

Clearinghouse Rule 95-190

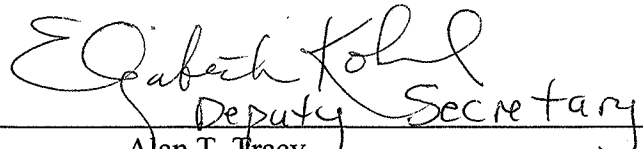
STATE OF WISCONSIN)
) ss. Docket No. 95-R-8
DEPARTMENT OF AGRICULTURE,)
TRADE AND CONSUMER PROTECTION)

CERTIFICATION:

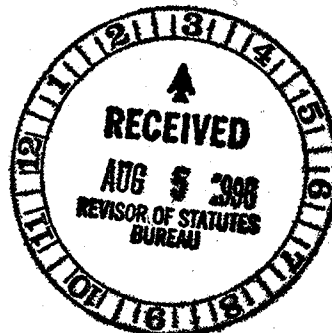
I, Alan T. Tracy, Secretary, State of Wisconsin, Department of Agriculture, Trade and Consumer Protection, and custodian of the official records of said Department, do hereby certify that the annexed order repealing and recreating chapter ATCP 42, Wisconsin Administrative Code, relating to commercial feed was duly approved and adopted by the Department on July 26, 1996.

I further certify that said copy has been compared by me with the original on file in the Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the Department offices in the city of Madison, this 26th day of July, 1996.


Deputy Secretary

Alan T. Tracy
Secretary



10-1-97 95-190

**ORDER OF THE STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION
ADOPTING, AMENDING OR REPEALING RULES**

1 The state of Wisconsin department of agriculture, trade and
2 consumer protection adopts the following order to repeal and
3 recreate chapter ATCP 42 relating to commercial feed.

**Analysis Prepared by the Department of
Agriculture, Trade, and Consumer Protection**

Statutory authority: s. 93.07(1) and 94.72(13)(a), Stats.
Statutes interpreted: s. 94.72, Stats.

The department of agriculture, trade and consumer protection regulates the manufacture and distribution of commercial feed under s. 94.72, Stats. Commercial feed includes feed for domestic livestock and pets. Feed regulation is aimed at protecting animal and human health, and preventing sales of adulterated and misbranded feed products. The department regulates commercial feed in cooperation with the federal food and drug administration (FDA) and other states.

This rule repeals and recreates current rules under ch. ATCP 42, Wis. Adm. Code, related to commercial feed. The rule is based, to a large extent, on standards adopted by the American association of American feed control officials (AAFCO). Among other things, the rule establishes standards for all of the following:

- Licensing manufacturers and distributors of commercial feed.
- Commercial feed labels, including labels for custom-mixed feed and dog and cat food.
- Truth in labeling.
- Nutritional claims.
- Drugs and other feed additives.
- Good manufacturing practices for medicated feed and dog and cat food.

Under s. 94.72, Stats., and this rule, a commercial feed means any animal feed that is sold or bartered, or offered for sale or barter, but does not include any of the following:

- Grain, whether whole or ground, which is not mixed with other grains or other materials.
- Hay, straw, cottonseed hulls, stover or silage which is not mixed with other materials.
- Unprocessed meat or other unprocessed portions of animal carcasses.

COMMERCIAL FEED LICENSE

License Required

Under s. 94.72, Stats., and this rule, no person may manufacture or distribute commercial feed in this state without an annual license from the department, except that a person may do any of the following without a license:

- Distribute packaged commercial feed in its original package, as packaged by a licensed manufacturer or distributor.
- Distribute bulk commercial feed in the same form received from a licensed manufacturer or distributor, and with the same labeling.
- Manufacture or distribute a "custom-mixed feed" which is prepared at the request of a final retail purchaser according to a formula provided by that final retail purchaser. Commercial feeds used as ingredients in "custom-mixed" feed must be obtained from licensed sources.

License Application and Fees

To obtain an annual license, an applicant must do all of the following:

- Submit an application on a form provided by the department.
- Pay an annual license fee of \$25, and a supplementary fee of \$25 for each additional business location.
- Submit a feed tonnage report if required under s. 94.72(6), Stats.
- Pay inspection fees on reported feed tonnage, if required under s. 94.72(6), Stats. A commercial feed manufacturer is not required to pay inspection fees on either of the

following:

- * Grain used in a commercial feed, if that grain is owned and provided by the final retail purchaser of that feed.
- * Grain used in a "custom-mixed" feed.

COMMERCIAL FEED LABELING; GENERAL

This rule establishes general labeling requirements for commercial feed. The general labeling requirements apply to all commercial feed, other than "custom-mixed" feed and dog and cat food. This rule specifies different labeling requirements for custom-mixed feed and dog and cat food (see below).

Label Contents; General

Under this rule, a commercial feed label must generally include all of the following:

- The product name of the commercial feed, and its brand name if any.
- Drug labeling if the commercial feed contains any drug.
- A statement of purpose identifying the animals for which the feed is intended, and the use for which the feed is intended.
- A guaranteed analysis of nutrients.
- An ingredient statement.
- The name and address of the manufacturer or distributor who is responsible for the contents and labeling of the commercial feed.
- A declaration of net quantity.
- Use directions and precautionary statements.

Product and Brand Names

Under this rule, a commercial feed must be labeled with its product name and its brand name if any. A product or brand name may not be inconsistent with the intended use of the commercial feed, and may not contain any statement or representation that is false, deceptive or misleading. This rule regulates the use of certain terms, including ingredient names, in product or brand names.

Medicated Commercial Feeds

Under this rule, if a commercial feed contains one or more drugs, the commercial feed label must identify the commercial feed as a "medicated" feed. It must also include:

- A statement explaining the purpose for each drug.
- A statement identifying the name and amount of each active drug ingredient in the commercial feed.
- Directions for use and precautionary statements needed for the safe administration and handling of the commercial feed.

Statement of Purpose

Under this rule, a commercial feed must be labeled with a statement of purpose that identifies all of the following:

- The species and classes of animals for which the commercial feed is intended.
- The specific intended use of the commercial feed, unless the commercial feed is intended as a complete feed for all species and classes of animals identified on the feed label.

Under this rule, a statement of purpose is not required for either of the following:

- An ingredient or combination of ingredients sold as a specialized nutritional source for use in manufacturing other commercial feeds.
- Grain or grain mixtures, provided that they contain no drugs and the seller makes no specific feed claim for them.

The rule identifies standard terms which, if used on a commercial feed label, indicate that the commercial feed is intended for a specified class of animals. For example, a swine feed labeled as a "pre-starter" is intended for swine weighing from 2 to 11 lbs. The rule does not require the use of these standard terms, but the terms may not be used in a manner inconsistent with the rule. The rule specifies standard terms corresponding to standard classes of swine, poultry, beef cattle, dairy cattle, equine, sheep and goats, ducks, geese and rabbits.

Guaranteed Analysis

Under this rule, a commercial feed must be labeled with a "guaranteed analysis" that guarantees the amount of nutrients and

other key substances in the commercial feed. Under this rule, a guaranteed analysis must include all of the following:

- A minimum guarantee for all of the following substances, unless the commercial feed is clearly labeled for a specialized purpose that is unrelated to the content of those substances:
 - * Crude protein.
 - * Equivalent crude protein from non-protein nitrogen, if present.
 - * Crude fat.
- A maximum guarantee for crude fiber, unless the commercial feed is clearly labeled for a specialized purpose that is unrelated to its crude fiber content.
- Mineral guarantees if the feed is sold wholly or in part for its mineral content.
- Vitamin guarantees if the commercial feed is sold wholly or in part for its vitamin content.
- Microorganism guarantees if the commercial feed is sold wholly or in part for its microorganism content.
- A sugar guarantee if the commercial feed is sold primarily for its sugar content.
- If the commercial feed is intended as a specialized nutrient source primarily for use in the manufacture of other commercial feeds, a minimum guarantee for each nutrient that is relevant to that purpose.
- Additional guarantees, if any, that are required for a specific class of commercial feed under this rule. This rule identifies specific substances which must be guaranteed in certain commercial feeds, including feeds intended for swine, poultry, beef cattle or calves, dairy cattle or calves, equine, sheep, goats, ducks, geese, fish or rabbits.

This rule specifies the form and order in which guarantees are to be listed in the guaranteed analysis. Except where this rule requires a different format, guarantees must be expressed as a percentage by weight of commercial feed.

Ingredient Statement

Under this rule, a commercial feed must be labeled with an ingredient statement that lists the name of each ingredient from which the commercial feed is manufactured. An ingredient name must be one of the following:

- The common or usual name of that ingredient.
- The official name of that ingredient as stated in AAFCO's official publication.
- An appropriate collective name, specified in the rule, which accurately describes that ingredient. If an ingredient statement includes a collective term that describes one or more individual ingredients, none of those individual ingredients may be listed in the ingredient statement under any other name.

Manufacturer or Distributor; Name and Address

Under this rule, a commercial feed must be labeled with the name and principal mailing address of a manufacturer or labeler who assumes responsibility for the content and labeling of that commercial feed. If a person manufactures commercial feed on behalf of another licensed manufacturer or labeler who is identified on the feed label, the person manufacturing that feed on behalf of that responsible manufacturer or labeler need not be identified on the feed label.

For example, if a local feed mill manufactures feed on behalf of a feed consultant who is licensed as a manufacturer or labeler under this rule, and whose name and address appear on the feed label, the feed consultant is legally responsible for the content and labeling of the commercial feed. The local feed mill need not be identified on the feed label.

Declaration of Net Quantity

Under this rule, no person may sell or distribute any package, container or bulk lot of commercial feed unless that package, container or bulk lot bears a label which accurately declares the net quantity of commercial feed contained in that package, container or bulk lot. The declaration must comply with all of the following requirements:

- Net quantity must be declared in terms of weight, measure or count, based on applicable requirements under s. 98.06, Stats. (Liquid quantities must normally be declared in terms of liquid measure, and other quantities must normally be declared in terms of weight.)

- If the net quantity is declared in terms of weight or measure, the weight or measure must be expressed in appropriate inch-pound units and in appropriate metric units.
- The declaration must include any supplementary declarations which are needed to make the declaration fully informative. For example, if a declaration includes a declaration of count, it should also specify the size or weight of the counted units.

Use Directions and Precautionary Statements

Under this rule, a commercial feed must be prominently labeled with use directions and precautionary statements. This requirement is subject to the following exceptions:

- No use directions are required for a non-medicated ingredient or a combination of non-medicated ingredients that is sold as a specialized nutritional source for use in manufacturing other feeds.
- Grains or grain mixtures, provided that they contain no drugs and the seller makes no specific feed claim for them.

CUSTOM-MIXED FEED

Labeling Custom-Mixed Feed

A "custom-mixed" feed is a feed prepared at the request of a final retail purchaser according to a formula provided by that final retail purchaser. Under this rule, a "custom-mixed" feed is exempt from the labeling requirements that apply to other commercial feeds (see above). However, the manufacturer of a "custom-mixed" feed must provide the purchaser with all of the following information, in writing, when that manufacturer delivers that feed to the purchaser:

- The name and address of the manufacturer.
- The name and address of the purchaser.
- The name of the "custom-mixed" feed.
- The net quantity of the "custom-mixed" feed.
- The name and net quantity of every commercial feed and every other ingredient (e.g., grain) used to manufacture the "custom-mixed" feed.
- Applicable use directions and precautionary statements. If

any commercial feed used in manufacturing a "custom-mixed" feed is labeled with use directions or precautionary statements, the manufacturer of the "custom-mixed" feed must provide a copy of those use directions and precautionary statements to the purchaser of the "custom-mixed" feed.

- All of the following if the "custom-mixed" feed contains any drug:
 - * A statement, following directly after the name of the "custom-mixed" feed, which discloses that the feed is "medicated."
 - * A clear statement explaining the purpose for each drug.
 - * A statement identifying the name and amount of each active drug ingredient.

The manufacturer of a "custom-mixed" feed must keep a copy of all of the above information for at least one year, and must make the information available for inspection and copying by the department upon request.

Guarantees and Disclaimers

The manufacturer of a "custom-mixed" feed is not responsible for the nutritional adequacy of that feed, provided that the manufacturer makes no claim of nutritional adequacy. The manufacturer may place a disclaimer on the label of the "custom-mixed" feed, stating that the manufacturer does not claim or warrant that the feed is nutritionally adequate or suitable for its intended purpose.

DOG AND CAT FOOD

Under this rule, dog and cat food is exempt from the labeling requirements that apply to other commercial feed (see above). However, a dog or cat food must be labeled with all of the following information:

- The words "dog food" or "cat food," or other words that clearly identify the product as dog or cat food.
- The product name and brand name if any.
- A guaranteed analysis.
- An ingredient statement.
- Drug labeling if the dog or cat food contains any drug.

- A statement of nutritional adequacy, if required under this rule.
- The name and principal mailing address of the manufacturer or distributor who is responsible for the content and labeling of the dog or cat food.
- A declaration of net quantity.
- Feeding instructions, if required under this rule.

Guaranteed Analysis

The guaranteed analysis for a dog or cat food must include all of the following:

- A minimum guarantee for crude protein.
- A minimum guarantee for crude fat.
- A maximum guarantee for crude fiber.
- A maximum guarantee for moisture.
- Mineral guarantees if the dog or cat food is sold wholly or in part for its mineral content.
- Vitamin guarantees if the dog or cat food label makes specific vitamin claims or vitamin-related performance claims.
- A minimum guarantee for other substances claimed on the label of the dog or cat food.

