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Commercial Feeding Stuffs Law

Kansas Administrative Regulations

Article 3. Commercial Feeding Stuffs

K.A.R. 4-3-2. Definitions. (a) International chick unit of vitamin D is the activity produced by one unit of vitamin D in the U. S. pharmacopoeia "vitamin D reference standard" determined according to the method of the association of official agricultural chemists.

(b) "U.S.P." means the United States pharmacopoeia, volume XIII.

(c) "Crude protein" and "protein" means the product of the amount of nitrogen times the factor 6.25.

(d) "Person" means individuals, partnerships, associations or persons, and corporations.

(e) Livestock. "Livestock" means and includes horses, mules, cattle, sheep, swine and goats.

(f) Poultry. "Poultry" means fowl raised for meat, eggs, or feathers, and includes chickens, ducks, guineas, geese, turkeys and pigeons. (Authorized by K.S.A. 2-1013; implementing K.S.A. 2-1001; effective Jan. 1, 1966; amended May 1, 1982; amended May 1, 1983.)

K.A.R. 4-3-3. Legibility and conspicuousness. (a) A word, statement, or other information required by or under the authority of the act or these regulations to appear on the label may lack that legibility and conspicuousness by reason of:

(1) The failure of this word, statement, or information to appear on the part or panel of the label which is presented or displayed under customary conditions of purchase;

(2) The insufficiency of label space for the prominent placing of this word, statement, or information resulting from the use of label space for any word, statement, design, or device which is not required by or under authority of the act to appear on the label; and

(3) Smallness of style or type in which this word, statement, or information appears, insufficient background contrast; obscuring designs or vignettes; or crowding with other written, printed, or graphic matter. (Authorized by K.S.A. 2-1013; implementing K.S.A. 2-1002; effective Jan. 1, 1966; amended May 1, 1982.)

K.A.R. 4-3-5. The name. (a) The name shall not be misleading or deceptive, or tend to mislead or deceive as to the materials of which the commercial feeding stuffs is composed. The name of a non-medicated feed shall be considered misleading or deceptive if:

(1) It includes or suggests the name of one or more but not all of the ingredients, even though the names of all these ingredients are stated elsewhere on the label;

(2) It indicates or suggests that the commercial feeding stuffs is intended or adapted for a specific use, unless the character, quality and nutritive composition of the product is satisfactory for the purpose;

(3) It contains the word "vitamin" or a contraction of it, or any word suggesting vitamin, unless the product is represented solely as a vitamin supplement and is labeled with the minimum vitamin content guaranteed as specified in K.A.R. 4-3-8;

(4) The word "dehydrated" appears in the name of an alfalfa product or in connection with it, unless the product has been produced from the freshly cut alfalfa plant, having a moisture content of not less than fifty (50) percent and had been artificially dried at a temperature of at least one hundred (100) degrees centigrade or two hundred and fifteen (215) degrees fahrenheit for a period of not more than forty (40) minutes and containing no admixture of sun-cured products;

(5) The germ has been wholly or partially removed from the product, unless the word "degermed" precedes the name;

(6) The word "defluorinated" is used as a part of it, and the product contains more than one (1) part of fluorine (F) to forty (40) parts of phosphorus (P);

(7) Superlative, ambiguous, or doubtful terms are used as a part of it, such as "perfect" or "best," unless followed by the

word "brand"; and

(8) The word "iodized" is used as a part of it unless the product contains more than .007% iodine (I), uniformly distributed. (Authorized by K.S.A. 2-1013; implementing K.S.A. 2-1002; effective Jan. 1, 1966; amended May 1, 1982.)

K.A.R. 4-3-6. Name and address of manufacturer. An unqualified name and address given on the label shall mean the name and address of the manufacturer. If the registrant's name appears on the label and the registrant is not the manufacturer, or if the name of the person for whom manufactured appears on the label, it shall be qualified by appropriate wording such as "packed for . . .," "distributed by . . .," or "sold by . . .," to show that the name is not that of the manufacturer. When a person manufactures commercial feeding stuffs in two (2) or more places or in a place different from the manufacturer's principal office, the actual place of manufacture of each package need not be stated on the label except when the failure to name it may be misleading to the public. (Authorized by K.S.A. 2-1013; implementing K.S.A. 2-1002; effective Jan. 1, 1966; amended May 1, 1982.)

