

**Agricultural Experiment Station
(Amended After Comments)**

12 KAR 3:012. Label format and labeling.

RELATES TO: KRS 250.501, 250.521, 15 U.S.C. 1451-1461

STATUTORY AUTHORITY: KRS 250.521(2)(e), (f), 250.571

CERTIFICATION STATEMENT: This certifies that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 250.571(1) authorizes the Director of the Agricultural Experiment Station to promulgate administrative regulations necessary for the efficient enforcement of KRS 250.491 to 250.631. KRS 250.521 requires that pet foods be labeled and establishes the information that shall be stated on the label. This administrative regulation establishes a uniform format for labeling information for pet foods and specialty pet foods and delineates criteria for product claims.

Section 1. Definitions.

(1) "All life stages" means gestation or lactation, growth, and adult maintenance life stages for dogs, cats, and other mammals or adult (including breeding animals) and juvenile life stages for non-mammalian species.

(2) "Daily Food" means a specialty pet food product, other than a treat, food mixer or food supplement, for specialty pet species with no recognized nutritional authority.

(3) "Family" means a group of products that are nutritionally adequate for any or all life stages based on the products nutritional similarity to a lead product that has been successfully test-fed according to an AAFCO feeding protocol.

(4) "Familiar Household Unit" means a typical feeding unit in volume or count (e.g., can, measuring cup, treat, or piece.

(5) "Food Mixer" means a pet or specialty pet food product that is intended to top, accompany, or contribute to a complete diet but is not generally intended to be complete diet.

(6) "Food Supplement" means a pet or specialty pet food product that is intended to supply specific nutrient(s) or other food component but is not a complete diet.

(7) "Immediate container":

(a) Means the unit, can, box, tin, bag, or other receptacle or covering in which a pet food or specialty pet food is displayed for sale to retail purchasers; and

(b) Does not mean containers used as shipping containers.

(8) "Ingredient statement ~~statements~~" means a collective and contiguous listing on the label of the ingredients of which the pet food or specialty pet food is composed.

(9) "Pet Nutrition Facts" means a graphic box located on the label containing nutritional information for a pet food product.

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

(11) "Specialty Pet Nutrition Facts" means a graphic box located on the label containing nutritional information for a specialty pet food product.

(12) "Veterinary Diet" means a pet or specialty pet food product that is intended to be used under veterinary supervision only.

(13) Unless a pet food and specialty pet food is identified on the principal display panel as a stew, gravy, sauce, broth, aspic, juice, milk replacer, or other such name, the maximum moisture declared on a pet food or specialty pet food label shall not

exceed 78.00% or the natural moisture content of the ingredients, whichever is higher.

Section 2. ~~Section 1.~~ Pet food and specialty pet food shall be labeled with:

- (1) Product name and brand name, if any, on the principal display panel as established in 12 KAR 3:017;
- (2) A statement **that includes~~specifying~~** the species name of pet or specialty pet for which the food is intended, conspicuously designated on the principal display panel;
- (3) "Quantity statement", as defined by KRS 250.501(22) and as established in 12 KAR 2:011, Section 1(9), by weight (pounds and ounces, and metric), liquid measure (quarts, pints, and fluid ounces, and metric) or by count, on the principal display panel;
- (4) Guaranteed analysis as established in 12 KAR 3:022;
- (5) Ingredient statement as established in 12 KAR 3:027;
- (6) A statement of nutritional adequacy or purpose if required pursuant to 12 KAR 3:039;
- (7) A statement of calorie content if required pursuant to 12 KAR 3:042;
- (8) Feeding directions if required pursuant to 12 KAR 3:032; and
- (9) Name and address of the manufacturer or distributor as established in Sections 10 and 11 of this administrative regulation.

Section 3. ~~Section 2.~~ If a pet food or specialty pet food enclosed in an outer container or wrapper is intended for retail sale, all required label information shall appear on the outer container or wrapper.

Section 4. ~~Section 3.~~ A vignette, graphic, or pictorial representation on a pet food or specialty pet food label shall not misrepresent the contents of the package.

Section 5. ~~Section 4.~~ The word "proven," in connection with a label claim for a pet food or specialty pet food, shall not be used unless the claim is substantiated by scientific or other empirical evidence.

Section 6. ~~Section 5.~~ A statement shall not appear upon the label or labeling of a pet food or specialty pet food that makes false or misleading comparisons between that product and any other product.

Section 7. ~~Section 6.~~ A personal or commercial endorsement may be used on a pet food or specialty pet food label if the endorsement is not false or misleading.

Section 8. ~~Section 7.~~ A statement on a pet food or specialty pet food label stating "improved," "new," or similar designation shall be substantiated and limited to six (6) months of production.

Section 9. ~~Section 8.~~ A statement on a pet food or specialty pet food label stating preference or comparative attribute claims shall be substantiated and limited to one (1) year production, after which the claim shall be removed or re-substantiated.

