

Minnesota Attorney General: Administrative Rules Proceedings

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MINNESOTA STATE REGULATIONS

Notice of filing by the Commissioner of Administration

46

We have received on this date, stamped and filed 2 copies of Rules and Regulations pertaining to the Department of Agriculture
(Agency or Board)

Regulation No. Agr 368 thru 377 (new)

Subject: Commercial Feeds

Department of Administration
Publication, Central Services Division
Documents Section
140 Centennial Office Building
St. Paul, Minnesota 55155
Telephone: (612) 296-2874

FILED
RICHARD L. BRUBACHER
Commissioner of Administration

APR 9 1974 2:00 pm

BY Eda Staudenmaier
AUTH. SIGNATURE EJ

Stamped and filed with the Secretary of State 4-9-74

Rev. 9-72

Agr 368 Definitions and Terms

(a) The names and definitions for commercial feeds shall be the Official Definition of Feed Ingredients adopted by the Association of American Feed Control Officials, except as the Commissioner designates otherwise in specific cases.

(b) The terms used in reference to commercial feeds shall be the Official Feed Terms adopted by the Association of American Feed Control Officials, except as the Commissioner designates otherwise in specific cases.

(c) The following commodities are hereby declared exempt from the definition of commercial feed, under the provisions of Minnesota Statutes, Section 25.33, Subd. 5: raw meat; and hay, straw, stover, silages, cobs, husks, hulls and individual chemical compounds or substances when such commodities, compounds or substances are not intermixed or mixed with other materials; Provided that these commodities are not adulterated within the meaning of Minnesota Statutes, Section 25.37, (A), (B), (C) or (D).

Agr 369 Label Format

Commercial feeds shall be labeled with the information prescribed in this regulation on the principal display panel of the product and in the following general format:

(a) Net weight.

(b) Product name and brand name, if any.

(c) If drugs are used:

(1) The word "medicated" shall appear directly following the product name in type size no smaller than one half the type size of the product name.

(2) The purpose of medication (claim statement).

(3) The required direction for use and precautionary statements or reference to their location if the detailed feeding directions and precautionary

statements required by Regulations Agr 373 and 374 appear elsewhere on the label.

(4) An active drug ingredient statement listing the active drug ingredients by their established name and the amounts in accordance with Regulation Agr 371 (d).

(d) The guaranteed analysis of the feed as required under the provisions of Minnesota Statutes, Section 25.35, (A) (3) shall include the following items, unless exempted in Item (8) of this subsection, and in the order listed:

(1) Minimum percentage of crude protein.

(2) The percentage of equivalent protein from non-protein nitrogen as required in Regulation Agr 371 (e).

(3) Minimum percentage of crude fat.

(4) Maximum percentage of crude fiber.

(5) Minerals, to include, in the following order: (a) minimum and maximum percentages of calcium (Ca), (b) minimum percentages of phosphorus (P), (c) minimum and maximum percentages of salt (NaCl), and (d) other minerals.

(6) Vitamins in such terms as specified in Regulation Agr 371 (c).

(7) Total Sugars as Invert on dried molasses products or products being sold primarily for their molasses content.

(8) Exemptions.

(aa) Guarantees for minerals are not required when there are no specific label claims and when the commercial feed contains less than 6 1/2 percent of mineral elements.

(bb) Guarantees for vitamins are not required when the commercial feed is neither formulated for nor represented in any manner as a vitamin supplement.

(cc) Guarantees for crude protein, crude fat, and crude fiber are not required when the commercial feed is intended for purposes other than to furnish these substances or they are of minor significance relating to the primary purpose of the product, such as drug premixes, mineral or vitamin supplements, and molasses.

(e) Feed ingredients, collective terms for the grouping of feed ingredients,

or appropriate statements as provided under the provisions of Minnesota Statutes, Section 25.35, (A) (4).

(1) The name of each ingredient as defined in the Official Definitions of Feed Ingredients published in the Official Publication of the Association of American Feed Control Officials, common or usual name, or one approved by the Commissioner.

(2) Collective terms for the grouping of feed ingredients as defined in the Official Definitions of Feed Ingredients published in the Official Publication of the Association of American Feed Control Officials in lieu of the individual ingredients; Provided that:

(aa) When a collective term for a group of ingredients is used on the label, individual ingredients within the group shall not be listed on the label.

(bb) The manufacturer shall provide the feed control official, upon request, with a listing of individual ingredients, within a defined group, that are or have been used in manufacturing facilities distributing in or into the state.

(3) The registrant may affix the statement, "Ingredients as registered with the State" in lieu of the ingredient list on the label. The list of ingredients must be on file with the Commissioner. This list shall be made available to the feed purchaser upon request.

(f) Name and principal mailing address of the manufacturer or person responsible for distributing the feed. The principal mailing address shall include the street address, city, state and zip code; however, the street address may be omitted if it is shown in the current city directory or telephone directory.

(g) The information required in Minnesota Statutes, Section 25.35, (A)(1)-(5) must appear in its entirety on one side of the label or one one side of the container. The information required by Minnesota Statutes, Section 25.35, (A)(6)-(7) shall be displayed in a prominent place on the label or container but not necessarily on the same side as the above information. When the information required by Minnesota Statutes, Section 25.35, (A)(6)-(7) is placed on a different side of the label or container, it must be referenced on the front side with a statement such as

"see back of label for directions for use." None of the information required by Minnesota Statutes, Section 25.35 shall be subordinated or obscured by other statements or designs.