Guarantees must clearly identify the substances guaranteed. Except where a different format is required under this rule, guarantees must be expressed as a percentage by weight of the dog or cat food. This rule establishes specific requirements for vitamin and mineral guarantees.

Ingredient Statement

Under this rule, a dog or cat food must be labeled with an ingredient statement that lists the name of each ingredient from which the dog or cat food is manufactured. An ingredient name must be one of the following:

- The common or usual name of that ingredient.
- The official name of that ingredient as stated in AAFCO's

official publication.

Medicated Dog or Cat Food

Under this rule, if a dog or cat food contains one or more drugs, its label must identify it as a "medicated" dog or cat food. The label must also include:

- A statement explaining the purpose for each drug.
- A statement identifying the name and amount of each active drug ingredient.
- Directions for use and precautionary statements needed for the safe administration and handling of the dog or cat food.

Statement of Nutritional Adequacy

Under this rule, every dog or cat food must be labeled with a statement of nutritional adequacy unless it is prominently labeled as a "treat" or "snack." The statement must conform to one of 4 specific alternatives specified in the rule.

Feeding Instructions

Under this rule, every dog or cat food must be labeled with feeding instructions unless one of the following applies:

- The dog or cat food is labeled for use only under a veterinarian's prescription.
- The dog or cat food is clearly labeled as a "snack" or "treat."

Feeding instructions must clearly state the amount of dog or cat food to be fed, and the purpose for which the dog or cat food may be fed. The feeding instructions must include any precautionary statements needed for safe feeding.

Statement of Calorie Content

This rule allows, but does not require, a calorie content statement on the label of a dog or cat food. A calorie content statement is allowed only if all of the following apply:

- The statement is separate and distinct from the guaranteed analysis.
- The statement appears under the heading, "Calorie Content."
- The statement reflects metabolizable energy, expressed as

kilocalories per kilogram or kilocalories per other common household measure (e.g., per can, cup or pound).

- The calorie content is computed according to a method specified in this rule, or is determined by testing according to a procedure specified in AAFCO's official publication.

Product or Brand Names Using Ingredient Names

Under this rule, the product or brand name of a dog or cat food may not identify any ingredients of a dog or cat food to the exclusion of other ingredients unless the ingredients are present in quantities specified under this rule. A product or brand name may not misrepresent the amount of any ingredient that is present in a dog or cat food.

Prohibited Labeling

Under this rule, no labeling for a dog or cat food may do any of the following, either directly or by implication:

- Make any statement or representation which is false, deceptive or misleading.
- Misrepresent that a dog or cat food is suitable for a specified use.
- Make unsubstantiated health or nutritional claims, or fail to disclose pertinent qualifications or limitations on those claims.
- Claim that a dog or cat food provides a complete, perfect, balanced or nutritionally adequate ration for a dog or cat unless the dog or cat food complies with nutrition standards specified in this rule.
- Misrepresent the nature or amount of any ingredient.

GENERAL PROVISIONS

Good Manufacturing Practices

Under this rule, manufacturers of medicated commercial feeds and dog and cat food must comply with good manufacturing practices:

- Buildings and equipment must be designed, constructed and maintained to provide adequate sanitation.
- Work areas and equipment used for medicated feeds or dog and cat food may not be used for fertilizer or pesticides.
- Medicated feeds must be manufactured according to FDA requirements.
- Ingredients must be properly labeled.
- The manufacturer must keep records including product formulas, manufacturing dates, batch numbers and shipment dates.

Nutritional Content

Under this rule, the nutritional content of a commercial feed must be suitable for the intended use of that feed when the feed is used according to label directions. If a commercial feed intended for swine, poultry, fish, veal calves, or herd replacement calves, it must comply with applicable nutritional standards adopted by the national research council of the national academy of sciences, and incorporated by reference in this rule. Alternatively, the manufacturer must possess valid scientific evidence which demonstrates that the feed is suitable for its intended use.

Drugs and Other Additives

Under this rule, drugs and other special purpose or non-nutritive feed additives must be safe and effective for their intended use.

Drugs must be approved by FDA if approval is required by federal law. Drugs and other additives may be used only as intended, and only according to label directions. Medicated feeds must be labeled according to this rule.

Adulteration and Misbranding

This rule prohibits the sale or distribution of adulterated or misbranded feed. A feed is adulterated if, among other things:

- It contains any poisonous or deleterious substance that make

it injurious to health.

- It contains any prohibited pesticide residue.
- It contains any added substance which is poisonous, deleterious or unsafe.
- Its quality or composition differs from that stated on the label.
- It is manufactured or held under unsanitary conditions, or in violation of good manufacturing practices required under this rule.
- It contains weed seeds in excess of specified tolerances.
- It contains fluorine in excess of specified amounts.
- It contains organic material, such as sphagnum moss or sawdust, that has little or no feeding value.

Under this rule, a feed is misbranded if any of the following applies:

- Its labeling is false, deceptive or misleading in any particular.
- It is sold or distributed under the name of another feed.
- Its labeling violates this rule.

Non-Protein Nitrogen

This rule prohibits the use of non-protein nitrogen ingredients such as urea, di-ammonium phosphate, ammonium poly-phosphate, or ammoniated rice hulls, as sources of equivalent crude protein in commercial feeds intended for non-ruminant animals, because non-ruminants cannot digest them.

If a ruminant feed includes non-protein nitrogen, that non-protein nitrogen must be identified in the guaranteed analysis according to a format specified in this rule. Commercial feed products containing non-protein nitrogen in excess of specified amounts must include use directions and precautionary statements, with appropriate "caution" or "warning" labels.

Enforcement

This rule identifies the statutory enforcement provisions which may apply to a person who violates this rule.

STANDARDS INCORPORATED BY REFERENCE

The department has requested permission from the attorney general and the revisor of statutes to incorporate the following standards by reference in this rule:

- Portions of the 1996 official publication of the association of American feed control officials.
- Nutritional standards published by the committee on animal nutrition, national research council, national academy of sciences.

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- 1 **SECTION 1.** Chapter ATCP 42 is repealed and recreated to
2 read:
3 **CHAPTER ATCP 42**
4 **COMMERCIAL FEED**
5 Subchapter I
6 Definitions
7
8 ATCP 42.01 Definitions
9
10 Subchapter II
11 Commercial Feed License
12
13 ATCP 42.02 Commercial feed license
14
15 Subchapter III
16 Commercial Feed Labeling
17
18 ATCP 42.04 Commercial feed label
19 ATCP 42.06 Product and brand names
20 ATCP 42.08 Medicated commercial feeds
21 ATCP 42.10 Statement of purpose
22 ATCP 42.12 Guaranteed analysis; general
23 ATCP 42.14 Guaranteed analysis; specific feeds
24 ATCP 42.16 Ingredient statement
25 ATCP 42.18 Manufacturer or distributor; name and address
26 ATCP 42.20 Declaration of net quantity
27 ATCP 42.22 Use directions and precautionary statements

1 Subchapter IV
2 Custom-Mixed Feed

- 3
4 ATCP 42.24 Labeling custom-mixed feed
5 ATCP 42.26 Guarantees and disclaimers

6
7 Subchapter V
8 Dog and Cat Food

- 9
10 ATCP 42.28 Labeling required
11 ATCP 42.30 Guaranteed analysis
12 ATCP 42.32 Ingredient statement
13 ATCP 42.34 Medicated dog or cat food
14 ATCP 42.36 Statement of nutritional adequacy
15 ATCP 42.38 Feeding instructions
16 ATCP 42.40 Statement of calorie content
17 ATCP 42.42 Product or brand names; use of ingredient names
18 ATCP 42.44 Prohibited labeling

19
20 Subchapter VI
21 General Provisions

- 22
23 ATCP 42.46 Good manufacturing practices
24 ATCP 42.48 Nutritional content
25 ATCP 42.50 Drugs and other additives
26 ATCP 42.52 Adulteration and misbranding
27 ATCP 42.54 Non-protein nitrogen
28 ATCP 42.56 Enforcement

29
30
31 **SUBCHAPTER I**

32
33 **DEFINITIONS**

34
35 **ATCP 42.01 DEFINITIONS.** In this chapter:

- 36 (1) "Brand name" means any word, name, symbol, or device, or
37 any combination thereof, identifying the commercial feed of a
38 distributor or labeler and distinguishing it from that of others.
39 (2) "Commercial feed" means any feed, including any custom-
40 mixed or mill formulated feed, that is sold or bartered, or
41 offered for sale or barter, but does not include any of the
42 following:

1 (a) Unmixed whole seeds or grains identified in United
2 States grain standards.

3 (b) Unmixed ground corn, wheat, rye, barley, oats,
4 buckwheat, flaxseed, kafir, milo, or other unmixed ground seeds or
5 grain.

6 (c) Whole hays, straws, cottonseed hulls, stover and silage,
7 when unmixed with other materials.

8 (d) Meat and other portions of animal carcasses in their raw
9 or natural state without further processing except freezing or
10 denaturing.

11 (3) "Custom-mixed feed" means a commercial feed which a
12 manufacturer prepares at the request of a final retail purchaser
13 according to a formula specified by that final retail purchaser,
14 whether or not that final retail purchaser obtained that formula
15 from a 3rd-party source. Custom-mixed feed does not include a
16 mill-formulated feed.

17 (4) "Distribute" means to sell, offer to sell, exchange,
18 barter or solicit orders for the sale of a feed product or
19 otherwise supply or furnish a feed product to purchasers of the
20 feed product in this state, whether or not the sales or
21 transactions are made wholly or partially in this state or another
22 state.

23 (5) "Distributor" means any person who distributes a feed
24 product for sale or distribution in this state.

25 (6) "Dog or cat food" means a commercial feed intended for

1 dogs or cats.

2 (7) "Drug" means either of the following:

3 (a) Any substance intended for use in the diagnosis, cure,
4 mitigation, treatment, or prevention of disease in animals other
5 than humans.

6 (b) Any substance, other than a nutritive component, that is
7 intended to affect the structure or any function of the animal
8 body.

9 (8) "Feed" means any substance which is intended for use as
10 food for animals other than humans. "Feed" includes commercial
11 feed and feed ingredients.

12 (9) "Feed ingredient" means a constituent material, used in
13 the manufacture of a commercial feed, that becomes part of the
14 commercial feed.

15 (10) "Label" means the written, printed, or graphic matter
16 on or attached to the container in which a commercial feed is
17 distributed, or the invoice or delivery slip for the commercial
18 feed.

19 (11) "Labeler" means a person who labels commercial feed.
20 "Labeler" includes a person, other than the final retail
21 purchaser, who retains the proprietary rights to the
22 specifications of a commercial feed.

23 (12) "Labeling" means all labels and any other written,
24 printed or graphic matter referencing a commercial feed.

25 (13) "Manufacture" means to mix, blend, process, package or

1 label commercial feed.

2 (14) "Mill formulated feed" means a commercial feed
3 consisting of a mixture of commercial feeds or feed ingredients
4 mixed on an individual basis by the feed manufacturer or labeler
5 according to a feed formula devised and prepared by the
6 manufacturer or labeler for a final retail customer of the
7 manufacturer or labeler.

8 (15) "Noxious weed seeds" mean the seeds of Canada thistle,
9 wild mustard and quack grass, either single or combined.

10 (16) "Person" means an individual, corporation, partnership,
11 limited liability company, cooperative, business trust, or
12 business association or entity.

13 (17) "Principal display panel" means the part of a label
14 that is most likely to be displayed, presented, shown or examined
15 under normal and customary conditions of display for retail sale.

16 (18) "Product name" means the name of a commercial feed
17 which identifies it as to kind, class, or specific use.

18 (19) "Type A medicated article" has the meaning given under
19 21 CFR 558.3.

20 (20) "Type B medicated feed" has the meaning given under
21 21 CFR 558.3.

22 (21) "Type C medicated feed" has the meaning given under
23 21 CFR 558.3.

1 SUBCHAPTER II

2 COMMERCIAL FEED LICENSE

3 ATCP 42.02 COMMERCIAL FEED LICENSE. (1) LICENSE REQUIRED.

4 Except as provided under sub. (2), no person may manufacture,
5 label or distribute a commercial feed in this state without an
6 annual commercial feed license issued by the department. A person
7 paid by the final retail purchaser of a mill-formulated feed to
8 provide specifications for that feed is engaged in manufacturing,
9 labeling or distributing a commercial feed within the meaning of
10 this subsection.

11 (2) EXEMPTIONS. A person may do any of the following
12 without a license under sub. (1):

13 (a) Distribute packaged commercial feed in the original
14 package in which that feed was packaged and labeled by a licensed
15 manufacturer or distributor whose name and address appears on the
16 package label.

17 (b) Distribute bulk commercial feed which is all of the
18 following:

19 1. Distributed in the same form, but not necessarily in the
20 same quantities, in which it is received from a licensed
21 manufacturer or distributor.

22 2. Labeled with information which, with the possible
23 exception of the net quantity declaration, is identical to that
24 provided by the licensed manufacturer or distributor from whom the
25 bulk commercial feed is received.

1 (c) Manufacture or distribute a custom-mixed feed, provided
2 that the manufacturer of that custom-mixed feed does all of the
3 following:

4 1. Distributes that custom-mixed feed only to the retail
5 purchaser for whom the feed was custom-mixed.

6 2. Obtains all commercial feeds used as ingredients in that
7 custom-mixed feed only from licensed manufacturers or
8 distributors.

