-27-54(d)(1) and (2), may be expressed in approved units (e.g., IU, mg, g) per unit (e.g., tablets, capsules, granules, or liquids) consistent with those employed in the quantity statement and directions for use; and
- (4) A weight equivalent (e.g., 1 fl. oz. = 28 grams) for liquid products.

(a) A statement identifying the intended use of a pet food or specialty pet food is required on the principal display panel of the label in accordance with the following:

(1) The intended use of a pet food or specialty pet food shall be stated as:

(A) "Complete [Species] Food" – for food products intended to be the complete diet for all life stages and sizes of a pet or specialty pet in accordance with the unqualified claims in Regulation 35:30-27-4(b);

(B) For food products intended to be the complete diet for a limited life stage or size of a pet or specialty pet in accordance with the qualified claims in Regulation 35:30-27-54(c), one of the two following statements shall be used:

(i) "Complete Food for [blank]" where the blank shall be filled with one or more of the following:

(I) "Adult [Species]."

(II) "Puppies," "Kittens," or "Juvenile [Species other than dog or cat]."

(III) "Puppies (<70 lb. as an adult)," or

(IV) "Dogs (except puppies >70 lb. as an adult)"; or

(ii) "Complete [Blank] Food" where the blank shall be filled with one or more of the following:

(V) "Adult [Species]."

(VI) "Puppy," "Kitten," or "Juvenile [Species other than dog or cat]."

(VII) "Puppy (<70 lb. as an adult)," or

VIII) "Dog (except puppies >70 lb. as an adult)";

(C) "Veterinary Diet for [Species]" – for food products intended to be used under veterinary supervision only in accordance with Regulation 35:30-27-54(d);

(D) "[Species] Treat" – for food products for pets or specialty pets, provided occasionally for enjoyment, training, entertainment, or other purposes, and not generally intended or represented to be a complete food or nutritional supplement;

(E) "[Species] Food Supplement" – for food products for pets or specialty pets that are intended to supply specific nutrient(s) or other food components but are not a complete diet;

(F) "[Species] Food Mixer" – for food products for pets or specialty pets that are intended to top, accompany, or contribute to a complete diet but are not generally intended or represented to be a complete diet; or

(G) “Daily [Specialty Pet Species] Food” – for food products that are intended to be the daily diet for specialty pets where no recognized nutritional authority exists. A limited life stage may be indicated, i.e., “Daily [Specialty Pet Species] Food for [Juveniles or Adults].”

(2) This intended use statement shall:

(A) Appear within the bottom 30% of the area of the label principal display panel in lines generally parallel to the base on which the package rests as it is designed to be displayed and shall be repeated on the alternate principal display panel, if present. However, on packages having a principal display panel of 5 square inches or less, the requirement for placement within the bottom 30% of the area of the label panel shall not apply;

(B) Be at least as large as the statement of net quantity, consistent with 16 CFR 500.21;

(C) Appear in the same color and style as the statement of net quantity and on the same background color as the statement of net quantity; and

(D) Be separated by at least a space equal to the height of the letter “N” used in the statement of net quantity from other printed label information appearing above or below it and by at least a space equal to twice the width of the letter “N” of the style of type used in the quantity of contents statement from other printed label information appearing to the left or right of it.

(b) The label of a pet food or specialty pet food which is intended for all life stages and sizes of the pet or specialty pet may make unqualified claims, directly or indirectly, such as “complete and balanced,” “perfect,” “scientific,” or “100% nutritious” if at least one of the following apply:

(1) The product meets the nutrient requirements for all life stages and sizes established by an AAFCO-recognized nutrient profile; or

(2) The product meets the criteria for all life stages as substantiated by completion of the appropriate AAFCO-recognized animal feeding protocol(s):

(A) Unqualified claims of nutritional adequacy that include large size dogs (greater than 70 lb. as an adult) can be substantiated by completing the appropriate protocols using large size dogs; or

(B) Can be substantiated by completing the appropriate protocols using dogs less than 70 lb. adult weight while containing no more calcium and phosphorus than the maximum limits for large size dogs listed in the AAFCO Dog Food Nutrient Profiles;
or

(3) The product is a member of a product family which is nutritionally similar to a lead product which contains a combination of ingredients that has been fed to a normal animal as the sole source of nourishment in accordance with the testing procedures established by AAFCO for all life stages, provided that:

(A) The nutritional similarity of the family product can be substantiated according to the Procedures for Establishing Pet Food Product Families developed by AAFCO;
and

(B) The family product meets the criteria for all life stages; and

(C) Under circumstances of reasonable doubt, the [State Control Official] may require the manufacturer to perform additional testing of the family product in order to substantiate the claim of nutritional adequacy.

(c) The label of a pet food or specialty pet food which is intended for a limited purpose (such as size of dog) or a specific life stage, but not for all life stages and sizes, may make qualified claims, directly or indirectly, such as “complete and balanced,” “perfect,” “scientific,” or “100% nutritious” when the product and claim meet both of the following:

(1) The claim is qualified with a statement of the limited purpose or specific life stage for which the product is intended or suitable, for example, “complete and balanced for puppies (or kittens).” The claim and the required qualification shall be juxtaposed on the same label panel and in the same size, style, and color print; and

(2) The product meets at least one of the following:

(A) The nutrient requirements for the limited purpose or specific life stage established by an AAFCO-recognized nutrient profile; or

(B) The criteria for a limited purpose or a specific life stage as substantiated by completion of the appropriate AAFCO-recognized animal feeding protocol(s);

(i) Qualified claims of nutritional adequacy that include large size dogs can be substantiated by completing the appropriate protocols using large size dogs; or

(ii) Can be substantiated by completing the appropriate protocols using dogs less than 70 lb. adult weight while containing no more calcium and phosphorus than the maximum limits for large size dogs listed in the AAFCO Dog Food Nutrient Profiles; or

(C) The requirements of a product family which is nutritionally similar to a lead product which 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, and provided that:

(i) The nutritional similarity of the family product can be substantiated according to the Procedures for Establishing Pet Food Product Families developed by AAFCO; and

(ii) The family product meets the criteria for such limited purpose; and

(iii) Under circumstances of reasonable doubt, the [State Control Official] may require the manufacturer to perform additional testing for the family product to substantiate the claim of nutritional adequacy.

(d) A product intended for use by, or under the supervision or direction of, a veterinarian shall clearly indicate the nutritional adequacy of the product in accordance with Regulation 35:30-27-55(a)(3)(F) or 35:30-27-55(b)(2)(F) as would be required for any other pet food or specialty pet food.

(e) A signed affidavit attesting that the product meets the requirements of Regulation 35:30-27-54(b) or 35:30-27-54(c)(2) shall be submitted to the upon request.

(f) If the nutrient content of a product does not meet those nutrient requirements established by an AAFCO-recognized nutrient profile, or if no requirement has been established by an AAFCO-recognized nutritional authority for the life stage(s) of the intended species, the claimed nutritional adequacy of the product shall be scientifically substantiated.

