



Final 2/27/19

## **Pet Food Committee Minutes**

AAFCO Midyear Meeting

January 22, 2019; 3:00 pm-5:00 pm EST; Savannah, GA

### **Committee Recommendations**

Committee recommendation summary or list.

- (1) FASS proposal for the website update referred to the AAFCO board
- (2) PF4(g) revisions referred to Model Bill and Regulations Committee
- (3) Recommendation to strike PF3(e) referred to the Model Bill and Regulations Committee

### **Board Recommendations**

Board recommendation summary or list.

- (1)

### **Association Actions**

Association action summary or list.

- (1)

### **Committee Participants**

**Members Present:** Kristen Green (Chair, KY), Stan Cook (Vice-Chair, MO), Lizette Beckman (WA), James Embry (TX), George Ferguson (NC), Tiffany Leschishin (MN – call in), Jo Lynn Otero (NM), Jason Schmidt (LA), Katie Simpson (IN), Austin Therrell (SC), Sue Hays (AAFCO Executive Director), Caitlin Price (NC), Richard Ten Eyck (OR)

**Advisors Present:** Leah Wilkinson (AFIA), Pam Kaufman (AFIA), Louise Calderwood (AFIA), David Fairfield (NGFA), Dave Dzanis (APPA and ACVN), David Meeker (NRA), Angele Thompson (PFI), Pat Tovey (PFI), Bill Bookout (NASC), BC Henschen (AFTP), Cathy Alinovi (NGPFMA), Mollie Morrissette (PWA – call in); James Emerson (US Poultry), Ken Gilmurray (NRA), Jean Hofve (PWA – call in)

### **Committee Report**

#### **Committee Minutes**

Meeting called to order at 3:00 pm EST

#### **Announcements**

Due to the government shutdown, FDA was not present at this meeting.

Kristen Green and Stan Cook are stepping down as PFC Chair and Vice-Chair following the meeting but will remain on the committee. Liz Beckman (WA) and Jason Schmidt (LA) have agreed to co-chair the committee moving forward.

AAFCO will be conducting a Pet Food Label Workshop at Pet Food Forum. This 1 day workshop will be held immediately after the forum ends on May 2<sup>nd</sup>.

#### **Committee Activities**

Motion to form a workgroup to organize and develop content for the Pet Food Labeling Workshop. Moved by Jason Schmidt (LA) and seconded by Austin Therrell (SC). Motion passed. Note: Katie Simpson will chair and Angele Thompson (PFI), Bill Bookout (NASC), Cathy Alinovi (NGPFMA), Austin Therrell (SC), Kristin Green (KY) and Stan Cook (MO) volunteered for the workgroup.

Motion to accept the FASS proposal for the website update as displayed. Moved by George Ferguson (NC) and seconded by Stan Cook (MO). Motion passed.

Motion to refer the FASS proposal and recommendation to the AAFCO board. Moved by Stan Cook (MO) and seconded by Austin Therrell (SC). Motion passed.

Motion to accept the PF3(e) workgroup report (APPENDIX II) and disband the workgroup. Moved by Austin Therrell (SC) and seconded by Jason Schmidt (LA). Motion passed.

Motion to refer recommendations to strike PF3(e) to the Model Bill and Regulations Committee. Moved by Stan Cook (MO) and seconded by Austin Therrell (SC). Motion passed.

Motion to accept the workgroup report (APPENDIX III) and publish it in the AAFCO FeedBin for 90 days prior to a vote. Moved by George Ferguson (NC) and seconded by Austin Therrell (SC). Motion passed.

Motion to accept the proposed revisions to PF4(g) (see APPENDIX IV) and refer them to the Model Bill and Regulations Committee. Moved by Austin Therrell (SC) and seconded by Jason Schmidt (LA). Motion passed.