Agr 370 Brand and Product Names

(a) The brand or product name must be appropriate for the intended use of the feed and must not be misleading. If the name indicates the feed is made for a specific use, the character of the feed must conform therewith. A mixture labeled "Dairy Feed", for example, must be suitable for that purpose.

(b) Commercial, registered brand or trade names are not permitted in guarantees or ingredient listings.

(c) The name of a commercial feed shall not be derived from one or more ingredients of a mixture to the exclusion of other ingredients and shall not be one representing any components of a mixture unless all components are included in the name; Provided, that if any ingredient or combination of ingredients is intended to impart a distinctive characteristic to the product which is of significance to the purchaser, the name of that ingredient or combination of ingredients may be used as a part of the brand name or product name if the ingredient or combination of ingredients is quantitatively guaranteed in the guaranteed analysis, and the brand or product name is not otherwise false or misleading.

(d) The word "protein" shall not be permitted in the product name of a feed that contains added non-protein nitrogen.

(e) When the name carries a percentage value, it shall be understood to signify protein and/or equivalent protein content only, even though it may not explicitly modify the percentage with the word "protein"; Provided, that other percentage values may be permitted if they are followed by the proper description and conform to good labeling practice. When a figure is used in the brand name (except in mineral, vitamin, or other products where the protein guarantee is nil or unimportant), it shall be preceeded by the word "number" or some other suitable designation.

(f) Single ingredient feeds shall have a product name in accordance with the designated definition of feed ingredients as recognized by the Association of American Feed Control Officials unless the Commissioner designates otherwise.

(g) The word "vitamin", or a contraction thereof, or any word suggesting vitamin can be used only in the name of a feed which is represented to be a vitamin supplement, and which is labeled with the minimum content of each vitamin declared, as specified in Regulation Agr 371 (c).

(h) The term "mineralized" shall not be used in the name of a feed, except for "TRACE MINERALIZED SALT". When so used, the product must contain significant amounts of trace minerals which are recognized as essential for animal nutrition.

(i) The term "meat" and "meat by-products" shall be qualified to designate the animal from which the meat and meat by-products is derived unless the meat and meat by-products are from cattle, swine, sheep and goats.

Agr 371 Expression of Guarantees

(a) The guarantees for crude protein, equivalent protein from non-protein nitrogen, crude fat, crude fiber and mineral guarantees (when required) will be in terms of percentage by weight.

(b) Commercial feeds containing 6 1/2 percent or more mineral elements shall include in the guaranteed analysis the minimum and maximum percentage of calcium (Ca), the minimum percentage of phosphorus (P), and if salt is added, the minimum and maximum percentage of salt (NaCl). Minerals, except salt (NaCl), shall be guaranteed in terms of percentage of the element. When calcium and/or salt guarantees are given in the guaranteed analysis, such shall be stated and conform to the following:

(1) When the minimum is 5.0% or less, the maximum shall not exceed the minimum by more than one percentage point.

(2) When the minimum is above 5.0%, the maximum shall not exceed the minimum by more than 20% and in no case shall the maximum exceed the minimum by more than 5 percentage points.

(c) Guarantees for minimum vitamin content of commercial feeds and feed supple-

ments, when made, shall be stated on the label in milligrams per pound of feed except that:

(1) Vitamin A, other than precursors of vitamin A, shall be stated in International or USP Units per pound.

(2) Vitamin D, in products offered for poultry feeding, shall be stated in International Chick Units per pound.

(3) Vitamin D for other uses shall be stated in International or USP Units per pound.

(4) Vitamin E shall be stated in International or USP Units per pound.

(5) Guarantees for vitamin content on the label of a commercial feed shall state the guarantee as true vitamins, not compounds, with exception of the compounds Pyridoxin Hydrochloride, Choline Chloride, Thiamine, and d-Pantothenic Acid.

(6) Oil and premixes containing vitamin A or vitamin D or both may be labled to show vitamin content in terms of units per gram.

(d) Guarantees for drugs shall be stated in terms of percent by weight, except:

(1) Antibiotics present at less than 2,000 grams per ton (total) of commercial feed shall be stated in grams per ton of commercial feed.

(2) Antibiotics present at 2,000 or more grams per ton (total) of commercial feed shall be stated in grams per pound of commercial feed.

(3) Labels for commercial feeds containing growth promotion and/or feed efficiency levels of antibiotics, which are to be fed continuously as the sole ration, are not required to make quantitative guarantees except as specifically noted in the Federal Food Additive Regulations for certain antibiotics wherein quantitative guarantees are required regardless of the level or purpose of the antibiotic.

(4) The term "milligrams per pound" may be used for drugs or antibiotics in those cases where a dosage is given in "milligrams" in the feeding directions.

(e) Commercial feeds containing any added non-protein nitrogen shall be labeled as follows:

(1) Complete feeds, supplements, and concentrates containing added non-protein nitrogen and containing 5% or more protein from natural sources shall be guaranteed as follows:

Crude Protein, minimum, _____%

(This includes not more than _____% equivalent protein from non-protein nitrogen)

(2) Mixed feed concentrates and supplements containing less than 5% protein from natural sources may be guaranteed as follows:

Equivalent Crude Protein from Non-Protein Nitrogen, minimum, _____%

(3) Ingredient sources of non-protein nitrogen such as Urea, Di-Ammonium Phosphate, Ammonium Polyphosphate Solution, Ammoniated Rice Hulls, or other basic non-protein nitrogen ingredients defined by the Association of American Feed Control Officials shall be guaranteed as follows:

Nitrogen, minimum, _____%

Equivalent Crude Protein from Non-Protein Nitrogen, minimum, _____%

(f) Mineral phosphatic materials for feeding purposes shall be labeled with the guarantee for minimum and maximum percentage of calcium (when present), the minimum percentage of phosphorus, and the maximum percentage of fluorine.