(g) The following AAFCO-recognized nutritional authority, nutrient profile, and/or animal feeding protocol shall be acceptable as the basis for a claim of nutritional adequacy:

(1) As an AAFCO-recognized nutrient profile or nutritional authority:

(A) For dogs, the AAFCO Dog Food Nutrient Profiles;

(B) For cats, the AAFCO Cat Food Nutrient Profiles;

(C) For specialty pets, the nutrient recommendations approved by the Committee on Animal Nutrition of the National Research Council of the National Academy of Sciences, provided that, this nutrient recommendation is recognized only for the specific specialty pet for which the profile is intended.

(2) As an AAFCO-recognized animal feeding protocol(s), the AAFCO Dog and Cat Food Feeding Protocols.

(e)(h) When the label of a pet food or a specialty pet food includes a comparison of the nutrient content of the food with levels established by an AAFCO-recognized nutrient profile, such as a table of comparison, a percentage, or any other designation referring to an individual nutrient or all of the nutrient levels, the following apply:

(1) The nutrient shall be stated in the units of measurement used in the cited AAFCO-recognized nutrient profile; and

(2) 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; and

(3) The comparison may appear on the label separate and apart from the guaranteed analysis.

(1) The product shall meet the AAFCO-recognized nutrient profile; and

(2) The statement of comparison shall be preceded by a statement that the product meets the AAFCO-recognized profile; however, the statement that the product meets the AAFCO-recognized nutrient profile is not required provided that the nutritional adequacy statement as per Regulation 35:30-27-54(b)(1) or 35:30-27-54(c)(2)(A) appears elsewhere on the product label; and

(3) The statement of comparison of the nutrient content shall constitute a guarantee and shall be in the nutrient guarantees within the pet or specialty pet nutrition facts; and

(4) The statement of comparison shall appear on the label separate and apart from the nutrient guarantees within the pet or specialty pet nutrition facts.

(f) Percentages or other designations referring to an individual nutrient or all of the nutrient levels established by the AAFCO-recognized nutrient profile may be used on a pet food or specialty pet food when:

(1) The product meets the AAFCO-recognized nutrient profile;

(2) The comparison is preceded by a statement that the product meets the AAFCO-recognized nutrient profile; and

(3) The comparison is expressed in the same quantitative units as those used by the cited AAFCO-recognized nutrient profile.

(g) The maximum moisture declared on a pet food or specialty pet food label shall not exceed 78.00% of the natural moisture content of the ingredients, whichever is higher. However, pet food and specialty pet food including, but not limited to, those consisting principally of stew, gravy, sauce, broth, aspic, juice, or a milk replacer, and which are so labeled, may contain moisture in excess of 78.00%.

(h) Guarantees for crude protein, crude fat, and crude fiber are not required when the pet food or specialty pet food is intended for purposes other than to furnish these substances or they are of minor significance relative to the primary purpose of the product, like mineral or vitamin supplement.

35:30-27-55. Ingredients-Pet and Specialty Pet Nutrition Facts

(a) ~~Each ingredient of a pet food or specialty pet food shall be listed in the ingredient statement as follows:~~

~~(1) The names of all ingredients in the ingredient statement shall be shown in letters or type of the same size;~~

~~(2) The ingredients shall be listed in descending order by their predominance by weight in non-quantitative terms;~~

~~(3) Ingredients shall be listed and identified by the name and definition established by AAFCO; and~~

~~(4) Any ingredient for which no name and definition have been established shall be identified by the common or usual name of the ingredient.~~

~~(b) The ingredients "meat" or "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 derived from cattle, swine, sheep, goats, or any combination. For example, ingredients derived from horses shall be listed as "horsemeat" or "horsemeat by products".~~

~~(c) Brand or trade names shall not be used in the ingredient statement.~~

~~(d) A reference to the quality, nature, form, or other attribute of an ingredient shall be allowed when the reference meets all of the following:~~

~~(1) The designation is not false or misleading;~~

~~(2) The ingredient imparts a distinctive characteristic to the pet food or specialty pet food because it possesses that attribute; and~~

~~(3) A reference to quality or grade of the ingredient does not appear in the ingredient statement.~~

(a) **Pet Nutrition Facts** shall be displayed in a prominent place on the label of all pet foods (including treats, food supplements, veterinary diets, and food mixers), but not necessarily on the principal display panel. The information shall be set off in a box by use of hairlines and shall be all black or one-color type, printed on a white or other neutral contrasting background so as to be clearly visible under the heading "Pet Nutrition Facts" that is centered in the top row of the box and twice the size of all other text in the box. A hairline rule that is centered between the lines of text shall separate "Pet Nutrition Facts" from the next line of text. The box contains the following required elements with all text the same size and style in the following order:

(1) The stated whole familiar household unit (e.g., can, measuring cup, treat, or piece), consistent with the feeding directions, and its weight in grams shall be right justified.

This is set off by a bold line centered between this and the nextline of text.

(2) A statement of Calorie content, determined as specified in Regulation 35:30-27-59, shall include the following:

(A) The Calorie content of the product shall be stated after the left justified heading:

(i) "Calories per [familiar household unit].: [#]" when the Calorie content is determined in accordance with Regulation 35:30-27-59(a)(1); or

(ii) "Calories per [familiar household unit] (fed): [#]" when the Calorie content is determined in accordance with Regulation 35:30-27-59(a)(2).

(B) Below the Calorie content statement, the number of Calories contributed by Protein, Fat, and Carbohydrate shall be declared, in that order, after "From:". The

“From:” line shall be indented to reflect that it is a component of the total Calories on the line above. If the total Calorie content of the product is determined by feeding trial in accordance with Regulation 35:30-27-59(a)(2), then “.” shall be declared immediately after the number of Calories from Carbohydrates. The determination of Calories from protein, fat, and carbohydrate are as described in Regulation 35:30-27-59(c). This is set off by a bold line centered between this and the next line of text.

(3) The nutrient guarantees shall appear under the headers “Nutrients” that is left justified to the edge of the box, “Guaranteed” that is right justified to a vertical hairline that runs from this line of text to the last guaranteed nutrient value, and “per [familiar household unit]” that is right justified to the edge of the box. The amount “per [familiar household unit]” for each nutrient is determined by multiplying the guaranteed amount (concentration) by the number of grams in the familiar household unit and shall include the resultant unit of such amount (e.g., grams, milligrams, or international units). The guarantees shall be listed in the following order with a hairline centered between each line of text:

(A) A pet food label shall list the following required guaranteed amounts, stated as a maximum or minimum, as appropriate:

(i) “Protein” is minimum percentage of crude protein;

(ii) “Fat” is minimum percentage of crude fat;

(iii) “Total Carbohydrate” is maximum percentage equal to $[100 - (\text{Crude Protein} + \text{Crude Fat} + \text{Moisture} + \text{Ash})]$;

(iv) “Dietary Fiber” is maximum percentage of total dietary fiber. The dietary fiber guarantee shall be indented to reflect that it is a component of the total carbohydrate guarantee on the line above;

(v) “Moisture” is maximum percentage of moisture; and

(vi) Maximum percentage of crude fat (“Fat”) shall be listed between the minimum percentage of crude fat and the maximum percentage “Total Carbohydrate” if required by Regulation 35:30-27-59;

(vii) Additional required or voluntary guarantees shall follow moisture or ash, if listed.

(B) When “Ash” is listed, it shall be guaranteed as a maximum percentage and shall immediately follow moisture.

