

Chapter 16-252 WAC
COMMERCIAL FEED—PET FOOD AND SPECIALTY PET FOOD

Last Update: 1/15/20

WAC

16-252-002	Purpose.
16-252-004	Applicability.
16-252-006	Adoption of federal regulations and national consensus codes—Order of precedence.
16-252-008	Definitions and terms.
16-252-012	Label format and labeling.
16-252-024	Brand and product names.
16-252-036	Expression of guarantees.
16-252-044	Nutritional adequacy.
16-252-064	Ingredients.
16-252-094	Drugs and pet food additives.
16-252-106	Feeding directions.
16-252-118	Statements of calorie content.
16-252-121	Descriptive terms.
16-252-122	Manufacturer or distributor—Name and address.
16-252-136	Adulterants.
16-252-148	Current good manufacturing practices and hazard analysis and risk-based preventive controls.
16-252-164	Recordkeeping requirements.
16-252-178	Registration requirements.
16-252-182	Semi-annual feed distribution reporting requirements and inspection fees.
16-252-194	Access to publications adopted under this chapter.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

16-252-001	Effective date. [Statutory Authority: Chapters 15.53 and 34.05 RCW. WSR 03-23-129, § 16-252-001, filed 11/19/03, effective 7/1/04.] Repealed by WSR 05-18-093, filed 9/7/05, effective 10/8/05. Statutory Authority: Chapters 15.53 and 34.05 RCW.
16-252-005	Commercial feed regulated by this chapter. [Statutory Authority: Chapters 15.53 and 34.05 RCW. WSR 03-23-129, § 16-252-005, filed 11/19/03, effective 7/1/04.] Repealed by WSR 18-21-191, filed 10/24/18, effective 11/24/18. Statutory Authority: RCW 15.53.9012, 15.53.9013, 15.53.9016, and chapter 34.05 RCW.
16-252-007	The Code of Federal Regulation. [Statutory Authority: Chapters 15.53 and 34.05 RCW. WSR 05-18-093, § 16-252-007, filed 9/7/05, effective 10/8/05.] Repealed by WSR 18-21-191, filed 10/24/18, effective 11/24/18. Statutory Authority: RCW 15.53.9012, 15.53.9013, 15.53.9016, and chapter 34.05 RCW.
16-252-010	Commercial feed terms and definitions. [Statutory Authority: Chapters 15.53 and 34.05 RCW. WSR 05-18-093, § 16-252-010, filed 9/7/05, effective 10/8/05; WSR 03-23-129, § 16-252-010, filed 11/19/03, effective 7/1/04.] Repealed by WSR 18-21-191, filed 10/24/18, effective 11/24/18. Statutory Authority: RCW 15.53.9012, 15.53.9013, 15.53.9016, and chapter 34.05 RCW.
16-252-015	Feed ingredient names and definitions. [Statutory Authority: Chapters 15.53 and 34.05 RCW. WSR 03-23-129, § 16-252-015, filed 11/19/03, effective 7/1/04.] Repealed by WSR 18-21-191, filed 10/24/18, effective 11/24/18. Statutory Authority: RCW 15.53.9012, 15.53.9013, 15.53.9016, and chapter 34.05 RCW.
16-252-025	Label information and recordkeeping requirements. [Statutory Authority: Chapters 15.53 and 34.05 RCW. WSR 03-23-129, § 16-252-025, filed 11/19/03, effective 7/1/04.] Repealed by WSR 18-21-191, filed 10/24/18, effective 11/24/18. Statutory Authority: RCW 15.53.9012, 15.53.9013, 15.53.9016, and chapter 34.05 RCW.
16-252-040	Product or brand name label information required. [Statutory Authority: Chapters 15.53 and 34.05 RCW. WSR 03-23-129, § 16-252-040, filed 11/19/03, effective 7/1/04.] Repealed by WSR 18-21-191, filed 10/24/18, effective 11/24/18. Statutory Authority: RCW 15.53.9012, 15.53.9013, 15.53.9016, and chapter 34.05 RCW.
16-252-042	Additional label information required when a drug is used. [Statutory Authority: Chapters 15.53 and 34.05 RCW. WSR 03-23-129, § 16-252-042, filed 11/19/03, effective 7/1/04.] Repealed by WSR 18-21-191, filed 10/24/18, effective 11/24/18. Statutory Authority: RCW 15.53.9012, 15.53.9013, 15.53.9016, and chapter 34.05 RCW.
16-252-051	Exemptions from the guarantees required in WAC 16-252-061 and 16-252-062. [Statutory Authority: Chapters 15.53 and 34.05 RCW. WSR 03-23-129, § 16-252-051, filed 11/19/03, effective 7/1/04.] Repealed by WSR 18-21-191, filed 10/24/18, effective 11/24/18. Statutory Authority: RCW 15.53.9012, 15.53.9013, 15.53.9016, and chapter 34.05 RCW.
16-252-061	Guarantees for pet food. [Statutory Authority: Chapters 15.53 and 34.05 RCW. WSR 03-23-129, § 16-252-061, filed 11/19/03, effective 7/1/04.] Repealed by WSR 18-21-191, filed 10/24/18, effective 11/24/18. Statutory Authority: RCW 15.53.9012, 15.53.9013, 15.53.9016, and chapter 34.05 RCW.
16-252-062	Guarantees for specialty pet food. [Statutory Authority: Chapters 15.53 and 34.05 RCW. WSR 03-23-129, § 16-252-062, filed 11/19/03, effective 7/1/04.] Repealed by WSR 18-21-191, filed 10/24/18, effective 11/24/18. Statutory Authority: RCW 15.53.9012, 15.53.9013, 15.53.9016, and chapter 34.05 RCW.
16-252-065	Guarantees for grain mixture specialty pet food, with or without molasses. [Statutory Authority: Chapters 15.53 and 34.05 RCW. WSR 03-23-129, § 16-252-065, filed 11/19/03, effective 7/1/04.] Repealed by WSR 18-21-191, filed 10/24/18, effective 11/24/18. Statutory Authority: RCW 15.53.9012, 15.53.9013, 15.53.9016, and chapter 34.05 RCW.
16-252-069	Expression of guarantees—Expressed as is. [Statutory Authority: Chapters 15.53 and 34.05 RCW. WSR 03-23-129, § 16-252-069, filed 11/19/03, effective 7/1/04.] Repealed by WSR

18-21-191, filed 10/24/18, effective 11/24/18. Statutory Authority: RCW 15.53.9012, 15.53.9013, 15.53.9016, and chapter 34.05 RCW.