9 3. Possesses a contract, invoice or sales receipt from the
10 supplier of each commercial feed ingredient used in the custom-
11 mixed feed, showing that the supplier has paid or will pay all
12 inspection fees required under s. 94.72(6), Stats., for that
13 commercial feed ingredient.

14 (d) Manufacture or distribute commercial feed as an
15 authorized employee of a person, licensed under sub. (1), whose
16 name and address appear on the feed label.

17 (3) LICENSE APPLICATION. A person applying for an annual
18 license under sub. (1) shall submit an application on a form
19 provided by the department. The application shall include all of
20 the following:

21 (a) The name and business address of the applicant.

22 (b) The address of each business location in this state at
23 which the applicant engages in activities for which a license is
24 required under sub. (1).

25 (c) The license fees required under sub. (4).

1 (d) The inspection fees and feed tonnage report required
2 under s. 94.72(6), Stats. A feed manufacturer is not required to
3 pay inspection fees on either of the following:

4 1. Grain used in a mill formulated feed if that grain is
5 owned and provided by the final retail purchaser of that feed.

6 2. Grain used in a custom-mixed feed.

7 (e) Other relevant information required by the department.

8 (4) LICENSE FEES. A person required to be licensed under
9 sub. (1) shall annually pay all of the following license fees:

10 (a) A basic license fee of \$25.

11 (b) A supplementary license fee of \$25 for each business
12 location under sub. (3)(b), except that no supplementary license
13 fee is required for either of the following:

14 1. A business location which is the applicant's sole
15 business location in this state.

16 2. A business location at which the applicant engages only
17 in manufacturing or distributing custom-mixed feed to retail
18 purchasers.

19 (5) LICENSE EXPIRES. A license under sub. (1) expires on
20 the last day of February of each year.

21 (6) FEES ARE NONREFUNDABLE. License fees under sub. (4) and
22 inspection fees under s. 94.72(6), Stats., are nonrefundable, and
23 may not be prorated for any part of a license year.

24 (7) LICENSE NOT TRANSFERABLE. A license under sub. (1) is
25 not transferable between persons or business locations. Before a

1 license holder engages in any activity for which a license is
2 required under sub. (1) at any business location which the license
3 holder has failed to identify under sub. (3)(b), the license
4 holder shall identify that business location to the department and
5 shall pay any supplementary license fee required for that location
6 under sub. (4)(b).

7 NOTE: You may obtain a commercial feed license application
8 by writing The Wisconsin Department of Agriculture, Trade and
9 Consumer Protection, Feed Section at PO Box 8911, Madison, WI
10 53708-8911.

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SUBCHAPTER III

15

COMMERCIAL FEED LABELING; GENERAL

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ATCP 42.04 COMMERCIAL FEED LABEL. (1) GENERAL. Commercial

17 feed, other than custom-mixed feed or dog or cat food, shall be
18 labeled according to this subchapter. Custom-mixed feed shall be
19 labeled according to sub. ch. IV. Dog and cat food shall be
20 labeled according to sub. ch. V.

21 (2) LABEL CONTENTS. Commercial feed, other than custom-
22 mixed feed or dog or cat food, shall be labeled with all of the
23 following information in the following order:

24 (a) The product name of the commercial feed, and its brand
25 name if any, as required under s. ATCP 42.06.

26 (b) The information required under s. ATCP 42.08 if the
27 commercial feed contains any drug.

28 (c) The statement of purpose required under s. ATCP 42.10.

29 (d) The guaranteed analysis required under s. ATCP 42.12 and

1 42.14.

2 (e) An ingredient statement if required under s. ATCP 42.16.

3 (f) The name and address of the manufacturer or distributor,
4 as required under s. ATCP 42.18.

5 (g) A declaration of net quantity, as required under s. ATCP
6 42.20.

7 (h) Use directions and precautionary statements, if required
8 under s. ATCP 42.22.

9 (3) LABEL FORM AND LOCATION. (a) If commercial feed is
10 distributed in packaged form, the label information required under
11 sub. (2) shall appear on the principal display panel of the
12 commercial feed package. Use directions and precautionary
13 statements under sub. (2) (h) may be disclosed on a portion of a
14 feed package other than the principal display panel if the
15 principal display panel clearly discloses where they may be found.

16
17 (b) If commercial feed is distributed in bulk, the label
18 information required under sub. (2) shall appear on a bulk
19 delivery slip which accompanies the commercial feed.

20 **ATCP 42.06 PRODUCT AND BRAND NAMES.** (1) GENERAL. A
21 commercial feed shall be labeled with its product name and its
22 brand name if any. No product or brand name may contain any
23 statement or representation that is false, deceptive or
24 misleading.

25 (2) USE OF INGREDIENT NAMES. No product or brand name may

1 identify any ingredient of a commercial feed to the exclusion of
2 any other ingredient unless all of the following apply:

3 (a) The identified ingredient imparts to the commercial feed
4 a distinctive characteristic which is significant to purchasers.

5 (b) The identified ingredient is included in the guaranteed
6 analysis under s. ATCP 42.12 and 42.14.

7 (c) The product or brand name is not deceptive or
8 misleading.

9 (3) SINGLE-INGREDIENT FEEDS. Product names for single-
10 ingredient commercial feeds shall be consistent with the feed
11 ingredient definitions specified in the 1996 official publication
12 of the association of American feed control officials.

13 NOTE: Copies of the official publication of the
14 association of American feed control officials are on
15 file with the department, the secretary of state and
16 the revisor of statutes. Copies may be obtained from
17 AAFCO treasurer; the name and address of the current
18 AAFCO treasurer may be obtained by contacting the
19 department.
20

21 (4) PROHIBITIONS. (a) No person may label a commercial
22 feed with a product or brand name that is any of the following:

23 1. Inconsistent with the statement of purpose under s. ATCP
24 42.10.

25 2. Copyrighted by another person, except with that person's
26 specific authorization.

27 (b) No person may incorporate a product or brand name as
28 part of a guaranteed analysis under s. ATCP 42.12 or 42.14, or an
29 ingredient statement under s. ATCP 42.16.

- 1 (c) No product or brand name may do any of the following:
- 2 1. Use the word "protein" if non-protein nitrogen has been
3 added to the commercial feed.
- 4 2. Make any claim related to the percentage contents of any
5 commercial feed ingredient or component, other than protein or
6 equivalent protein.
- 7 3. Use the word "vitamin," or any word or abbreviation
8 suggesting the word "vitamin," unless the commercial feed is
9 represented as a vitamin supplement and its vitamin contents are
10 stated in the guaranteed analysis under s. ATCP 42.12 and 42.14.
- 11 4. Use the word "mineralized," except as part of the term
12 "trace mineralized salt."

13 **ATCP 42.08 MEDICATED COMMERCIAL FEEDS.** (1) LABEL

14 REQUIREMENTS. If a commercial feed contains one or more drugs,
15 the label shall include all of the following:

- 16 (a) The word "medicated," printed directly after and below
17 the product name in a type size no smaller than one-half the type
18 size of the product name.
- 19 (b) A statement which clearly explains the purpose for each
20 drug contained in the feed.
- 21 (c) A statement of active drug ingredients. The statement
22 shall include the established name and, except as provided under
23 sub. (2), the guaranteed amount of each active drug ingredient.
24 Drug guarantees shall be expressed according to sub. (3).
- 25 (d) Directions for use and precautionary statements under s.

1 ATCP 42.22.

2 (2) GROWTH PROMOTION OR FEED EFFICIENCY DRUGS. Except as
3 provided under 21 CFR 558, a feed label need not specify drug
4 amounts for growth promotion or feed efficiency drugs in
5 commercial feeds that are fed continuously as a sole ration.

6 (3) FORM OF DRUG GUARANTEES. (a) Except as provided under
7 par. (c), if a drug is present at a concentration of less than
8 2,000 grams per ton of commercial feed, the drug guarantee shall
9 be expressed in grams per ton.

10 (b) Except as provided under par. (c), if a drug is present
11 at a concentration of at least 2,000 grams per ton of commercial
12 feed, the drug guarantee shall be expressed in grams per pound.

13 (c) If a drug dosage in milligrams is included in the use
14 directions under s. ATCP 42.22, a drug guarantee may be expressed
15 in milligrams per weight unit of commercial feed. The weight unit
16 of commercial feed shall be consistent with weight units, if any,
17 used in the declaration of net quantity under s. ATCP 42.20 and
18 the use directions under s. ATCP 42.22.

19 ATCP 42.10 STATEMENT OF PURPOSE. (1) REQUIREMENT. Except
20 as provided under sub. (2), a commercial feed shall be labeled
21 with a statement of purpose that identifies all of the following:

22 (a) The species and classes of animals for which the feed is
23 intended. A commercial feed may also be labeled with the weight
24 ranges, sex, or ages of the animals for which the feed is
25 intended.

1 (b) The specific intended use of the feed, unless the feed
2 is intended as a complete feed for all species and classes of
3 animals identified on the feed label.

4 (2) EXEMPTIONS. Subsection (1) does not apply to any of the
5 following:

6 (a) An ingredient or combination of ingredients sold as a
7 specialized nutritional source for use in manufacturing other
8 feeds.

9 (b) Grain or grain mixtures, with or without molasses,
10 provided that both of the following apply:

11 1. The grain or grain mixture contains no drug or other
12 additive.

13 2. The seller makes no specific feed claim for the grain or
14 grain mixture.

15 (3) SWINE FEED. The following terms, when used to label a
16 swine commercial feed, indicate that the feed is intended for the
17 following corresponding classes of swine:

18 (a) "Pre-Starter" for swine weighing 2 to 11 pounds.

19 (b) "Starter" for swine weighing 11 to 44 pounds.

20 (c) "Grower" for swine weighing 44 to 110 pounds.

21 (d) "Finisher" for swine weighing 110 to 242 pounds.

22 (e) "Gilts, Sows and Boars" for that class of swine.

23 (f) "Lactating Gilts and Sows" for that class of swine.

24 (4) POULTRY FEED. The following terms, when used to label
25 a poultry commercial feed, indicate that the feed is intended for

1 the following corresponding classes of poultry:

2 (a) "Layer" for chickens that are grown to produce eggs for
3 human food.

4 (b) "Layer Starting/Growing" for chickens, grown to produce
5 eggs for human food, that are less than 10 weeks old.

6 (c) "Layer Finisher" for chickens, grown to produce eggs for
7 human food, that are at least 10 weeks old but not yet laying
8 eggs.

9 (d) "Layer Laying" for chickens that are currently laying
10 eggs for human food.

11 (e) "Layer Breeders" for chickens that are currently
12 producing offspring grown to produce eggs for human food.

13 (f) "Broilers" for chickens that are grown for human food.

14 (g) "Broilers Starting/Growing" for chickens less than 5
15 weeks old that are being grown for human food.

16 (h) "Broilers Finisher" for chickens over 5 weeks old that
17 are being fed for marketing as human food.

18 (i) "Broilers Breeders" for chickens from strains whose
19 offspring are grown for human food.

20 (j) "Broilers Breeders Starting/Growing" for chickens that
21 are both of the following:

- 22 1. From strains whose offspring are grown for human food.
- 23 2. Less than 10 weeks old.

24 (k) "Broilers Breeders Finishing" for chickens that are all
25 of the following:

1 1. From strains whose offspring are grown for human food.

2 2. At least 10 weeks old.

3 3. Not yet laying eggs.

4 (L) "Broilers Breeders Laying" for chickens that are all of
5 the following:

6 1. From strains whose offspring are grown for human food.

7 2. Grown to produce offspring used for human food as
8 broilers or roasters.

9 3. Currently laying fertile eggs.

10 (m) "Turkeys Starting/Growing" for male turkeys less than 13
11 weeks old that are being grown for human food.

12 (n) "Turkeys Finisher" for turkeys, grown for human food,
13 that are one of the following:

14 1. Females that are 13 weeks to 17 weeks old.

15 2. Males at least 16 weeks old that are being fed for
16 market.

17 (o) "Turkeys Laying" for female turkeys that are currently
18 producing eggs.

19 (p) "Turkeys Breeder" for turkeys, grown to produce fertile
20 eggs, that are not yet producing fertile eggs.

21 (5) BEEF CATTLE FEED. The following terms, when used to
22 label a beef cattle commercial feed, indicate that the feed is
23 intended for the following corresponding classes of beef cattle:

24 (a) "Calves" for beef cattle from birth to weaning.

25 (b) "Cattle on pasture" for weaned cattle other than feedlots

1 cattle. The word "cattle" may be replaced by a more specific word
2 such as stockers, feeders, replacement heifers, brood cows or
3 bulls.

4 (c) "Feedlot cattle" for weaned cattle kept in a feedlot.

5 (6) DAIRY CATTLE FEED. The following terms, when used to
6 label a dairy cattle commercial feed, indicate that the feed is
7 intended for the following corresponding classes of dairy cattle:

8 (a) "Veal milk replacer" for milk replacer fed to veal
9 calves.

10 (b) "Herd milk replacer" for milk replacer fed to herd
11 replacement calves.

12 (c) "Starter" for dairy animals 3 days to 3 months old.

13 (d) "Growing Heifers, Bulls and Dairy Beef -- Grower (1)"
14 for dairy animals 3 to 12 months old.

15 (e) "Growing Heifers, Bulls and Dairy Beef -Grower (2)" for
16 dairy animals more than 12 months old.

17 (f) "Lactating Dairy Cattle" for dairy cattle of that class.

18 (g) "Non-Lactating Dairy Cattle" for dairy cattle of that
19 class.