(C) When listed on the label of a dog or cat food product, guarantees for “Dietary Starch” and “Sugars” shall be stated as maximum guaranteed amounts. Neither guaranteed amount shall be listed without the other. The guaranteed amount for dietary starch shall follow dietary fiber with the same indentation. The guaranteed amount for sugars shall follow dietary starch with the same indentation.

(D) The “.calculated value” shall appear immediately after the last guarantee below a bold line.

(E) Other additional required or voluntary guarantees shall appear in accordance with the following:

(i) Guarantees for nutrients are in the same order and units of the nutrients in the AAFCO Dog (or Cat) Food Nutrient Profiles following ash, if also listed, or moisture, if ash is not listed.

(ii) Guarantees for substances not listed in the AAFCO Dog (or Cat) Food Nutrient Profiles, or not otherwise provided for in these Regulations, shall immediately follow the listing of the recognized nutrients and be accompanied by an asterisk.

(I) For any such guarantees, a hairline shall be centered between the last and the next line of text;

(II) The disclaimer “*not recognized as an essential nutrient by the AAFCO Dog [or Cat] Food Nutrient Profiles” shall appear immediately after “.calculated value”.

(F) The statement of nutritional adequacy shall appear immediately below the bold line separating it from the disclaimers which follow the guarantees:

(i) A statement that the dog or cat food meets the requirements of one or more of the recognized categories of nutritional adequacy: gestation/lactation, growth, maintenance, and all life stages. It shall be stated verbatim as one of the following:

(I) “(Name of product) is formulated to meet the nutritional levels established by the AAFCO Dog (or Cat) Food Nutrient Profiles for ____.” (Blank is to be completed by using the stage or stages of the pet’s life, such as gestation/lactation, growth, maintenance, or the words “All Life Stages”.) For a dog food, when the blank includes the words “Growth” or “All Life Stages,” one of the following phrases must also be added verbatim to the end of the claim:

(aa) “including growth of large size dogs (70 lb. or more as an adult)” if the product has been formulated to meet the levels of nutrients specifically referenced in the Dog Food Nutrient Profiles as being applicable to large size growing dogs.

(bb) “except for growth of large size dogs (70 lb. or more as an adult)” if the product has not been formulated to meet the levels of nutrients specifically referenced in the Dog Food Nutrient Profiles as being applicable to large size growing dogs; or

(II) “Animal feeding tests using AAFCO procedures substantiate that (Name of Product) provides complete and balanced nutrition for ____.” (Blank is to be completed by using the stage or stages of the pet’s life tested, such as, gestation/lactation, growth, maintenance, or the words “All Life Stages”); or

(III) “(Name of Product) provides complete and balanced nutrition for (Blank is to be completed by using the stage or stages of the pet’s life, such as gestation, lactation, growth, maintenance, or the words “All Life Stages”) and is comparable in nutritional adequacy to a product which has been substantiated using AAFCO feeding tests.”

(ii) A nutritional or dietary statement for purposes other than those listed in Regulation 35:30-27-54(b) or (c) if the statement is scientifically substantiated; or

(iii) The statement: “This product is intended for intermittent or supplemental feeding only,” if a product does not meet the requirements of Regulation 35:30-27-54(b) or (c) or any other special nutritional or dietary need and so is suitable only for limited or intermittent or supplementary feeding.

(b) **Specialty Pet Nutrition Facts** shall be displayed in a prominent place on the label of all specialty pet foods (including treats, food supplements, veterinary diets, and food mixers), but not necessarily on the principal display panel. The information shall be set off in a box by use of hairlines and shall be all black or one-color type, printed on a white or other neutral contrasting background so as to be clearly visible under the heading “Specialty Pet Nutrition Facts” that is centered in the top row of the box and twice the size of all other text in the box. A hairline rule that is centered between the lines of text shall separate “Specialty Pet Nutrition Facts” from the next line of text. The box contains the following required elements with all text the same size and style in the following order:

(1) The stated whole familiar household unit (e.g., can, measuring cup, treat, or piece), consistent with the feeding directions, and its weight in grams shall be right justified. This is set off by a bold line centered between this and the next line of text.

(2) The nutrient guarantees shall appear under the headers “Nutrients” that is left justified to the edge of the box, “Guaranteed” that is right justified to a vertical hairline that runs from this line of text to the last guaranteed nutrient values, and “per [familiar household unit]” that is right justified to the edge of the box. The amount “per [familiar household unit]” for each nutrient is determined by multiplying the guaranteed amount (concentration) by the number of grams in the familiar household unit and shall include the resultant unit of such amount (e.g., grams, milligrams, or international units). The guarantees shall be listed in the following order with a hairline centered between each line of text:

(A) A specialty pet food label shall list the following required guaranteed amounts, stated as a maximum or minimum, as appropriate:

(i) “Protein” is minimum percentage of crude protein;

(ii) “Fat” is minimum percentage of crude fat;

(iii) “Total Carbohydrate.” is maximum percentage equal to $[100 - (\text{Crude Protein} + \text{Crude Fat} + \text{Moisture} + \text{Ash})]$;

(iv) “Dietary Fiber” is maximum percentage of total dietary fiber. The dietary fiber guarantee shall be indented to reflect that it is a component of the total carbohydrate guarantee on the line above; and

(v) “Moisture” is maximum percentage of moisture;

(vi) Additional required or voluntary guarantees shall follow moisture or ash, if listed.

(B) When “Ash” is listed, it shall be guaranteed as a maximum percentage and shall immediately follow moisture.

(C) When listed on the label of a specialty pet food product, guarantees for “Dietary Starch” and “Sugars” shall be stated as maximum guaranteed amounts.

Neither guaranteed amount shall be listed without the other. The guaranteed amount for dietary starch shall follow dietary fiber with the same indentation. The guaranteed amount for sugars shall follow dietary starch with the same indentation.

(D) The “.calculated value” shall appear immediately after the last guarantee below a bold line.

(E) Other additional required or voluntary guarantees shall appear in accordance with the following:

(i) These guarantees shall follow ash, if also listed, or moisture, if ash is not listed;

(ii) Guarantees for nutrients are in the same order and units of the nutrients in an AAFCO-recognized nutrient profile for the intended animal species; however, if no species-specific AAFCO-recognized nutrient profile is available, the order and units shall follow the same order and units of nutrients in the AAFCO Cat Food Nutrient Profile;

(iii) For those specialty pet species with an AAFCO-recognized nutrient profile for the intended animal species, guarantees for substances not listed in that profile, or not otherwise provided for in these Regulations, shall immediately follow the listing of the recognized nutrients and be accompanied by an asterisk.

(I) For any such guarantees, a hairline shall be centered between the last and the next line of text;

(II) The disclaimer “*not recognized as an essential nutrient by the ____.” (Blank is to be completed by listing the specific AAFCO-recognized nutrient profile) shall appear immediately after the last such guaranteed amounts.

(III) No such disclaimer shall appear unless an AAFCO-recognized nutrient profile is available for the specific species of specialty pet.

(F) The statement of nutritional adequacy shall appear immediately below the bold line separating it from the guarantees as one of the following:

(i) For daily foods for those specialty pet species where no recognized nutritional authority exists, the statement: “This product is intended to be a daily food.”