Section 10. ~~Section 9.~~

- (1) Raw milk distributed as pet food or specialty pet food shall bear the following statement "WARNING: NOT FOR HUMAN CONSUMPTION – THIS PRODUCT HAS NOT BEEN PASTEURIZED AND MAY CONTAIN HARMFUL BACTERIA."
- (2) This statement shall be displayed in a conspicuous manner and shall not be smaller than the height of the minimum font required by the federal Fair Packaging and Labeling Act 15 U.S.C. 1451-1461, for the quantity statement as shown in the following table:

Panel Size	Minimum Warning Statement Type Size
≤5 in. ²	1/16 in.
>5-≤25 in. ²	1/8 in.

>25-≤100in.² 3/16 in.

>100-≤400in.² 1/4 in.

>400 in.² 1/2 in.

Section 11. ~~Section 10.~~ The label of a pet food or specialty pet food shall specify the business or corporate name and address of the manufacturer or distributor. This information shall appear under the header "Manufactured for ___", or "Distributed by ___", or any other wording that expresses the facts, if the business whose name appears on the label is not the manufacturer.

(1) Except as established in subsection (2) of this section, the statement of the place of business shall include the street address, city, state, and zip code.

(2) The street address may be omitted if the street address is shown in a readily accessible, widely published, and publicly available resource, including for example, ~~but not limited to~~ a printed~~current city~~ directory, electronic database, or website ~~or telephone directory for the city listed on the label~~, ~~current city directory or telephone directory for the city listed on the label.~~

Section 12. ~~Section 11.~~ If a person manufactures or distributes a pet food or specialty pet food in a place other than the principal place of business, the label may state the principal place of business in lieu of the actual place where each package of the pet food or specialty pet food was manufactured or packaged or from where each package is to be distributed.

~~Section 12. Incorporation by Reference.~~

~~{(1)} {"20232018 Official Publication", (20232018 Edition), Association of American Feed Control Officials, is incorporated by reference.}~~

~~{(2)} {This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Regulatory Services, 103 Regulatory Services Building, College of Agriculture, University of Kentucky, Lexington, Kentucky 40546-0275, Monday through Friday, 8 a.m. to 4:30 p.m.}~~

Section 13. Pet food and specialty pet food shall be labeled with:

(1) Product name and brand name, if any, on the principal display panel as established in 12 KAR 3:017;

(2) A statement specifying the intended use of the products as established in 12 KAR 3:017;

(3) "Quantity statement", as defined by KRS 250.501(22) and as established in 12 KAR 2:011, Section 1(9), by weight (pounds and ounces, and metric), liquid measure (quarts, pints, and fluid ounces, and metric) or by count, on the principal display panel;

(4) Pet Nutrition Fact or Specialty Pet Nutrition Facts as established in 12 KAR 3:022;

(5) Ingredient statement as established in 12 KAR 3:027;

(6) Feeding directions as ~~if~~ required pursuant to 12 KAR 3:032; and

(7) Name and address of the manufacturer or distributor as established in Sections 10 and 11 of this administrative regulation.

Section 14. If a pet food or specialty pet food enclosed in an outer container or wrapper is intended for retail sale, all required label information shall appear on the outer container or wrapper.

Section 15. A vignette, graphic, or pictorial representation on a pet food or specialty pet food label shall not misrepresent the contents of the package.

Section 16. The word "proven," in connection with a label claim for a pet food or specialty pet food, shall not be used unless the claim is substantiated by scientific or other empirical evidence.

Section 17. A statement shall not appear upon the label or labeling of a pet food or specialty pet food that makes false or misleading comparisons between that product and any other product.

Section 18. A personal or commercial endorsement may be used on a pet food or specialty pet food label if the endorsement is not false or misleading.

Section 19. A statement on a pet food or specialty pet food label stating "improved," "new," or similar designation shall be substantiated and limited to six (6) months of production.

Section 20. A statement on a pet food or specialty pet food label stating preference or comparative attribute claims shall be substantiated and limited to one (1) year production, after which the claim shall be removed or re-substantiated.

Section 21.

(1) Raw milk distributed as pet food or specialty pet food shall bear the following statement "WARNING: NOT FOR HUMAN CONSUMPTION – THIS PRODUCT HAS NOT BEEN PASTEURIZED AND MAY CONTAIN HARMFUL BACTERIA."

(2) This statement shall be displayed in a conspicuous manner and shall not be smaller than the height of the minimum font required by the federal Fair Packaging and Labeling Act 15 U.S.C. 1451-1461, for the quantity statement as shown in the following table:

<u>Panel Size</u>	<u>Minimum Warning Statement Type Size</u>
<u>≤5 in.²</u>	<u>1/16 in.</u>
<u>>5-<25 in.²</u>	<u>1/8 in.</u>
<u>>25-<100in.²</u>	<u>3/16 in.</u>
<u>>100-<400in.²</u>	<u>1/4 in.</u>
<u>>400 in.²</u>	<u>1/2 in.</u>

Section 22. The label of a pet food or specialty pet food shall specify the business or corporate name and address of the manufacturer or distributor. This information shall appear under the header "Manufactured for ___", or "Distributed by ___", or any other wording that expresses the facts, if the business whose name appears on the label is not the manufacturer.