20 (7) EQUINE FEED. The following terms, when used to label an
21 equine commercial feed, indicate that the feed is intended for the
22 following classes of equine:

23 (a) "Foal" for equine of that class.

24 (b) "Mare" for equine of that class.

25 (c) "Breeding" for equine of that class.

1 (d) "Maintenance" for equine of that class.

2 (8) SHEEP AND GOAT FEED. The following terms, when used on

3 a sheep or goat commercial feed, indicate that the feed is

4 intended for the following corresponding classes of sheep and

5 goats:

6 (a) "Starter" for sheep and goats of that class.

7 (b) "Grower" for sheep and goats of that class.

8 (c) "Finisher" for sheep and goats of that class.

9 (d) "Breeder" for sheep and goats of that class.

10 (e) "Lactating" for sheep and goats of that class.

11 (9) DUCK AND GOOSE FEED. The following terms, when used to

12 label a duck or goose commercial feed, indicate that the feed is

13 intended for the following corresponding classes of ducks and

14 geese:

15 (a) "Ducks -- Starter" for ducks less than 3 weeks old.

16 (b) "Ducks -- Grower" for ducks 3 to 6 weeks old.

17 (c) "Ducks -- Finisher" for ducks more than 6 weeks old that

18 are being fed for market.

19 (d) "Ducks -- Breeder Developer" for ducks 8 to 19 weeks

20 old.

21 (e) "Ducks -- Breeder" for ducks more than 22 weeks old that

22 are currently laying eggs.

23 (f) "Geese -- Starter" for geese less than 4 weeks old.

24 (g) "Geese -- Grower" for geese 4 to 8 weeks old.

25 (h) "Geese -- Finisher" for geese more than 8 weeks old that

1 are being fed for market.

2 (i) "Geese -- Breeder Developer" for geese 10 to 22 weeks
3 old.

4 (j) "Geese -- Breeder" for geese more than 22 weeks old that
5 are currently laying eggs.

6 (10) RABBIT FEED. The following terms, when used to label a
7 rabbit commercial feed, indicate that the feed is intended for the
8 following corresponding classes of rabbits:

9 (a) "Rabbit -- Grower" for rabbits 4 to 12 weeks old.

10 (b) "Rabbit -- Breeder" for rabbits more than 12 weeks old.

11 **ATCP 42.12 GUARANTEED ANALYSIS; GENERAL.** (1) GUARANTEED

12 ANALYSIS REQUIRED. Every commercial feed shall be clearly and
13 conspicuously labeled with a guaranteed analysis, entitled
14 "GUARANTEED ANALYSIS." The guaranteed analysis shall include all
15 of the following:

16 (a) A minimum guarantee for each of the following
17 substances, unless the commercial feed is clearly labeled for a
18 specialized purpose that is unrelated to the content of those
19 substances:

20 1. Crude protein.

21 2. Equivalent crude protein from non-protein nitrogen, if
22 present. Guarantees shall comply with applicable requirements
23 under s. ATCP 42.54.

24 3. Crude fat.

25 (b) A maximum guarantee for crude fiber, unless the

1 commercial feed is clearly labeled for a specialized purpose that
2 is unrelated to its crude fiber content.

3 (c) Mineral guarantees under sub. (3) if the commercial feed
4 is sold wholly or in part for its mineral content. Except as
5 provided under s. ATCP 42.14, mineral guarantees are not required
6 if the commercial feed is intended solely for non-food producing
7 animals and contains less than 6.5 percent total minerals.

8 Mineral guarantees shall comply with sub. (3).

9 (d) A minimum guarantee for each vitamin contained in the
10 feed if the feed is sold wholly or in part for its vitamin
11 content. A vitamin guarantee shall comply with sub. (4).

12 (e) A minimum microorganism guarantee if the commercial feed
13 is sold wholly or in part for its microorganism content.
14 Microorganism guarantees shall comply with sub. (5).

15 (f) For dried molasses products or products sold primarily
16 for their sugar content, a minimum guarantee of total sugars as
17 invert.

18 (g) For a commercial feed intended as a specialized nutrient
19 source primarily for use in the manufacture of other commercial
20 feeds, a minimum guarantee for each nutrient which is relevant to
21 that purpose.

22 (h) Additional guarantees, if any, that are required for a
23 specific class of commercial feed under s. ATCP 42.14.

24 (2) FORM OF GUARANTEES; GENERAL. (a) Every guarantee under
25 sub. (1) shall clearly identify the substance guaranteed.

1 (b) A guarantee under sub. (1) shall be expressed as a
2 percentage by weight of commercial feed unless this section or s.
3 ATCP 42.14 requires that the guarantee be expressed in a different
4 form.

5 (c) The following guarantees, if present, shall appear in
6 the following order:

- 7 1. Crude protein.
- 8 2. Equivalent crude protein from non-protein nitrogen.
- 9 3. Amino acids.
- 10 4. Crude fat.
- 11 5. Crude fiber.
- 12 6. Acid detergent fiber.
- 13 7. Calcium.
- 14 8. Phosphorus.
- 15 9. Salt.
- 16 10. Sodium.
- 17 11. Other minerals.
- 18 12. Vitamins.
- 19 13. Total sugar as invert.
- 20 14. Viable microorganisms producing lactic acid.
- 21 15. Other guarantees. Other guarantees shall be arranged so
22 that guarantees expressed in the same unit of weight, measure or
23 count are grouped together.

24 (3) MINERAL GUARANTEES. (a) Mineral guarantees, if
25 required under sub. (1)(c), shall include all of the following:

- 1 1. A minimum and maximum guarantee for calcium, if present.
- 2 2. A minimum guarantee for phosphorus, if present.
- 3 3. A minimum and maximum guarantee for salt, if added.
- 4 4. A minimum and maximum guarantee for total sodium if total
5 sodium exceeds that furnished by the maximum salt guarantee under
6 par. (d)1.
- 7 5. A maximum guarantee for fluoride, if present.
- 8 6. Minimum guarantees for other minerals that are present in
9 significant amounts.

10 (b) In a guaranteed analysis, the maximum guarantee for
11 calcium, salt or total sodium may not exceed the minimum guarantee
12 by more than the following applicable amount:

- 13 1. If the minimum guarantee is less than 2.5 percent by
14 weight of the commercial feed, the maximum may not exceed the
15 minimum by more than 0.5 percent of the weight of the commercial
16 feed.
- 17 2. If the minimum guarantee is at least 2.5 percent by
18 weight of the commercial feed, but less than 5.0 percent, the
19 maximum guarantee may not exceed the minimum by more than 1.0
20 percent of the weight of the commercial feed.
- 21 3. If the minimum guarantee is at least 5.0 percent by
22 weight of the commercial feed, the maximum guarantee may not
23 exceed the minimum by more than 20 percent of the minimum
24 guarantee, or by more than 5.0 percent of the weight of the
25 commercial feed, whichever is less.

1 (c) Except as provided under par. (d) or (e), mineral
2 guarantees shall be stated as follows:

- 3 1. In parts per million (ppm) if the mineral content is less
4 than 10,000 parts per million.
- 5 2. As a percentage by weight if the concentration is 10,000
6 parts per million or greater.

7 (d) Except as provided under par. (e), the following mineral
8 guarantees shall be stated as percentages by weight of commercial
9 feed:

- 10 1. Minimum and maximum guarantees for calcium, total sodium
11 and salt.
- 12 2. Minimum guarantees for potassium, magnesium, sulfur,
13 phosphorus.
- 14 3. Maximum guarantees for fluoride.

15 (e) If a commercial feed is sold in tablet, capsule,
16 granular or liquid form, a mineral guarantee shall be expressed in
17 milligrams (mg) per unit weight of the commercial feed. Weight
18 units of commercial feed shall be consistent with weight units, if
19 any, used in the declaration of net quantity under s. ATCP 42.20
20 and in the use directions under s. ATCP 42.22.

21 (4) VITAMIN GUARANTEES. (a) If any of the following
22 vitamins are guaranteed, the guarantees shall be listed in the
23 guaranteed analysis in the following order and in the following
24 form:

- 25 1. Guarantees for vitamin A, other than precursors of

1 vitamin A, shall be stated in international units of vitamin A per
2 weight unit of commercial feed.

3 2. Vitamin D-3 guarantees in products sold for poultry
4 feeding shall be stated in international chick units of vitamin D-
5 3 per weight unit of commercial feed.

6 3. Vitamin D guarantees shall be stated in international
7 units of vitamin D per weight unit of commercial feed.

8 4. Vitamin E guarantees shall be stated in international
9 units of vitamin E per weight unit of commercial feed.

10 5. Vitamin B-12 guarantees shall be stated in milligrams or
11 micrograms per weight unit of commercial feed.

12 6. Other vitamin guarantees shall be stated in units
13 appropriate to those vitamins.

14 (b) Weight units of commercial feed under par. (a) shall be
15 consistent with the weight units, if any, used in the declaration
16 net quantity under s. ATCP 42.20 and in the use directions under
17 s. ATCP 42.22.

18 (5) MICROORGANISM GUARANTEES. Microorganism guarantees
19 shall be stated in viable colony forming units per weight unit of
20 commercial feed. The weight unit of commercial feed shall be
21 consistent with weight units, if any, used in the declaration of
22 net quantity under s. ATCP 42.20 and the use directions under s.
23 ATCP 42.22. A parenthetical statement following the guarantee
24 shall list each microorganism species in order of predominance.

25 **ATCP 42.14 GUARANTEED ANALYSIS; SPECIFIC FEEDS.** (1) SWINE

1 FEED. The guaranteed analysis for a swine commercial feed shall
2 include all of the following, whether or not required under s.

3 ATCP 42.12:

- 4 (a) A minimum guarantee for crude protein.
- 5 (b) A minimum guarantee for lysine.
- 6 (c) A minimum guarantee for crude fat.
- 7 (d) A maximum guarantee for crude fiber.
- 8 (e) A minimum and maximum guarantee for calcium.
- 9 (f) A minimum guarantee for phosphorus.
- 10 (g) A minimum and maximum guarantee for salt, if added.
- 11 (h) A minimum and maximum guarantee for total sodium if
12 total sodium exceeds that furnished by the maximum salt guarantee
13 under par. (g).
- 14 (i) A minimum guarantee for selenium, stated in parts per
15 million.
- 16 (j) A minimum guarantee for zinc, stated in parts per
17 million.

18 (2) POULTRY FEED. The guaranteed analysis for a poultry
19 commercial feed shall include all of the following, whether or not
20 required under s. ATCP 42.12:

- 21 (a) A minimum guarantee for crude protein.
- 22 (b) A minimum guarantee for lysine.
- 23 (c) A minimum guarantee for methionine.
- 24 (d) A minimum guarantee for crude fat.
- 25 (e) A maximum guarantee for crude fiber.

- 1 (f) A minimum and maximum guarantee for calcium.
- 2 (g) A minimum guarantee for phosphorus.
- 3 (h) A minimum and maximum guarantee for salt, if added.
- 4 (i) A minimum and maximum guarantee for total sodium, if
- 5 total sodium exceeds that furnished by the maximum salt guarantee
- 6 under par. (h).

7 (3) BEEF CATTLE FEED; GENERAL. The guaranteed analysis for

8 a beef cattle commercial feed shall include all of the following,

9 whether or not required under s. ATP 42.12:

- 10 (a) A minimum guarantee for crude protein.
- 11 (b) A maximum guarantee for equivalent crude protein from
- 12 non-protein nitrogen, if added.
- 13 (c) A minimum guarantee for crude fat.
- 14 (d) A maximum guarantee for crude fiber.
- 15 (e) A minimum and maximum guarantee for calcium.
- 16 (e) A minimum guarantee for phosphorus.
- 17 (f) A minimum and maximum guarantee for salt, if added.
- 18 (g) A minimum and maximum guarantee for total sodium, if
- 19 total sodium exceeds that furnished by the maximum salt guarantee
- 20 under par. (f).
- 21 (h) A minimum guarantee for potassium.
- 22 (i) A minimum guarantee for vitamin A, other than precursors
- 23 of vitamin A, if added.

24 (4) BEEF CATTLE FEED; MINERAL SUPPLEMENTS. If a commercial

25 feed is primarily intended to supply mineral nutrients for beef

1 cattle, its guaranteed analysis shall include all of the
2 following, whether or not required under s. ATCP 42.12:

3 (a) A minimum and maximum guarantee for calcium.

4 (b) A minimum guarantee for phosphorus.

5 (c) A minimum and maximum guarantee for salt.

6 (d) A minimum and maximum guarantee for total sodium, if
7 total sodium exceeds that furnished by the maximum salt guarantee
8 under par. (c).

9 (e) A minimum guarantee for magnesium.

10 (f) A minimum guarantee for potassium.

11 (g) A minimum guarantee for copper, stated in parts per
12 million.

13 (h) A minimum guarantee for selenium, stated in parts per
14 million.

15 (i) A minimum guarantee for zinc, stated in parts per
16 million.

17 (j) A minimum guarantee for vitamin A, other than precursors
18 of vitamin A.

19 (5) MILK REPLACER FED TO CALVES. The guaranteed analysis
20 for a milk replacer intended to be fed to calves shall include a
21 minimum guarantee for all of the following, whether or not
22 required under s. ATCP 42.12:

23 (a) A minimum guarantee for crude protein.

24 (b) A minimum guarantee for crude fat.

25 (c) A maximum guarantee for crude fiber.

1 (d) A minimum and maximum guarantee for calcium.

2 (e) A minimum guarantee for phosphorus.