(ii) For all other specialty pet foods:

(I) A statement substantiating that the specialty pet food meets the requirements for nutritional adequacy in Regulation 35:30-27-54(b) or (c) by an AAFCO-recognized nutritional authority. It shall be stated verbatim as the following: “(Name of product) is formulated to meet the nutritional levels established by [the AAFCO-recognized authority] for ____.” (Blank is to be completed by stating the species and the stage or stages of the specialty pet’s life.);

(II) A nutritional or dietary claim for purposes other than those listed in Regulation 35:30-27-54(b) or (c) if the claim is scientifically substantiated; or

(III) The statement: “This product is intended for intermittent or supplemental feeding only,” if a product is suitable only for limited or intermittent or supplementary feeding.

(c) **Pet or specialty pet food supplements:** The Pet Nutrition Facts or Specialty Pet Nutrition Facts box of a pet food or a specialty pet food which is formulated as and represented to be a food supplement shall include all of the information required in Regulation 35:30-27-55(a) or 35:30-27-55(b) except that guarantees shall only be displayed on a per feeding unit (e.g., tablets, capsules, granules, or liquids) basis:

(1) For a food supplement that is intended to be a source of nutrients, guarantees shall appear for all nutrients that the product is intended to provide under the headers “Nutrients” that is left justified to the edge of the box and “per [feeding unit]” that is right justified to the edge of the box:

(A) For nutrients with an established requirement by an AAFCO-recognized nutrient profile, minimum guarantees shall be declared in the same order and units (i.e., g, mg, or IU) specified in the AAFCO-recognized nutrient profile for the intended species; or

(B) When no species-specific nutrient profile has been recognized by AAFCO, minimum guarantees shall be declared in the same order and units (i.e., g, mg, or IU) specified in the AAFCO Cat Food Nutrient Profiles; and

(C) Guarantees for substances not listed in an AAFCO-recognized nutrient profile for the intended animal species, or not otherwise provided for in these Regulations, shall immediately follow the listing of the recognized nutrients and be accompanied by an asterisk.

(i) For any such guarantees, a hairline shall be centered between the last and the next line of text;

(ii) The disclaimer “*not recognized as an essential nutrient by the _____.” (Blank is to be completed by listing the specific AAFCO-recognized nutrient profile) shall appear immediately after the last such guaranteed amounts. No such disclaimer shall appear unless an AAFCO-recognized nutrient profile is available for the specific species of specialty pet.

(2) For a food supplement that is intended to supply microorganisms and/or enzymes, guarantees shall be declared as stipulated in Model Regulations 4(g) and/or 4(h) on a per feeding unit (e.g., tablets, capsules, granules, or liquids) basis. The enzyme activity unit meaning should follow the disclaimer within the box.

(d) The sliding scale method of expressing a guaranteed amount on a pet food or specialty pet food label (for example, “Protein 15–18% Min”) is prohibited.

(e) Protein, fat, calculated total carbohydrate, or dietary fiber are not required when the pet food or specialty pet food is intended for purposes other than to furnish these substances or they are of minor significance relative to the primary purpose of the product, such as a mineral or vitamin supplement.

(f) For small packages with a total printable area of more than 12 square inches and less than or equal to 40 square inches, all information required in Regulation 35:30-27-55(a), (b), or (c) shall appear, but may appear in a linear format. This information shall appear in one place without other intervening material. In the linear format, the required information shall:

- (1) Appear in the same order as required by Regulation 35:30-27-55(a), (b), or (c) but without the formatting described;
- (2) Text shall be all black or one-color type and all text shall be the same size and style, except that the heading “Pet Nutrition Facts” or “Specialty Pet Nutrition Facts” shall be bolded;
- (3) The text shall be sufficiently large so as to be conspicuous and must not be smaller than 1/16 inch;
- (4) The guaranteed amount shall appear immediately after the amount “per [familiar household unit]” for each nutrient with the guaranteed amount enclosed in parentheses and all units clearly identified;
- (5) The following abbreviations may be used: Total Carbohydrate as “Carb.,” Dietary Fiber as “Fiber”.

(g) For very small packages with a total printable area of less than or equal to 12 square inches, the information required else wherein Regulation 35:30-27-55 is not required to appear on the label. However, all information specified elsewhere in Regulation 35:30-27-55 for the particular product type shall be determined and shall be submitted to the [regulatory authority] upon request. The following limited information is required to appear on the label:

- (1) This information shall appear in one place without other intervening material;
- (2) Text shall be all black or one-color type and all text shall be the same size and style, except that the heading “Nutrition Facts” shall be bolded;
- (3) The text shall be sufficiently large so as to be conspicuous and must not be smaller than 1/16 inch;
- (4) For pet foods, only total calories are required and shall be stated as:
 - (A) “Cal (calc): [#]” when the Calorie content is determined in accordance with Regulation 35:30-27-59(a)(1); or
 - (B) “Cal (fed): [#]” when the Calorie content is determined in accordance with Regulation 35:30-27-59(a)(2).
- (5) Guaranteed amounts shall be stated in weight per entire contents (e.g., grams per pouch). The following required guaranteed amounts stated as a maximum or minimum, as appropriate:
 - (A) “Protein” is crude protein;
 - (B) “Fat” is crude fat;
 - (C) “Carb” is calculated from [100 – (% Crude Protein + % Crude Fat + % Moisture + % Ash)];
 - (D) “Fiber” is total dietary fiber;
 - (E) “Moisture” is moisture; and
 - (F) Additional required or voluntary guarantees shall follow moisture or ash, if listed, and shall comply with the requirements for such guarantees in Regulation 35:30-27-55(a)(3) or 35:30-27-55(b)(2), as appropriate, except that they shall be stated in only in weight per entire contents.

35:30-27-56. ~~Additives and drugs~~ Ingredients

(a) An artificial color may be used in a pet food or a specialty pet food only if it has been shown to be harmless to pets or specialty pets. The permanent or provisional listing of an artificial color in the United States Food and Drug Administration regulations as safe for use, together with the

conditions, limitations, and tolerances, if any, incorporated in those regulations, shall be satisfactory evidence that the color is, when used pursuant to the regulations, harmless to pets or specialty pets.

~~(b) Evidence may be required to prove the safety and efficacy or utility of a pet food or specialty pet food which contains additives or drugs, when used according to directions furnished on the label. Satisfactory evidence of the safety and efficacy of a pet food or specialty pet food may be established:~~

~~(1) When the pet food or specialty pet food contains these 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 the use; or~~

~~(2) When the pet food or specialty pet food itself is a drug or contains a drug as defined in the Oklahoma Commercial Feed Act and is "generally recognized safe and effective" for the labeled use or is marketed subject to an application approved by the Food and Drug Administration under Title 21, U.S.C. 360 (b).~~

~~(c) When a drug is included in a pet food or specialty pet food, the format required by 35:30-27-3(2) for labeling medicated feeds shall be used.~~

(a) Each ingredient of a pet food or specialty pet food shall be listed in the ingredient statement as follows:

(1) The names of all ingredients in the ingredient statement shall be shown in letters or type of the same size, style, and color, except where the defined name of the ingredient includes genus and species (e.g., microorganisms) which may be shown in italics;

(2) The ingredients shall be listed in descending order by their predominance by weight in non-quantitative terms, except if the ingredient is a vitamin and/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 and/or minerals in the premix, each in their order of predominance by weight as listed on the ingredient statement of the premix label;

(3) Ingredients shall be listed and identified by the name established in the AAFCO Official Common or Usual Names and Definitions of Feed Ingredients, except any ingredient for which no AAFCO ingredient name exists shall be identified by the common or usual name;

(4) Any 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 of the Code of Federal Regulations shall be declared in accordance with the applicable regulation, which includesthe name of the standardized food followed by a parenthetical listing of its ingredients, if necessary, as provided in the regulation;

(5) The ingredients "meat," "poultry," "poultry by-products," or "meat by-products" shall be qualified to designate the animal from which the ingredients are derived unless the meat or meat by-products 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 by-products;"

(6) For ingredients consisting of fish, "fish meal," or "fish by-products," 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(s) 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

(7) For purposes of ingredient labeling of pet food or specialty pet food, the ingredient "sugar" shall refer to sucrose, which is obtained from sugar cane or sugar beets in accordance with the provisions in Title 21 of the Code of Federal Regulations. For all other labeling purposes outside the ingredient list, the term "sugar" shall be synonymous with "sugars" as defined in the Official Feed Terms.