Agr 372 Ingredients

(a) The name of each ingredient or collective term for the grouping of ingredients, when required to be listed, shall be the name as defined in the Official Definitions of Feed Ingredients as published in the Official Publication of the Association of American Feed Control Officials, the common or usual name, or one approved by the Commissioner, and must be shown in letters or type of the same size.

(b) No reference to quality or grade of an ingredient shall appear in the ingredient statement of a feed.

(c) The term "dehydrated" may precede the name of any product that has been artificially dried.

(d) A single ingredient product defined by the Association of American Feed Control Officials is not required to have an ingredient statement.

(e) Tentative definitions for ingredients shall not be used until adopted as official, unless no official definition exists or the ingredient has a common accepted name that requires no definition, (e.g. sugar).

(f) When the word "iodized" is used in connection with a feed ingredient, the feed ingredient shall contain not less than 0.007% iodine, uniformly distributed.

Agr 373 Directions for Use and Precautionary Statements

(a) Directions for use and precautionary statements on the labeling of all commercial feeds and customer-formula feeds containing additives (including drugs, special purpose additives, or non-nutritive additives) shall:

(1) Be adequate to enable safe and effective use for the intended purposes by users with no special knowledge of the purpose and use of such articles; and,

(2) Include, but not be limited to, all information prescribed by all applicable regulations under the Federal Food, Drug and Cosmetic Act.

(b) Adequate directions for use and precautionary statements are required for feeds containing non-protein nitrogen as specified in Regulation Agr 374.

(c) Adequate directions for use and precautionary statements necessary for safe and effective use are required on commercial feeds distributed to supply particular dietary needs or for supplementing or fortifying the usual diet or ration with any vitamin, mineral or other dietary nutrient or compound.

Agr 374 Non-Protein Nitrogen

(a) Non-protein nitrogen products defined in the Official Publication of the Association of American Feed Control Officials are acceptable ingredients only in commercial feeds for ruminant animals as a source of equivalent crude protein and are not to be used in commercial feeds for other animals and birds.

(b) If the commercial feed contains more than 8.75% of equivalent crude protein from all forms of non-protein nitrogen, added as such, or the equivalent crude protein from all forms of non-protein nitrogen, added as such, exceeds one-third of the total crude protein, the label shall bear adequate directions for the safe use of feeds and a precautionary statement:

"CAUTION: USE AS DIRECTED"

The directions for use and the precautionary statement shall be in type of such size so placed on the label that they will be read and understood by ordinary persons under customary conditions of purchase and use.

(c) On labels such as those for medicated feeds which bear adequate feeding directions and/or precautionary statements, the presence of added non-protein nitrogen shall not require a duplication of the feeding directions or the precautionary statements as long as those statements include sufficient information to ensure the safe and effective use of this product due to the presence of non-protein nitrogen.

Agr 375 Drug and Feed Additives

(a) Prior to approval of a registration application and/or approval of a label for commercial feeds which contain additives (including drugs, special purpose additives, or non-nutritive additives) the distributor may be required to submit evidence to prove the safety and efficacy of the commercial feed when used according to the directions furnished on the label.

(b) Satisfactory evidence of safety and efficacy of a commercial feed may be:

(1) When the commercial feed contains such additives, the use of which conforms to the requirements of the applicable regulation in the Code of Federal Regulations, Title 21, or which are "prior sanctioned" or "generally recognized as safe" for such use, or

(2) When the commercial feed is itself a drug as defined in Minnesota Statutes, Section 25.33, Subd. 8, and is generally recognized as safe and effective for the labeled use or is marketed subject to an application approved by the Food and Drug Administration under Title 21 U.S.C. 360 (b).

Agr 376 Adulterants

(a) For the purpose of Minnesota Statutes, Section 25.37 (A), the terms "poisonous or deleterious substances "include but are not limited to the following:

(1) Fluorine and any mineral or mineral mixture which is to be used directly for the feeding of domestic animals and in which the fluorine exceed 0.30% for cattle; 0.35% for sheep; 0.45% for swine; and 0.60% for poultry.

(2) Fluorine bearing ingredients when used in such amounts that they raise the fluorine content of the total ration above the following amounts: 0.009% for cattle; 0.01% for sheep; 0.014% for swine; and 0.035% for poultry.

(3) Soybean meal, flakes or pellets or other vegetable meals, flakes or pellets which have been extracted with trichlorethylene or other chlorinated solvents.

(4) Sulfur dioxide, Sulfurous acid, and salts of Sulfurous acid when used in or on feeds or feed ingredients which are considered or reported to be a significant source of vitamin B_1 (Thiamine).

(5) Artificial color that has not been cleared for safety for use in feeds. Evidence of safety must include a clearance for use of these color additives under the provisions of the Federal Food, Drug and Cosmetic Act. No artificial color material shall be used to enhance the natural color of the feed or feed ingredient whereby inferiority would be concealed.