16-252-070 Expression of guarantees—Sliding-scale method prohibited. [Statutory Authority: Chapters 15.53 and 34.05 RCW. WSR 03-23-129, § 16-252-070, filed 11/19/03, effective 7/1/04.] Repealed by WSR 18-21-191, filed 10/24/18, effective 11/24/18. Statutory Authority: RCW 15.53.9012, 15.53.9013, 15.53.9016, and chapter 34.05 RCW.

16-252-071 Expression of guarantees—Protein, amino acids, fat, and fiber in specialty pet food. [Statutory Authority: Chapters 15.53 and 34.05 RCW. WSR 03-23-129, § 16-252-071, filed 11/19/03, effective 7/1/04.] Repealed by WSR 18-21-191, filed 10/24/18, effective 11/24/18. Statutory Authority: RCW 15.53.9012, 15.53.9013, 15.53.9016, and chapter 34.05 RCW.

16-252-072 Expression of guarantees—Minerals in specialty pet food. [Statutory Authority: Chapters 15.53 and 34.05 RCW. WSR 03-23-129, § 16-252-072, filed 11/19/03, effective 7/1/04.] Repealed by WSR 18-21-191, filed 10/24/18, effective 11/24/18. Statutory Authority: RCW 15.53.9012, 15.53.9013, 15.53.9016, and chapter 34.05 RCW.

16-252-073 Expression of guarantees—Minimum vitamin content in specialty pet food. [Statutory Authority: Chapters 15.53 and 34.05 RCW. WSR 03-23-129, § 16-252-073, filed 11/19/03, effective 7/1/04.] Repealed by WSR 18-21-191, filed 10/24/18, effective 11/24/18. Statutory Authority: RCW 15.53.9012, 15.53.9013, 15.53.9016, and chapter 34.05 RCW.

16-252-074 Expression of guarantees—Pet food and specialty pet food containing drugs. [Statutory Authority: Chapters 15.53 and 34.05 RCW. WSR 03-23-129, § 16-252-074, filed 11/19/03, effective 7/1/04.] Repealed by WSR 18-21-191, filed 10/24/18, effective 11/24/18. Statutory Authority: RCW 15.53.9012, 15.53.9013, 15.53.9016, and chapter 34.05 RCW.

16-252-075 Expression of guarantees and special requirements—Pet food and specialty pet food containing any added nonprotein nitrogen. [Statutory Authority: Chapters 15.53 and 34.05 RCW. WSR 03-23-129, § 16-252-075, filed 11/19/03, effective 7/1/04.] Repealed by WSR 18-21-191, filed 10/24/18, effective 11/24/18. Statutory Authority: RCW 15.53.9012, 15.53.9013, 15.53.9016, and chapter 34.05 RCW.

16-252-076 Expression of guarantees—Microorganisms and enzymes. [Statutory Authority: Chapters 15.53 and 34.05 RCW. WSR 03-23-129, § 16-252-076, filed 11/19/03, effective 7/1/04.] Repealed by WSR 18-21-191, filed 10/24/18, effective 11/24/18. Statutory Authority: RCW 15.53.9012, 15.53.9013, 15.53.9016, and chapter 34.05 RCW.

16-252-080 Substantiating nutritional suitability. [Statutory Authority: Chapters 15.53 and 34.05 RCW. WSR 03-23-129, § 16-252-080, filed 11/19/03, effective 7/1/04.] Repealed by WSR 18-21-191, filed 10/24/18, effective 11/24/18. Statutory Authority: RCW 15.53.9012, 15.53.9013, 15.53.9016, and chapter 34.05 RCW.

16-252-090 Ingredient statement terms. [Statutory Authority: Chapters 15.53 and 34.05 RCW. WSR 03-23-129, § 16-252-090, filed 11/19/03, effective 7/1/04.] Repealed by WSR 18-21-191, filed 10/24/18, effective 11/24/18. Statutory Authority: RCW 15.53.9012, 15.53.9013, 15.53.9016, and chapter 34.05 RCW.

16-252-095 Drug and feed additive requirements. [Statutory Authority: Chapters 15.53 and 34.05 RCW. WSR 05-18-093, § 16-252-095, filed 9/7/05, effective 10/8/05; WSR 03-23-129, § 16-252-095, filed 11/19/03, effective 7/1/04.] Repealed by WSR 18-21-191, filed 10/24/18, effective 11/24/18. Statutory Authority: RCW 15.53.9012, 15.53.9013, 15.53.9016, and chapter 34.05 RCW.

16-252-100 "Directions for use" and "precautionary statement" requirements. [Statutory Authority: Chapters 15.53 and 34.05 RCW. WSR 05-18-093, § 16-252-100, filed 9/7/05, effective 10/8/05; WSR 03-23-129, § 16-252-100, filed 11/19/03, effective 7/1/04.] Repealed by WSR 18-21-191, filed 10/24/18, effective 11/24/18. Statutory Authority: RCW 15.53.9012, 15.53.9013, 15.53.9016, and chapter 34.05 RCW.

16-252-110 Screenings. [Statutory Authority: Chapters 15.53 and 34.05 RCW. WSR 03-23-129, § 16-252-110, filed 11/19/03, effective 7/1/04.] Repealed by WSR 18-21-191, filed 10/24/18, effective 11/24/18. Statutory Authority: RCW 15.53.9012, 15.53.9013, 15.53.9016, and chapter 34.05 RCW.

16-252-120 Adulteration of pet food and specialty pet food. [Statutory Authority: Chapters 15.53 and 34.05 RCW. WSR 05-18-093, § 16-252-120, filed 9/7/05, effective 10/8/05; WSR 03-23-129, § 16-252-120, filed 11/19/03, effective 7/1/04.] Repealed by WSR 18-21-191, filed 10/24/18, effective 11/24/18. Statutory Authority: RCW 15.53.9012, 15.53.9013, 15.53.9016, and chapter 34.05 RCW.

16-252-140 Use of artificial coloring. [Statutory Authority: Chapters 15.53 and 34.05 RCW. WSR 03-23-129, § 16-252-140, filed 11/19/03, effective 7/1/04.] Repealed by WSR 18-21-191, filed 10/24/18, effective 11/24/18. Statutory Authority: RCW 15.53.9012, 15.53.9013, 15.53.9016, and chapter 34.05 RCW.

