



FINAL April 2, 2014

Pet Food Committee Report/Minutes

January 9, 2014
1:30 – 3:30 p.m.
New Orleans, LA

COMMITTEE RECOMMENDATIONS:

1. None

BOARD RECOMMENDATIONS:

1. None

ASSOCIATION ACTIONS:

1. None

Committee Participants:

Committee members present included Jan Jarman (MN) Chair, Kristen Green (KY) Vice-Chair, Bill Burkholder (FDA-CVM), Stan Cook (MO), Sam Davis (SC), Eric Nelson (FDA-CVM), Richard Ten Eyck (OR) BOD Liaison, Lizette Beckman (WA). Committee members present by conference call included: Liz Higgins (NM), Johanna Phillips (ID), Donna Dicesare (NY), Charlotte Conway (FDA-CVM).

Committee advisors present included: David Fairfield (NGFA), Jason Vickers (AFIA), David Meeker (NRA), Angela Mills (NGFA), Angele Thompson (PFI), Pat Tovey (PFI), Dave Dzanis (ACVN & APPA), Leah Wilkinson (AFIA), Susan Thixton (AFTP), Mollie Morrisette (AFTP), Charles Starkey (USPEA).

103 Industry and Consumer Representatives and Guests along with 25 Control Officials were in attendance at the Pet Food Committee (PFC) Meeting in person or by conference call.

Committee Report:

- Committee Activities

ACTION: PFC accepted the Report from the AAFCO Pet Food & Specialty Pet Food Labeling Guide and Label Review Checklist Working Group, containing the proposed revisions to the Pet Food Label Review Checklist.

MOTION: Liz Higgins (NM) moved, Stan Cook (MO) seconded. Motion carried.

ACTION: PFC accepted the proposed revisions to the tables in Model Regulations PF2(i) on page 137 (2014 OP) and PF3(c) on page 138 to include 'greater than' (>) and 'less than or equal to' (≤) symbols; and a revision to the title of the table in PF3(c) to state 'Maximum "with" Claim Type Size' and submits the revisions to the Model Bills and Regulations Committee.

MOTION: Johanna Phillips (ID) moved, Kristen Green (KY) seconded. Motion carried.

Committee Minutes:

- Announcements (Jan Jarman, MN)

Jan Jarman (MN) introduced new PFC Members Stephanie Walthall of the Florida Department of



FINAL April 2, 2014

Agriculture and Consumer Services and Lizette Beckman of the Washington State Department of Agriculture, and new Advisors Charles Starkey and James Emerson, representing the U.S. Poultry and Egg Association (USPEA).

Chair Jan Jarman (MN) reminded the committee that Liz Higgins of the New Mexico Department of Agriculture has resigned as Co-Chair of the PFC although she will remain a member. The PFC sincerely thanks Liz for her years of dedication to the PFC.

The PFC minutes from the 2013 Annual Meeting in St. Pete were previously accepted by e-vote by the committee on October 11, 2013.

Richard Ten Eyck (OR) discussed the status of the "AAFCO Talks Pet Food" consumer level website. Dave Syverson is writing the content and Dave Dzanis will be editing the content. The PFC will review once the basic content has been prepared.

- Modifications to the Agenda (Jan Jarman, MN)
Due to the controversy and procedural issues surrounding the maximum calcium values in the revised Dog Food Nutrient Profiles, Jan Jarman (MN) requested that additional discussion be added to the agenda, prior to the last agenda item.
MOTION: Sam Davis (SC) moved to add this as an agenda item, Kristen Green (KY) seconded. Motion carried.
- Small Manufacturers Working Group/AAFCO Pet Food Website (Jan Jarman, MN)
Jan Jarman (MN) reported that the work group has not met recently. The dates on some of the fact sheets on the Business of Pet Food website may need updating. Johanna Phillips (ID) mentioned that the revised Pet Food Labeling Checklist may require the addition to the website of links to certain federal labeling requirements and she will communicate this information to Jenny Bibb (MS).
- Carbohydrate Working Group (Jan Jarman, MN)
Jan Jarman (MN) reported that the Working Group is currently looking at draft regulations to allow inclusion of Nitrogen Free Extract (NFE) content statements on pet food labels. While a starch analysis method for animal feed will be available shortly, a sugars method is likely several years away. Listing the NFE content on a label is a way to provide some carbohydrate information to customers, because total carbohydrates cannot be guaranteed. The NFE value is a calculated value, but it is already being utilized within the context of making calorie content statements. This would not be a guarantee, but a statement similar to calorie content statements. Regulations for stating NFE on pet food labels could be separate from, but similar to, PF9 and/or PF10; or could be included in PF9 and/or PF10. The Working Group expects to present a final report to the committee prior to the 2014 Annual Meeting. Richard Ten Eyck suggested that draft language should be submitted to the Laboratory Methods and Services Committee, but others did not think this would be necessary because NFE is not a laboratory method.