(b) All screenings or by-products of grains and seeds containing weed seeds, when used in commercial feed or sold as such to the ultimate consumer, shall be ground fine enough or otherwise treated to destroy the viability of such weed seeds so that the level of such viable weed seeds in the finished product shall not exceed the levels specified in Minnesota Statutes, Sections 21.71-21.78.

Agr 377 Good Manufacturing Practices

(a) For the purposes of enforcement of Minnesota Statutes, Section 25.37 (H), the Commissioner adopts the following as current good manufacturing practices:

(1) The regulations prescribing good manufacturing practices for medicated

feeds as published in the Code of Federal Regulations, Title 21, Part 133, Sections 133.100-133.110.

(2) The regulations prescribing good manufacturing practices for medicated premixes as published in the Code of Federal Regulations, Title 21, Part 133, Sections 133.200-133.210.

Agr 378-387 Reserved for future use.

Filed

FILED
RICHARD L. BRUBACHER
Commissioner of Administration
APR 9 1974 2:30 pm
BY Eda Staudenmaier
AUTH. SIGNATURE

APPROVED AS TO FORM AND LEGALITY
4-9 1974
WARREN SPANNAUS, ATTORNEY GENERAL
BY Michael B Miller
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
APR 9 - 1974 - 1:30 pm
Arlen I. Erdahl
Secretary of State

STATEMENT OF COMPLIANCE WITH

MANUAL OF RULE MAKING PROCEDURES

I, Special Assistant Attorney General Thomas Kalitowski do hereby declare that I have examined the proposed rules and all related documents and that, based on them and my personal familiarity with the applicable procedures, the Manual of Rule Making Procedures has been followed. Any exceptions are noted below.

Thomas Kalitowski

Special Assistant Attorney General

Dated: March 25, 1974

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE JON WEFALD
COMMISSIONER OF AGRICULTURE

In the matter of the Proposed Rules of the State Department of Agriculture Relating to the Labeling and Distribution of Commercial Feeds.

ORDER OF HEARING

To effectively provide current requirements on which to base the labeling of commercial feeds offered for distribution and sale in Minnesota, the Minnesota Commissioner of Agriculture deems it necessary to establish Rules of the Minnesota Department of Agriculture, Chapter 17, Agr 368 through 387.

NOW, THEREFORE, IT IS ORDERED this 23rd day of October, 1973, that a public hearing on the proposed rules captioned above be held in Conference Room D, 5th floor, Veterans Service Building, St. Paul, Minnesota, on Thursday, November 29, 1973, commencing at 10:00 A.M., or as soon thereafter as possible, and continuing until all representatives of associations or other interested groups or persons have had an opportunity to be heard.

IT IS FURTHER ORDERED, that notice of said hearing be given to all representatives of associations or other interested groups or persons who have registered their names with the Secretary of State for that purpose and to all persons who are presently members of the Minnesota Legislature.

STATE OF MINNESOTA

Jon Wefald

JON WEFALD
COMMISSIONER OF AGRICULTURE

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE JON WEFALD
COMMISSIONER OF AGRICULTURE

In the matter of Proposed Rules of the State Department of Agriculture Relating to the Labeling and Distribution of Commercial Feeds.

STATEMENT OF NEED

The above captioned rules are not amendments to existing rules of the Minnesota Department of Agriculture.

The need to adopt these rules arises because the Uniform Commercial Feed Law, M.S. Sections 25.31 to 25.45, provides for the adoption of rules to supplement the law for purposes of enforcement and in order that Minnesota regulations will be uniform in content and intent with standards adopted by the Association of American Feed Control Officials and with regulations adopted under authority of the Federal Food, Drug and Cosmetic Act.

COMMISSIONER OF AGRICULTURE

Jon Wefald

JON WEFALD

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE JON WEFALD
COMMISSIONER OF AGRICULTURE

In the matter of the Proposed Rules of the State Department of Agriculture Relating to the Labeling and Distribution of Commercial Feeds.

NOTICE OF HEARING

Notice is hereby given that a public hearing will be held pursuant to M.S. 1971, 15.0412, Subdivision 4, in the above entitled matter in Conference Room D, 5th Floor, Veterans Service Building, St. Paul, Minnesota, November 29, 1973, commencing at 10:00 A.M., or as soon thereafter as possible, and continuing until all persons have had an opportunity to be heard concerning adoption of the proposed rules captioned above by submitting either oral or written data, statements and arguments. Statements or briefs may be submitted without appearing at the hearing.

The Commissioner proposes to adopt rules relating to the Labeling and Distribution of Commercial Feeds as authorized and directed by Minnesota Statutes 1971, Section 25.40. The proposed rules describe the manner in which commercial feeds shall be labeled or invoiced before they are placed in the channels of trade.

Copies of the proposed rules may be attained by writing to the Office of the Commissioner, 420 State Office Building, St. Paul, Minnesota 55155. Additional copies will be available at the door on the date of the hearing.

Dated October 23, 1973

STATE OF MINNESOTA

Jon Wefald

JON WEFALD
COMMISSIONER OF AGRICULTURE

PROPOSED

REGULATIONS COMMERCIAL FEEDS

CHAPTER 17: AGR 368-387

Agr 368 Definitions and Terms

(a) The names and definitions for commercial feeds shall be the Official Definition of Feed Ingredients adopted by the Association of American Feed Control Officials, except as the Commissioner designates otherwise in specific cases.