K.A.R. 4-3-7. Ingredient statement. (a) The specific name of each ingredient or collective term or terms shall be shown on the label. When a collective term or terms for a group of ingredients is used on the label, individual ingredients within the group shall not be listed on the label. The manufacturer shall provide upon request a listing of individual ingredients within a defined group. The specific name or collective term or terms shall be those products for which a definition or standard has been adopted. If the ingredient is a product that has not been defined, the name shall be descriptive and as approved by the secretary.

(b) If screenings are used as an ingredient, the source and condition shall be indicated.

(c) A statement of quality or grade of an ingredient shall not appear on the ingredient statement.

(d) A statement of vitamin content of an ingredient shall not appear in the ingredient statement, or any other part of the label, unless this statement is a guarantee of minimum vitamin content of the entire product given in terms as specified in K.A.R. 4-3-8.

(e) Statements or words explaining or qualifying the name of an ingredient shall not be used. (Authorized by K.S.A. 2-1013; implementing K.S.A. 2-1002; effective Jan. 1, 1966; amended Jan. 1, 1972; amended May 1, 1982.)

K.A.R. 4-3-8. Vitamin products, carriers and preparations. Vitamin products, carriers and preparations shall be labeled to show information or guaranties as to vitamin content in milligrams per pound, except that vitamin A shall be stated in United States pharmacopoeia (U.S.P.) units per pound, vitamin D in products offered for poultry feeding in international chick units per pound, vitamin D for other uses in U.S.P. units per pound. (Authorized by K.S.A. 2-1002; effective Jan. 1, 1966.)

K.A.R. 4-3-9. Feeds containing drug ingredients. Commercial feeding stuffs containing drug ingredients intended or represented for the cure, mitigation, treatment or prevention of any disease or ailment of livestock and/or poultry, and substances other than feeds intended to affect the structure or any function of the body of livestock and/or poultry, shall be labeled to show, in addition to the other information required by the act:

(a) The name of each therapeutically active ingredient or agent stated as such and listed separately from other ingredients.

(b) Adequate directions for use.

(c) Adequate warnings against use under those conditions in which its use may be dangerous to health:

Provided, however, That the terms "drug" and "substance" as used herein do not apply to vitamin, mineral, or other materials used solely for nutritional purposes, and not present in therapeutic amounts. (Authorized by K.S.A. 2-1002; effective Jan. 1, 1966.)

K.A.R. 4-3-10. Urea. Urea and ammonium salts of carbonic and phosphoric acids are acceptable ingredients in proprietary cattle, sheep and goat feeds only; that these materials shall be considered adulterants in proprietary feeds for other animals and birds; and that the following statement of guaranty of crude protein for feeds containing these materials be used:

Crude Protein, not less than _____ percent. (This includes not more than _____ percent equivalent protein from nonprotein nitrogen.)

If feed contains more than three percent of urea, or if the equivalent protein contributed by urea exceeds $\frac{1}{3}$ of the total crude protein, the label shall bear a statement of proper usage, and the following statement in type of such conspicuousness as to render it likely to be read and understood by ordinary individuals under customary conditions of purchase and use:

WARNING: This feed should be used only in accordance with directions furnished on the label.

(Authorized by K.S.A. 2-1002; effective Jan. 1, 1966.)

K.A.R. 4-3-11. Registration. (a) After a commercial feeding stuffs is registered under the act, no further registration is required by persons selling the product, provided it remains in the registrant's properly labeled, original unbroken, immediate container.

(b) Registration shall be effective on the date the registration is issued.

(c) The secretary may refuse registration if:

(1) The name, brand or trademark is misleading or deceptive or may tend to mislead or deceive as to the materials of

which the product is composed;

(2) The person already has a product registered under the same name; or

(3) The copy of label does not show the information as required by the act and these regulations or fails to conform to any of the requirements of the act. (Authorized by K.S.A. 2-1013; implementing K.S.A. 2-1003; effective Jan. 1, 1966; amended May 1, 1982.)

K.A.R. 4-3-12. Permit system. (a) The permit holder shall keep the records of sales available for inspection for a period of three years.

(b) The secretary may cancel the permit if:

(1) The holder fails to report and pay the inspection fee within thirty days after due and payable;

(2) Refuses to permit the secretary or his duly authorized representative to examine the records; or

(3) Makes a false report of tonnage of feeding stuffs sold on which the inspection fee was due. (Authorized by K.S.A. 2-1013; implementing K.S.A. 2-1004; effective Jan. 1, 1966; amended Jan. 1, 1972; amended Feb. 15, 1977; amended May 1, 1982.)