(1) Except as established in subsection (2) of this section, the statement of the place of business shall include the street address, city, state, and zip code.

(2) The street address may be omitted if the street address is shown in a readily accessible, widely published, and publicly available resource, including but not limited to a printed directory, electronic database, or website.

Section 23. If a person manufactures, packs, or distributes a pet food or specialty pet food in a place other than the principal place of business, the label may state the principal place of business in lieu of the actual place where each package of the pet food or specialty pet food was manufactured or packaged or from where each package is to be distributed.

Section 24. Incorporation by Reference.

(1) "Official Publication", (2025 Edition), Association of American Feed Control Officials, is incorporated by reference for Sections 1 and 13 through 23.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Regulatory Services, 103 Regulatory Services Building, College of Agriculture, University of Kentucky, Lexington, Kentucky 40546-0275, Monday through Friday, 8 a.m. to 4:30 p.m.

DR. JAMES MATTHEWS, Director of Agricultural Experiment Station

APPROVED BY AGENCY: January 13, 2026

FILED WITH LRC: January 15, 2026 at 10:00 a.m.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person:G. Alan Harrison

Subject Headings:Agriculture, Animals: Livestock and Poultry, Equine and Horses, Consumer Protection

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This administrative regulation establishes a uniform format for labeling information for pet foods and specialty pet foods and delineates criteria for product claims.

(b) The necessity of this administrative regulation:

Establishes uniform labeling of pet foods to better allow consumers to evaluate products.

(c) How this administrative regulation conforms to the content of the authorizing statutes:

Helps allow for the efficient enforcement of KRS 250.491 to 250.631, regarding commercial feeds.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

Establishes uniformity in labeling of pet foods and specialty pet foods.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:

This regulation was last updated in 1999. These changes bring it up to accepted standards in labeling that are currently used and conform to the industry standard prescribed by the American Association of Feed Control Officials (AAFCO). This is a standard used by the industry.

(b) The necessity of the amendment to this administrative regulation:

Updates label format to meet the new requirements of Pet Food Label Modernization (PFLM).

(c) How the amendment conforms to the content of the authorizing statutes:

Updates the existing regulation.

(d) How the amendment will assist in the effective administration of the statutes:

Modernizes labeling standards.

(3) Does this administrative regulation or amendment implement legislation from the previous five years?No

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

Firms which register commercial feeds in Kentucky will be affected by this administrative regulation.

(5) Provide an analysis of how the entities identified in question (4) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (4) will have to take to comply with this administrative regulation or amendment:

Transition to new PFLM label format by 2030.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4):

There may be some increased cost as industry moves from one label format to another. By allowing a transition period before PFLM changes must occur, the industry can make these changes as products are updated.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4):

The pet food industry was represented in the development of PFLM and supports the changes.

(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially:

No increased costs.

(b) On a continuing basis:

No increased costs.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment:

Annual budget of the Division of Regulatory Services

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:

No increase in fees.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

No new fees and no increase in existing fees.

(10) TIERING: Is tiering applied?

No, this administrative regulation treats all regulated entities the same.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation:

KRS 250.571

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act:

KRS 250.571(1)

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions:

University of Kentucky Division of Regulatory Services

(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):

1. Expenditures:

For the first year:No fiscal impact

For subsequent years:No fiscal impact

2. Revenues:

For the first year:No fiscal impact

For subsequent years:No fiscal impact

3. Cost Savings:

For the first year:No fiscal impact

For subsequent years:No fiscal impact

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts):

No impact on local entities

(b) Estimate the following for each affected local entity identified in (4)(a):

1. Expenditures:

For the first year:No impact

For subsequent years:No impact

2. Revenues:

For the first year:No impact

For subsequent years:No impact

3. Cost Savings:

For the first year:No impact

For subsequent years:No impact

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a):

No impact on other entities

(b) Estimate the following for each regulated entity identified in (5)(a):

1. Expenditures:

For the first year:No impact

For subsequent years:No impact

2. Revenues:

For the first year:No impact

For subsequent years:No impact

3. Cost Savings:

For the first year:No impact

For subsequent years:No impact

(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)

(a) Fiscal impact of this administrative regulation:

This regulation is being updated to reference the latest recommendations from the Association of American Feed Control Officials with regards to ingredient definitions and labeling of pet food.

(b) Methodology and resources used to reach this conclusion:

Minor changes in regulation affect only manufacturers and guarantors of pet food.

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14):

No

(b) The methodology and resources used to reach this conclusion:

Minor changes in regulation affect only manufacturers of animal feed.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate.

Federal Food, Drug, and Cosmetic Act and C.F.R. 21

(2) State compliance standards.

In harmony with federal standards.

(3) Minimum or uniform standards contained in the federal mandate.

This administrative regulation aligns with FMSA, creating harmony between state and federal standards.

(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate?

No

(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements.

NA