(b) The terms used in reference to commercial feeds shall be the Official Feed Terms adopted by the Association of American Feed Control Officials, except as the Commissioner designates otherwise in specific cases.

(c) The following commodities are hereby declared exempt from the definition of commercial feed, under the provisions of Minnesota Statutes, Section 25.33, Subd. 5: raw meat; and hay, straw, stover, silages, cobs, husks, hulls and individual chemical compounds or substances when such commodities, compounds or substances are not intermixed or mixed with other materials; Provided that these commodities are not adulterated within the meaning of Minnesota Statutes, Section 25.37, (A), (B), (C) or (D).

Agr 369 Label Format

Commercial feeds shall be labeled with the information prescribed in this regulation on the principal display panel of the product and in the following general format:

(a) Net weight.

(b) Product name and brand name, if any.

(c) If drugs are used:

(1) The word "medicated" shall appear directly following the product name in type size no smaller than one half the type size of the product name.

(2) The purpose of medication (claim statement).

(3) The required direction for use and precautionary statements or reference to their location if the detailed feeding directions and precautionary

statements required by Regulations Agr 373 and 374 appear elsewhere on the label.

(4) An active drug ingredient statement listing the active drug ingredients by their established name and the amounts in accordance with Regulation Agr 371 (d).

(d) The guaranteed analysis of the feed as required under the provisions of Minnesota Statutes, Section 25.35, (A) (3) shall include the following items, unless exempted in Item (8) of this subsection, and in the order listed:

(1) Minimum percentage of crude protein.

(2) The percentage of equivalent protein from non-protein nitrogen as required in Regulation Agr 371 (e).

(3) Minimum percentage of crude fat.

(4) Maximum percentage of crude fiber.

(5) Minerals, to include, in the following order: (a) minimum and maximum percentages of calcium (Ca), (b) minimum percentages of phosphorus (P), (c) minimum and maximum percentages of salt (NaCl), and (d) other minerals.

(6) Vitamins in such terms as specified in Regulation Agr 371 (c).

(7) Total Sugars as Invert on dried molasses products or products being sold primarily for their molasses content.

(8) Exemptions.

(aa) Guarantees for minerals are not required when there are no specific label claims and when the commercial feed contains less than 6 1/2 percent of mineral elements.

(bb) Guarantees for vitamins are not required when the commercial feed is neither formulated for nor represented in any manner as a vitamin supplement.

(cc) Guarantees for crude protein, crude fat, and crude fiber are not required when the commercial feed is intended for purposes other than to furnish these substances or they are of minor significance relating to the primary purpose of the product, such as drug premixes, mineral or vitamin supplements, and molasses.

(e) Feed ingredients, collective terms for the grouping of feed ingredients,

or appropriate statements as provided under the provisions of Minnesota Statutes, Section 25.35, (A) (4).

(1) The name of each ingredient as defined in the Official Definitions of Feed Ingredients published in the Official Publication of the Association of American Feed Control Officials, common or usual name, or one approved by the Commissioner.

(2) Collective terms for the grouping of feed ingredients as defined in the Official Definitions of Feed Ingredients published in the Official Publication of the Association of American Feed Control Officials in lieu of the individual ingredients; Provided that:

(aa) When a collective term for a group of ingredients is used on the label, individual ingredients within the group shall not be listed on the label.

(bb) The manufacturer shall provide the feed control official, upon request, with a listing of individual ingredients, within a defined group, that are or have been used in manufacturing facilities distributing in or into the state.

(3) The registrant may affix the statement, 'Ingredients as registered with the State' in lieu of the ingredient list on the label. The list of ingredients must be on file with the Commissioner. This list shall be made available to the feed purchaser upon request.

(f) Name and principal mailing address of the manufacturer or person responsible for distributing the feed. The principal mailing address shall include the street address, city, state and zip code, however, the street address may be omitted if it is shown in the current city directory or telephone directory.

(g) The information required in Minnesota Statutes, Section 25.35, (A)(1)-(5) must appear in its entirety on one side of the label or one one side of the container. The information required by Minnesota Statutes, Section 25.35, (A)(6)-(7) shall be displayed in a prominent place on the label or container but not necessarily on the same side as the above information. When the information required by Minnesota Statutes, Section 25.35, (A)(6)-(7) is placed on a different side of the label or container, it must be referenced on the front side with a statement such as

"see back of label for directions for use." None of the information required by Minnesota Statutes, Section 25.35 shall be subordinated or obscured by other statements or designs.

Agr 370 Brand and Product Names

(a) The brand or product name must be appropriate for the intended use of the feed and must not be misleading. If the name indicates the feed is made for a specific use, the character of the feed must conform therewith. A mixture labeled 'Dairy Feed', for example, must be suitable for that purpose.

(b) Commercial, registered brand or trade names are not permitted in guarantees or ingredient listings.

(c) The name of a commercial feed shall not be derived from one or more ingredients of a mixture to the exclusion of other ingredients and shall not be one representing any components of a mixture unless all components are included in the name; Provided, that if any ingredient or combination of ingredients is intended to impart a distinctive characteristic to the product which is of significance to the purchaser, the name of that ingredient or combination of ingredients may be used as a part of the brand name or product name if the ingredient or combination of ingredients is quantitatively guaranteed in the guaranteed analysis, and the brand or product name is not otherwise false or misleading.

