

12 KAR 2:021. Expression of guarantees.

RELATES TO: KRS 250.491-250.631

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

CERTIFICATION STATEMENT:

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, regarding commercial feeds. KRS 250.521(1)(b) requires that a commercial feed label contain a guaranteed analysis stated in terms the director by administrative regulation determines are required to advise the user of the composition of the feed or to support claims made in the labeling. This administrative regulation establishes a uniform format for the expression of nutritional guarantees required as a part of the commercial feed label.

Section 1. The guarantees for crude protein, equivalent crude protein from non-protein nitrogen; lysine, methionine, and other amino acids; crude fat; crude fiber; and acid detergent fiber shall be in terms of percentage.

Section 2. Mineral Guarantees.

(1) If the calcium, salt, and sodium guarantees are given in the guaranteed analysis, the guarantee shall be stated and conform to the following:

(a) If the minimum is below two and one-half (2.5) percent, the maximum shall not exceed the minimum by more than one-half (0.5) percentage point.

(b) If the minimum is two and one-half (2.5) percent but five (5) percent, the maximum shall not exceed the minimum by more than one (1) percentage point.

(c) If the minimum is above five (5) percent, the maximum shall not exceed the minimum by more than twenty (20) percent of the minimum and in no case shall the maximum exceed the minimum by more than five (5) percentage points.

(2) If stated, guarantees for minimum and maximum total sodium and salt; minimum potassium, magnesium, sulfur, and phosphorus; and maximum fluoride shall be stated in terms of percentage. Other minimum mineral guarantees shall be stated in parts per million (ppm) if the concentration is less than 10,000 ppm and in percentage if the concentration is 10,000 ppm (one (1) percent) or greater.

(3) Products labeled with a quantity statement (e.g. tablets, capsules, granules, or liquids) shall state mineral guarantees in milligrams (mg) per unit (e.g. tablets, capsules, granules, or liquids) consistent with the quantity statement and directions for use.

Section 3. Guarantees for minimum vitamin content of commercial feeds shall be listed in the order specified and stated in mg/lb. or in units consistent with those employed for the quantity statement unless otherwise specified in this section:

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

(2) Vitamin D3, 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 Units per pound.

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

(5) Concentrated oils and feed additive premixes containing vitamins A, D, or E may, at the option of the distributor, be stated in units per gram instead of units per pound.

(6) Vitamin B-12 shall be stated in milligrams or micrograms per pound.

(7) All other vitamin guarantees shall express the vitamin activity in milligrams per pound for the following: menadione, riboflavin, d-pantothenic acid, thiamine, niacin, vitamin B-6, folic acid, choline, biotin, inositol, p-amino benzoic acid, ascorbic acid, and carotene.

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

Section 5. Commercial feeds containing added non-protein nitrogen shall be labeled as follows:

- (1) For ruminants:
 - (a) Complete feeds, supplements, and concentrates containing added non-protein nitrogen and containing more than five (5) percent protein from natural sources shall be guaranteed as follows: Crude Protein, minimum ____percent (this includes not more than ____percent equivalent protein from non-protein nitrogen).
 - (b) Mixed feed concentrates and supplements containing five (5) percent or less protein from natural sources shall be guaranteed as follows: Equivalent Crude Protein from Non-protein Nitrogen, minimum ____percent.
 - (c) Ingredient sources of non-protein nitrogen including Urea, Diammonium 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 ____percent. Equivalent Crude Protein from Non-protein Nitrogen, minimum ____percent.
- (2) For non-ruminants:
 - (a) Complete feeds, supplements, and concentrates containing crude protein from all forms of non-protein nitrogen, added as such, shall be labeled as follows: Crude protein, minimum ____percent. (This includes not more than ____percent equivalent crude protein which is not nutritionally available to (species of animal for which feed is intended).
 - (b) Premixes, concentrates, or supplements intended for non-ruminants containing more than 1.25 percent equivalent crude protein added from all forms of non-protein nitrogen, added as such, shall contain adequate directions for use and this prominent statement: WARNING: This feed must be used only in accordance with directions furnished on the label.

Section 6. Mineral phosphatic materials for feeding purposes shall be labeled with the guarantee for minimum and maximum percentage of calcium (if present), the minimum percentage of phosphorus, and the maximum percentage of fluorine.

Section 7. Guarantees for microorganisms shall be stated in colony forming units per gram (CFU/g) if directions are for using the product in grams, or in colony forming units per pound (CFU/lb) if directions are for using the product in pounds. A parenthetical statement following the guarantee shall list each species in order of predominance.

Section 8. Guarantees for enzymes shall be stated in units of enzymatic activity per unit weight or volume, consistent with label directions. The source organism for each type of enzymatic activity shall be specified in the format followed in this example: Protease (Bacillus subtilis) five and five-tenths (5.5) mg amino acids liberated/min./milligram. If two (2) or more sources have the same type of activity, they shall be listed in order of predominance based on the amount of enzymatic activity provided.

Section 9. Guarantees for Dietary Starch, Sugars, and Fructans for Commercial Feeds, Other than Customer-formula Feed, Pet Food, and Specialty Pet Food Products.

(1) A commercial feed that bears on its labeling claim in any manner for levels of "dietary starch," "sugars," "fructans," or words of similar designation, shall include on the label:

(a) Guarantees for maximum percentage of dietary starch and maximum percentage sugars, in the Guaranteed Analysis section immediately following the last fiber guarantee; and

(b) A maximum percentage guarantee for fructans immediately following sugars, if the feed contains forage products.

(2) When such guarantees for dietary starch, sugars, or fructans for commercial feeds appear on the label, feeding directions shall indicate the proper use of the feed product and a recommendation to consult with veterinarian or nutritionist for a recommended diet.

Section 10. The guaranteed analyses that appear upon the label of a commercial feed shall adequately inform the consumer of the actual nutrient content of a product. The Division of Regulatory Services shall use the 2018 Table of Kentucky Analytical Variations to determine those analytes that fall outside of acceptable ranges.

Section 11. Incorporation by Reference.

(1) "2018 Table of Kentucky Analytical Variations", January 2018, Division of Regulatory Services, is incorporated by reference.

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

(012 KAR 002:021. AES-2(1973)-4; 1 Ky.R. 999; eff. 6-11-1975; 23 Ky.R. 1607; 2709; eff. 1-10-1997; 45 Ky.R. 389; eff. 10-10-2018; Crt eff. 9-11-2025.)