

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

12 KAR 3:022. Expression of guarantees.

RELATES TO: KRS 250.501, 250.521

STATUTORY AUTHORITY: KRS 250.521(1)(b), 250.571(1)

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 efficient enforcement of KRS 259.491 to 250.631. KRS 250.521(1)(b) requires that a commercial feed label contain a guaranteed analysis that advises the purchaser of the composition of the feed or to support claims made in the labeling. This administrative regulation establishes a uniform format for expressing guarantees for pet foods and specialty pet foods.

Section 1. The "Guaranteed Analysis" shall be listed in the following order and format unless otherwise established in 12 KAR Chapter 3:

(1) A pet food or specialty pet food label shall list the following required guarantees;

- (a) Minimum percentage of crude protein;
- (b) Minimum percentage of crude fat;
- (c) Maximum percentage of crude fat, if required by 12 KAR 3:028;
- (d) Maximum percentage of crude fiber;
- (e) Maximum percentage of moisture; and
- (f) Additional guarantees, if applicable, shall follow moisture;

(2) If ash is listed in the guaranteed analysis on a pet food or specialty pet food label, ash shall be guaranteed as a maximum percentage and shall immediately follow moisture;

(3) If listed on the label of a dog or cat food product, guarantees for dietary starch and sugars shall be stated as maximum percentages. Neither guarantee shall be listed without the other. The guarantee for dietary starch shall follow ash, if also listed, or moisture, if ash is not listed. The guarantee for sugars shall follow dietary starch;

(4) A dog or cat food label shall list other required or voluntary guarantees in the same order and units of the nutrients in the Association of American Feed Control Officials (AAFCO), incorporated by reference in 12 KAR 3:012, Dog (or Cat) Food Nutrient Profiles. Guarantees for substances not listed in the AAFCO Dog (or Cat) Food Nutrient Profiles, or not otherwise provided for in 12 KAR Chapter 3, shall immediately follow the listing of the recognized nutrients and shall be accompanied by an asterisk referring to the disclaimer "not recognized as an essential nutrient by the AAFCO Dog (or Cat) Food Nutrient Profiles." The disclaimer shall appear immediately after the last guarantee in the same size type as the guarantees; and

(5)

(a) Except as established in paragraph (b) of this subsection, a specialty pet food label shall list other required or voluntary guarantees in the same order and units for the nutrients in an AAFCO-recognized nutrient profile for the specific species.

(b) If no species-specific AAFCO-recognized nutrient profile is available, the order and units shall follow the same order and units of nutrients in the AAFCO Cat Food Nutrient Profile.

(c) Guarantees for substances not listed in an AAFCO recognized nutrient profile for the specific species of animal shall immediately follow the listing of recognized nutrients and shall be accompanied by an asterisk referring to the disclaimer "not recognized as an essential nutrient by the _____." The blank shall be completed

by listing the specific AAFCO recognized nutrient profile. This disclaimer shall appear immediately after the last guarantee in the same size type as the guarantees. The disclaimer shall not be required unless an AAFCO-recognized nutrient profile is available for the specific species of specialty pet.

Section 2. The sliding scale method of expressing a guaranteed analysis on a pet food or specialty pet food label (for example, "Minimum crude protein 15-18%") shall not be used.

Section 3. The label of a pet food or a specialty pet food that is formulated as and represented to be a mineral supplement shall include:

- (1)
 - (a) Minimum guarantees for all minerals from sources declared in the ingredient statement and established by an AAFCO-recognized nutrient profile, expressed as the element in units stated in the nutrient profile; or
 - (b) Minimum guarantees for all minerals from sources declared in the ingredient statement expressed as the element in units stated in the AAFCO Cat Food Nutrient Profiles if a species-specific nutrient profile has not been recognized by AAFCO;
- (2) Mineral guarantees required by subsection (1) of this section shall be expressed in milligrams (mg) per unit (for example, tablets, capsules, granules, or liquids) consistent with those stated in the quantity statement and directions for use; and
- (3) A weight equivalent (for example, 1 fl. oz. = 28 grams) for liquid products.

Section 4. The label of a pet food or a specialty pet food that is formulated as and represented to be a vitamin supplement shall include:

- (1)
 - (a) Minimum guarantees for all vitamins from sources declared in the ingredient statement and established by an AAFCO-recognized nutrient profile, expressed in units specified in the nutrient profile; or
 - (b) Minimum guarantees for all vitamins from sources declared in the ingredient statement expressed in units specified in the AAFCO Cat Food Nutrient Profiles if no species-specific nutrient profile has been recognized by AAFCO;
- (2) Vitamin guarantees required by subsection (1) of this section may be expressed in approved units (e.g., IU, mg, g) per unit (e.g., tablets, capsules, granules, or liquids) consistent with those employed in the quantity statement and directions for use; and
- (3) A weight equivalent (e.g., 1 fl. oz. = 28 grams) for liquid products.