(d) The word 'protein' shall not be permitted in the product name of a feed that contains added non-protein nitrogen.

(e) When the name carries a percentage value, it shall be understood to signify protein and/or equivalent protein content only, even though it may not explicitly modify the percentage with the word 'protein'; Provided, that other percentage values may be permitted if they are followed by the proper description and conform to good labeling practice. When a figure is used in the brand name (except in mineral, vitamin, or other products where the protein guarantee is nil or unimportant), it shall be preceeded by the word 'number' or some other suitable designation.

(f) Single ingredient feeds shall have a product name in accordance with the designated definition of feed ingredients as recognized by the Association of American Feed Control Officials unless the Commissioner designates otherwise.

(g) The word 'vitamin', or a contraction thereof, or any word suggesting vitamin can be used only in the name of a feed which is represented to be a vitamin supplement, and which is labeled with the minimum content of each vitamin declared, as specified in Regulation Agr 371 (c).

(h) The term 'mineralized' shall not be used in the name of a feed, except for 'TRACE MINERALIZED SALT'. When so used, the product must contain significant amounts of trace minerals which are recognized as essential for animal nutrition.

(i) The term 'meat' and 'meat by-products' shall be qualified to designate the animal from which the meat and meat by-products is derived unless the meat and meat by-products are from cattle, swine, sheep and goats.

Agr 371 Expression of Guarantees

(a) The guarantees for crude protein, equivalent protein from non-protein nitrogen, crude fat, crude fiber and mineral guarantees (when required) will be in terms of percentage by weight.

(b) Commercial feeds containing 6 1/2 percent or more mineral elements shall include in the guaranteed analysis the minimum and maximum percentage of calcium (Ca), the minimum percentage of phosphorus (P), and if salt is added, the minimum and maximum percentage of salt (NaCl). Minerals, except salt (NaCl), shall be guaranteed in terms of percentage of the element. When calcium and/or salt guarantees are given in the guaranteed analysis, such shall be stated and conform to the following:

(1) When the minimum is 5.0% or less, the maximum shall not exceed the minimum by more than one percentage point.

(2) When the minimum is above 5.0%, the maximum shall not exceed the minimum by more than 20% and in no case shall the maximum exceed the minimum by more than 5 percentage points.

(c) Guarantees for minimum vitamin content of commercial feeds and feed supple-

ments, when made, shall be stated on the label in milligrams per pound of feed except that:

(1) Vitamin A, other than precursors of vitamin A, shall be stated in International or USP Units per pound.

(2) Vitamin D, in products offered for poultry feeding, shall be stated in International Chick Units per pound.

(3) Vitamin D for other uses shall be stated in International or USP Units per pound.

(4) Vitamin E shall be stated in International or USP Units per pound.

(5) Guarantees for vitamin content on the label of a commercial feed shall state the guarantee as true vitamins, not compounds, with exception of the compounds Pyridoxin Hydrochloride, Choline Chloride, Thiamine, and d-Pantothenic Acid.

(6) Oil and premixes containing vitamin A or vitamin D or both may be labled to show vitamin content in terms of units per gram.

(d) Guarantees for drugs shall be stated in terms of percent by weight, except:

(1) Antibiotics present at less than 2,000 grams per ton (total) of commercial feed shall be stated in grams per ton of commercial feed.

(2) Antibiotics present at 2,000 or more grams per ton (total) of commercial feed shall be stated in grams per pound of commercial feed.

(3) Labels for commercial feeds containing growth promotion and/or feed efficiency levels of antibiotics, which are to be fed continuously as the sole ration, are not required to make quantitative guarantees except as specifically noted in the Federal Food Additive Regulations for certain antibiotics wherein quantitative guarantees are required regardless of the level or purpose of the antibiotic.

(4) The term 'milligrams per pound' may be used for drugs or antibiotics in those cases where a dosage is given in 'milligrams' in the feeding directions.

(e) Commercial feeds containing any added non-protein nitrogen shall be labeled as follows:

(1) Complete feeds, supplements, and concentrates containing added non-protein nitrogen and containing 5% or more protein from natural sources shall be guaranteed as follows:

Crude Protein, minimum, _____%

(This includes not more than _____% equivalent protein from non-protein nitrogen)

(2) Mixed feed concentrates and supplements containing less than 5% protein from natural sources may be guaranteed as follows:

Equivalent Crude Protein from Non-Protein Nitrogen, minimum, _____%

(3) Ingredient sources of non-protein nitrogen such as Urea, Di-Ammonium Phosphate, Ammonium Polyphosphate Solution, Ammoniated Rice Hulls, or other basic non-protein nitrogen ingredients defined by the Association of American Feed Control Officials shall be guaranteed as follows:

Nitrogen, minimum, _____%

Equivalent Crude Protein from Non-Protein Nitrogen, minimum, _____%

(f) Mineral phosphatic materials for feeding purposes shall be labeled with the guarantee for minimum and maximum percentage of calcium (when present), the minimum percentage of phosphorus, and the maximum percentage of fluorine.

Agr 372 Ingredients

(a) The name of each ingredient or collective term for the grouping of ingredients, when required to be listed, shall be the name as defined in the Official Definitions of Feed Ingredients as published in the Official Publication of the Association of American Feed Control Officials, the common or usual name, or one approved by the Commissioner, and must be shown in letters or type of the same size.

(b) No reference to quality or grade of an ingredient shall appear in the ingredient statement of a feed.