Motion to form a workgroup to examine transforming SUIP 27 into PF12. Moved by Austin Therrell (SC) and seconded by Stan Cook (MO). Motion passed

### **Working Group Reports:**

#### AAFCO Website Review – Lizette Beckman (WA).

The workgroup has been meeting regularly to update the AAFCO Talks Pet Food website and The Business of Pet Food website. The website is out-of-date and requires updated coding. FASS submitted a proposal for this work that was displayed on the screen. The workgroup report was accepted and referred on to the board for their consideration.

#### Reviewing AAFCO Feeding Protocols Workgroup (to account for growth of large size dogs) – Angele Thompson (PFI), standing in for Dr. Bill Burkholder (FDA-CVM).

The workgroup met several times over the last few months to draft a proposal that was displayed on the screen. The workgroup felt that it might be too restrictive to always require the use of large size dogs in feeding protocols to substantiate suitability for growth of large size dogs. As an alternative option, a more typical small to medium colony dog could be used for feeding trials with the added constraint of limiting calcium and phosphorous in the formula to the most restrictive maximum values in the AAFCO Dog Food Nutrient Profiles (max 1.8% Ca and 1.6% P on a dry matter basis). Language is being proposed for addition to PF7(a)(2) and PF7(b)(3) and can be found in APPENDIX 1. Language will also need to be added to the protocols to refer back to the new PF7 requirements. The workgroup report was accepted and a full committee vote will be held in a couple of months.

#### PF(3)e – James Embry (TX)

The workgroup recommends removing PF3(e) from the AAFCO Model Bill (APPENDIX II). The workgroup report was accepted by the committee and will be referred to the Model Bill and Regulations Committee for their consideration.

PF3 '95% claims' vs. '95% Product name rule' – James Embry (TX)

The workgroup report and revised language was accepted by the committee. It will be referred to the Model Bill and Regulations Committee for their consideration.

Human Grade – Caitlin Price (NC)

The workgroup should be completed by the annual meeting and will present a report then.

PF4(q) Clarification – Bill Bookout (NASC), standing in for Dr. Bill Burkholder (FDA-CVM).

Bill Bookout provided some background on the topic. The recommendation and proposed language was displayed on the screen for the committee (Appendix II). It will be referred to the Model Bill and Regulations Committee for their consideration.

**Discussion Items:**

Discussion of '95% claims' vs. '95% Product name rule' – James Embry (TX)

States have been seeing an increasing trend to include specific meat/ingredient percentage claims on labeling. For example, the front of a package may claim '95% chicken', but a check of the formula indicates that that percentage is exclusive of water content, similar to the exemption allowed in PF3(b)(1). Some states consider this claim to be misleading since the claim is not truthful or qualified. In addition, there is also precedent in PF3(a) allowing for the exclusion of water in 100% claims. The workgroup has developed revised language (APPENDIX III) for consideration by the committee.

Pet Food Label Modernization Discussion – Sue Hays

The label modernization work remains a major focus for PFC. The ongoing goal for the workgroup is to reach consensus in the four subgroups for their work products. Sample labels continue to be developed that contain elements from the subgroups that have been working. The four subgroups are Nutrition Facts Box (Jason Schmidt, Chair), Ingredient List (Richard Ten Eyck, Chair), Nutritional Adequacy Statement (Jo Lynn Otero, Chair) and Safety Statement (Lizette Beckman, Chair).

This past December, PFC approved a proposal from Jan Johnson (Millennium Research Inc.) to conduct consumer market research on the concepts under development by the four PFLM teams. Teams worked closely with Jan to develop a screener, discussion guide and mock labels for this research. On the day of testing, 4 cohorts were assembled and a guided discussion of the label elements was held.

The results of the consumer market research were presented by each team lead during this meeting. The entire presentation is available to AAFCO members in the AAFCO FeedBin. The floor was then opened for comments. Comments were generally positive in support of the consumer research and the workgroups efforts to date. One of the audience members recommended that AAFCO reach out to veterinarians. Sue Hays will follow up with a conference call with the team leads shortly after the meeting.