3 (f) A minimum guarantee for vitamin A, other than precursors
4 of vitamin A, if added.

5 (6) DAIRY CATTLE FEED; GENERAL. The guaranteed analysis for
6 a dairy cattle commercial feed, other than a milk replacer under
7 sub. (5), shall include all of the following, whether or not
8 required under s. ATCP 42.12:

9 (a) A minimum guarantee for crude protein.

10 (b) A maximum guarantee for equivalent crude protein from
11 non-protein nitrogen, if added.

12 (c) A minimum guarantee for crude fat.

13 (d) A maximum guarantee for crude fiber.

14 (e) A maximum guarantee for acid detergent fiber.

15 (f) A minimum and maximum guarantee for calcium.

16 (g) A minimum guarantee for phosphorus.

17 (h) A minimum guarantee for selenium, stated in parts per
18 million.

19 (i) A minimum guarantee for vitamin A, other than precursors
20 of vitamin A, if added.

21 (7) DAIRY CATTLE; MINERAL SUPPLEMENTS. If a commercial feed
22 is primarily intended to provide mineral elements, inorganic
23 nutrients or vitamins to dairy cattle, its guaranteed analysis
24 shall include all of the following, whether or not required under
25 s. ATCP 42.12:

- 1 (a) A minimum and maximum guarantee for calcium.
- 2 (b) A minimum guarantee for phosphorus.
- 3 (c) A minimum and maximum guarantee for salt.
- 4 (d) A minimum and maximum guarantee for total sodium, if
- 5 total sodium exceeds that furnished by the maximum salt guarantee
- 6 under par. (c).
- 7 (e) A minimum guarantee for magnesium.
- 8 (f) A minimum guarantee for potassium.
- 9 (g) A minimum guarantee for selenium, stated in parts per
- 10 million.
- 11 (h) A minimum guarantee for vitamin A, other than the
- 12 precursors of vitamin A.
- 13 (8) EQUINE FEEDS; GENERAL. The guaranteed analysis for an
- 14 equine commercial feed shall include all of the following, whether
- 15 or not required under s. ATCP 42.12:
- 16 (a) A minimum guarantee for crude protein.
- 17 (b) A minimum guarantee for crude fat.
- 18 (c) A maximum guarantee for crude fiber.
- 19 (d) A minimum and maximum guarantee for calcium.
- 20 (e) A minimum guarantee for phosphorus.
- 21 (f) A minimum guarantee for copper, stated in parts per
- 22 million.
- 23 (g) A minimum guarantee for selenium, stated in parts per
- 24 million.
- 25 (h) A minimum guarantee for zinc, stated in parts per

1 million.

2 (i) A minimum guarantee for vitamin A, other than the
3 precursors of vitamin A, if added.

4 (9) EQUINE FEEDS; MINERAL SUPPLEMENTS. If a commercial feed
5 is primarily intended to provide mineral elements, inorganic
6 nutrients or vitamins to equine, its guaranteed analysis shall
7 include all of the following, whether or not required under s.

8 ATCP 42.12:

9 (a) A minimum and maximum guarantee for calcium.

10 (b) A minimum guarantee for phosphorus.

11 (c) A minimum and maximum guarantee for salt.

12 (d) A minimum and maximum guarantee for total sodium, if
13 total sodium exceeds that furnished by the maximum salt guarantee
14 under par. (c).

15 (e) A minimum guarantee for copper, stated in parts per
16 million.

17 (f) A minimum guarantee for selenium, stated in parts per
18 million.

19 (g) A minimum guarantee for zinc, stated in parts per
20 million.

21 (h) A minimum guarantee for vitamin A, other than the
22 precursors of vitamin A.

23 (10) SHEEP AND GOAT FEED. The guaranteed analysis for a
24 sheep or goat commercial feed shall include all of the following,
25 whether or not required under s. ATCP 42.12:

- 1 (a) A minimum guarantee for crude protein.
- 2 (b) A maximum guarantee for equivalent crude protein from
3 non-protein nitrogen, if added.
- 4 (c) A minimum guarantee for crude fat.
- 5 (d) A maximum guarantee for crude fiber.
- 6 (e) A minimum and maximum guarantee for calcium.
- 7 (f) A minimum guarantee for phosphorus.
- 8 (g) A minimum and maximum guarantee for salt, if added.
- 9 (h) A minimum and maximum guarantee for total sodium, if
10 total sodium exceeds that furnished by the maximum salt guarantee
11 under par. (g).
- 12 (i) A minimum and maximum guarantee for copper, stated in
13 parts per million, if copper is added or exceeds 20 ppm.
- 14 (j) A minimum guarantee for selenium, stated in parts per
15 million.
- 16 (k) A minimum guarantee for vitamin A, other than precursors
17 of vitamin A, if added.
- 18 (11) DUCK AND GOOSE FEED. The guaranteed analysis for a
19 duck or goose commercial feed shall include all of the following,
20 whether or not required under s. ATCP 42.12:
- 21 (a) A minimum guarantee for crude protein.
- 22 (b) A minimum guarantee for crude fat.
- 23 (c) A maximum guarantee for crude fiber.
- 24 (d) A minimum and maximum guarantee for calcium.
- 25 (e) A minimum guarantee for phosphorus.

- 1 (f) A minimum and maximum guarantee for salt, if added.
- 2 (g) A minimum and maximum guarantee for total sodium, if
3 total sodium exceeds that furnished by the maximum salt guarantee
4 under par. (f).
- 5 (12) FISH FEED. The guaranteed analysis for fish commercial
6 feed shall include all of the following, whether or not required
7 under s. ATCP 42.12:
- 8 (a) A minimum guarantee for crude protein.
- 9 (b) A minimum guarantee for crude fat.
- 10 (c) A maximum guarantee for crude fiber.
- 11 (c) A minimum guarantee for phosphorus.
- 12 (13) RABBIT FEED. The guaranteed analysis for rabbit
13 commercial feed shall include all of the following, whether or not
14 required under s. ATCP 42.12:
- 15 (a) A minimum guarantee for crude protein.
- 16 (b) A minimum guarantee for crude fat.
- 17 (c) A minimum and maximum guarantee for crude fiber. The
18 maximum guarantee may not exceed the minimum guarantee by more
19 than 5 percentage units.
- 20 (d) A minimum and maximum guarantee for calcium.
- 21 (e) A minimum guarantee for phosphorus.
- 22 (f) A minimum and maximum guarantee for salt, if added.
- 23 (g) A minimum and maximum guarantee for total sodium, if
24 total sodium exceeds that furnished by the maximum salt guarantee
25 under par. (f).

1 (h) A minimum guarantee for vitamin A, other than precursors
2 of vitamin A, if added.

3 **ATCP 42.16 INGREDIENT STATEMENT.** (1) INGREDIENT STATEMENT

4 REQUIRED. (a) Except as provided under par. (b), every
5 commercial feed shall be labeled with an ingredient statement,
6 clearly identified as such, which lists the name of each
7 ingredient from which that commercial feed is manufactured.

8 (b) Paragraph (a) does not apply to a commercial feed which is
9 defined as a single ingredient feed product by the 1996 official
10 publication of the association of American feed control officials.

11 NOTE: Copies of the official publication of the
12 association of American feed control officials are on file with
13 the department, the secretary of state and the revisor of
14 statutes. You may also obtain a copy from the AAFCO treasurer
15 whose address is available from the department.
16

17 (2) INGREDIENT NAMES. Every ingredient name used in an
18 ingredient statement under sub. (1) shall be printed in the same
19 size and type, and shall be one of the following:

20 (a) The common or usual name of that ingredient.

21 (b) The official name of that ingredient as stated in the
22 1996 official publication of the association of American feed
23 control officials.

24 (c) An appropriate collective term under sub. (4) which
25 accurately describes that ingredient. If an ingredient statement
26 includes a collective term that describes one or more individual
27 ingredients, none of those individual ingredients may be listed in
28 the ingredient statement under any other name.

1 (3) PROHIBITED TERMS. No ingredient statement under sub.
2 (1) may include any of the following:

3 (a) A reference to the grade or quality of an ingredient.
4 (b) The term "dehydrated," unless used to describe a feed
5 ingredient that has been artificially dried.
6 (c) The word "iodized," except to describe a feed
7 ingredient containing not less than 0.007 percent iodine uniformly
8 distributed in the feed ingredient.
9 (d) A feed ingredient used as a carrier for drugs, vitamins
10 or trace minerals, unless that ingredient comprises at least one
11 percent of the commercial feed by weight.

12 (4) COLLECTIVE TERMS. The following collective terms may be
13 used as ingredient names under sub. (2) (c):

14 (a) The collective term "animal protein products" may be
15 used to describe one or more of the following ingredients:

16 1. Animal liver meal.
17 2. Animal liver and glandular meal.
18 3. Blood meal.
19 4. Dried meat solubles.
20 5. Extracted animal liver meal.
21 6. Fleshings hydrolysate.
22 7. Hydrolyzed hair.
23 8. Hydrolyzed leather meal.
24 9. Hydrolyzed poultry feathers.
25 10. Meat. The term "meat" shall be qualified to identify

- 1 the animal species from which the meat is derived unless the meat
 2 is derived from cattle, swine, sheep or goats.
- 3 11. Meat by-products. The term "meat by-products" shall be
 4 qualified to identify the animal species from which the meat
 5 by-products are derived unless the meat by-products are derived
 6 from cattle, swine, sheep or goats.
- 7 12. Meat meal.
- 8 13. Meat and bone meal.
- 9 14. Meat meal tankage.
- 10 15. Poultry by-products.
- 11 16. Poultry by-product meal.
- 12 17. Poultry hatchery by-product.
- 13 18. Poultry parts.
- 14 20. Whole eviscerated chicken.
- 15 21. Crab meal.
- 16 22. Condensed fish solubles.
- 17 23. Dried fish solubles.
- 18 24. Fish meal.
- 19 25. Fish liver and glandular meal.
- 20 26. Fish protein concentrate.
- 21 27. Fish residue meal.
- 22 28. Shrimp meal.
- 23 29. Casein.
- 24 30. Cheese rind.
- 25 31. Condensed buttermilk.

1	32.	Condensed cultured skimmed milk.		
2	33.	Condensed cultured whey.		
3	34.	Condensed hydrolyzed whey.		
4	35.	Condensed skimmed milk.		
5	36.	Condensed whey.		
6	37.	Condensed whey product.		
7	38.	Condensed whey solubles.		
8	39.	Dried buttermilk.		
9	40.	Dried cultured skimmed milk.		
10	41.	Dried hydrolyzed casein.		
11	42.	Dried hydrolyzed whey.		
12	43.	Dried milk albumin.		
13	44.	Dried milk protein.		
14	45.	Dried skimmed milk.		
15	46.	Dried whey.		
16	47.	Dried whey product.		
17	48.	Dried whey solubles.		
18	49.	Dried whole milk.		
19	50.	Animal blood dry.		
20	51.	Animal by-product meal.		
21	52.	Fish by-product.		
22	53.	Fish solubles condensed.		
23	54.	Fish solubles dry.		
24	55.	Meat and bone meal tankage.		
25	(b)	The collective term "forage products" may be used to		

1 describe one or more of the following ingredients:

- 2 1. Dehydrated alfalfa meal.
- 3 2. Dehydrated alfalfa meal solvent extracted.
- 4 3. Alfalfa leaf meal.
- 5 4. Alfalfa stem meal.
- 6 5. Sun cured alfalfa meal or ground alfalfa hay.
- 7 6. Dehydrated corn plant.
- 8 7. Corn plant pulp.
- 9 8. Flax plant product.
- 10 9. Ground grass.
- 11 10. Lespedeza meal.
- 12 11. Lespedeza stem meal.
- 13 12. Ground peanut stems.
- 14 13. Ground peanut vines.
- 15 14. Dehydrated silage pellets.
- 16 15. Ground soybean hay.
- 17 16. Dehydrated silage.
- 18 17. Coastal bermuda grass hay.
- 19 18. Ground soybean hay.

20 (c) The collective term "grain products" may be used to
21 describe one or more of the following ingredients:

- 22 1. Barley.
- 23 2. Corn feed meal.
- 24 3. Cracked corn.
- 25 4. Flaked corn.

- 1 5. Ground corn.
- 2 6. Heat processed corn.
- 3 7. Screened cracked corn.
- 4 8. Oats.
- 5 9. Mixed feed oats.
- 6 10. Rice.
- 7 11. Ground brown rice.
- 8 12. Ground rough rice.
- 9 13. Rye.
- 10 14. Ground grain sorghum.
- 11 15. Rolled grain sorghum.
- 12 16. Wheat.
- 13 17. Corn.

14 (d) The collective term "plant protein products" may be used
 15 to describe one or more of the following ingredients:

- 16 1. Algae meal.
- 17 2. Coconut meal.
- 18 3. Cottonseed cake.
- 19 4. Cottonseed flake.
- 20 5. Cottonseed meal.
- 21 6. Low gossypol cottonseed meal.
- 22 7. Whole-pressed cottonseed.
- 23 8. Guar meal.
- 24 9. Linseed meal.
- 25 10. Peanut meal.

- 1 11. Safflower meal.
- 2 12. Soybean meal.
- 3 13. Sunflower meal.
- 4 14. Active dry yeast.
- 5 15. Dried yeast.
- 6 16. Brewers dried yeast.
- 7 17. Grain distillers dried yeast.
- 8 18. Molasses distillers dried yeast.
- 9 19. Torula dried yeast.
- 10 20. Yeast culture.