K.A.R. 4-3-13. Hearing. (a) The notice of hearing as specified in K.S.A. 2-1010, shall be in writing, and mailed first class to the record address of the manufacturer or dealer. The person so notified shall be given an opportunity to present his views in writing or by representative.

(b) Upon request reasonably made, by the person to whom a notice appointing a time and place for the hearing as provided by K.S.A. 2-1010, has been given, or by his representative, such time and place, or both such time and place, may be changed if the request states reasonable grounds therefor. Such request shall be received by the secretary, or his agent who issued the notice.

(c) No notice of hearing shall be required prior to the seizure of any commercial feeding stuffs. (Authorized by K.S.A. 2-1013; effective Jan. 1, 1966.)

K.A.R. 4-3-14. Artificial color. Artificial colors shall be considered an adulterant in a commercial feeding stuffs whereby its use would tend to enhance the natural color or conceal inferiority. Dyes certified for use under the federal food, drug and cosmetic act may be used to indicate the distribution of a valuable ingredient or ingredients, or to increase or aid in proper intake of a feeding stuffs. (Authorized by K.S.A. 2-1013; effective Jan. 1, 1966.)

K.A.R. 4-3-15. Name of unmixed by-product feeds containing screenings or scourings. Unmixed by-product feeds, to which either screenings or scourings or both have been added, shall be labeled to clearly indicate this fact in the name. The word "screenings" or "scourings" together with the kind of screenings or scourings shall appear as a part of the name and shall be printed in the same size and face of type as the remainder of the name. (Authorized by K.S.A. 2-1013; implementing K.S.A. 2-1002; effective Jan. 1, 1966; amended May 1, 1982.)

K.A.R. 4-3-47. Adoption by reference. (a) The following portions of the "2010 official publication" copyrighted in 2010 by the association of American feed control officials incorporated are hereby adopted by reference and shall apply to commercial feeding stuffs in this state:

(1) Regulations 1 through 13 of the "AAFCO model good manufacturing practice regulations for feed and feed ingredients" on pages 128 through 132, with the following changes:

(A)(i) In the first sentence of regulation 1, "section 3 of the model bill" shall be replaced with "K.S.A. 2-1001, and amendments thereto"; and

(ii) in the definition of "adulteration" in regulation 1, "section 7(a) of the model bill" shall be replaced with "K.S.A. 65-664, and amendments thereto"; and

(B) in the second sentence of regulation 11(b), the blank line following "agents of the" shall be replaced with "Kansas department of agriculture";

(2) the text titled "official feed terms" on pages 314 through 323; and

(3) the text titled "official names and definitions of feed ingredients as established by the association of American feed control officials" on pages 324 through 415.

(b) Copies of the material adopted by reference in this regulation may be obtained from the office of the agricultural commodity assurance program, Kansas department of agriculture, Topeka, Kansas. (Authorized by K.S.A. 2-1011 and K.S.A. 2009 Supp. 2-1013; implementing K.S.A. 2009 Supp. 2-1002 and K.S.A. 2009 Supp. 2-1013; effective May 1, 1981; amended May 1, 1982; amended May 1, 1984; amended May 1, 1988; amended Oct. 21, 1991; amended Dec. 12, 1994; amended June 15, 2001; amended Jan. 18, 2008; amended, T-4-1-5-11, Jan. 5, 2011; amended April 29, 2011.)

K.A.R. 4-3-49. Good manufacturing practices; adoption by reference. (a) Except for those portions excluded by this subsection, 21 CFR Parts 225 and 226, as revised on April 1, 2010, are hereby adopted by reference and shall apply to good manufacturing practices for the production of commercial feeding stuffs in Kansas:

(1) Subpart (c) of section 225.1 is not adopted by reference.

(2) In section 225.115(b)(2), the following language shall be deleted: ", under §510.301 of this chapter."

(3) Subpart (b) of section 226.1 is not adopted by reference.

(b) Copies of the regulations, or pertinent portions of the regulations, shall be available from the office of the agricultural commodity assurance program, Kansas department of agriculture, Topeka, Kansas. (Authorized by and implementing K.S.A. 2010 Supp. 2-1013; effective, T-88-46, Nov. 10, 1987; effective May 1, 1988; amended Oct. 21, 1991; amended Dec. 12,

1994; amended, T-4-2-13-01, Feb. 13, 2001; amended June 15, 2001; amended Jan. 18, 2008; amended Sept. 9, 2011.)