SUIP 27 Chews, Bones and Toys for Pets and Specialty Pets – Liz Beckman

Model Bill and Regulations Committee has requested that Pet Food Committee consider the inclusion of SUIP 27 into the model bill as PF12. A workgroup was formed, to be chaired by Liz Beckman (WA). George Ferguson (NC),

Jason Schmidt (LA), Dave Dzanis (APPA & ACVN), Cathy Alinovi (NGPFMA) and Angele Thompson (PFI) have volunteered to participate in this workgroup. Anyone else interested in serving on this new workgroup should contact Liz Beckman.

*Discussion of Veterinary Directed Therapeutic Pet Foods – Leah Wilkinson*

This topic was not addressed during this session due to time restrictions. The PFC committee will consider whether to include it on the 2019 annual meeting agenda at a later date.

Pet Food Committee Adjourned at 5:00 pm EST.

## APPENDIX I –

### Revising requirements to the Feeding Protocols to account for the special nutritional requirements for growth of large size dogs. DRAFT language.

#### I. Regulation PF7. Nutritional Adequacy

- (a) The label of a pet food or specialty pet food which is intended for all life stages and sizes of the pet or specialty pet may include an unqualified claim, directly or indirectly, such as “complete and balanced,” “perfect,” “scientific,” or “100% nutritious” if at least one of the following apply:
  - (1) The product meets the nutrient requirements for all life stages and sizes established by an AAFCO-recognized nutrient profile; or
  - (2) The product meets the criteria for all life stages as substantiated by completion of the appropriate AAFCO-recognized animal feeding protocol(s);
    - A. Unqualified claims of nutritional adequacy that include large size dogs can be substantiated by: completing the appropriate protocols with large size dogs or
    - B. Can be substantiated by completion of appropriate protocols with dogs less than 70 lbs. adult weight while complying with the calcium and phosphorus maximum limits for large size dogs listed in the AAFCO Dog Food Nutrient Profiles; or
  - (3) The product is a member of a product family which is nutritionally similar to a lead product which contains a combination of ingredients that has been fed to a normal animal as the sole source of nourishment in accordance with the testing procedures established by AAFCO for all life stages, provided that:
    - A. The nutritional similarity of the family product can be substantiated according to the Procedures for Establishing Pet Food Product Families developed by AAFCO; and
    - B. The family product meets the criteria for all life stages; and
    - C. Under circumstances of reasonable doubt, the (State Control Official) may require the manufacturer to perform additional testing of the family product in order to substantiate the claim of nutritional adequacy.
- (b) The label of a pet food or specialty pet food which is intended for a limited purpose (such as size of dog) or a specific life stage, but not for all life stages and sizes, may include a qualified claim such as “complete and balanced,” “perfect,” “scientific,” or “100% nutritious” when the product and claim meet all of the following:
  - (1) The claim is qualified with a statement of the limited purpose or specific life stage for which the product is intended or suitable, for example, “complete and balanced for puppies (or kittens).” The claim and the required qualification shall be juxtaposed on the same label panel and in the same size, style and color print; and
  - (2) The product meets at least one of the following:
    - A. The nutrient requirements for the limited purpose or specific life stage established by an AAFCO-recognized nutrient profile; or
  - (3) The criteria for a limited purpose or a specific life stage as substantiated by completion of the appropriate AAFCO-recognized animal feeding protocol(s);
    - A. Qualified claims of nutritional adequacy that include large size dogs can be substantiated by: completing the appropriate protocols with large size dogs or
    - B. Can be substantiated by completion of appropriate protocols with dogs less than 70 lbs. adult weight while complying with the calcium and phosphorus maximum limits for large size dogs listed in the AAFCO Dog Food Nutrient Profiles;