11 (e) The collective term "processed grain by-products" may be
 12 used to describe one or more of the following ingredients:

- 13 1. Pearl barley by-product.
- 14 2. Buckwheat middlings.
- 15 3. Corn bran.
- 16 4. Corn flour.
- 17 5. Corn germ meal.
- 18 6. Corn gluten feed.
- 19 7. Corn gluten meal.
- 20 8. Corn grits.
- 21 9. Brewers dried grains.
- 22 10. Distillers dried grains.
- 23 11. Distillers dried grains with solubles.
- 24 12. Condensed distillers solubles.
- 25 13. Molasses distillers condensed solubles.

- | | | | | |
|----|-----|-------------------------------------|----|----|
| 1 | 14. | Molasses distillers dried solubles. | 10 | 10 |
| 2 | 15. | Hominy feed. | 11 | 11 |
| 3 | 16. | Malt cleanings. | 12 | 12 |
| 4 | 17. | Malt sprouts. | 13 | 13 |
| 5 | 18. | Oat groats. | 14 | 14 |
| 6 | 19. | Peanut skins. | 15 | 15 |
| 7 | 20. | Rice bran. | 16 | 16 |
| 8 | 21. | Rice polishings. | 17 | 17 |
| 9 | 22. | Rye middlings. | 18 | 18 |
| 10 | 23. | Gelatinized sorghum grain flour. | 19 | 19 |
| 11 | 24. | Grain sorghum germ meal. | 20 | 20 |
| 12 | 25. | Grain sorghum gluten feed. | 21 | 21 |
| 13 | 26. | Grain sorghum gluten meal. | 22 | 22 |
| 14 | 27. | Grain sorghum grits. | 23 | 23 |
| 15 | 28. | Soy grits or soy flour. | 24 | 24 |
| 16 | 29. | Wheat bran. | 25 | 25 |
| 17 | 30. | Wheat feed flour. | 26 | 26 |
| 18 | 31. | Wheat germ meal. | 27 | 27 |
| 19 | 32. | Defatted wheat germ meal. | 28 | 28 |
| 20 | 33. | Wheat mill run. | 29 | 29 |
| 21 | 34. | Wheat middlings. | 30 | 30 |
| 22 | 35. | Wheat red dog. | 31 | 31 |
| 23 | 36. | Wheat shorts. | 32 | 32 |

24 (f) The collective term "roughage products" may be used to
 25 describe one or more of the following:

1	1.	Ground almond hulls.		
2	2.	Dried apple pectin pulp.		
3	3.	Dried apple pomace.		
4	4.	Barley hulls.		
5	5.	Barley mill by-product.		
6	6.	Dried beet pulp.		
7	7.	Buckwheat hulls.		
8	8.	Dried citrus meal.		
9	9.	Dried citrus pulp.		
10	10.	Citrus seed meal.		
11	11.	Corn cob fractions.		
12	12.	Ground corn cob.		
13	13.	Corn plant pulp.		
14	14.	Cottonseed hulls.		
15	15.	Husks.		
16	16.	Malt hulls.		
17	17.	Oat hulls.		
18	18.	Oat mill by-products.		
19	19.	Peanut hulls.		
20	20.	Rice hulls.		
21	21.	Rice mill by-product.		
22	22.	Soybean hulls.		
23	23.	Soybean mill feed.		
24	24.	Soybean mill run.		
25	25.	Flax straw by-product.		

- 1 26. Ground straw.
- 2 27. Sunflower hulls.
- 3 28. Dried tomato pomace.

4 **ATCP 42.18 MANUFACTURER OR DISTRIBUTOR; NAME AND ADDRESS.**

5 (1) REQUIREMENT. A commercial feed shall be labeled with the
6 name and principal mailing address of the manufacturer or
7 distributor who is responsible for the content and labeling of
8 that feed. The principal mailing address shall include a street
9 address, city, state and zip code. The street address may be
10 omitted if the correct street address appears in the current city
11 directory or telephone directory for the city listed on the label.

12 (2) FEED PRODUCED ON BEHALF OF ANOTHER. If a person
13 produces commercial feed for another person who is licensed under
14 s. ATCP 42.02, and who is identified on the feed label as the
15 responsible manufacturer or distributor of that commercial feed,
16 the person producing that feed for that responsible person need
17 not be identified on the feed label.

18 (3) RESPONSIBILITY. The manufacturer or distributor whose
19 name appears on the label of a commercial feed is responsible for
20 the content and labeling of that feed, including compliance with
21 this chapter.

22 **ATCP 42.20 DECLARATION OF NET QUANTITY.** (1) REQUIREMENT.

23 No person may sell or distribute any package, container or bulk
24 lot of commercial feed in this state unless that package,
25 container or bulk lot bears a label which accurately declares the

1 net quantity of commercial feed contained in that package,
2 container or bulk lot.

3 (2) NET QUANTITY; HOW EXPRESSED. (a) Net quantity shall be
4 declared in terms of weight, measure or count, based on applicable
5 requirements under s. 98.06, Stats.

6 NOTE: Under s. 98.06, Stats., liquid quantities must
7 normally be declared in terms of liquid measure, and
8 other quantities must normally be declared in terms of
9 weight.

10
11 (b) If a declaration of net quantity is expressed in terms
12 of weight or measure, the weight or measure shall be expressed in
13 appropriate inch-pound units and in appropriate metric units.

14 (c) If net quantity expressed in terms of weight is not
15 fully informative, net quantity shall also be expressed in terms
16 of measure or count. If net quantity expressed in terms of
17 measure is not fully informative, net quantity shall also be
18 expressed in terms of weight or count. If net quantity expressed
19 in terms of count is not fully informative, net quantity shall
20 also be expressed in terms of weight or measure.

21 (d) Whenever a declaration of net quantity includes a
22 declaration of count, the declaration shall also specify the size
23 or weight of the individual counted units unless the declaration
24 of count is fully informative without a declaration of unit size
25 or weight.

26 NOTE: Compare s. ATPC 90.04, Wis. Adm. Code.

27 **ATCP 42.22 USE DIRECTIONS AND PRECAUTIONARY STATEMENTS.**

28 (1) REQUIREMENT. (a) Except as provided under par. (b) or (c),

1 a commercial feed shall be prominently labeled with use directions
2 and precautionary statements.

3 (b) No use directions are required under paragraph (a) for a
4 non-medicated feed ingredient or a combination of non-medicated
5 feed ingredients sold as a specialized nutritional source for use
6 in manufacturing other feeds.

7 (c) Paragraph (a) does not apply to grain or a mixture of
8 grain, with or without molasses, provided that both of the
9 following apply:

10 1. The grain or grain mixture contains no drug or other
11 additive.

12 2. The seller makes no specific feed claim for the grain or
13 grain mixture.

14 (2) INFORMATION INCLUDED. The use directions and
15 precautionary statements required under sub. (1) shall include all
16 of the following:

17 (a) Adequate instructions to enable the safe and effective
18 use of the commercial feed.

19 (b) Any use directions and precautionary statements required
20 under 21 USC 343 and 21 CFR 514 and 558.

21 (c) Any use directions and precautionary statements required
22 under s. ATCP 42.54(3).

23 (3) LOCATION ON FEED PACKAGE. Use directions and
24 precautionary statements for a packaged commercial feed shall
25 appear at one of the following locations:

1 (a) On the principal display panel of the feed package.

2 (b) On another portion of the feed package, provided that a
3 statement on the principal display panel clearly directs the
4 user's attention to those use directions and precautionary
5 statements.

6

7 **SUBCHAPTER IV**

8 **CUSTOM-MIXED FEED**

9

10 **ATCP 42.24 LABELING CUSTOM-MIXED FEED.** (1) LABELING

11 REQUIRED. The manufacturer of a custom-mixed feed shall provide
12 the purchaser of that feed with all of the following information,
13 in writing, when the manufacturer delivers the custom-mixed feed
14 to the purchaser:

15 (a) The name and address of the manufacturer.

16 (b) The name and address of the purchaser.

17 (c) The date on which the manufacturer sold or delivered the
18 custom-mixed feed to the purchaser.

19 (d) The name of the custom-mixed feed.

20 (e) The net quantity of the custom-mixed feed.

21 (f) The name and net quantity of every commercial feed and
22 every other ingredient used to manufacture the custom-mixed feed.

23 (g) The use directions and precautionary statements, if any,
24 that are required under s. ATCP 42.22. If any commercial feed
25 used in manufacturing a custom-mixed feed is labeled with use

1 directions or precautionary statements, the manufacturer of the
2 custom-mixed feed shall provide those use directions and
3 precautionary statements to the purchaser of the custom-mixed
4 feed.

5 (h) All of the information specified under s. ATCP 42.08 if
6 the custom-mixed feed contains any drug.

7 (2) RECORDS REQUIRED. The manufacturer of a custom-mixed
8 feed shall keep a copy of the information which the manufacturer
9 provides to the purchaser of that custom-mixed feed under sub.
10 (1). The manufacturer shall keep the copy for at least one year,
11 and shall make it available to the department for inspection and
12 copying upon request.

13 **ATCP 42.26 GUARANTEES AND DISCLAIMERS.** The manufacturer of
14 a custom-mixed feed is not responsible for the nutritional
15 adequacy of that feed, provided that the manufacturer makes no
16 claim of nutritional adequacy. The manufacturer of a custom-mixed
17 feed may place a disclaimer on the feed label stating that the
18 manufacturer does not claim or warrant the nutritional adequacy of
19 the feed, or the suitability of the feed for its intended purpose.

20
21 **SUBCHAPTER V**

22 **DOG AND CAT FOOD**

23 **ATCP 42.28 LABELING REQUIRED.** (1) GENERAL. Except as
24 provided under sub. (2), a dog or cat food shall be clearly and
25 conspicuously labeled with all of the following information so

1 that the information is readily visible and legible to the
2 purchaser:

3 (a) The words "Dog Food" or "Cat Food", or other words which
4 clearly identify the product as dog or cat food. These words
5 shall appear on the principal display panel of the dog or cat food
6 package.

7 (b) The product name and the brand name if any.

8 (c) A guaranteed analysis as required under s. ATCP 42.30.

9 (d) An ingredient statement as required under s. ATCP 42.32.

10 (e) The information required under s. ATCP 42.34 if the dog
11 or cat food contains any drug.

12 (f) A statement of nutritional adequacy, if required under
13 s. ATCP 42.36.

14 (g) The name and principal mailing address of the
15 manufacturer or distributor responsible for distributing the dog
16 or cat food, as required for other commercial feed under s. ATCP
17 42.18(1).

18 (h) A declaration of net quantity, as required for other
19 commercial feed under s. ATCP 42.20. The declaration of net
20 quantity shall appear on the principal display panel of the dog or
21 cat food package.

22 (i) Feeding instructions, if required under s. ATCP 42.38.

23 (2) EXEMPTION. Subsection (1) does not apply to any of the
24 following:

25 (a) A custom-mixed dog or cat food labeled according to sub.

1 ch. IV.

2 (b) Pet chews, bones, toys or exercisers made of rawhide,
3 wood or man-made material, whether flavored or unflavored, unless
4 the manufacturer or distributor claims that the product is
5 intended for use as a dog or cat food or that it provides anything
6 of nutritional value to a dog or cat.

7 **ATCP 42.30 GUARANTEED ANALYSIS.** (1) REQUIREMENT. A dog or
8 cat food shall be labeled with a guaranteed analysis. The
9 guaranteed analysis shall include all of the following information
10 in the following order:

11 (a) A minimum guarantee for crude protein.

12 (b) A minimum guarantee for crude fat.

13 (c) A maximum guarantee for crude fiber.

14 (d) A maximum guarantee for moisture. The maximum
15 guaranteed moisture may not exceed 78 percent, or the natural
16 moisture content of the dog or cat food ingredients, whichever is
17 greater. A dog or cat food which primarily consists of stew,
18 gravy, sauce, broth, juice or a milk replacer, and which is
19 labeled as such, may contain moisture in excess of 78 percent.

20 (e) Mineral guarantees if the dog or cat food is sold wholly
21 or in part for its mineral contents. Mineral guarantees shall
22 comply with sub. (3).

23 (f) Vitamin guarantees if the dog or cat food label
24 identifies one or more specific vitamins, or makes a specific
25 vitamin-related performance claim. The guaranteed analysis shall

1 include a guarantee for each vitamin which is identified on the
2 label, or which is relevant to the performance claim. Vitamin
3 guarantees shall be expressed in appropriate units, as provided
4 for other commercial feeds under s. ATCP 42.12(4).

5 (g) Other substances claimed on the label of the dog or cat
6 food.

7 (2) FORM OF GUARANTEES. Every guarantee under sub. (1)
8 shall clearly identify the substance guaranteed. Except as
9 provided under s. ATCP 42.12(3) or (4), a guarantee shall be
10 expressed as a percentage by weight of the dog or cat food.

11 (3) MINERAL GUARANTEES. (a) Mineral guarantees, if
12 required under sub. (1)(e), shall include all of the following:

13 1. Minimum and maximum guarantees for calcium.

14 2. A minimum guarantee for phosphorus.

15 3. A minimum and maximum guarantee for salt.

16 4. Minimum guarantees for other minerals claimed on the dog
17 or cat food label.

18 (b) Mineral guarantees shall be expressed in appropriate
19 units, as provided for other commercial feed under s. ATCP
20 42.12(3).