Section 5. If the label of a pet food or specialty pet food includes a comparison of the nutrient content of the food with levels established by an AAFCO-recognized nutrient profile, such as a table of comparison, a percentage, or any other designation referring to an individual nutrient or all of the nutrient levels, the following shall apply:

- (1) The product shall meet the AAFCO-recognized nutrient profile;
- (2)
 - (a) Except as established in paragraph (b) of this subsection, the statement of comparison shall be preceded by a statement that the product meets the AAFCO-recognized profile.
 - (b) The statement that the product meets the AAFCO-recognized nutrient profile shall not be required if the nutritional adequacy statement as per 12 KAR 3:039, Section 1(1) or Section 2(2)(a) appears elsewhere on the product label;
- (3) The statement of comparison of the nutrient content shall constitute a guarantee, but need not be repeated in the guaranteed analysis; and
- (4) The statement of comparison may appear on the label separate and apart from the guaranteed analysis.

Section 6.

(1) Except as established in subsection (2) of this section, the maximum moisture declared on a pet food or specialty pet food label shall not exceed seventy-eight (78) percent or the natural moisture content of the ingredients, whichever is higher.

(2) Pet food and specialty pet food such as those consisting principally of stew, gravy, sauce, broth, aspic, juice, or a milk replacer, and that are so labeled, may contain moisture in excess of seventy-eight (78) percent.

Section 7. Guarantees for crude protein, crude fat, and crude fiber shall not be required if the pet food or specialty pet food is intended for purposes other than to provide these substances or if these substances are of minor significance relative to the primary purpose of the product, such as a mineral or vitamin supplement.

Section 8. Guarantees for microorganisms and enzymes shall be stated in the format as established in 12 KAR 2:021, Sections 7 and 8.

Section 9. Regulations in Sections 1 through 8 shall remain in effect until June 30, 2030.

Section 10. Pet Nutrition Facts shall be displayed in a prominent place on the label of all pet foods (including treats, food supplements, veterinary diets, and food mixers), but not necessarily on the principal display panel. The information shall be set off in a box by use of hairlines and shall be all black or one-color type, printed on a white or other neutral contrasting background so as to be clearly visible under the heading "Pet Nutrition Facts" that is centered in the top row of the box and twice the size of all other text in the box. A hairline rule that is centered between the lines of text shall separate "Pet Nutrition Facts" from the next line of text. The box contains the following required elements with all text the same size and style in the following order:

(1) The stated whole familiar household unit (e.g., can, measuring cup, treat, or piece), consistent with the feeding directions, and its weight in grams shall be right justified. This is set off by a bold line centered between this and the next line of text.

(2) A statement of Calorie content, determined as specified in KAR 12 3:042, shall include the following:

(a) The Calorie content of the product shall be stated after the left justified heading:

1. "Calories per familiar household unit" when the Calorie content is determined in accordance with KAR 12 3:042 Section 1(1); or
2. "Calories per familiar household unit" when the Calorie content is determined in accordance with KAR 12 3:042 Section 1(2).

(b) Below the Calorie content statement, the number of Calories contributed by Protein, Fat, and Carbohydrate shall be declared, in that order, after "From:". The "From:" line shall be indented to reflect that it is a component of the total Calories on the line above. If the total Calorie content of the product is determined by feeding trial in accordance with KAR 12 3:042 Section 1(2), then ME (kcal/kg) shall be declared immediately after the number of Calories from Carbohydrates. The determination of Calories from protein, fat, and carbohydrate are as described in KAR 12 3:042 Section 1(2). This is set off by a bold line centered between this and the next line of text.