- A. or
- B. The requirements of a product family which is nutritionally similar to a lead product which contains a combination of ingredients which, when fed for such limited purpose, will satisfy the nutrient requirements for such limited purpose and has had its capabilities in this regard demonstrated by adequate testing, and provided that:
  - i. The nutritional similarity of the family product can be substantiated according to the Procedures for Establishing Pet Food Product Families developed by AAFCO; and
  - ii. The family product meets the criteria for such limited purpose; and
  - iii. Under circumstances of reasonable doubt, the (State Control Official) may require the manufacturer to perform additional testing for the family product to substantiate the claim of nutritional adequacy.
- (c) Dog and cat food labels shall include a statement of nutritional adequacy or purpose of the product except when the dog or cat food is clearly and

## APPENDIX II –

### Proposed Revision to PF3(e)

#### **Background:**

PF3(e) has been in the AAFCO OP since the 70s or 80s. Subsequently, many changes have been made to PF(3), including the addition of the "with" regulation and further refinement of the flavor and other regulations in this section. In the 90's there was a complete rework of the regulations although the working group was told not to change the intent of the regulations. The workgroup at that time was not sure of the intent of PF3(e), so they left it in the PF Regulations.

It appears that PF3(e) was meant as a catch all but has outlived its usefulness. Regulators and industry have yet to identify a situation under which it might be valid to use today.

#### **Workgroup Recommendations:**

1. Completely remove PF3(e)
2. Form a workgroup to:
  - a. Recommend an appropriate title change for PF3, "Brand and Product Names"
    - i. The inclusion rate requirements in this section extend beyond the Product Name to other parts of the label. For example, the "with" and "flavor" rules extend to the entire product label.
  - b. Recommend named ingredient inclusion rate requirements not currently addressed in PF3.

## APPENDIX III –

### Proposed Revision to PF3

#### Background

Methods used to calculate the ingredient inclusion rates for percentage claims on pet food labels has become inconsistent and possibly misleading to the consumer. This workgroup was formed to review current regulations and provide recommendations to the committee.

#### Workgroup Recommendations:

##### Regulation PF3. Brand and Product Names

- (a) The names of the ingredient(s) used in the brand or product name shall appear in order of predominance by weight in the product.
- (b) The words "100%," or "All," or words of similar designation shall not be used in the brand or product name of a pet food or specialty pet food if the product contains more than one ingredient. ~~not including water sufficient for processing, decharacterizing agents, or trace amounts of preservatives and condiments.~~
- (c) An ingredient or combination of ingredients may form part of a brand or product name of a pet food or specialty pet food:
  - (1) When the named ingredient(s) constitutes at least 95% of the total weight of the product. Water sufficient for processing may be excluded when calculating the percentage; however, the named ingredients shall constitute at least 70% of the total product weight.
  - (2) When any named ingredient(s) constitutes at least 25% of the total weight of the product, provided that:
    - A. Water sufficient for processing may be excluded when calculating the percentage, however, the named ingredients(s) shall constitute at least 10% of the total product weight; and
    - B. A descriptor is used with the ingredient name(s). This descriptor shall imply other ingredients are included in the product formula.

Examples of descriptors include "dinner," "platter," "entree," "formula," and "recipe"; and
    - C. The descriptor shall be in the same size, style and color print as the ingredient names(s)
  - (3) When a combination of ingredients which are included in the brand or product name in accordance with Regulation PF3(c) provided that: ~~meets all of the following:~~
    - A. Each named ingredient constitutes at least 3% of the total weight of the product ~~the product weight~~, excluding water

sufficient for processing; and

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

B. All such ingredient names appear on the label in the same print size, font style and color print.

- (d) When the name of any ingredient appears in the brand or product name of a pet food or specialty pet food or elsewhere on the product label and includes a descriptor such as "with" or similar designation, the named ingredient(s) must each constitute at least 3% of the product weight exclusive of water sufficient for processing. ~~If the names of more than one ingredient are shown, they shall appear in their respective order of predominance by weight in the product.~~ The 3% minimum level shall not apply to claims for nutrients, such as, but not limited to, vitamins, minerals, and fatty acids, as well as condiments. The word "with," or similar designation, and named ingredients shall be in the same size, style, color and case print and be of no greater size than:

#### **Regulation PF5. Ingredients**

- (a) Each ingredient of a pet food or specialty pet food shall be listed in the ingredient statement as follows:
- (1) The names of all ingredients in the ingredient statement shall be shown in letters or type of the same size, style and color;
  - (2) The ingredients shall be listed in descending order by their predominance by weight in non-quantitative terms;
  - (3) Ingredients shall be listed and identified by the name and definition established by AAFCO; and
  - (4) Any ingredient for which no name and definition have been so established shall be identified by the common or usual name of the ingredient.
- (b) The ingredients "meat" or "meat by-products" shall be qualified to designate the animal from which the meat or meat by-products are derived unless the meat or meat by-products are derived from cattle, swine, sheep, goats, or any combination thereof. For example, ingredients derived from horses shall be listed as "horsemeat" or "horsemeat by-products."
- (c) Brand or trade names shall not be used in the ingredient statement.
- (d) A reference to the quality, nature, form, or other attribute of an ingredient shall be allowed when the reference meets all of the following:
- (1) The designation is not false or misleading;
  - (2) The ingredient imparts a distinctive characteristic to the pet food or specialty pet food because it possesses that

attribute; and

- (3) A reference to quality or grade of the ingredient does not appear in the ingredient statement.
- (e) Any reference to the percentage of an ingredient or combination of ingredients, by symbol or word, in the brand or product name or elsewhere on a pet food or specialty food label, shall be based in relation to the total weight of all ingredients in the product. The names of the ingredient(s) shall appear in order of predominance by weight in the product. Where water sufficient for processing is excluded from the declared percentage, the exclusion of water shall be indicated in words juxtaposed to, the same style and color print and at least one-half the print size of the stated percentage (e.g., "95% beef exclusive of water" or "95 percent chicken and liver exclusive of water").

## APPENDIX IV –

### Proposed Revision to PF4(g)

#### **Background:**

“Guarantees for crude protein, crude fat, **and** [emphasis added] crude fiber are not required when the pet food or specialty pet food is intended for purposes other than to furnish these substances or they are of minor significance relative to the primary purpose of the product, such as a mineral or vitamin supplement.”

There is an opinion that PF4(g) should not be interpreted as an all or none requirement for an exclusion for the three guarantees. Rather PF4(g) should allow for exclusion of one, two, or all three of the guarantees according to whether the product is not intended to, and in fact does not, provide significant amounts of one or more of the three nutrients. Examples, a fat/fatty acid supplement composed of triglycerides for dogs does not provide much, if any, protein or crude fiber, so guarantees for fat and crude fiber should be allowed to be excluded from the guaranteed analysis on that product’s label. Another example would be a fiber supplement for, say, specialty pets like rabbits or guinea pigs that is made from wheat stalks. The product would not be intended to, and would not, provide much crude fat or crude protein, and in my opinion should not be required to make guarantees for anything other than crude fiber and moisture.

So there are two possibilities here:

1. The regulation was poorly written and needs to be amended if my interpretation of its intent is correct; or,
2. The regulation was intended to be an all or none exemption from the requirement for crude protein, crude fat AND crude fiber guarantees.

A proposal in typical AFFCO editing format (strike through for deleting, underline for new words to be added) for clarifying PF4(g) is:

#### **Reccomendation:**

PF4(g) CLARIFICATION - Regulation PF4 (g) Guarantees for crude protein, crude fat, ~~and~~ or crude fiber are not required when the pet food or specialty pet food is intended for purposes other than to furnish one or more of these substances or they one or more are of minor significance relative to the primary purpose of the product, such as a mineral or vitamin supplement.”