16-252-150 Reusing bags, totes, and containers. [Statutory Authority: Chapters 15.53 and 34.05 RCW. WSR 03-23-129, § 16-252-150, filed 11/19/03, effective 7/1/04.] Repealed by WSR 18-21-191, filed 10/24/18, effective 11/24/18. Statutory Authority: RCW 15.53.9012, 15.53.9013, 15.53.9016, and chapter 34.05 RCW.

16-252-155 Tonnage fee required. [Statutory Authority: Chapters 15.53 and 34.05 RCW. WSR 05-18-093, § 16-252-155, filed 9/7/05, effective 10/8/05. Statutory Authority: Chapter 15.53 RCW, 2003 1st sp.s. c 25, and chapter 34.05 RCW. WSR 04-14-076, § 16-252-155, filed 7/6/04, effective 1/1/05. Statutory Authority: Chapters 15.53 and 34.05 RCW. WSR 03-23-129, § 16-252-155, filed 11/19/03, effective 7/1/04.] Repealed by WSR 18-21-191, filed 10/24/18, effective 11/24/18. Statutory Authority: RCW 15.53.9012, 15.53.9013, 15.53.9016, and chapter 34.05 RCW.

16-252-165 Registration requirements. [Statutory Authority: Chapters 15.53 and 34.05 RCW. WSR 05-18-093, § 16-252-165, filed 9/7/05, effective 10/8/05; WSR 03-23-129, § 16-252-165, filed 11/19/03, effective 7/1/04.] Repealed by WSR 18-21-191, filed 10/24/18, effective 11/24/18. Statutory Authority: RCW 15.53.9012, 15.53.9013, 15.53.9016, and chapter 34.05 RCW.

16-252-170 Label submission requirements. [Statutory Authority: Chapters 15.53 and 34.05 RCW. WSR 03-23-129, § 16-252-170, filed 11/19/03, effective 7/1/04.] Repealed by WSR 18-21-191, filed 10/24/18, effective 11/24/18. Statutory Authority: RCW 15.53.9012, 15.53.9013, 15.53.9016, and chapter 34.05 RCW.

16-252-180 Good manufacturing practices adopted. [Statutory Authority: Chapters 15.53 and 34.05 RCW. WSR 05-18-093, § 16-252-180, filed 9/7/05, effective 10/8/05; WSR 03-23-129, § 16-252-180, filed 11/19/03, effective 7/1/04.] Repealed by WSR 18-21-191, filed 10/24/18, effective 11/24/18. Statutory Authority: RCW 15.53.9012, 15.53.9013, 15.53.9016, and chapter 34.05 RCW.

WAC 16-252-002 Purpose. This chapter is pursuant to RCW 15.53.9012 and regulates commercial feed, specifically pet food and specialty pet food distributed in Washington state for the purpose of uniformity with federal regulations and national consensus codes and ultimately to protect consumers from contaminated, adulterated, or misbranded pet food and specialty pet food.

[Statutory Authority: RCW 15.53.9012, 15.53.9013, 15.53.9016, and chapter 34.05 RCW. WSR 18-21-191, § 16-252-002, filed 10/24/18, effective 11/24/18.]

WAC 16-252-004 Applicability. (1) This chapter applies to pet food as defined in RCW 15.53.901, which includes food for dogs (*Canis familiaris*) and cats (*Felis catus*).

(2) This chapter applies to specialty pet food as defined in RCW 15.53.901 and includes any animal normally maintained in a household, such as, but not limited to, rodents, ornamental birds, ornamental fish, reptiles and amphibians, ferrets, hedgehogs, marsupials, and rabbits not raised for food or fur.

(3) If adulterated under RCW 15.53.902 for some but not all purposes, the following commodities are subject to the requirements of this chapter. If unadulterated, the following commodities are exempt from the requirements of this chapter.

(a) Unmixed whole seeds and physically altered entire unmixed seeds when such seeds are not chemically changed.

(b) Raw meat, hay, loose salt, straw, stover, silage, cobs, husks, and hulls when such commodities are not ground, mixed or intermixed with other materials.

[Statutory Authority: RCW 15.53.9012, 15.53.9013, 15.53.9016, and chapter 34.05 RCW. WSR 18-21-191, § 16-252-004, filed 10/24/18, effective 11/24/18.]

WAC 16-252-006 Adoption of federal regulations and national consensus codes—Order of precedence. (1) Adoption of regulations under the Federal Food, Drug and Cosmetic Act in this chapter is of the version effective February 9, 2017, and 21 U.S.C. 301 et seq. in this chapter is adoption of the version effective September 27, 2017.

(2) Adoption of provisions under the Association of American Feed Control Officials (AAFCO) official publication in this chapter is adoption of the provisions in the 2018 edition.

(3) If there is conflict between this chapter, chapter 15.53 RCW, adopted federal regulations, and adopted AAFCO provisions, the conflict must be resolved by giving precedence in the following order:

(a) Adopted federal regulations;

(b) Chapter 15.53 RCW;

- (c) This chapter;
- (d) Adopted AAFCO pet food and specialty pet food provisions; and
- (e) Adopted AAFCO commercial feed provisions.

(4) If this chapter is silent with regard to any aspect of pet food or specialty pet food, then the regulations under chapter 16-250 WAC apply.

[Statutory Authority: RCW 15.53.9012, 15.53.9013, 15.53.9016, and chapter 34.05 RCW. WSR 18-21-191, § 16-252-006, filed 10/24/18, effective 11/24/18.]

WAC 16-252-008 Definitions and terms. (1) The department adopts the Official Feed Terms and the Official Common and Usual Names and Definitions of Feed Ingredients in the AAFCO official publication.

(2) In addition, the following definitions apply to this chapter:

"All life stages" means gestation/lactation, growth, and adult maintenance life stages.

"Dehydrated grass meal" means the aerial portion of a grass plant that is:

- (a) Cut before the formation of seed;
- (b) Reasonably free of other crop plants, weeds, and mold;
- (c) Finely ground; and
- (d) Dried by artificial thermal means.

"Distressed specialty pet food" means specialty pet food in distribution that is no longer available for retail sale. Examples of distressed specialty pet food include, but are not limited to, dented cans, torn bags, or specialty pet food past its sell-by date.

"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).

"Grain mixture specialty pet food" means mixed or intermixed whole or physically altered grains, that:

- (a) Are not chemically altered;
- (b) May or may not contain molasses; and
- (c) Except for molasses, contain no other additives.

"Grass seed by-products meal or pellets" means a ground product consisting of light and broken seeds, hulls, chaff, straw, and some weed seeds but excluding sand, dirt, and heavy weed seeds.