(3) The nutrient guarantees shall appear under the headers "Nutrients" that is left justified to the edge of the box, "Guaranteed" that is right justified to a vertical hairline that runs from this line of text to the last guaranteed nutrient value, and "per [familiar household unit]" that is right justified to the edge of the box. The amount "per [familiar household unit]" for each nutrient is determined by multiplying the guaranteed amount (concentration) by the number of grams in the familiar household unit and shall include the resultant unit of such amount (e.g., grams, milligrams, or international units). The guarantees shall be listed in the following order with a hairline centered between each line of text:

(a) A pet food label shall list the following required guaranteed amounts, stated as a maximum or minimum, as appropriate:

1. "Protein" is minimum percentage of crude protein;
2. "Fat" is minimum percentage of crude fat;
3. "Total Carbohydrate†" is maximum percentage equal to $[100 - (\text{Crude Protein} + \text{Crude Fat} + \text{Moisture} + \text{Ash})]$;
4. "Dietary Fiber" is maximum percentage of total dietary fiber. The dietary fiber guarantee shall be indented to reflect that it is a component of the total carbohydrate guarantee on the line above;
5. "Moisture" is maximum percentage of moisture; and
6. Maximum percentage of crude fat ("Fat") shall be listed between the minimum percentage of crude fat and the maximum percentage "Total Carbohydrate" if required by KAR 12 3:042;
7. Additional required or voluntary guarantees shall follow moisture or ash, if listed.

(b) When "Ash" is listed, it shall be guaranteed as a maximum percentage and shall immediately follow moisture.

(c) When listed on the label of a dog or cat food product, guarantees for "Dietary Starch" and "Sugars" shall be stated as maximum guaranteed amounts. Neither guaranteed amount shall be listed without the other. The guaranteed amount for dietary starch shall follow dietary fiber with the same indentation. The guaranteed amount for sugars shall follow dietary starch with the same indentation.

(d) The "calculated value" shall appear immediately after the last guarantee below a bold line.

(e) Other additional required or voluntary guarantees shall appear in accordance with the following:

1. Guarantees for nutrients are in the same order and units of the nutrients in the AAFCO Dog (or Cat) Food Nutrient Profiles following ash, if also listed, or moisture, if ash is not listed.
2. Guarantees for substances not listed in the AAFCO Dog (or Cat) Food Nutrient Profiles, or not otherwise provided for in these Regulations, shall immediately follow the listing of the recognized nutrients and be accompanied by an asterisk.
 - a. For any such guarantees, a hairline shall be centered between the last and the next line of text;
 - b. The disclaimer "*not recognized as an essential nutrient by the AAFCO Dog [or Cat] Food Nutrient Profiles" shall appear immediately after " † calculated value".

(f) The statement of nutritional adequacy shall appear immediately below the bold line separating it from the disclaimers which follow the guarantees:

1. A statement that the dog or cat food meets the requirements of one or more of the recognized categories of nutritional adequacy: gestation/lactation, growth, maintenance, and all life stages. It shall be stated verbatim as one of the following:
 - a. "(Name of product) is formulated to meet the nutritional levels established by the AAFCO Dog (or Cat) Food Nutrient Profiles for ." (Blank is to be completed by using the stage or stages of the pet's life, such as gestation/ lactation, growth, maintenance, or the words "All Life Stages".) For a dog food, when the blank includes the words "Growth" or "All Life Stages," one of the following phrases must also be added verbatim to the end of the claim:
 - i. "including growth of large size dogs (70 lb. or more as an adult)" if the product has been formulated to meet the levels of nutrients specifically referenced in the Dog Food Nutrient Profiles as being applicable to large size growing dogs.
 - ii. "except for growth of large size dogs (70 lb. or more as an adult)" if the product has not been formulated to meet the levels of nutrients specifically referenced in

the Dog Food Nutrient Profiles as being applicable to large size growing dogs; or
b. "Animal feeding tests using AAFCO procedures substantiate that (Name of Product) provides complete and balanced nutrition for" (Blank is to be completed by using the stage or stages of the pet's life tested, such as, gestation/lactation, growth, maintenance, or the words "All Life Stages"); or

c. "(Name of Product) provides complete and balanced nutrition for (Blank is to be completed by using the stage or stages of the pet's life, such as gestation, lactation, growth, maintenance, or the words "All Life Stages") and is comparable in nutritional adequacy to a product which has been substantiated using AAFCO feeding tests."

2. A nutritional or dietary statement for purposes other than those listed in 12 KAR 3:039 Section 2 and Section 3 if the statement is scientifically substantiated; or

3. The statement: "This product is intended for intermittent or supplemental feeding only," if a product does not meet the requirements of 12 KAR 3:039 Section 2 or Section 3 or any other special nutritional or dietary need and so is suitable only for limited or intermittent or supplementary feeding.