(c) The term 'dehydrated' may precede the name of any product that has been artificially dried.

(d) A single ingredient product defined by the Association of American Feed Control Officials is not required to have an ingredient statement.

(e) Tentative definitions for ingredients shall not be used until adopted as official, unless no official definition exists or the ingredient has a common accepted name that requires no definition, (e.g. sugar).

(f) When the word 'iodized' is used in connection with a feed ingredient, the feed ingredient shall contain not less than 0.007% iodine, uniformly distributed.

Agr 373 Directions for Use and Precautionary Statements

(a) Directions for use and precautionary statements on the labeling of all commercial feeds and customer-formula feeds containing additives (including drugs, special purpose additives, or non-nutritive additives) shall:

(1) Be adequate to enable safe and effective use for the intended purposes by users with no special knowledge of the purpose and use of such articles; and,

(2) Include, but not be limited to, all information prescribed by all applicable regulations under the Federal Food, Drug and Cosmetic Act.

(b) Adequate directions for use and precautionary statements are required for feeds containing non-protein nitrogen as specified in Regulation Agr 374.

(c) Adequate directions for use and precautionary statements necessary for safe and effective use are required on commercial feeds distributed to supply particular dietary needs or for supplementing or fortifying the usual diet or ration with any vitamin, mineral or other dietary nutrient or compound.

Agr 374 Non-Protein Nitrogen

(a) Non-protein nitrogen products defined in the Official Publication of the Association of American Feed Control Officials are acceptable ingredients only in commercial feeds for ruminant animals as a source of equivalent crude protein and are not to be used in commercial feeds for other animals and birds.

(b) If the commercial feed contains more than 3.75% of equivalent crude protein from all forms of non-protein nitrogen, added as such, or the equivalent crude protein from all forms of non-protein nitrogen, added as such, exceeds one-third of the total crude protein, the label shall bear adequate directions for the safe use of feeds and a precautionary statement:

'CAUTION: USE AS DIRECTED'

The directions for use and the precautionary statement shall be in type of such size so placed on the label that they will be read and understood by ordinary persons under customary conditions of purchase and use.

(c) On labels such as those for medicated feeds which bear adequate feeding directions and/or precautionary statements, the presence of added non-protein nitrogen shall not require a duplication of the feeding directions or the precautionary statements as long as those statements include sufficient information to ensure the safe and effective use of this product due to the presence of non-protein nitrogen.

Agr 375 Drug and Feed Additives

(a) Prior to approval of a registration application and/or approval of a label for commercial feeds which contain additives (including drugs, special purpose additives, or non-nutritive additives) the distributor may be required to submit evidence to prove the safety and efficacy of the commercial feed when used according to the directions furnished on the label.

(b) Satisfactory evidence of safety and efficacy of a commercial feed may be:

(1) When the commercial feed contains such additives, the use of which conforms to the requirements of the applicable regulation in the Code of Federal Regulations, Title 21, or which are 'prior sanctioned' or 'generally recognized as safe' for such use, or

(2) When the commercial feed is itself a drug as defined in Minnesota Statutes, Section 25.33, Subd. 3, and is generally recognized as safe and effective for the labeled use or is marketed subject to an application approved by the Food and Drug Administration under Title 21 U.S.C. 360 (b).

Agr 376 Adulterants

(a) For the purpose of Minnesota Statutes, Section 25.37 (A), the terms 'poisonous or deleterious substances 'include but are not limited to the following:

(1) Fluorine and any mineral or mineral mixture which is to be used directly for the feeding of domestic animals and in which the fluorine exceed 0.30% for cattle, 0.35% for sheep; 0.45% for swine; and 0.60% for poultry.

(2) Fluorine bearing ingredients when used in such amounts that they raise the fluorine content of the total ration above the following amounts: 0.009% for cattle; 0.01% for sheep; 0.014% for swine; and 0.035% for poultry.

(3) Soybean meal, flakes or pellets or other vegetable meals, flakes or pellets which have been extracted with trichlorethylene or other chlorinated solvents.

(4) Sulfur dioxide, Sulfurous acid, and salts of Sulfurous acid when used in or on feeds or feed ingredients which are considered or reported to be a significant source of vitamin B_1 (Thiamine).

(5) Artificial color that has not been cleared for safety for use in feeds. Evidence of safety must include a clearance for use of these color additives under the provisions of the Federal Food, Drug and Cosmetic Act. No artificial color material shall be used to enhance the natural color of the feed or feed ingredient whereby inferiority would be concealed.

(b) All screenings or by-products of grains and seeds containing weed seeds, when used in commercial feed or sold as such to the ultimate consumer, shall be ground fine enough or otherwise treated to destroy the viability of such weed seeds so that the level of such viable weed seeds in the finished product shall not exceed the levels specified in Minnesota Statutes, Sections 21.71-21.78.

Agr 377 Good Manufacturing Practices

(a) For the purposes of enforcement of Minnesota Statutes, Section 25.37 (H), the Commissioner adopts the following as current good manufacturing practices:

(1) The regulations prescribing good manufacturing practices for medicated

feeds as published in the Code of Federal Regulations, Title 21, Part 133, Sections 133.100-133.110.

(2) The regulations prescribing good manufacturing practices for medicated premixes as published in the Code of Federal Regulations, Title 21, Part 133, Sections 133.200-133.210.

Agr 378-337 Reserved for future use.

Filed.