- AAFCO Pet Food & Specialty Pet Food Labeling Guide and Label Review Checklist Working Group (Johanna Phillips, ID)

The Working Group has completed revisions to the Label Review Checklist to be consistent with changes that have been made to the Model Regulations for Pet and Specialty Pet Food. The Working Group also added sections on direct-fed microbials, enzymes, raw milk and specific information relevant to specialty pets. The next course of action for the Working Group will be to update the Pet Food and Specialty Pet Food Labeling Guide.

There was some discussion about whether the Checklist should go to the Board of Directors or the Model Bills and Regulations Committee. While there were no objections to the Checklist by industry advisors, there was concern that there was not sufficient time or the ability to provide information to review to their members. Therefore, the committee accepted the report and plans to discuss it in Sacramento.

- Listing of ingredients which themselves contain two or more ingredients (William Burkholder FDA-CVM)

Control officials have lately been seeing many examples of labeling including lists of ingredients in parentheses. For example: "Protein products (chicken, beef, etc.)", "Fruit pomace (apple, grape, etc.)" or "Vegetable and fruit blend (carrot, apple, etc.)" Bill Burkholder (FDA) stated that federal regulations allow for parenthetical listings if the ingredient in question is itself comprised of two or more ingredients and which has an established common or usual name, conforms to a standard established pursuant to the Meat Inspection or Poultry Products Inspection Acts, or conforms to a definition and standard of identity established pursuant to section 401 of the Federal Food, Drug, and Cosmetic Act. The examples cited above do not conform to these requirements and therefore cannot be listed in this fashion on pet food labels but should instead be listed by each accepted common or usual name in order of their inclusion by weight in the overall formula. FDA recognizes AAFCO defined feed ingredient names as the common and usual names. If a firm wished to pursue parenthetical labeling as described above, they would need at a minimum to pursue a feed ingredient definition and would need to be careful that they are not trying to create a collective term because collective terms are not allowed on pet food labeling. The minerals and vitamins parenthetical listing is an example of enforcement discretion by FDA-CVM and it is not expected that additional enforcement discretion for other similar parenthetically listed ingredients that fall outside of the standards of identity would be granted.

- Proposal to amend the tables PF2(i) on page 137 (2014 OP) and PF3(c) on page 138 to include 'greater than' and/or 'less than or equal to' symbols; and amend the title of the table PF3(c) on page 124 to state 'Maximum "with" Claim Type Size' (Johanna Phillips, ID)

Issue: PF2(i) includes a table specifying the minimum type size of the warning statement required on the label of raw milk distributed as pet food or specialty pet food. The minimum type size of the statement is based on the area of the panel. The way it is currently written, the table indicates two different minimum type sizes for the warning statement on a panel of 25, 100 or 400 sq. in.

The proposal is to amend the panel sizes in the table to include ' \leq ' or ' $>$ ' symbols so that only one minimum warning statement type size is indicated for each range of panel sizes. This change also corresponds to how these values appear in 21CFR 501.105 (the height of the declaration of net

quantity of contents in relation to the area of the principal display panel). There was discussion about the relationship between 21CFR 501.105 and these tables, and concern was raised about changing the tables. It was clarified that the “greater than” and “less than or equal to” symbols in the table are modeled after the format in 21CFR 501.105(i). The addition of the symbols is simply intended to provide clarity to the table and better mimic the format in 21CFR 501.105.

The proposed revisions are:

Panel Size	Minimum Warning Statement Type Size
$\ll 5$ sq. in. (replace ' $<$ ' with ' \leq ')	1/16"
$> 5 - \leq 25$ sq. in.	1/8"
$> 25 - \leq 100$ sq. in.	3/16"
$> 100 - \leq 400$ sq. in.	1/4"
> 400 sq. in. (delete '+')	1/2"

Issue: PF3(c) includes a table specifying the maximum type size of a “with (ingredient)” claim when it appears in a product name or elsewhere on the product label. The maximum type size of the “with” claim is based on the area of the panel. The way it is currently written, the table indicates two different maximum type sizes for the “with” claim on a panel of 25, 100 or 400 sq. in.

The proposal is to amend the panel sizes in the table to include ' \leq ' or ' $>$ ' symbols so that only one maximum type size of the “with” claim is indicated for each range of panel sizes. This change also corresponds to how these values appear in 21 CFR 501.105. In addition, the heading for the column of maximum “with” claim type sizes is revised to change the position of the closing quote symbols in the heading.

The proposed revisions are:

Panel Size	Maximum “with” Claim ² Type Size (delete “ after Claim)
$\ll 5$ sq. in. (replace ' $<$ ' with ' \leq ')	1/8"
$> 5 - \leq 25$ sq. in.	1/4"
$> 25 - \leq 100$ sq. in.	3/8"
$> 100 - \leq 400$ sq. in.	1/2"
> 400 sq. in. (delete '+')	1"

- Discussion of Maximum Calcium Values in the Dog Food Nutrient Profiles – Added Agenda Item (Jan Jarman, MN)

There has been significant controversy and confusion about the maximum calcium value listed in the revised Dog Food Nutrient Profiles that were forwarded at this meeting from the Model Bills and Regulations Committee to the Board of Directors. The minutes from the 2013 Midyear meeting in Albuquerque show the revised maximum calcium value as 1.8% for all life stages of all dogs. The original recommendation from the Canine Nutrition Expert Subcommittee (CNES) was for a maximum of 1.8% calcium only for growth and reproduction of large size dogs. Several committee

members and advisors do not recall discussing or changing the maximum calcium value from the CNES recommendation at the Albuquerque meeting. Because of these issues, it was decided to address the maximum calcium values at the 2013 Annual Meeting in St. Pete. At that time it was voted to set the maximum calcium value at 1.8% for growth and reproduction of all dogs, and 2.5% for maintenance. Committee advisors have expressed concern about the short amount of time they had to review the values that were presented and accepted in St. Pete.