Section 11. Specialty Pet Nutrition Facts shall be displayed in a prominent place on the label of all specialty pet foods (including treats, food supplements, veterinary diets, and food mixers), but not necessarily on the principal display panel. The information shall be set off in a box by use of hairlines and shall be all black or one-color type, printed on a white or other neutral contrasting background so as to be clearly visible under the heading "Specialty Pet Nutrition Facts" that is centered in the top row of the box and twice the size of all other text in the box. A hairline rule that is centered between the lines of text shall separate "Specialty Pet Nutrition Facts" from the next line of text. The box contains the following required elements with all text the same size and style in the following order:

(1) The stated whole familiar household unit (e.g., can, measuring cup, treat, or piece), consistent with the feeding directions, and its weight in grams shall be right justified. This is set off by a bold line centered between this and the next line of text.

(2) The nutrient guarantees shall appear under the headers "Nutrients" that is left justified to the edge of the box, "Guaranteed" that is right justified to a vertical hairline that runs from this line of text to the last guaranteed nutrient values, and "per [familiar household unit]" that is right justified to the edge of the box. The amount "per [familiar household unit]" for each nutrient is determined by multiplying the guaranteed amount (concentration) by the number of grams in the familiar household unit and shall include the resultant unit of such amount (e.g., grams, milligrams, or international units). The guarantees shall be listed in the following order with a hairline centered between each line of text:

(a) A specialty pet food label shall list the following required guaranteed amounts, stated as a maximum or minimum, as appropriate:

1. "Protein" is minimum percentage of crude protein;

2. "Fat" is minimum percentage of crude fat;

3. "Total Carbohydrate†" is maximum percentage equal to $[100 - (\text{Crude Protein} + \text{Crude Fat} + \text{Moisture} + \text{Ash})]$;

4. "Dietary Fiber" is maximum percentage of total dietary fiber. The dietary fiber guarantee shall be indented to reflect that it is a component of the total carbohydrate guarantee on the line above; and

5. "Moisture" is maximum percentage of moisture;

6. Additional required or voluntary guarantees shall follow moisture or ash, if listed.

(b) When "Ash" is listed, it shall be guaranteed as a maximum percentage and shall immediately follow moisture.

(c) When listed on the label of a specialty pet food product, guarantees for "Dietary Starch" and "Sugars" shall be stated as maximum guaranteed amounts. Neither guaranteed amount shall be listed without the other. The guaranteed amount for dietary starch shall follow dietary fiber with the same indentation. The guaranteed amount for sugars shall follow dietary starch with the same indentation.

(d) The "†calculated value" shall appear immediately after the last guarantee below a bold line.

(e) Other additional required or voluntary guarantees shall appear in accordance with the following:

1. These guarantees shall follow ash, if also listed, or moisture, if ash is not listed;

2. Guarantees for nutrients are in the same order and units of the nutrients in an AAFCO-recognized nutrient profile for the intended animal species; however, if no species-specific AAFCO-recognized nutrient profile is available, the order and units shall follow the same order and units of nutrients in the AAFCO Cat Food Nutrient Profile;

3. For those specialty pet species with an AAFCO-recognized nutrient profile for the intended animal species, guarantees for substances not listed in that profile, or not otherwise provided for in these regulations, shall immediately follow the listing of the recognized nutrients and be accompanied by an asterisk.

a. For any such guarantees, a hairline shall be centered between the last and the next line of text;

b. The disclaimer "*not recognized as an essential nutrient by the" (Blank is to be completed by listing the specific AAFCO-recognized nutrient profile) shall appear immediately after the last such guaranteed amounts.

c. No such disclaimer shall appear unless an AAFCO-recognized nutrient profile is available for the specific species of specialty pet.

(f) The statement of nutritional adequacy shall appear immediately below the bold line separating it from the guarantees as one of the following:

1. For daily foods for those specialty pet species where no recognized nutritional authority exists, the statement: "This product is intended to be a daily food."

2. For all other specialty pet foods:

a. A statement substantiating that the specialty pet food meets the requirements for nutritional adequacy in 12 KAR 3.039, Section 2 or 3 by an AAFCO-recognized nutritional authority. It shall be stated verbatim as the following: "(Name of product) is formulated to meet the nutritional levels established by (the AAFCO-recognized authority for)." (Blank is to be completed by stating the species and the stage or stages of the specialty pet's life.);

b. A nutritional or dietary claim for purposes other than those listed in 12 KAR 3.039, Section 2 or 3 if the claim is scientifically substantiated; or

c. The statement: "This product is intended for intermittent or supplemental feeding only," if a product is suitable only for limited or intermittent or supplementary feeding.