21 **ATCP 42.32 INGREDIENT STATEMENT.** (1) REQUIREMENT. Every
22 dog or cat food shall be labeled with an ingredient statement,
23 clearly identified as such, which lists the name of each
24 ingredient from which that dog or cat food is manufactured. All
25 ingredients shall be printed in the same type and type size.

1 NOTE: Ingredients should be listed in descending order by
2 weight. Failure to do so may be deceptive or misleading.

3
4 (2) INGREDIENT NAMES. Every ingredient name used in an
5 ingredient statement under sub. (1) shall be one of the following:

6 (a) The common or usual name of that ingredient.

7 (b) The official name of that ingredient as stated in the
8 1996 official publication of the association of American feed
9 control officials.

10 NOTE: Copies of the official publication of the
11 association of American feed control officials are on file with
12 the department, the secretary of state and the revisor of
13 statutes. You may also obtain a copy from the AAFCO treasurer
14 whose address is available from the department.

15

16 (3) PROHIBITED TERMS. No ingredient statement under sub.
17 (1) may include any of the following:

18 (a) A reference to the grade or quality of an ingredient.

19 (b) The term "dehydrated," unless used to describe a feed
20 ingredient that has been artificially dried.

21 **ATCP 42.34 MEDICATED DOG OR CAT FOOD.** If a dog or cat food
22 contains one or more drugs, the dog or cat food label shall
23 include all of the following:

24 (1) The word "medicated," printed directly after and below
25 the product name in a type size no smaller than one-half the type
26 size of the product name.

27 (2) A statement of purpose which clearly explains the
28 purpose for each drug contained in the dog or cat food.

1 (3) A statement of active drug ingredients, including the
2 established name and amount of each active ingredient.

3 (4) Directions for use and precautionary statements needed
4 for safe feeding of the dog or cat food.

5 **42.36 STATEMENT OF NUTRITIONAL ADEQUACY.** One of the
6 following statements shall be clearly and conspicuously printed on
7 the principal display panel or information panel of every dog or
8 cat food package unless the dog or cat food is prominently labeled
9 as a "treat" or "snack:"

10 (1) A statement that "[Name of product] is formulated to
11 meet the nutritional levels established by the AAFCO [Dog or Cat]
12 Food Nutrient Profiles for [specify the life stages, such as
13 gestation, lactation, growth or maintenance, for which the dog or
14 cat food is intended, or specify "all life stages"]". This
15 statement shall be accompanied by the prominent statement, "Use
16 only as directed by your veterinarian," if the dog or cat food is
17 intended for use by or under the direction of a veterinarian.

18 (2) A statement that "Animal feeding tests using AAFCO
19 procedures substantiate that [name of product] provides complete
20 and balanced nutrition for [specify the life stages, such as
21 gestation, lactation, growth or maintenance, for which the dog or
22 cat food is intended, or specify "all life stages"]". This
23 statement shall be accompanied by the prominent statement, "Use
24 only as directed by your veterinarian" if the dog or cat food is
25 intended for use by or under the direction of a veterinarian.

1 (3) A statement that the dog or cat food is nutritionally
2 adequate for purposes other than those specified under sub. (1) or
3 (2) if the statement is scientifically substantiated. This
4 statement shall be accompanied by the prominent statement, "Use
5 only as directed by your veterinarian," if the dog or cat food is
6 intended for use by or under the direction of a veterinarian.

7 (4) A statement that "This product is intended for
8 intermittent or supplemental feeding only." This statement shall
9 be accompanied by the prominent statement, "Use only as directed
10 by your veterinarian," if the dog or cat food is intended for use
11 by or under the direction of a veterinarian.

12 **ATCP 42.38 FEEDING INSTRUCTIONS.** (1) REQUIREMENT. Except
13 as provided under sub. (2), a dog or cat food shall be prominently
14 labeled with feeding instructions. The feeding instructions shall
15 clearly state the recommended amount of dog or cat food to be fed,
16 and the purpose for which it is fed. The feeding instructions
17 shall include any precautionary statements which are needed for
18 safe feeding of the dog or cat food.

19 (2) EXEMPTIONS. Subsection (1) does not apply to a dog or
20 cat food that is clearly and conspicuously labeled as one of the
21 following:

- 22 (a) For use only under a veterinarian's prescription.
- 23 (b) A "treat" or "snack."

24 **ATCP 42.40 STATEMENT OF CALORIE CONTENT.** The label of a dog
25 or cat food may include a statement of calorie content only if all

1 of the following apply:

2 (1) The statement is separate and distinct from the
3 guaranteed analysis under s. ATCP 42.30.

4 (2) The statement appears under the heading "**Calorie**
5 **Content.**"

6 (3) The statement reflects metabolizable energy, expressed
7 as "kilocalories per kilogram" of dog or cat food. The amount of
8 metabolizable energy may also be expressed in kilocalories per
9 unit of weight or measure used in the declaration of net quantity
10 under s. ATCP 42.28(1)(h) or the feeding instructions under s.
11 ATCP 42.38.

12 (4) The calorie content is determined by one of the
13 following methods:

14 (a) By calculation using the modified Atwater formula,
15 $ME(kcal/kg) = 10[(3.5 \times CP) + (8.5 \times CF) + (3.5 \times NFE)]$, where CP
16 = % crude protein as fed, CF = % crude fat as fed, NFE = %
17 nitrogen-free extract (carbohydrate) as fed, the percentages of CP
18 and CF are the arithmetic averages obtained from proximate
19 analyses of at least four production batches of the dog or cat
20 food, and NFE is the difference between 100 and the sum of CP, CF,
21 and the percentages of crude fiber, moisture and ash (determined
22 in the same manner as CP and CF).

23 (b) By a testing procedure published in the 1996 official
24 publication of the association of American feed control officials.

25

1 NOTE: Copies of the official publication of the
2 association of American feed control officials are on file with
3 the department, the secretary of state and the revisor of
4 statutes. You may also obtain a copy from the AAFCO treasurer
5 whose address is available from the department.

6

7 ATCP 42.42 PRODUCT OR BRAND NAMES; USE OF INGREDIENT NAMES.

8 No product or brand name may identify any ingredients of a dog or
9 cat food to the exclusion of any other ingredients unless at least
10 one the following applies:

11 (1) The identified ingredients are derived from animals and
12 collectively comprise both of the following:

13 (a) At least 95 percent by weight of the dog or cat food,
14 where water sufficient for processing is excluded from the weight
15 of the dog or cat food.

16 (b) At least 70 percent by weight of the dog or cat food,
17 where the weight of the dog or cat food includes all water in the
18 dog or cat food.

19 (2) All of the following conditions are met:

20 (a) The identified ingredients collectively comprise at
21 least 25 percent by weight of the dog or cat food, where water
22 sufficient for processing is excluded from the weight of the dog
23 or cat food.

24 (b) The identified ingredients collectively comprise at
25 least 10 percent by weight of the dog or cat food, where the
26 weight of the dog or cat food includes all water in the dog or cat
27 food.

28 (c) Each of the identified ingredients comprises at least 3

1 percent by weight of the dog or cat food, where water sufficient
2 for processing is excluded from the total weight of the dog or cat
3 food.

4 (d) The identified ingredients are identified in their order
5 of predominance.

6 (e) The product or brand name includes a term, such as
7 "dinner," which suggests multiple ingredients.

8 (3) The ingredient is added to the dog or cat food, at
9 significant additional cost, in order to impart a distinctive
10 flavor or special nutritional value to the dog or cat food.

11 **ATCP 42.44 PROHIBITED LABELING.** No labeling for dog or cat
12 food may do any of the following, either directly or by
13 implication:

14 (1) Make any statement or representation, including any
15 pictorial or graphic representation, which is false, deceptive or
16 misleading.

17 (2) Misrepresent that a dog or cat food is suitable for a
18 specified use.

19 (3) Fail to disclose, in connection with any health or
20 nutritional claim for dog or cat food, pertinent qualifications or
21 limitations on that claim.

22 (4) Make any health or nutritional claim for dog or cat
23 food unless the manufacturer has reasonable scientific evidence to
24 support that claim at the time the claim is made.

25 (5) Claim that the dog or cat food provides a complete,

1 perfect, balanced or nutritionally adequate ration for dogs or
2 cats unless one of the following applies:

3 (a) The claim is true for all life stages of dogs or cats.

4 (b) The claim clearly identifies the life stage of dogs or
5 cats for which it is true.

6 (6) Claim that the dog or cat food provides a complete,
7 perfect, balanced or nutritionally adequate ration for dogs or

8 cats unless one of the following applies:

9 (a) The dog or cat food, when fed in recommended amounts,
10 meets all nutrient requirements established in applicable pet

11 nutrient profiles specified in the 1996 official publication of
12 the association of American feed control officials.

13 (b) The dog or cat food is adequate as a sole source of
14 nourishment for dogs or cats when fed according to label

15 directions and according to feeding protocols for dogs and cats
16 specified in the official publication of the association of

17 American feed control officials.

18 (c) The manufacturer possesses valid scientific evidence,
19 equivalent to that specified under par. (a) or (b), which
20 substantiates the label claim.

21 NOTE: Copies of the official publication of the
22 association of American feed control officials are on
23 file with the department, the secretary of state and
24 the revisor of statutes. You may also obtain a copy
25 from the AAFCO treasurer whose address is available
26 from the department.

27

1 (7) Misrepresent that an identified ingredient is present
2 to the exclusion of any other ingredient.

3 (8) Misrepresent the amount of any ingredient in a dog or
4 cat food.

5 (9) Use the term "with [ingredient]," or any similar term
6 which calls attention to a specific ingredient unless that
7 ingredient constitutes at least 3 percent by weight of the dog or
8 cat food, exclusive of water sufficient for processing.

9 NOTE: See also s. ATCP 42.42.

10 (11) Misrepresent that a dog or cat food contains only one
11 ingredient. A claim does not violate this subsection if, in
12 addition to the single claimed ingredient, the dog or cat food
13 contains only water sufficient for processing, required denaturing
14 agents, or trace amounts of preservatives and condiments.

15 (12) Claim that the dog or cat food is flavored unless the
16 flavor is detectable by a recognized test method or is proven to
17 be readily distinguishable by a dog or cat. A flavor claim shall
18 identify the source of the flavor, unless the source is an
19 ingredient listed under s. ATCP 42.32 which has the same name as
20 the flavor.

21 (13) Use the term "meat" or "meat by-products" to designate
22 meat or meat by-products from animals other than cattle, swine,
23 sheep or goats, unless the term is qualified to identify those
24 animals.

25 (14) Claim that a dog or cat food is "new" or "improved" if

1 the formula for that dog or cat food has not changed significantly
2 for more than 6 months.

3 (15) Make any specific comparison claim, including any claim
4 that a dog or cat food is preferred by dogs or cats, unless the
5 claim is substantiated by reasonable evidence acquired within one
6 year prior to the date on which the claim is made.

7
8 **SUBCHAPTER VI**

9 **GENERAL PROVISIONS**

10 **ATCP 42.46 GOOD MANUFACTURING PRACTICES.** (1) GENERAL.

11 Medicated commercial feed and dog and cat food shall be
12 manufactured, processed, packaged, stored and distributed in a
13 manner which prevents adulteration and misbranding.

14 (2) BUILDINGS. Buildings and facilities used in

15 manufacturing medicated commercial feed or dog or cat food shall
16 be all of the following:

17 (a) Adequate for the purpose used.

18 (b) Capable of being kept clean and in good repair.

19 (c) Constructed to allow convenient access for routine
20 cleaning and maintenance.

21 (d) Kept clean and in good repair.

22 (e) Kept free of unhealthful or unsanitary conditions.

23 (3) EQUIPMENT. Equipment used to manufacture medicated
24 commercial feed or dog or cat food shall be all of the following:

25 (a) Adequate for the purpose used. Scales and measuring

1 devices shall be accurate.

2 (b) Designed, constructed and installed to facilitate
3 routine cleaning, inspection and maintenance.

4 (c) Capable of being kept in a clean and in good repair.

5 (d) Kept clean and in good repair.

6 (4) CROSS-UTILIZATION. Areas and equipment used to
7 manufacture, handle or store medicated commercial feeds, dog food
8 or cat food may not be used to manufacture, handle or store
9 fertilizers or pesticides, unless the fertilizers or pesticides
10 are approved for use in the manufacture of the medicated
11 commercial feeds, dog food or cat food.

12 (5) MEDICATED FEEDS; MANUFACTURING. (a) Type A medicated
13 articles shall be manufactured according to 21 CFR 226.

14 (b) Type B and type C medicated feeds shall be manufactured
15 according to 21 CFR 225.

16 (6) MEDICATED FEED INGREDIENTS. (a) The operator of a
17 medicated feed manufacturing facility shall establish and maintain
18 procedures for identifying, storing and controlling inventories of
19 Type A medicated articles and Type B medicated feeds used in
20 manufacturing medicated feeds. The procedures shall preserve the
21 identity, strength, quality and purity of the drug sources.

22 (b) Packaged Type A medicated articles and Type B medicated
23 feeds shall be stored in designated areas in their original closed
24 containers. Bulk Type A medicated articles and bulk Type B
25 medicated feeds shall be identified and stored in a manner which

1 preserves their identity, strength, quality and purity.

2 (c) Type A medicated articles and Type B medicated feeds
3 shall be used according to label directions.

4 (7) INGREDIENT LABELING. All packaged and bulk ingredients
5 received or held for use in the manufacture of medicated
6 commercial feed or dog or cat food shall be accurately labeled to
7 facilitate proper use.