Angele Thompson (PFI) and Jason Vickers (AFIA) commented on the impact of these values on industry and consumers. They noted that the changes in the calcium maximum will put a regulatory burden on the regulatory officials and industry. There would be a considerable difference in regulatory burden to industry between setting a maximum calcium value of 1.8% for growth and reproduction of all size dogs vs. just large size dogs. A potential change to 1.8% maximum calcium for growth and reproduction of all size dogs would affect products with existing consumer usage. Companies need to evaluate all approaches which could include reformulation and/or labeling changes.

A maximum calcium level of 1.8% for growth and reproduction of all dogs would also apply to foods formulated for all life stages. In order to keep the 'all life stages' nutritional adequacy statement, products intended for all sizes of dogs and containing more than 1.8% calcium would have to either be relabeled for maintenance only, and new products created for all life stages; or reformulated to contain no more than 1.8% calcium. The estimated cost of this reformulation would be more than 36 million dollars. Either option could result in products being removed from the market and lost to customers. If a maximum calcium level of 1.8% were to be set for growth and reproduction of just large size dogs, products intended for all life stages and containing more than 1.8% calcium could be relabeled to exclude growth and reproduction of large size dogs only, rather than excluding growth and reproduction of all size dogs. Reformulation of existing 'all life stages' products with more than 1.8% calcium, or development of new products, would only need to be done for products for large size dogs.

There is also concern about the availability of appropriate protein sources needed to meet the lower maximum calcium value of 1.8%. It was noted that the CNES considered only the science and that the Pet Food Committee (PFC) should also consider the regulatory aspects of revising the Nutrient Profiles.

Susan Thixton (ATAPF) asked if the nutrient concentrations and availabilities of "whole" foods could be considered in any review of the Nutrient Profiles. She stated that the National Research Council (NRC) nutrient recommendations were based on the nutrient content and availability of ingredients used in the most popular pet foods, but there are so many different types of pet food available now, including those made with "whole" foods. Jan Jarman (MN) stated that the development of the revised Nutrient Profiles was a long and arduous process and has been under discussion for so long that only the maximum calcium values could be reconsidered. Bill Burkholder (CVM) said that nutrient availability was discussed in the first few paragraphs of the Profiles document. It was also noted that meeting the Nutrient Profiles is not the only way to substantiate that a food is complete and balanced. Formulas substantiated by feeding trials would not be limited to a maximum of 1.8% calcium.

Jan Jarman (MN) asked if the PFC members and advisors want to consider these additional issues prior to the 2014 Annual Meeting. Only the maximum calcium value in the revised Dog Food Nutrient Profiles would be discussed. Of concern is ensuring that the Nutrient Profiles stay on track for consideration by the general membership in Sacramento, given the enormous amount of time and effort the CNES and the PFC put into the revised Nutrient Profiles. It was also noted that an implementation time period had not been set for the revised Nutrient Profiles, similar to what was set for the recent revision of PF9.

Jan Jarman (MN) will send to the PFC the documents pertinent to the maximum calcium discussion. Some options suggested include (1) to recommend to the Board of Directors that they send the Dog Food Nutrient Profiles back to the PFC, (2) to do nothing and allow the general membership to vote in Sacramento on the revised Nutrient Profiles as they currently stand or (3) to form a new working group to look only at the maximum calcium value.

- Discussion of unclear and ambiguous items in the Model Regulations for Pet and Specialty Pet Food Under the Model Bill, and potential revisions (Jan Jarman MN)
Tabled due to lack of time.
- MOTION to adjourn: Sam Davis (SC) moved, Kristen Green (KY) seconded. Motion carried.
Meeting adjourned at 3:33 pm.

Action Item Table:

Responsible	Item	Action	Timing / Status
Jan J.	Revisions to Tables in PF2(i) & PF3(c)	Submit to Model Bills and Regulations Committee	April 1, 2014
Jan J.	Maximum calcium values	Resubmit to PFC the question of maximum calcium values in the AAFCO Dog Food Nutrient Profiles.	April 1, 2014
Jan J.	Carbohydrate Working Group report	Submit to PFC.	2 mos. prior to 2014 Annual Meeting
Johanna P.	Pet Food and Specialty Pet Food Labeling Guide	Working Group to begin work. Provide Jenny Bibb with appropriate links to federal regulations to place on the Business of Pet Food website.	Ongoing
Jenny B.	Business of Pet Food website	Review publication dates of documents linked from the website.	