

Model Bills and Regulations Committee Agenda

AAFCO 1800 South Oak Street, Suite 100 Champaign, IL

AAFCO 2019 Annual Meeting
Louisville Marriott Downtown
Marriott Ballroom 5-6, 2nd Floor
Louisville, KY
1:00 pm – 2:00 pm August 5, 2019

Agenda Topics:

1. Welcome and Committee Member Introductions
2. Savannah Minutes (approved as written on 3/27, posted on AAFCO web-site and in the Feed BIN, summarized in the General Session packet)
3. Sub-committee and working-group reports
 - a.) SUIP Working Group Report, Cathy Alinovi SUIP #3 (Attachment A)
 - b.) SUIP Working Group Report, Cathy Alinovi SUIP #17 (Attachment B)
4. Old Business
 - a.) Tabled from Savannah SUIP #3
 - b.) Tabled from Savannah SUIP #17
 - c.) Proposed Revision to Section 7. Adulteration (attachment C)
5. New Business
 - a.) PF3(e) Expression of Guarantees (Attachment D)
 - b.) PF4(g) Statements of Calorie Content (Attachment E)
6. Assignments/homework for annual meeting
7. Adjourn

Attachment A – Proposed Revision to SUIP 3

Recommends moving SUIP 3 - Trade or Proprietary names - to the deleted list. The rationale is that AAFCO Ingredient Definitions Committee (IDC) has already incorporated this language into the update to the Guide for New Ingredient Submissions.

Attachment B – Proposed Revision to SUIP 17

Recommends adding Regulation 6(h) language regarding **Carriers** (as below) to Regulation 6 of the Model Bill. Move SUIP 17 – Carriers – to the deleted SUIP list if/when 6(h) is approved by the AAFCO membership.

6(h) Each carrier shall be listed in the ingredient statement on the label unless it meets the criteria for an incidental ingredient [21 CFR 501.100(a)(3)].

Attachment C – Proposed Revision to Section 7. Adulteration

A commercial feed shall be deemed to be adulterated:

(a)

- (1) If it bears or contains any poisonous or deleterious substance which may render it injurious to human or animal health; but in case the substance is not an added substance, such commercial feed shall not be considered adulterated under this subsection if the quantity of such substance in such commercial feed does not ordinarily render it injurious to human or animal health; or

Attachment D – 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.

PFC Recommendation: Remove PF3(e)

~~(e) The product name of the pet food or specialty pet food shall not be derived from one or more ingredients unless all ingredients are included in the name, except as specified by Regulation PF3 (b) or (c); provided that the name of an ingredient or combination of ingredients may be used as a part of the product name if:~~

- ~~(1) The ingredient or combination of ingredients is present in sufficient quantity to impart a distinctive~~

~~characteristic to the product or is present in amounts which have a material bearing upon the price of the product or upon acceptance of the product by the purchaser thereof; or
(2) It does not constitute a representation that the ingredient or combination of ingredients is present to the exclusion of other ingredients.~~

Attachment E – 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:

PFC Recommendation: 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.”