STATE OF MINNESOTA

COUNTY OF RAMSEY

CERTIFICATE

In the matter of the Proposed Rules of the State Department of Agriculture Relating to the Labeling and Distribution of Commercial Feeds.

I hereby certify that the attached 297 labels + 2 sheets constitute the complete list of persons, associations, and other interested groups who as of 10:15 o'clock A.M., this 25th day of October, 1973, have requested pursuant to M.S. 1971, Sec. 15.0421 that their names be placed on file with the Secretary of State for the purpose of receiving notice of public hearing on proposed rules on the subject captioned above.

Secretary of State

Arlen I. Erdahl

By Ceil Dirlam

AFFIDAVIT

Joyce Walkosz, being duly sworn on oath deposes and says:

1) That she is an employee of the Agriculture Department of the State of Minnesota.

2) That on the 25th day of October, she went to the Secretary of State's office for the State of Minnesota and requested a current list of all representatives of associations and other interested groups or persons who had registered their names with the Secretary of State for the purpose of obtaining notices of public hearings relating to the promulgation of rules pursuant to M.S. 15.0412.

3) That on the 25th day of October, in response to the above request, the Secretary of State provided her with such a list, a copy of which is attached hereto and incorporated by reference.

Further affiant sayeth not.

Joyce Walkosz

Subscribed and sworn to before me
this 25th day of Oct 1973.
Emma Copeland

Notary Public,
Ramsey County, Minnesota
My Commission expires 3-17-77.

EMMA COPELAND
Notary Public, Ramsey County, Minn.
My Commission Expires Mar. 17, 1977

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the matter of the Proposed Rules of the State Department of Agriculture Relating to the Labeling and Distribution of Commercial Feeds.

AFFIDAVIT OF MAILING

Joyce Walkosz, being first duly sworn, deposes and says:

That on the 25th day of October, 1973 at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Hearing by depositing in the United States mail at said City of St. Paul, a true and correct copy thereof, properly enveloped, with postage prepaid, to all persons and associations at the addressed listed on the attached Certificate of the Secretary of State as well as to all persons listed on the attached sheet as presently being members of the Minnesota Legislature.

Joyce Walkosz

Subscribed and sworn to before me this 25th day of Oct, 1973.

Emma Copeland

Notary Public

Ramsey County, Minnesota

My Commission expires 3-17-77.

EMMA COPELAND
Notary Public, Ramsey County, Minn.
My Commission Expires Mar. 17, 1977

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE JON WEFALD
COMMISSIONER OF AGRICULTURE

In the matter of Proposed Rules of the State Department of Agriculture Relating to the Labeling and Distribution of Commercial Feeds.

FINDINGS OF FACT

The above entitled matter came on for hearing before the Agriculture Commissioner of the State of Minnesota on the 29th day of November, 1973, at 10:00 A.M. in the Conference Room, fifth floor, Veterans Service Building, St. Paul, Minnesota, after proper notice required by M.S. 1971, Section 15.0412 was served on all persons, associations and other interested groups registered with the Secretary of State for that purpose.

After affording interested persons an opportunity to present written and oral data, statements and arguments, having heard all of the testimony, having considered all of the evidence adduced and upon the records, files and proceedings herein, I find the following:

1. That the American Feed Control Officials working in committees comprised of state and federal regulatory officials have prepared a model law and regulation for adoption by state and federal regulatory agencies.

2. That the state of Minnesota Legislature has adopted the model law.

3. That many states and the federal regulatory agencies need to adopt or have adopted the uniform rules to supplement their enforcement programs.

4. That these regulatory agencies have worked with the feed industry whose members agree that the uniform commercial feed regulation is both needed and desirable and that they wholeheartedly endorse its adoption.

5. That both the Minnesota feed industry and those of other states shipping their products into or out of Minnesota will benefit by the uniform standard.

6. That adoption by Minnesota Department of Agriculture of the uniform rules will benefit the industry and will improve enforcement.

7. That the state of Minnesota will no longer be a "feed-control island" because it will have adopted the uniform law and regulation in their entirety.

STATE OF MINNESOTA

Jon Wefald

JON WEFALD
COMMISSIONER OF AGRICULTURE

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE JON WEFALD
COMMISSIONER OF AGRICULTURE

In the matter of Proposed Rules of the State Department of Agriculture Relating to the Labeling and Distribution of Commercial Feeds.

ORDER ADOPTING RULES

The above entitled matter came on for hearing before the Agriculture Commissioner of the State of Minnesota on the 29th day of November, 1973, at 10:00 A.M. in Conference Room D, fifth floor, Veterans Service Building, St. Paul, Minnesota, after proper notice required by M.S. 1971, Section 15.0412 was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose, and to all members of the Minnesota Legislature.

After affording interested persons an opportunity to present written and oral data, statements and arguments, having heard all of the testimony, having considered all of the evidence adduced and upon the records, files and proceedings herein, and applicable statutory standards and criteria, and having confirmed the need for the above captioned rules,

NOW, THEREFORE, IT IS ORDERED that the rules identified as Rules of the State Department of Agriculture Relating to the Labeling and Distribution of Commercial Feeds, are adopted this 22nd day of March, 1974, pursuant to authority vested in me by M.S. 1971, Section 15.0412 and M.S. 1971, Section 25.40.

STATE OF MINNESOTA

Jon Wefald

JON WEFALD
COMMISSIONER OF AGRICULTURE