"Grass seed screenings meal or pellets" means a product comprised chiefly of hulls obtained from the cleaning of various grass seeds.

"Guarantee" means a listing of specified nutrients or nonnutritive substances contained in a pet food or specialty pet food that the manufacturer or distributor named on the label warrants.

"Guaranteed analysis" means a listing of the minimum, maximum or both minimum and maximum concentrations of specified nutrients contained in a pet food or specialty pet food that the manufacturer or distributor named on the label warrants. Both minimum and maximum concentrations of specified nutrients contained in a pet food or specialty pet food are stated on an "as is" basis rather than on a "one hundred percent moisture free" basis in units specified by this chapter.

"Guarantor" means any person whose name appears on the label of a commercial feed and is responsible for:

- (a) Product/label information that is not misleading or misbranded;

(b) Compliance with product/label information and all applicable rules and regulation; and

(c) Registering pet food/specialty pet food products distributed in/into the state.

"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.

"Label" means a display of written, printed, or graphic matter upon or affixed to the container in which a pet food or specialty pet food is distributed, or on the invoice or delivery slip with which a bulk pet food or specialty pet food is distributed. This includes statements and promotion on company websites or other internet based customer interfaces.

"Labeling" means all labels and other written, printed, or graphic matter upon a pet food or specialty pet food or any of its containers or wrappers, or accompanying such pet food or specialty pet food. This includes statements and promotion on company websites or other internet based customer interfaces.

"Lot identifier" means a unique identifier for each lot, batch or production run that enables the manufacturer to accurately trace the complete manufacturing and distribution history of the product. A lot identifier is an individual lot, batch or production run number, code, date, or other suitable identification applied to the label, container, or package. In the case of bulk pet food or specialty pet food, the lot identifier is on a label, invoice, or shipping document accompanying the pet food or specialty pet food.

"Net weight" means the weight of a commodity excluding any materials, substances, or items not considered to be part of the commodity. Examples of materials, substances, or items not considered to be part of a commodity include, but are not limited to, containers, conveyances, bags, wrappers, packaging materials, labels, individual piece coverings, decorative accompaniments, and coupons. (See RCW 19.94.010 (1)(i).)

"Nutritionally adequate" means the pet food or specialty pet food, when fed according to directions on the label, will meet the nutritional requirements of the class of animals for which the pet food or specialty pet food was manufactured.

"Nutritionally suitable" means nutritionally adequate.

"Pea bran" means a product consisting primarily of the various components from a pea splitting operation. Pea bran must contain at least ten percent crude protein and not more than thirty-eight percent crude fiber.

"Pea by-products meal" means a product containing light and broken peas, and offal from pea cleaning, which includes chips, pea powder, pea hulls, and screenings. Pea by-products meal must contain at least fifteen percent crude protein and not more than thirty percent crude fiber.

"Pea meal" means a pea product resulting from the grinding of whole peas that are reasonably free of other crop seeds, weeds, and mold. Pea meal must contain at least twenty percent crude protein and not more than eight percent crude fiber.

"Pea screenings meal" means a product consisting primarily of the various components from the screening and cleaning of peas. Pea

screenings meal must contain at least ten percent crude protein and not more than thirty-eight percent crude fiber.

"Principal display panel" has the same meaning as that term is defined in 21 C.F.R. Part 589.2000(a)(1).

"Quantity statement" means the part of the label expressing net weight (mass), net volume (liquid or dry) or count.

"Repackage" means taking pet food and specialty pet food from packages (no larger than one hundred pounds for dry feed or fifty-five gallons for liquid feed) and placing it into smaller packages for re-sale.

"Salvage pet food and specialty pet food" means pet food and specialty pet food still under control of the original manufacturer and will not be offered for sale at retail. Examples include, but are not limited to, start-up and over-run product, unpelleted specialty pet food, specialty pet food fines, and other products not suitable for packaging for retail sale.

"Sell" or "sale" means all parts of exchanges concerning commercial feed including, but not limited to, advertising, offering, acceptance, dispensing, giving, delivering, serving, bartering, trading, or other supplying, holding for sale, and preparing for sale.

[Statutory Authority: RCW 15.53.9012, 15.53.9013, 15.53.9016, and chapter 34.05 RCW. WSR 18-21-191, § 16-252-008, filed 10/24/18, effective 11/24/18.]

WAC 16-252-012 Label format and labeling. (1) Pet food and specialty pet food shall be labeled with the following information:

(a) Product name and brand name, if any, on the principal display panel as specified in WAC 16-252-024;

(b) A statement specifying the species name of pet or specialty pet for which the food is intended, conspicuously designated on the principal display panel;

(c) Quantity statement, as defined in WAC 16-252-008, by weight (pounds and ounces, and metric), liquid measure (quarts, pints and fluid ounces, and metric) or by count, on the principal display panel;

(d) Guaranteed analysis as specified in WAC 16-252-036;

(e) Ingredient statement as specified in WAC 16-252-064;

(f) A statement of nutritional adequacy or purpose if required under WAC 16-252-044;

(g) Feeding directions if required under WAC 16-252-106; and

(h) Name and address of the manufacturer or distributor as specified in WAC 16-252-122.

(2) 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.

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

(4) 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.

(5) 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.

(a) Statements referring to a competitive product or comparing the properties of a packaged food to those of a competitive product

must not appear on a label unless the competitive product is specifically identified.

(b) Negative statements regarding a competitive product must not appear on a label unless the director determines that the information provided by the statements is beneficial to the product's purchaser.

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

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

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

(9)(a) Raw milk distributed as a commercial feed shall comply with the provisions under chapters 15.36 and 15.37 RCW. The label shall display the following statements: "WARNING: NOT FOR HUMAN CONSUMPTION - THIS PRODUCT HAS NOT BEEN PASTEURIZED AND MAY CONTAIN HARMFUL BACTERIA." and "DECHARACTERIZED WITH HARMLESS FOOD COLORING."

(b) The label type size must meet the following:

(i) The name and address of the producer or distributor in letters not less than one-fourth inch in size;

(ii) The name of the contents in letters not less than one-fourth inch in size;

(iii) The words "WARNING: NOT FOR HUMAN CONSUMPTION - THIS PRODUCT HAS NOT BEEN PASTEURIZED AND MAY CONTAIN HARMFUL BACTERIA." in letters at least one-half inch in size; and

(iv) The words "DECHARACTERIZED WITH HARMLESS FOOD COLORING." in letters not less than one-fourth inch in size.