(b) Brand or trade names shall not be used in the ingredient statement.

(c) Reference to quality or grade of an ingredient shall not appear in the ingredient statement.

(d) If properly used as specified by the USDA National Organic Program (7 CFR Part 205), the term "organic" does not apply to Regulation 35:30-27-56(c).

(e) A reference to the nature, form, or other attribute of an ingredient shall be allowed in the ingredient statement when that attribute imparts a distinctive characteristic to the pet food or specialty pet food.

(f) 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, shall be based in relation to the total weight of all ingredients in the product.

(1) The names of the ingredient(s) shall appear in order of predominance by weight in the product, provided that names of flavors due to their varying intensity can be in any order.

(2) Where water sufficient for processing is excluded from the declared percentage, the exclusion of water shall 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").

35:30-27-57. Nutritional Adequacy Drugs and Pet Food Additives

~~(a) The label of a pet food or specialty pet food which is intended for all life stages of the pet or specialty pet may include an unqualified claim, directly or indirectly, like "complete and balanced", "perfect", "scientific", or "100% nutritious" if at least one of the following apply:~~

~~(1) The product meets the nutrient requirements for all life stages established by an AAFCO-recognized nutrient profile; or~~

~~(2) The product meets the criteria for all life stages as substantiated by completion of the appropriate AAFCO-recognized animal feeding protocol(s).~~

~~(b) The label of a pet food or specialty pet which is intended for a limited purpose or a specific life stage, but not for all life stages, may include a qualified claim like "complete and balanced", "perfect", "scientific", or "100% nutritious" when the product and claim meets all of the following:~~

~~(1) The claim is qualified with a statement of the limited purpose or specific life stage for which the product is intended or suitable, for example, "complete and balanced for puppies" or "kittens". The claim and the required qualification shall be juxtaposed on the same label panel and in the same size, style, and color print; and~~

~~(2) The product meets at least one of the following:~~

~~(A) The nutrient requirements for the limited purpose or specific life stage established by an AAFCO-recognized nutrient profile; or~~

- (B) The criteria for a limited purpose or a specific life stage as substantiated by completion of the appropriate AAFCO-recognized animal feeding protocol(s).
- (e) Dog and cat food labels shall include a statement of nutritional adequacy or purpose of the product except when the dog or cat food is clearly and conspicuously identified on the principal display panel as a "snack" or "treat". The statement shall consist of one of the following:
- (1) A claim that the dog or cat food meets the requirements of one or more of the recognized categories of nutritional adequacy: gestation/lactation, growth, maintenance, and all life stages. The claim shall be stated verbatim as one of the following:
 - (A) "(Name of product) is formulated to meet the nutritional levels established by the AAFCO Dog (or Cat) Food Nutrient Profiles for (Blank)" (Blank is to be completed by using the stage or stages of the pet's life, like, gestation/lactation, growth, maintenance, or the words "All Life Stages"); or
 - (B) "Animal feeding test using AAFCO procedures substantiate that (Name of Product) provides complete and balance nutrition for (Blank)" (Blank is to be completed by using the stage or stages of the pet's life tested, like, gestation/lactation, growth, maintenance, or the words "All Life Stages"); or
 - (C) "(Name of Product) provides complete and balanced nutrition for (Blank)" (Blank is to be completed by using the stage or stages of the pet's life, like gestation/lactation, growth, maintenance, or the words "All Life Stages") and is comparable in nutritional adequacy to a product which has been substantiated using AAFCO feeding tests."
 - (2) A nutritional or dietary claim for purposes other than those listed in 35:30-27-57(a) or (b) if the claim is scientifically substantiated; or
 - (3) The statement "This product is intended for intermittent or supplemental feeding only", if a product does not meet the requirements of 35:30-27-57(a) or (b) or any other special nutritional or dietary need and is suitable only for limited, intermittent, or supplementary feeding.
- (d) A product intended for use by, or under the supervision or direction of a veterinarian shall make a statement in accordance with 35:30-27-58(b).
- (e) A signed affidavit attesting that the product meets the requirements of 35:30-27-58(a) or (b) shall be submitted to the Board upon request.
- (f) If the nutrient content of a product does not meet those nutrient requirements established by an AAFCO-recognized nutrient profile, or if no requirement has been established by an AAFCO-recognized nutritional authority for the life stage(s) of the intended species, the claimed nutritional adequacy or purpose of the product shall be scientifically substantiated.
- (a) An artificial color may be used in a pet food or specialty pet food only if it has been shown to be harmless to pets or specialty 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 or specialty pets.
- (b) Evidence may be required to prove the safety and efficacy or utility of a pet food or specialty pet food which contains additives or drugs, when used according to directions furnished on the label. Satisfactory evidence of the safety and efficacy of a pet food or specialty pet food may be established:

- (1) When the pet food or specialty 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 “informal review sanctioned” or “Generally Recognized as Safe” for such use; or
- (2) When the pet food or specialty pet food itself is a drug or contains a drug as defined in Section 3 (g) of this Act and is “generally recognized as safe and effective” for the labeled use or is marketed subject to an application approved by the Food and Drug Administration under Title 21, U.S.C. 360(b).
- (c) When a drug is included in a pet food or specialty pet food, the format required by Model Regulation 3(a)(2) for labeling medicated feeds shall be used.

35:30-27-58. Feeding directions

~~(a) Dog or cat food, including snacks or treats, labeled as complete and balanced for any or all life stages, as provided in 35:30-27-57(c)(1), except those pet foods labeled in accordance with 35:30-27-57(d), shall list feeding directions on the product label. These directions shall be consistent with the intended use(s) indicated in the nutritional adequacy statement, unless a limited use or more limited life stage designation is declared (e.g. "adult formula"). These directions shall be expressed in common terms and shall appear prominently on the label. Feeding directions shall, at a minimum, state "Feed (weight/unit of product) per (weight only) of dog (or cat)". The frequency of feeding shall also be specified.~~

~~(b) When a dog or cat food is intended for use by or under the supervision or direction of a veterinarian, the statement: "Use only as directed by your veterinarian" may be used in lieu of feeding directions.~~

(a) All pet foods and specialty pet foods shall bear feeding directions consistent with the intended use statement on the principal display panel.