K.A.R. 4-3-50. Good manufacturing practices; definitions. The following terms as used in 21 C.F.R. Parts 225 and 226, which are adopted by reference in K.A.R. 4-3-49, shall have the following meanings: (a) The term "form," referred to either by number or by any other designation, shall mean a form supplied by the agricultural commodity assurance program, Kansas department of agriculture.

(b) The term "state feed control officials" shall mean the secretary of the Kansas department of agriculture or the secretary's authorized representative.

(c) The term "center for veterinary medicine" shall mean the agricultural commodity assurance program, Kansas department of agriculture unless the context requires otherwise.

(d) The term "type A medicated article" shall mean a feeding stuff or ingredient for a feeding stuff that is intended solely for use in the manufacture of either another type A medicated article or a type B or type C medicated feed.

(e) The term "type B medicated feed" shall mean a feeding stuff or an ingredient for a feeding stuff that contains a substantial quantity of nutrients including vitamins or minerals or other nutritional ingredients in an amount not less than 25% of the weight of the type A medicated article and that is intended solely for the manufacture of other medicated feeds, either type B or type C.

(f) The term "type C medicated feed" shall mean a feeding stuff or an ingredient for a feeding stuff that contains a substantial quantity of nutrients including vitamins, minerals, or other nutritional ingredients and that is intended as the complete feed for the animal. (Authorized by and implementing K.S.A. 2009 Supp. 2-1013; effective, T-88-46, Nov. 10, 1987; effective May 1, 1988; amended April 29, 2011.)

K.A.R. 4-3-51. Prohibited feeding stuffs; adoption by reference. (a) The following portions of 21 CFR Part 589, revised on April 1, 2010, with the changes specified in this subsection, are hereby adopted by reference and shall apply to the production of all commercial feeding stuffs and custom-mixed feed in Kansas:

(1) The second sentence of section 589.1000 shall be replaced with the following sentence: "Use of gentian violet in animal feed causes the feed to be adulterated under K.S.A. 65-664."

(2) The second sentence of section 589.1001 shall be replaced with the following sentence: "Use of propylene glycol in or on cat food causes the feed to be adulterated under K.S.A. 65-664."

(3) In section 589.2000(d)(5), "Food and Drug Administration" shall be replaced with "Kansas department of agriculture."

(4) In section 589.2000(f), "Food and Drug Administration" shall be replaced with "Kansas department of agriculture."

(5) In section 589.2000(g)(1), "section 402(a)(2)(C) or 402(a)(4) of the act" shall be replaced with "K.S.A. 65-664."

(6) In section 589.2000(g)(2), "section 403(a)(1) or 403(f) of the act" shall be replaced with "K.S.A. 65-665."

(7) In section 589.2000(h)(2), "Food and Drug Administration" shall be replaced with "Kansas department of agriculture."

(8) In section 589.2001(c)(2)(vi), "Food and Drug Administration" shall be replaced with "Kansas department of agriculture."

(9) In section 589.2001(c)(3)(i), "Food and Drug Administration" shall be replaced with "Kansas department of agriculture."

(10) In section 589.2001(d)(1), "section 402(a)(4) of the Federal Food, Drug, and Cosmetic Act (the act)" shall be replaced with "K.S.A. 65-664 and K.S.A. 2-1011."

(11) In section 589.2001(d)(2), "section 402(a)(2), 402(a)(3), or 402(a)(5) of the act" shall be replaced with "K.S.A. 65-664 and K.S.A. 2-1011."

(12) In section 589.2001(d)(3), "section 403(a)(1) or 403(f) of the act" shall be replaced with "K.S.A. 65-665 and K.S.A. 2-1011."

(13) In section 589.2001(d)(4), "section 402(a)(4) of the act" shall be replaced with "K.S.A. 65-664 and K.S.A. 2-1011."

(14) In section 589.2001(e), "Food and Drug Administration" shall be replaced with "Kansas department of agriculture."

(b) Copies of the regulations, or pertinent portions of the regulations, shall be available from the office of the agricultural commodity assurance program, Kansas department of agriculture, Topeka, Kansas. (Authorized by and implementing K.S.A. 2010 Supp. 2-1013; effective, T-4-2-13-01, Feb. 13, 2001; effective June 15, 2001; amended Jan. 18, 2008; amended Sept. 9, 2011.)