(10) All pet food and specialty pet food must be labeled with a lot identifier sufficient to allow the manufacturer to accurately trace the complete manufacturing and distribution history of the product, but the lot identified may be separate from the label information required under this section.

(11) Labels must state all required label information in English. Pet food and specialty pet food may be additionally labeled in other languages if the other language labels provide the same information as the English version of the label.

(12) The term "organic" may not appear on labels or shipping documents of any pet food or specialty pet food unless the food was produced under conditions that comply with the National Organic Standard for the production and handling of organic crops, livestock and processed food products. The National Organic Standard may be obtained from the department, or on the internet at <http://www.ams.usda.gov/rules-regulations/organic>.

(13) When screenings are added to unmixed by-product pet food or specialty pet food, the term "screenings" must appear on the label:

(a) In the same size of type as the brand name; and

(b) Either as part of or immediately below the brand name.

(14) Distressed or salvage pet food or specialty pet food that contains, or may contain, prohibited mammalian protein must be labeled with the bovine spongiform encephalopathy precautionary statement "Do not feed to cattle or other ruminants."

[Statutory Authority: RCW 15.53.9012, 15.53.9013, 15.53.9016, and chapter 34.05 RCW. WSR 18-21-191, § 16-252-012, filed 10/24/18, effective 11/24/18.]

WAC 16-252-024 Brand and product names. (1) The words "100%," or "All," or words of similar designation shall not be used in the brand or product name of a pet food or 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.

(2) An ingredient or combination of ingredients may form part of a product name of a pet food or specialty pet food:

(a) When the ingredient(s) constitutes at least ninety-five percent of the total weight of the product. Water sufficient for processing may be excluded when calculating the percentage; however, the ingredients shall constitute at least seventy percent of the total product weight.

(b) When any ingredient(s) constitutes at least twenty-five percent of the weight of the product, provided that:

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

(ii) A descriptor is used with the ingredient name(s). This descriptor shall imply other ingredients are included in the product formula.

(iii) Examples of descriptors include "dinner," "platter," "entree," "formula," and "recipe"; and

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

(c) When a combination of ingredients which are included in the product name in accordance with this subsection meets all of the following:

(i) Each ingredient constitutes at least three percent of the product weight, excluding water sufficient for processing;

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

(iii) All such ingredient names appear on the label in the same size, style, and color print.

(3) When the name of any ingredient appears in the product name of a pet food or specialty pet food or elsewhere on the product label and includes a descriptor such as "with" or similar designation, the named ingredient(s) must each constitute at least three percent 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 three percent minimum level shall not apply to claims for nutrients, such as, 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:

Panel Size	Max "With Claim" Type Size
≤5 in. ²	1/8 in.

Panel Size	Max "With Claim" Type Size
>5 to ≤25 in. ²	1/4 in.
>25 to ≤100 in. ²	3/8 in.
>100 to ≤400 in. ²	1/2 in.
>400 in. ²	1 in.

(4) 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:

(a) The flavor designation:

(i) Conforms to the name of the ingredient as listed in the ingredient statement; or

(ii) Is identified by the source of the flavor in the ingredient statement.

(b) 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

(c) Substantiation of the flavor designation, the flavor claim, or the ingredient source is provided upon request.

(5) 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 WAC 16-252-024 (2) or (3); provided that the name of an ingredient or combination of ingredients may be used as a part of the product name if:

(a) 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 thereof; or

(b) It does not constitute a representation that the ingredient or combination of ingredients is present to the exclusion of other ingredients.

(6) 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 WAC 16-252-024 (2), (3), or (4).

(7) 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.)

[Statutory Authority: RCW 15.53.9012, 15.53.9013, 15.53.9016, and chapter 34.05 RCW. WSR 18-21-191, § 16-252-024, filed 10/24/18, effective 11/24/18.]

WAC 16-252-036 Expression of guarantees. (1) The "Guaranteed Analysis" shall be listed in the following order and format unless otherwise specified in this chapter:

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

(i) Minimum percentage of crude protein;

(ii) Minimum percentage of crude fat;

(iii) Maximum percentage of crude fat, if required by WAC 16-252-121;

(iv) Maximum percentage of crude fiber;

- (v) Maximum percentage of moisture; and
- (vi) Additional guarantees shall follow moisture.

(b) 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.

(c) 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) food nutrient profiles, or not otherwise provided for in this chapter, 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 such guarantee in the same size type as the guarantees.

(d) A specialty pet food label shall list other required or voluntary guarantees in the same order and units of the nutrients in an AAFCO-recognized nutrient profile for the specific 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. Guarantees for substances not listed in an AAFCO-recognized nutrient profile for the specific species of animal shall immediately follow the listing of recognized nutrients and shall be accompanied by an asterisk referring to the disclaimer "not recognized as an essential nutrient by the_____." (Blank is to be completed by listing the specific AAFCO-recognized nutrient profile.) This disclaimer shall appear immediately after the last such guarantee in the same size type as the guarantees. No such disclaimer shall be required unless an AAFCO-recognized nutrient profile is available for the specific species of specialty pet.

(2) 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.

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

(a) 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

(b) Minimum guarantees for all minerals from sources declared in the ingredient statement expressed as the element in units specified in the AAFCO cat food nutrient profiles when no species-specific nutrient profile has been recognized by AAFCO; and provided that:

(c) Mineral guarantees required by WAC 16-252-036 (3)(a) and (b) 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

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

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

(a) 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

(b) Minimum guarantees for all vitamins from sources declared in the ingredient statement expressed in units specified in the AAFCO cat

food nutrient profiles when no species-specific nutrient profile has been recognized by AAFCO; and provided that:

(i) Vitamin guarantees required by WAC 16-252-036 (4) (a) and (b), 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

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

(5) When the label of a pet food or 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:

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

(b) 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 WAC 16-252-044 (1) (a) or (2) (b) (i) appears elsewhere on the product label;

(c) The statement of comparison of the nutrient content shall constitute a guarantee, but need not be repeated in the guaranteed analysis; and

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

(6) The maximum moisture declared on a pet food or specialty pet food label shall not exceed seventy-eight percent or the natural moisture content of the ingredients, whichever is higher. However, pet food and specialty pet food such as, 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 seventy-eight percent.

(7) 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, such as a mineral or vitamin supplement.

(8) Guarantees for microorganisms and enzymes shall be stated in the format as specified in WAC 16-250-036 (7) and (8).