(b) Dog or cat food, including treats and food mixers, labeled as complete and balanced for any or all life stages as provided in Regulation 35:30-27-54(b) or 35:30-27-54(c), except those pet foods labeled in accordance with Regulation 35:30-27-54(d), shall list feeding directions on the product label. These directions shall be expressed in common terms and shall appear prominently on the label. Feeding directions shall, at a minimum, include the amount of familiar household unit of product per weight of dog (or cat). The frequency of feeding shall also be specified.

(c) Specialty pet food, including treats and food mixers, labeled as complete and balanced for any or all life stages as provided in Regulation 35:30-27-54(b) or 35:30-27-54(c) or as a daily food, shall list feeding directions on the product label. These feeding directions shall be adequate to meet the feeding requirements of the intended species of specialty pet. These directions shall be expressed in common terms and shall appear prominently on the label. The frequency of feeding shall also be specified.

(d) Food supplements shall list feeding directions on the product label that, at minimum, include the quantity of feeding unit (e.g., tablets, capsules, granules, or liquids) per weight of animal. The frequency of feeding shall also be specified.

(e) When a pet food or specialty pet food is intended for use by or under the supervision or direction of a veterinarian, the statement: “Use only as directed by your veterinarian” may be used in lieu of feeding directions.

35:30-27-59. Statements Determination of calorie content for dog and cat foods

(a) Except as required in 35:30-27-60, the label of a dog or cat food may bear a statement of calorie content when the label meets all of the following:

(1) The statement shall be separate and distinct from the "Guaranteed Analysis" and shall appear under the heading "Calorie Content";

(2) The statement shall be measured in terms of metabolizable energy (ME) on an "as fed" basis and shall be expressed as "kilocalories per kilogram" ("kcal/kg") of product, and may also be expressed as kilocalories per familiar household measure (e.g., cans, cups, pounds); and

(3) The calorie content is determined by one of the following methods:

(A) By calculation using the following "Modified Atwater" formula: $ME(kcal/kg) = 10[(3.5 \times CP) + (8.5 \times CF) + (3.5 \times NFE)]$ Where: ME = Metabolizable Energy CP = % crude protein "as fed" CF = % crude fat "as fed" NFE = % nitrogen-free extract kern Amount = "1pt" (carbohydrate) "as fed" and the percentages of CP and CF are the arithmetic averages from proximate analyses of at least four production batches of the product, and the NFE is calculated as the difference between 100 and the sum of CP, CF, and the percentages of crude fiber, moisture, and ash (determined in the same manner as CP and CF); or
(B) In accordance with a testing procedure established by AAFCO.

(4) An affidavit shall be provided upon request to the Board, substantiating that the calorie content was determined by:

(A) 35:30-27-59(a)(3)(A) in which case the results of all the analyses used in the calculation shall accompany the affidavit; or

(B) 35:30-27-59(a)(3)(B) in which case the summary data used in the determination of calorie content shall accompany the affidavit.

(5) The calorie content statement shall appear as one of the following:

(A) The claim on the label or other labeling shall be followed parenthetically by the word "calculated" when the calorie content is determined in accordance with 35:30-27-59(a)(3)(A); or

(B) The value of calorie content stated on the label which is determined in accordance with 35:30-27-59(a)(3)(B) shall not exceed or understate the value determined in accordance with 35:30-27-59(a)(3)(A) by more than 15%.

(a) The statement shall be determined in terms of metabolizable energy (ME) on an "as fed" moisture basis by one of the following methods then converted to Calories (kcal) per the familiar household unit (i.e., can, measuring cup, treat, or piece):

(1) By calculation (indicated with a "+" in the Pet Nutrition Facts) using the following "Modified Atwater" formula: $ME(kcal/kg) = 10[(3.5 \times CP) + (8.5 \times CF) + (3.5 \times NFE)]$, where ME = metabolizable energy, CP = % crude protein "as fed," CF = % crude fat "as fed," NFE = % nitrogen-free extract (carbohydrate) "as fed," and the percentages of CP and CF are the average values of these components in the product as determined by sound scientific methods, such as, but not limited to scientifically accurate calculations made from the formula of the product or upon chemical analysis of the product. The NFE is calculated as the difference between 100 and the sum of CP, CF, and the percentages of crude fiber, moisture, and ash (determined in the same manner as CP and CF); or

(2) In accordance with testing procedures determined by AAFCO (indicated as "(fed)" in the Pet Nutrition Facts).

(b) An affidavit shall be provided upon the request of [regulatory authority], substantiating that the Calorie content was determined by:

(1) Regulation 35:30-27-59(a)(1) in which case the summary data used in the calculation shall be included in the affidavit; or

(2) Regulation 35:30-27-59(a)(2) in which case the summary data used in the determination of Calorie content shall accompany the affidavit.

(c) The Calories from protein, fat, and carbohydrate as required in the Pet Nutrition Facts are determined using the following calculation, then converted to Calories (kcal) per the familiar household unit (i.e., can, measuring cup, treat, or piece):

(1) Protein: $ME (kcal/kg) = 10(3.5 \times CP)$, where ME = metabolizable energy, CP = % crude protein "as fed" and the percentage of CP is the average value in the product as determined by sound scientific methods, such as, but not limited to scientifically accurate calculations made from the formula of the product or upon chemical analysis of the product.

(2) Fat: $ME (kcal/kg) = 10(8.5 \times CF)$, where ME = metabolizable energy, CF = % crude fat "as fed" and the percentage of CF is the average value in the product as determined by sound scientific methods, such as, but not limited to scientifically accurate calculations made from the formula of the product or upon chemical analysis of the product.

(3) Carbohydrate: $ME (kcal/kg) = 10(3.5 \times NFE)$, where ME = metabolizable energy, NFE is calculated as the difference between 100 and the sum of CP, CF, and the percentages of crude fiber, moisture, and ash; CP = % crude protein "as fed," CF = % crude fat "as fed" and the percentages are the average values of these components in the product as determined by sound scientific methods, such as, but not limited to scientifically accurate calculations made from the formula of the product or upon chemical analysis of the product.

(b) (d) Comparative claims shall not be false, misleading, or given undue emphasis and shall be based on the same methodology for the products compared.

35:30-27-60. Descriptive terms

(a) Calorie terms.

(1) "Light"

(A) A dog food product which bears on its label the terms "light", "lite", "low calorie", or words of similar designation shall:

(i) Contain no more than 3100 kcal ME/kg for products containing less than 20% moisture, no more than 2500 kcal ME/kg for products containing 20% or more but less than 65% moisture, and no more than 900 kcal ME/kg for products containing 65% or more moisture; and

~~(ii) Include on the label a calorie content statement:~~

~~(I) In accordance with the format provided in 35:30-27-59; and~~

~~(II) Which states no more than 3100 kcal ME/kg for products containing less than 20% moisture, no more than 2500 kcal ME/kg for products containing 20% or more but less than 65% moisture, and no more than 900 kcal ME/kg for products containing 65% or more moisture; and~~

~~(iii)~~ (ii) Include on the label feeding directions which reflect a reduction in calorie intake consistent with the intended use.