Section 12. The Pet Nutrition Facts or Specialty Pet Nutrition Facts box of a pet food or a specialty pet food which is formulated as and represented to be a food supplement shall include all of the information required in Section 1 or 2 of this regulation except that guarantees shall only be displayed on a per feeding unit (e.g., tablets, capsules, granules, or liquids) basis:

(1) For a food supplement that is intended to be a source of nutrients, guarantees shall appear for all nutrients that the product is intended to provide under the headers "Nutrients" that is left justified to the edge of the box and "per (feeding unit)" that is right justified to the edge of the box:

(a) For nutrients with an established requirement by an AAFCO- recognized nutrient profile, minimum guarantees shall be declared in the same order and units (i.e., g, mg, or IU) specified in the AAFCO- recognized nutrient profile for the intended species; or
(b) When no species-specific nutrient profile has been recognized by AAFCO, minimum guarantees shall be declared in the same order and units (i.e., g, mg, or IU) specified in the AAFCO Cat Food Nutrient Profiles; and
(c) Guarantees for substances not listed in an AAFCO-recognized nutrient profile for the intended animal species, or not otherwise provided for in these regulations, shall immediately follow the listing of the recognized nutrients and be accompanied by an asterisk.

1. For any such guarantees, a hairline shall be centered between the last and the next line of text;

2. The disclaimer "*not recognized as an essential nutrient by the" (Blank is to be completed by listing the specific AAFCO- recognized nutrient profile) shall appear immediately after the last such guaranteed amounts. No such disclaimer shall appear unless an AAFCO-recognized nutrient profile is available for the specific species of specialty pet.

(2) For a food supplement that is intended to supply microorganisms and/or enzymes, guarantees shall be declared as stipulated in 12 KAR 3.039, Section 7 or 8 on a per feeding unit (e.g., tablets, capsules, granules, or liquids) basis. The enzyme activity unit meaning should follow the disclaimer within the box.

Section 13. The sliding scale method of expressing a guaranteed amount on a pet food or specialty pet food label (for example, "Protein 15–18% Min") is prohibited.

Section 14. Protein, fat, calculated total carbohydrate, or dietary 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.

Section 15. For small packages with a total printable area of more than 12 square inches and less than or equal to 40 square inches, all information required in Section 1, 2, or 3 of this regulation shall appear, but may appear in a linear format. This information shall appear in one place without other intervening material. In the linear format, the required information shall:

(1) Appear in the same order as required by Section 1, 2, or 3 of this regulation but without the formatting described;

(2) Text shall be all black or one-color type and all text shall be the same size and style, except that the heading "Pet Nutrition Facts" or "Specialty Pet Nutrition Facts" shall be bolded;

(3) The text shall be sufficiently large so as to be conspicuous and must not be smaller than 1/16 inch;

(4) The guaranteed amount shall appear immediately after the amount "per [familiar household unit]" for each nutrient with the guaranteed amount enclosed in parentheses and all units clearly identified;

(5) The following abbreviations may be used: Total Carbohydrate as "Carb †," Dietary Fiber as "Fiber".

Section 16. For very small packages with a total printable area of less than or equal to 12 square inches, the information required elsewhere in this regulation is not required to appear on the label. However, all information specified elsewhere in this regulation for the particular product type shall be determined and shall be submitted to the [regulatory authority] upon request. The following limited information is required to appear on the label:

- (1) This information shall appear in one place without other intervening material;
- (2) Text shall be all black or one-color type and all text shall be the same size and style, except that the heading "Nutrition Facts" shall be bolded;
- (3) The text shall be sufficiently large so as to be conspicuous and must not be smaller than 1/16 inch;
- (4) For pet foods, only total calories are required and shall be stated as:
 - (a) "Cal (calc): [#]"when the Calorie content is determined in accordance with 12 KAR 3.042, Section 1(1); or
 - (b) "Cal (fed): [#]"when the Calorie content is determined in accordance with 12 KAR 3.042, Section 1(2).
- (5) Guaranteed amounts shall be stated in weight per entire contents (e.g., grams per pouch). The following required guaranteed amounts stated as a maximum or minimum, as appropriate:
 - (a) "Protein" is crude protein;
 - (b) "Fat" is crude fat;
 - (c) "Carb" is calculated from $[100 - (\% \text{ Crude Protein} + \% \text{ Crude Fat} +$
 - (d) $\% \text{ Moisture} + \% \text{ Ash})]$;
 - (e) "Fiber" is total dietary fiber;
 - (f) "Moisture" is moisture; and
 - (g) Additional required or voluntary guarantees shall follow moisture or ash, if listed, and shall comply with the requirements for such guarantees in Section 1(3) or Section 2(2) of this regulation, as appropriate, except that they shall be stated in only in weight per entire contents.

DR. JAMES MATTHEWS, Director of Agricultural Experiment Station

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