(9) Guaranteed analysis for all grain mixture, with or without molasses, specialty pet food must include the following nutrients on the label in the order listed:

(a) Minimum percentage of crude protein;

(b) Minimum percentage of crude fat; and

(c) Maximum percentage of crude fiber.

(10) A single mineral product that is defined in the "Mineral Products" subsection of the AAFCO official publication's "Official Common and Usual Names and Definitions of Feed Ingredients" section must guarantee the minerals included in the mineral products definition. For example, bone charcoal must guarantee calcium and phosphorous; calcium iodate must guarantee calcium and iodine.

[Statutory Authority: RCW 15.53.9012, 15.53.9013, 15.53.9016, and chapter 34.05 RCW. WSR 18-21-191, § 16-252-036, filed 10/24/18, effective 11/24/18.]

WAC 16-252-044 Nutritional adequacy. (1) 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 include an unqualified claim, directly or indirectly, such as "complete and balanced," "perfect," "scientific," or "100% nutritious" if at least one of the following apply:

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

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

(c) 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:

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

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

(iii) Under circumstances of reasonable doubt, the department may require the manufacturer to perform additional testing of the family product in order to substantiate the claim of nutritional adequacy.

(2) 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 include a qualified claim such as "complete and balanced," "perfect," "scientific," or "100% nutritious" when the product and claim meet all of the following:

(a) 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

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

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

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

(iii) 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:

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

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

(C) Under circumstances of reasonable doubt, the department may require the manufacturer to perform additional testing for the family product to substantiate the claim of nutritional adequacy.

(3) 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," "treat," or "supplement." The statement shall consist of one of the following:

(a) 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:

(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:

(A) "... 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.

(B) "... 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.

(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."

(b) A nutritional or dietary claim for purposes other than those listed in WAC 16-252-044 (1) or (2) if the claim is scientifically substantiated; or

(c) The statement: "This product is intended for intermittent or supplemental feeding only," if a product does not meet the requirements of WAC 16-252-044 (1) or (2) or any other special nutritional or dietary need and so is suitable only for limited or intermittent or supplementary feeding.

(4) A product intended for use by, or under the supervision or direction of a veterinarian shall make a statement in accordance with WAC 16-252-044 (3) (a) or (c).

(5) A signed affidavit attesting that the product meets the requirements of WAC 16-252-044 (1) or (2) (b) shall be submitted to the department upon request.

(6) 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.

(7) 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:

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

(i) For dogs, the AAFCO dog food nutrient profiles;

(ii) For cats, the AAFCO cat food nutrient profiles;

(iii) 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.

(b) As an AAFCO-recognized animal feeding protocol(s), the AAFCO dog and cat food feeding protocols.

[Statutory Authority: RCW 15.53.9012, 15.53.9013, 15.53.9016, and chapter 34.05 RCW. WSR 18-21-191, § 16-252-044, filed 10/24/18, effective 11/24/18.]

WAC 16-252-064 Ingredients. (1) Each ingredient of a pet food or specialty pet food shall be listed in the ingredient statement as follows:

(a) The names of all ingredients in the ingredient statement shall be shown in letters or type of the same size, style and color;

(b) The ingredients shall be listed in descending order by their predominance by weight in nonquantitative terms;

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

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

(2) The ingredient "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 thereof. For example, ingredients derived from horses shall be listed as "horsemeat" or "horsemeat by-products."

(3) Commercial, copyrighted, brand or trade names shall not be used in the ingredient statement.

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

(a) The designation is not false or misleading;

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

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

(5) If there is no official definition for an ingredient in the AAFCO official publication, then an ingredient with an AAFCO tentative definition may be used.

(6) Each ingredient of a pet food or specialty pet food must be listed separately. Collective terms may not be used on pet food or specialty pet food labeling.

(7) The term "degermed" must precede the name of any product from which germs were wholly or partially removed.

(8) When water is added in the preparation of canned pet food or specialty pet food, the water must be listed as an ingredient.

[Statutory Authority: RCW 15.53.9012, 15.53.9013, 15.53.9016, and chapter 34.05 RCW. WSR 18-21-191, § 16-252-064, filed 10/24/18, effective 11/24/18.]

WAC 16-252-094 Drugs and pet food additives. (1) 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 Administration 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.

(2) 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:

(a) When the pet food or specialty pet food contains such additives, the use of which conforms to the requirements of the applicable regulation in 21 C.F.R., or which are "prior sanctioned" or "informal review sanctioned" or "generally recognized as safe" for such use; or

(b) When the pet food or specialty pet food itself is a drug or contains a drug as defined in RCW 15.53.901 and is "generally recognized as safe and effective" for the labeled use or is marketed subject to an application approved by the United States Food and Drug Administration under 21 U.S.C. 360(b).

(3) When a drug is included in a pet food or specialty pet food, the format required by WAC 16-250-014(4) for labeling medicated feeds shall be used.

(4) Any pet food or specialty pet food ingredient or pet food or specialty pet food product must not contain materials that enhance the natural color of a food if it conceals inferiorities.

[Statutory Authority: RCW 15.53.9012, 15.53.9013, 15.53.9016, and chapter 34.05 RCW. WSR 18-21-191, § 16-252-094, filed 10/24/18, effective 11/24/18.]

WAC 16-252-106 Feeding directions. (1) Dog or cat food, including snacks or treats, labeled as complete and balanced for any or all life stages, as provided in WAC 16-252-044 (3)(a), except those pet foods labeled in accordance with WAC 16-252-044(4), 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 elsewhere (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.

(2) 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.

(3) Specialty pet food, including snacks or treats, labeled as complete and balanced for any or all life stages, as provided in WAC 16-252-044(1), shall list feeding directions on the product label. These feeding directions shall be adequate to meet the nutrient requirements of the intended species of specialty pet as recommended by the AAFCO-recognized nutritional authority. These directions shall be

expressed in common terms and shall appear prominently on the label. The frequency of feeding shall also be specified.

(4) Any pet food or specialty pet food labeled as "snacks" or "treats" that contains a drug, must list feeding directions on the label. The directions must be expressed in common terms and appear prominently on the label. Feeding directions must, at a minimum, state, "Feed (weight/unit of product) per (weight only) of dog (or cat)." The frequency of feeding must also be specified.

(5) Pet food and specialty pet food snacks and treats do not require feeding directions on the label except when they are labeled as "complete and balanced" or contain a drug.

(6) Feeding directions may be on the label for snacks and treats even when not required.