(B) A cat food product which bears on its label the terms "light", "lite", "low calorie", or words of similar designation shall:

(i) Contain no more than 3250 kcal ME/kg for products containing less than 20% moisture, no more than 2650 kcal ME/kg for products containing 20 or more but less than 65% moisture, and no more than 950 kcal ME/kg for products containing 65% or more moisture; and

~~(ii) Include on the label a calorie content statement:~~

~~(I) In accordance with the format provided in 35:30-27-59; and~~

~~(II) Which states no more than 3250 kcal ME/kg for products containing less than 20% moisture, no more than 2650 kcal ME/kg for products containing 20% or more but less than 6% moisture, and no more than 950 kcal ME/kg for products containing 65% or more moisture; and~~

~~(III) Include on the label feeding directions which reflect a reduction in calorie intake consistent with the intended use.~~

(ii) Include on the label feeding directions which reflect a reduction in Calorie intake consistent with the intended use.

(2) "Less" or "Reduced Calories"

(A) A dog or cat food product which bears on its label a claim of "less calories", "reduce calories", or words of similar designation, shall include on the label:

(i) The name of the product of comparison and the percentage of calorie reduction (expressed on an equal weight basis) explicitly stated and juxtaposed with the largest or most prominent use of the claim on each panel of the label where the term appears; and

(ii) The comparative statement printed in type of the same color and style and at least one-half the type size used in the claim; and

~~(iii) A calorie content statement in accordance with the format provided in 35:30-27-59; and~~

~~(iv)~~ (iii) Feeding directions which reflect a reduction in calories compared to feeding directions for the product of comparison.

(B) A comparison between products in different categories of moisture content (i.e., less than 20%, 20% or more but less than 65%, 65% or more) is misleading.

(b) **Fat terms.**

(1) "Lean"

(A) A dog food product which bears on its label the terms "lean", "low fat", or words of similar designation shall:

(i) Contain no more than 9% ~~crude~~ fat for products containing less than 20% moisture, no more than 7% ~~crude~~ fat for products containing 20% or more but less than 65% moisture, and no more than 4% ~~crude~~ fat for products containing 65% or more moisture; and

(ii) Include on the product label in the ~~Guaranteed Analysis~~ nutrient guarantees:

~~(I) A maximum crude fat guarantee immediately following the minimum crude fat guarantee in addition to the mandatory guaranteed analysis information as specified in 35:30-27-54~~ A maximum fat guarantee immediately following the minimum fat guarantee in addition to the mandatory information as specified in Regulation 35:30-27-55(a)(3); and; and

~~(II) A maximum crude fat guarantee which is no more than 9% crude fat for products containing less than 20% moisture, no more than 7% crude fat for products containing 20% or more but less than 65% moisture, and no more than 4% crude fat for products containing 65% or more moisture~~ A maximum fat guarantee which is no more than 9% fat for products containing less than 20% moisture, no more than 7% fat for products containing 20% or more but less than 65% moisture, and no more than 4% fat for products containing 65% or more moisture.

(B) A cat food product which bears on its label the terms "lean", "low fat", or words of similar designation shall:

(i) Contain a maximum percentage of ~~crude~~ fat which is no more than 10% ~~crude~~ fat for products containing less than 20% moisture, no more than 8% ~~crude~~ fat for products containing 20% or more but less than 65% moisture, and no more than 5% ~~crude~~ fat for products containing 65% or more moisture; and

(ii) Include on the product label in the ~~Guaranteed Analysis~~ nutrient guarantees:

~~(I) A maximum crude fat guarantee immediately following the minimum crude fat guarantee in addition to the mandatory guaranteed analysis information as specified in 35:30-27-54~~ A maximum fat guarantee immediately following the minimum fat guarantee in addition to the mandatory information as specified in Regulation 35:30-27-55(a)(3); and

~~(II) A maximum crude fat guarantee which is no more than 9% crude fat for products containing less than 20% moisture, no more than 7% crude fat for products containing 20% or more but less than 65% moisture, and no more than 4% crude fat for products containing 65% or more moisture~~ A maximum fat guarantee which is no more than 10% fat for products containing less than 20% moisture, no more than 8% fat for products containing 20% or more but less than 65% moisture, and no more than 5% fat for products containing 65% or more moisture.

(2) "Less" or "Reduced Fat"

(A) A dog or cat food product which bears on its label a claim of "less fat", "reduced fat", or words of similar designation, shall include on the label:

(i) The name of the product of comparison and the percentage of fat reduction (expressed on an equal weight basis) explicitly stated and

- juxtaposed with the largest or most prominent use of the claim on each panel of the label where the term appears; and
- (ii) The comparative statement printed in type of the same color and style and at least one-half the type size used in the claim; and
- (iii) A maximum ~~crude~~ fat guarantee ~~in the Guaranteed Analysis~~ immediately following the minimum ~~crude~~ fat guarantee in addition to the mandatory guaranteed analysis information as specified in ~~35:30-27-54~~ Regulation 35:30-27-55(a)(3).

(B) A comparison on the label between products in different categories of moisture content (i.e., less than 20%, 20% or more but less than 65%, 65% or more) is misleading.

(c) Carbohydrate Terms

(1) “Low” Carbohydrate, Dietary Starch, and Sugars Claims. A claim of “low carbohydrates,” “low dietary starch,” “low sugars” (or a combination thereof) is not allowed.

(2) “Less” or “Reduced” Carbohydrates, Dietary Starch, and Sugars claims.

(A) A dog or cat food product that bears on its label a claim of “less _____” or “reduced _____” (blank is to be completed by using “carbohydrates,” “dietary starch,” or “sugars”), or words of similar designation, shall include on the label:

(i) The name of the product of comparison and the percentage of reduction in total dietary starch plus sugars (expressed on an equal weight basis) explicitly stated and juxtaposed with the largest or most prominent use of the claim on each panel of the label on which the term appears; and

(ii) The comparative statement printed in type of the same color and style and not less than one-half the size used in the claim; and

(iii) Maximum guarantees for dietary starch and sugars as stated in Model Regulation 35:30-27-55(a)(3).

(B) A comparison between products in different categories of moisture content (i.e., less than 20%, 20% or more but less than 65%, 65% or more) is misleading.

35:30-27-61. Manufacturer or distributor name and address

(a) The label of a pet food or specialty pet food shall specify the business or corporate name and address of the manufacturer or distributor. This information shall appear under the header “Manufactured for _____,” “Distributed by _____,” or any other wording that expresses the facts, if the business whose name appears on the label is not the manufacturer. The statement of the place of business shall include the street address, city, state and zip code; however, the street address may be omitted if the street address is shown in a ~~current city directory or telephone directory for the city listed on the label~~ readily accessible, widely published, and publicly available resource, including but not limited to a printed directory, electronic database, or website.

(b) When a person manufactures, packs, or distributes a pet food or specialty pet food in a place other than the principal place of business, the label may state the principal place of business in lieu of the actual place where each package of the pet food or specialty pet food was manufactured or packaged or from where each package is to be distributed.

35:30-27-62. Handling and Storage Instructions

(a) A product which bears handling and storage instructions shall display such instructions under the bolded header "Handling and Storage Instructions:" that is separate and distinct from any feeding directions. A header is not required for small packages with a total printable area less than 40 square inches. If any graphics are used to support handling and storage instructions, the graphics (and only the graphics) on the AAFCO website may be included, with the handling and storage instructions section, as applicable. The graphics with accompanying text shall be obtained from the AAFCO website.