8 (8) RECORDS. A manufacturer of medicated commercial feed
9 or dog or cat food shall keep records of all manufactured
10 products, including product formulas, manufacturing dates, batch
11 numbers and shipment dates. The records shall be adequate to
12 facilitate the recall of specific batches of medicated commercial
13 feed or dog or cat food, should that become necessary. Records
14 for each batch of manufactured product shall be retained for at
15 least one year after the last product from that batch has been
16 distributed.

17 **ATCP 42.48 NUTRITIONAL CONTENT.** (1) GENERAL. Except as
18 provided under sub. (3), the nutritional content of a commercial
19 feed shall be suitable for the intended use of that feed when the
20 feed is used according to label directions.

21 (2) NUTRITIONAL STANDARDS. Except as provided under sub.
22 (3), no person may manufacture or distribute a commercial feed
23 intended for swine, poultry, fish, veal calves or herd replacement
24 calves unless one of the following applies:

25 (a) The commercial feed complies with applicable nutritional

1 standards published by the committee on animal nutrition, national
2 research council, national academy of sciences.

3 NOTE: Copies of the nutritional standards under par. (a) are
4 on file with the department, the secretary of state and the
5 revisor of statutes.
6

7 (b) The manufacturer of the commercial feed possesses valid
8 scientific evidence showing that the commercial feed complies with
9 sub. (1).

10 NOTE: If the department has reason to believe that a
11 commercial feed intended for swine, poultry, fish, veal
12 calves or herd replacement calves is not suitable for
13 its intended use, the department may request
14 documentation showing that the feed complies with par.
15 (a) or (b).
16

17 (3) EXEMPTION. This section does not apply to a custom-
18 mixed feed.

19 ATCP 42.50 DRUGS AND OTHER ADDITIVES. (1) DRUGS. No

20 person may manufacture or distribute any commercial feed which is
21 a drug, or which contains any drug, unless all of the following
22 apply:

23 (a) The drug is safe and effective for its intended use when
24 used according to label directions.

25 (b) The drug and its use are approved or sanctioned by the
26 federal food and drug administration if federal law requires that
27 approval or sanction.

28 (2) USE OF DRUGS IN COMMERCIAL FEED. No person may do
29 either of the following:

30 (a) Manufacture or distribute any commercial feed to which a

1 drug has been added in violation of the drug label, or in
2 violation of the terms under which the drug is approved by the
3 federal food and drug administration.

4 (b) Manufacture or distribute any commercial feed to which a
5 drug has been added unless that commercial feed is labeled as a
6 medicated commercial feed according to this chapter.

7 (3) OTHER ADDITIVES. No person may manufacture or
8 distribute any commercial feed containing a special purpose
9 additive or non-nutritive additive if any of the following apply:

10 (a) The additive is not safe, or is not effective, for its
11 intended use when used according to label directions.

12 (b) The additive is used in the commercial feed for a
13 purpose other than that for which it was intended, or in violation
14 of its label.

15 (c) The additive is used to impart immunity, but the United
16 States department of agriculture has not approved it for that
17 purpose under 21 USC 151 to 158.

18 **ATCP 42.52 ADULTERATION AND MISBRANDING.** (1) ADULTERATION
19 AND MISBRANDING PROHIBITED. No person may sell or distribute in
20 this state a feed which is adulterated or misbranded.

21 (2) ADULTERATION; WHAT CONSTITUTES. A feed is adulterated
22 if any of the following apply:

23 (a) The feed bears or contains any poisonous or deleterious
24 substance which may make it injurious to health. If the substance
25 is not an added substance, the feed is not considered adulterated

1 under this paragraph if the quantity of the substance does not
2 ordinarily make the feed injurious to the health of the animal for
3 which it is intended.

4 (b) The feed contains any added poisonous, deleterious, or
5 non-nutritive substance which is unsafe within the meaning of 21
6 CFR 406. This paragraph does not apply to either of the
7 following:

8 1. A pesticide used according to label directions on a raw
9 agricultural commodity contained in the feed.

10 2. A food additive that complies with 40 CFR 180.

11 (c) A raw agricultural commodity in the feed contains the
12 residue of a pesticide that is unsafe within the meaning of 21 CFR
13 408(a), unless all of the following apply:

14 1. The pesticide chemical was applied to the raw
15 agricultural commodity according to an exemption or tolerance
16 under 21 CFR 408.

17 2. The raw agricultural commodity has been processed by
18 canning, cooking, freezing, dehydrating, milling or other
19 processing procedures.

20 3. The pesticide residue has been removed from the raw
21 agricultural commodity to the greatest extent possible with good
22 manufacturing practices.

23 4. The pesticide residue concentration in the feed does not
24 exceed the tolerance prescribed for that pesticide in the raw
25 agricultural commodity.

1 (d) The feed, if fed to an animal, will likely cause the
2 edible product of that animal to contain a pesticide residue which
3 is unsafe within the meaning of 21 CFR 408(a).

4 (e) The feed contains any food additive which is unsafe
5 within the meaning of 21 CFR 409.

6 (f) The feed contains any color additive which is unsafe
7 within the meaning of 21 CFR 706.

8 (g) The feed contains any new animal drug which is unsafe
9 within the meaning of 21 CFR 512.

10 (h) A drug, special purpose additive or non-nutritive
11 additive is added to the feed in violation of s. ATCP 42.50.

12 (i) A valuable constituent of the feed is wholly or partly
13 omitted or removed from the feed, or is wholly or partly replaced
14 by a less valuable constituent.

15 (j) The composition or quality of the feed falls below or
16 differs from that represented on the feed labeling.

17 (k) The feed is a medicated commercial feed or a dog or cat
18 food manufactured in violation of good manufacturing requirements
19 under s. ATCP 42.46.

20 (L) The feed contains germitive noxious weed seeds in an
21 amount greater than either of the following, unless the presence
22 and guaranteed maximum amount of those germitive noxious weed
23 seeds is clearly stated on the feed label:

24 1. An amount which is unavoidably present, notwithstanding
25 the use of best commercial feed manufacturing practices.

1 2. One one-hundredth of one percent by weight of feed.

2 (m) The feed contains any germitive weed seeds, other than
3 wild buckwheat seeds, in an amount greater than either of the
4 following, unless the presence and guaranteed maximum amount of
5 those germitive weed seeds is clearly stated on the feed label:

6 1. An amount which is unavoidably present, notwithstanding
7 the use of best commercial feed manufacturing practices.

8 2. One fourth of one percent by weight of feed.

9 (n) The feed is a mineral supplement or additive, intended
10 for any of the following classes of animals, which contains
11 fluorine in excess of any of the following amounts:

12 1. For breeding or dairy cattle, 0.20 percent.

13 2. For slaughter cattle, 0.30 percent.

14 3. For sheep, 0.30 percent.

15 4. For lambs, 0.35 percent.

16 5. For poultry, 0.45 percent.

17 (o) The feed, when used in normal feeding according to label
18 directions, raises the fluorine content of the total ration,
19 excluding of roughage, above the following amounts for the
20 following classes of animals:

21 1. For breeding or dairy cattle, 0.004 percent.

22 2. For slaughter cattle, 0.009 percent.

23 3. For sheep, 0.006 percent.

24 4. For lambs, 0.01 percent.

25 5. For swine, 0.015 percent.

- 1 6. For poultry, 0.03 percent.
- 2 (p) The feed, when fed directly to cattle, sheep or goats
3 consuming roughage with or without limited amounts of grain,
4 results in a daily fluorine intake of more than 50 milligrams of
5 fluorine per 100 pounds of body weight.
- 6 (q) The feed contains soybean or vegetable meal, flakes, or
7 pellets extracted with trichlorethylene or other chlorinated
8 solvents.
- 9 (r) Sulfur dioxide, sulfurous acid or salts of sulfurous
10 acid are used in manufacturing a feed which is represented as a
11 significant source of vitamin B₁ (Thiamine).
- 12 (s) The feed contains an organic ingredient, such as humus,
13 peat, sphagnum moss or sawdust, that has little or no feeding
14 value.
- 15 (t) The feed is manufactured, packaged or held under
16 unsanitary conditions which may contaminate it with filth or make
17 it injurious to health.
- 18 (3) MISBRANDING; WHAT CONSTITUTES. A feed is misbranded if
19 any of the following applies:
- 20 (a) The feed labeling is false, deceptive or misleading in
21 any particular.
- 22 (b) The feed is sold or distributed under the name of
23 another feed.
- 24 (c) The feed labeling violates any provision of this
25 chapter.

1 ATCP 42.54 NON-PROTEIN NITROGEN. (1) USE OF NON-PROTEIN

2 NITROGEN INGREDIENTS. No non-protein nitrogen ingredient, such as
3 urea, di-ammonium phosphate, ammonium poly-phosphate solution or
4 ammoniated rice hulls, may be used as a source of equivalent crude
5 protein in a commercial feed intended for non-ruminant animals.
6 This subsection does not prohibit the use of non-protein nitrogen
7 ingredients for other nutrient purposes in a commercial feed
8 intended for non-ruminant animals, provided that all of the
9 following apply:

10 (a) The non-protein nitrogen ingredients are identified in
11 the 1996 official publication of the association of American feed
12 control officials.

13 NOTE: Copies of the official publication of the
14 association of American feed control officials are on
15 file with the department, the secretary of state and
16 the revisor of statutes. You may also obtain a copy
17 from the AAFCO treasurer whose address is available
18 from the department.

19 (b) The equivalent crude protein incidentally provided by
20 all of the non-protein nitrogen ingredients does not exceed 1.25
21 percent by weight of the commercial feed.

22 (c) The crude protein guarantee for the commercial feed is
23 stated in the following form: "**Crude protein, minimum, __%** (This
24 **includes not more than __%** equivalent crude protein which is not
25 **nutritionally available to [species of animal for which feed is**
26 **intended])**."

27 (2) GUARANTEED ANALYSIS. (a) If a commercial feed for
28 ruminants contains more than 5 percent protein from natural
29

1 sources, but also contains added non-protein nitrogen, its
2 guaranteed analysis shall include the following guarantee: "**Crude**
3 **protein, minimum, __%** (This includes not more than __% equivalent
4 **crude protein from non-protein nitrogen).**"

5 (b) If a commercial feed for ruminants contains added non-
6 protein nitrogen and not more than 5% protein from natural
7 sources, its guaranteed analysis shall include the following
8 guarantee: "**Equivalent crude protein from non-protein nitrogen,**
9 **minimum, __%**".

10 (c) If a non-protein nitrogen ingredient is sold as a
11 source of equivalent crude protein for use in manufacturing
12 commercial feed for ruminants, the guaranteed analysis for that
13 feed ingredient shall include the following guarantee: "**Nitrogen,**
14 **minimum, __%, percentage of equivalent crude protein from**
15 **non-protein nitrogen, minimum, __%**".

16 (3) USE DIRECTIONS AND PRECAUTIONARY STATEMENTS. (a) If a
17 commercial feed for ruminants contains more than 8.75 percent
18 equivalent crude protein from non-protein nitrogen, or more than
19 one-third of its total equivalent crude protein from non-protein
20 nitrogen, it shall be prominently labeled with use directions and
21 precautionary statements to ensure the safe and effective use of
22 that commercial feed as a source of equivalent crude protein. The
23 use directions and precautionary statements shall be introduced by
24 the following prominent statement or its equivalent: "**CAUTION:**
25 **USE AS DIRECTED.**"

1 (b) A commercial feed ingredient containing more than 1.25
2 percent equivalent crude protein from non-protein nitrogen
3 sources, if sold for use in manufacturing commercial feed for non-
4 ruminant animals, shall be prominently labeled with use directions
5 and precautionary statements to prevent violations of sub. (1).

6 The use directions and precautionary statements shall be
7 introduced by the following prominent statement or its equivalent:
8 **"WARNING: THIS FEED MUST BE USED ACCORDING TO LABEL DIRECTIONS."**

9 (c) Use directions and precautionary statements required
10 under par. (a) or (b) may be incorporated in any use directions
11 and precautionary statements required under s. ATCP 42.22.

12 **ATCP 42.56 ENFORCEMENT.** (1) FORMAL ENFORCEMENT.
13 Violations of this chapter may subject the violator to any of the
14 following enforcement actions:

15 (a) A holding order or stop sale order under s. 94.72(13) (b), Stats.

16 (b) The denial, suspension or revocation of a commercial
17 feed license under s. 93.06(7), Stats., or the imposition of
18 license conditions under s. 93.06(8), Stats.

19 (c) Criminal sanctions or court orders under s. 94.72(14),
20 Stats. Before referring any alleged labeling violation for court
21 prosecution under s. 94.72(14), the department shall give the
22 alleged violator notice and an opportunity for an informal hearing
23 on the alleged violation, as required under s. 94.72(11), Stats.
24 The department, in its notice to the alleged violator, may specify
25

1 deadlines for requesting and holding an informal hearing. Section
2 94.72(11), Stats., does not require the department to hold a
3 contested case hearing under ch. 227, Stats., and ch. ATPC 1
4 before referring an alleged labeling violation for court
5 prosecution.

6 (2) INVESTIGATIONS. The department may use its authority
7 under s. 93.08, 93.14 to 93.16, and 94.72(9), (10), and (13)(c)
8 and (d) to monitor compliance with and investigate possible
9 violations of this chapter.

10

11 **EFFECTIVE DATE.** The rules contained in this order shall take
12 effect one year after they are published in the Wisconsin
13 administrative register.

14

15 Dated this 31ST day of July, 1996

16

17

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

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By Elizabeth Kohl
Deputy Secretary
Alan T. Tracy, Secretary