[Statutory Authority: RCW 15.53.9012, 15.53.9013, 15.53.9016, and chapter 34.05 RCW. WSR 18-21-191, § 16-252-106, filed 10/24/18, effective 11/24/18.]

WAC 16-252-118 Statements of calorie content. (1) The label of a dog or cat food, including snacks, treats, and supplements, shall bear a statement of calorie content and meet all of the following:

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

(b) The statement shall be measured in terms of metabolizable energy (ME) on an "as fed" basis and must be expressed both as "kilocalories per kilogram" (kcal/kg) of product, and as kilocalories per familiar household measure (e.g., cans or cups) or unit of product (e.g., treats or pieces); and

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

(i) By calculation using the following "Modified Atwater" formula: $ME \text{ (kcal/kg)} = 10[(3.5 \times CP) + (8.5 \times CF) + (3.5 \times NFE)]$, 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

(ii) In accordance with a testing procedure established by AAFCO.

(d) An affidavit shall be provided upon the request of substantiating that the calorie content was determined by:

(i) WAC 16-252-118 (1)(c)(i) in which case the summary data used in the calculation shall be included in the affidavit; or

(ii) WAC 16-252-118 (1)(c)(ii) in which case the summary data used in the determination of calorie content shall accompany the affidavit.

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

(i) The heading "Calorie Content" on the label or other labeling shall be followed parenthetically by the word "calculated" when the calorie content is determined in accordance with (c)(i) of this subsection; or

(ii) The heading "Calorie Content" on the label or other labeling shall be followed parenthetically by the word "fed" when the calorie content is determined in accordance with (c)(ii) of this subsection.

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

[Statutory Authority: RCW 15.53.9012, 15.53.9013, 15.53.9016, and chapter 34.05 RCW. WSR 18-21-191, § 16-252-118, filed 10/24/18, effective 11/24/18.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency.

WAC 16-252-121 Descriptive terms. (1) Calorie terms:

(a) "Light":

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

(A) Contain no more than 3100 kcal ME/kg for products containing less than twenty percent moisture, no more than 2500 kcal ME/kg for products containing twenty percent or more but less than sixty-five percent moisture, and no more than 900 kcal ME/kg for products containing sixty-five percent or more moisture; and

(B) Include on the label a calorie content statement:

(I) In accordance with the format provided in WAC 16-252-118; and

(II) Which states no more than 3100 kcal ME/kg for products containing less than twenty percent moisture, no more than 2500 kcal ME/kg for products containing twenty percent or more but less than sixty-five percent moisture, and no more than 900 kcal ME/kg for products containing sixty-five percent or more moisture.

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

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

(A) Contain no more than 3250 kcal ME/kg for products containing less than twenty percent moisture, no more than 2650 kcal ME/kg for products containing twenty percent or more but less than sixty-five percent moisture, and no more than 950 kcal ME/kg for products containing sixty-five percent or more moisture; and

(B) Include on the label a calorie content statement:

(I) In accordance with the format provided in WAC 16-252-118;

(II) Which states no more than 3250 kcal ME/kg for products containing less than twenty percent moisture, no more than 2650 kcal ME/kg for products containing twenty percent or more but less than sixty-five percent moisture, and no more than 950 kcal ME/kg for products containing sixty-five percent or more moisture; and

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

(b) "Less" or "Reduced Calories":

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

(A) 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 on which the term appears;

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

(C) A calorie content statement in accordance with the format provided in WAC 16-252-118; and

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

(ii) A comparison between products in different categories of moisture content (i.e., less than twenty percent, twenty percent or more but less than sixty-five percent, sixty-five percent or more) is misleading.

(2) Fat terms:

(a) "Lean":

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

(A) Contain no more than nine percent crude fat for products containing less than twenty percent moisture, no more than seven percent crude fat for products containing twenty percent or more but less than sixty-five percent moisture, and no more than four percent crude fat for products containing sixty-five percent or more moisture;

(B) Include on the product label in the guaranteed analysis:

(I) A maximum crude fat guarantee immediately following the minimum crude fat guarantee in addition to the mandatory guaranteed analysis information as specified in WAC 16-252-036 (1) (a); and

(II) A maximum crude fat guarantee which is no more than nine percent crude fat for products containing less than twenty percent moisture, no more than seven percent crude fat for products containing twenty percent or more but less than sixty-five percent moisture, and no more than four percent crude fat for products containing sixty-five percent or more moisture.

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

(A) Contain a maximum percentage of crude fat which is no more than ten percent crude fat for products containing less than twenty percent moisture, no more than eight percent crude fat for products containing twenty percent or more but less than sixty-five percent moisture, and no more than five percent crude fat for products containing sixty-five percent or more moisture; and

(B) Include on the product label in the guaranteed analysis:

(I) A maximum crude fat guarantee immediately following the minimum crude fat guarantee in addition to the mandatory guaranteed analysis information as specified in WAC 16-252-036 (1) (a); and

(II) A maximum crude fat guarantee which is no more than ten percent crude fat for products containing less than twenty percent moisture, no more than eight percent crude fat for products containing twenty percent or more but less than sixty-five percent moisture, and no more than five percent crude fat for products containing sixty-five percent or more moisture.

(b) "Less" or "Reduced Fat":

(i) 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:

(A) 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 on which the term appears;

(B) 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

(C) 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 WAC 16-252-036 (1)(a).

(ii) A comparison on the label between products in different categories of moisture content (i.e., less than twenty percent, twenty percent or more but less than sixty-five percent, sixty-five percent or more) is misleading.

[Statutory Authority: RCW 15.53.9012, 15.53.9013, 15.53.9016, and chapter 34.05 RCW. WSR 18-21-191, § 16-252-121, filed 10/24/18, effective 11/24/18.]

WAC 16-252-122 Manufacturer or distributor—Name and address.

(1) The label of a pet food or specialty pet food shall specify the name and address of the manufacturer or distributor. 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 such street address is shown in a current city directory or telephone directory for the city listed on the label.

(2) When a person manufactures 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 such pet food or specialty pet food was manufactured or packaged or from where each package is to be distributed.

[Statutory Authority: RCW 15.53.9012, 15.53.9013, 15.53.9016, and chapter 34.05 RCW. WSR 18-21-191, § 16-252-122, filed 10/24/18, effective 11/24/18.]

WAC 16-252-136 Adulterants.

(1) The department adopts: 21 C.F.R. Chapter I, Part 589, Substances Prohibited from Use in Animal Food or Feed.