(b) The handling and storage instructions, if present, shall be displayed in a conspicuous manner so to render them likely to be read under typical conditions of use. Any use of the handling and storage instructions graphics shall be no smaller than:

(1) A panel size of ≤ 40 in.² has a maximum "with" claim type size of 1/2 inch.

(2) A panel size of $>40 - \leq 100$ in.² has a maximum "with" claim type size of 1 inch.

(3) A panel size of $>100 - <400$ in.² has a maximum "with" claim type size of 1 3/4 inch.

(4) A panel size of >400 in.² has a maximum "with" claim type size of 2 inch.

SUBCHAPTER 30. SOIL AMENDMENT

35:30-30-1. Definitions

The following words or terms shall have the meaning set forth herein when used in these rules and regulations:

(1) **"Aged"** means exposed to weathering or natural decay.

(2) **"Beneficial substances"** means any substance or compound, other than primary, secondary, and micro plant nutrients, and excluding pesticides, that can be demonstrated by scientific research to be beneficial to one or more species of plants, soil or media, and shall be considered a soil amendment for the purposes of this chapter.

~~(2)~~ (3) **"Biosolid"** means a primary organic solid material produced by wastewater treatment processes that can be beneficially recycled for its plant nutrient content and soil amending characteristics, as regulated pursuant to 40 CFR 503, as amended.

~~(3)~~ (4) **"Brand" or "product name"** means a specific designation applied to an individual soil amendment.

~~(4)~~ (5) **"Compost"** A biologically stable material derived from the composting process.

~~(5)~~ (6) **"Composting"** means the biological decomposition of organic matter accomplished by mixing and piling in such a way to promote aerobic or anaerobic decay and inhibits pathogens, viable weed seeds and odors.

~~(6)~~ (7) **"Custom media"** means a horticultural growing medium that is prepared to exact specifications of the person utilizing the medium.

~~(7)~~ (8) **"Forest products"** means untreated wood and its untreated byproducts generated from the harvest of timber and includes but is not limited to lumber, sawdust, bark, and similar materials, but in no case shall include reprocessed wood from fabricated consumer or industrial products.

~~(8)~~ (9) **"Horticultural growing media"** means any substance or mixture of substances promoted as or is intended to function as a growing medium for the managed growth of horticultural crops in containers and shall be considered a soil amendment for the purposes of this chapter.

~~(9)~~ (10) "**Inorganic based**" refers to all substances that do not fall under the definition of organic based or microbial based.

~~(10)~~ (11) "**Landscape materials**" means green waste derived from landscape operations and includes but is not limited to grass clippings, plants, shrubs, and tree trimmings not more than six inches (6") in diameter.

~~(11)~~ (12) "**Microbial based**" means a biological substance or mixture of substances distributed to be applied to the soil, plants, or seeds for corrective soil purposes; intended to improve germination, growth yield, product quality, reproduction, flavor, or other desirable characteristics of plants; or intended to produce any chemical, biochemical, biological, or physical change in the soil.

~~(12)~~ (13) "**Mulch**" means any organic or inorganic soil surface cover used to help retain moisture longer in the soil by retarding evaporation, to discourage weed growth, to help maintain a constant temperature by insulating the soil, to discourage runoff and soil erosion by shielding the soil surface from water abrasion or to promote water absorption and retention.

~~(13)~~ (14) "**Organic based**" means only naturally occurring substances generally recognized as the hydrogen compounds of carbon and their derivatives.

(15) "Plant Biostimulant" means a substance(s), microorganism(s), or mixtures thereof, that, when applied to seeds, plants, the rhizosphere, soil or other growth media, act to support a plant's natural nutrition processes independently of the biostimulant's nutrient content. The plant biostimulant thereby improves nutrient availability, uptake, or use efficiency, tolerance to abiotic stress, and consequent growth, development, quality or yield, and shall be considered a soil amendment for the purposes of this chapter.

~~(14)~~ (16) "**Processed**" means deliberately treated or manipulated to modify or transform physical, chemical, or biological characteristics of the natural state of the substance.

~~(15)~~ (17) "**Raw**" means in the natural state, and not prepared, modified or manipulated for use.

~~(16)~~ (18) "**Registration document**" means the information required by the Board for registering a soil amendment for distribution into or within Oklahoma. The Registration Document may be made available by the registrant to the purchaser upon request, but shall not be part of the product label or labeling.

~~(17)~~ (19) "**Wood**" means a hard, fibrous material located beneath the bark, which constitutes the greatest part of the stems of trees and shrubs.

35:30-30-3. Contents of the label

(a) Label information may be printed on the primary or secondary display panel on the bag containing the product, printed on a sticker placed on the bag, printed on a flyer or tag attached to the bag, or in the case of bulk bags or bulk, any of the above or printed on a fact sheet accompanying the shipment.

(b) The Board shall require each label to contain the following minimum information. Additional information of an instructional or explanatory nature may be provided at the discretion of the registrant.

(1) The product name as registered.

(2) The quantity of the product in quarts, cubic feet, yards, or metric equivalents or the weight of the product in ounces, pounds, tons or metric weights or the fluid measure in

fluid oz, quarts or gallons or metric equivalents as determined by the dominant method of sale by the industry and as registered.

(3) A statement identifying the purpose of the product.

~~(3)~~ (4) The guaranteed analysis for inorganic based soil amendments shall include the name and the percentage of each active ingredient.

~~(4)~~ (5) The guaranteed analysis for microbiological based soil amendments intended as an inoculum shall include the expiration date, state the number and kind of viable organisms per milliliter, or, if the product is other than liquid, state the number and kind of viable organisms per gram. If the product is not intended as an inoculum, then the product label shall state that the product is not a viable culture.

~~(5)~~ (6) In lieu of a guaranteed analysis for organic based soil amendments an ingredient list shall show all components whether organic or inorganic. Components shall be listed in order of decreasing volume, if they comprise at least three percent (3%) or more of the total volume of the product. Components shall be described as follows:

(A) Bark products shall be described as raw, aged, processed, or composted. Bark shall also be specified as pine or softwood (meaning Gymnosperm), or hardwood (not Gymnosperm), and may include no more than fifteen per cent (15%) wood by volume.

(B) Peat products shall be described in accordance with ASTM standards as to whether they are sphagnum, hypnum, reed-sedge, humus, or other peat.

(C) Wood products shall be described as raw, aged, processed, reprocessed or composted.

(D) Readily degradable organic substances shall be listed and described as raw, aged, processed or composted.

(E) The base material for any other composted product shall be described as listed.

(F) Mulches shall be described as listed in the components.

(G) Manures shall be described as listed in the components.

~~(6)~~ (7) Application rates and intended use statements such as general recommendations for product use. If cautionary warnings of uses not recommended are made, they should be stated in this section of the label.

~~(7)~~ (8) An address where further product information may be obtained, and a telephone number available during normal business hours for further product information.

~~(8)~~ (9) For products intended for use by commercial growers, the date of manufacture, or the month and year of manufacture, stated at any location on the bag. If the date or month and year of manufacture is coded, sufficient information must be provided to determine the date or month and year of manufacture from the code.

~~(9)~~ (10) The Board may require a registrant to include a warning or caution statement to ensure safety.