(2) For the purpose of RCW 15.53.902, the terms "poisonous or deleterious substances" include, but are not limited to, the following:

(a) When screenings are added to a pet food or specialty pet food, the screening must not contain any seed, pesticide, or other product that renders it adulterated within the meaning of RCW 15.53.902; and

(b) Be ground fine enough or otherwise treated to destroy the viability of the noxious weed seeds contained in the screening so that the finished product contains no more than one viable prohibited noxious weed seed per pound and not more than twenty-five viable restricted noxious weed seeds per pound.

(3) For purposes of this chapter, prohibited noxious weed seeds are those listed in WAC 16-301-045 (prohibited noxious weed seeds) and restricted noxious weed seeds are those listed in WAC 16-301-050 (restricted noxious weed seeds).

(4) Pet food or specialty pet food containing raw or unprocessed animal waste is adulterated under this chapter.

(5) In addition to the requirements under subsection (2) of this section, the terms "poisonous substances" or "deleterious substances"

as used in RCW 15.53.902 include, but are not limited to, any ingredient that contains more than twenty parts per billion aflatoxin B1, B2, G1, G2, individually or in total.

[Statutory Authority: RCW 15.53.9012, 15.53.9013, 15.53.9016, and chapter 34.05 RCW. WSR 18-21-191, § 16-252-136, filed 10/24/18, effective 11/24/18.]

WAC 16-252-148 Current good manufacturing practices and hazard analysis and risk-based preventive controls. The department adopts the following as current good manufacturing practices:

(1) The requirements of 21 C.F.R. Part 507 - Current good manufacturing practice, hazard analysis, and risk-based preventive controls for food for animals.

(2) The requirements of 21 C.F.R. Part 113 - Thermally processed low-acid foods packaged in hermetically sealed containers.

(3) The regulations and requirements governing emergency permit control in 21 C.F.R. Part 108.

[Statutory Authority: RCW 15.53.9012, 15.53.9013, 15.53.9016, and chapter 34.05 RCW. WSR 18-21-191, § 16-252-148, filed 10/24/18, effective 11/24/18.]

WAC 16-252-164 Recordkeeping requirements. Records relating the lot identifier to the manufacture, processing, packing, distribution, receipt, or holding of the product must be kept for two years after the last date of distribution.

[Statutory Authority: RCW 15.53.9012, 15.53.9013, 15.53.9016, and chapter 34.05 RCW. WSR 18-21-191, § 16-252-164, filed 10/24/18, effective 11/24/18.]

WAC 16-252-178 Registration requirements. (1) Any person who distributes a pet food or specialty pet food in or into this state must register the product with the department as required under RCW 15.53.9014.

(2) The registration application must be submitted on a form prescribed by the department.

(3) The registration application must include:

(a) The name, mailing address, physical address, and contact information of the applicant;

(b) The name, mailing address, physical address, and contact information of the guarantor;

(c) The name, mailing address, physical address, and contact information of the manufacturer;

(d) Type of activities the manufacturer is engaged in:

(i) Species of animals the facility manufactures products for the guarantor;

(ii) Types of product the facility handles.

(e) Package size:

(i) Number of products distributed only in packages of ten pounds or more;

(ii) Number of products distributed both in packages of less than ten pounds and/or packages of ten pounds or more.

- (f) Applicant's signature;
- (g) Date signed;
- (h) Electronic product label(s); and
- (i) Registration fees as specified in RCW 15.53.9014(3).

(4) Registration application forms can be obtained from the department online at <https://agr.wa.gov/departments/animals-livestock-and-pets/animal-feed/pet-food-registration> by emailing the animal feed program at petfood@agr.wa.gov, or by phone at 360-902-1844.

[Statutory Authority: RCW 15.53.9012 and 15.53.9018. WSR 20-03-110, § 16-252-178, filed 1/15/20, effective 2/15/20. Statutory Authority: RCW 15.53.9012, 15.53.9013, 15.53.9016, and chapter 34.05 RCW. WSR 18-21-191, § 16-252-178, filed 10/24/18, effective 11/24/18.]

WAC 16-252-182 Semi-annual feed distribution reporting requirements and inspection fees.

(1)(a) Each registrant must file a semi-annual report on forms provided by the department setting forth the number of tons of pet food or specialty pet food distributed in or into this state as required by RCW 15.53.9018.

(b) The report must include the amount of pet food or specialty pet food distributed by type of species, applicant's signature, and date signed.

(2) An inspection fee of twelve centers per ton on all pet food or specialty pet food sold for distribution in or into this state during the year must accompany the semi-annual report.

(3) The minimum inspection fee, the late fee, and exceptions to payment of the fee are described in RCW 15.53.9018.

(4) Semi-annual reporting forms can be obtained by emailing the animal feed program at petfood@agr.wa.gov; or by phone at 360-902-1844.

(5) Any reports and associated fees may be submitted to the department by mail to:

Washington State Department of Agriculture
Animal Feed Program
P.O. Box 42591
Olympia, WA 98504-2591

[Statutory Authority: RCW 15.53.9012 and 15.53.9018. WSR 20-03-110, § 16-252-182, filed 1/15/20, effective 2/15/20. Statutory Authority: RCW 15.53.9012, 15.53.9013, 15.53.9016, and chapter 34.05 RCW. WSR 18-21-191, § 16-252-182, filed 10/24/18, effective 11/24/18.]

WAC 16-252-194 Access to publications adopted under this chapter.

(1) Electronic access to 21 C.F.R. is available at <https://www.gpo.gov/fdsys/search/home.action>. Print copies of the titles can be purchased from the U.S. Government Bookstore online at <https://bookstore.gpo.gov/catalog/laws-regulations/code-federal-regulations-cfrs-print>. If you do not have electronic access, contact:

U.S. Government Publishing Office
P.O. Box 979050
St. Louis, MO 63197-9000
Phone 1-866-512-1800

(2) Online and print copies of the AAFCO Official Publication can be purchased from AAFCO online at <http://www.aafco.org/Publications>. If you do not have electronic access, print copies can also be purchased from:

AAFCO
1800 South Oak Street, Suite 100
Champaign, IL 61820
Phone 217-356-4221

(3) A copy of these publications are available for inspection at:

Washington State Department of Agriculture
Natural Resources Building
1111 Washington Street S.E.
Olympia, WA 98504-2560

[Statutory Authority: RCW 15.53.9012, 15.53.9013, 15.53.9016, and chapter 34.05 RCW. WSR 18-21-191, § 16-252-194, filed 10/24/18, effective 11/24/18.]