

WAC 16-252-044 Nutritional adequacy. (1) The label of a pet food or specialty pet food which is intended for all life stages and sizes of the pet or specialty pet may include an unqualified claim, directly or indirectly, such as "complete and balanced," "perfect," "scientific," or "100% nutritious" if at least one of the following apply:

(a) The product meets the nutrient requirements for all life stages and sizes established by an AAFCO-recognized nutrient profile;

(b) The product meets the criteria for all life stages as substantiated by completion of the appropriate AAFCO-recognized animal feeding protocol(s); or

(c) The product is a member of a product family which is nutritionally similar to a lead product which contains a combination of ingredients that has been fed to a normal animal as the sole source of nourishment in accordance with the testing procedures established by AAFCO for all life stages, provided that:

(i) The nutritional similarity of the family product can be substantiated according to the Procedures for Establishing Pet Food Product Families developed by AAFCO;

(ii) The family product meets the criteria for all life stages; and

(iii) Under circumstances of reasonable doubt, the department may require the manufacturer to perform additional testing of the family product in order to substantiate the claim of nutritional adequacy.

(2) The label of a pet food or specialty pet food which is intended for a limited purpose (such as size of dog) or a specific life stage, but not for all life stages and sizes, may include a qualified claim such as "complete and balanced," "perfect," "scientific," or "100% nutritious" when the product and claim meet all of the following:

(a) The claim is qualified with a statement of the limited purpose or specific life stage for which the product is intended or suitable, for example, "complete and balanced for puppies (or kittens)." The claim and the required qualification shall be juxtaposed on the same label panel and in the same size, style and color print; and

(b) The product meets at least one of the following:

(i) The nutrient requirements for the limited purpose or specific life stage established by an AAFCO-recognized nutrient profile;

(ii) The criteria for a limited purpose or a specific life stage as substantiated by completion of the appropriate AAFCO-recognized animal feeding protocol(s); or

(iii) The requirements of a product family which is nutritionally similar to a lead product which contains a combination of ingredients which, when fed for such limited purpose, will satisfy the nutrient requirements for such limited purpose and has had its capabilities in this regard demonstrated by adequate testing, and provided that:

(A) The nutritional similarity of the family product can be substantiated according to the Procedures for Establishing Pet Food Product Families developed by AAFCO;

(B) The family product meets the criteria for such limited purpose; and

(C) Under circumstances of reasonable doubt, the department may require the manufacturer to perform additional testing for the family product to substantiate the claim of nutritional adequacy.

(3) Dog and cat food labels shall include a statement of nutritional adequacy or purpose of the product except when the dog or cat food is clearly and conspicuously identified on the principal display

panel as a "snack," "treat," or "supplement." The statement shall consist of one of the following:

(a) A claim 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. The claim shall be stated verbatim as one of the following:

(i) "(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:

(A) "... 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.

(B) "... 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.

(ii) "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

(iii) "(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."

(b) A nutritional or dietary claim for purposes other than those listed in WAC 16-252-044 (1) or (2) if the claim is scientifically substantiated; or

(c) The statement: "This product is intended for intermittent or supplemental feeding only," if a product does not meet the requirements of WAC 16-252-044 (1) or (2) or any other special nutritional or dietary need and so is suitable only for limited or intermittent or supplementary feeding.

(4) A product intended for use by, or under the supervision or direction of a veterinarian shall make a statement in accordance with WAC 16-252-044 (3) (a) or (c).

(5) A signed affidavit attesting that the product meets the requirements of WAC 16-252-044 (1) or (2) (b) shall be submitted to the department upon request.

(6) If the nutrient content of a product does not meet those nutrient requirements established by an AAFCO-recognized nutrient profile, or if no requirement has been established by an AAFCO recognized nutritional authority for the life stage(s) of the intended species, the claimed nutritional adequacy or purpose of the product shall be scientifically substantiated.

(7) The following AAFCO-recognized nutritional authority, nutrient profile, and/or animal feeding protocol shall be acceptable as the basis for a claim of nutritional adequacy:

(a) As an AAFCO-recognized nutrient profile or nutritional authority:

(i) For dogs, the AAFCO dog food nutrient profiles;

(ii) For cats, the AAFCO cat food nutrient profiles;

(iii) For specialty pets, the nutrient recommendations approved by the Committee on Animal Nutrition of the National Research Council of the National Academy of Sciences, provided that, this nutrient recommendation is recognized only for the specific specialty pet for which the profile is intended.

(b) As an AAFCO-recognized animal feeding protocol(s), the AAFCO dog and cat food feeding protocols.

[Statutory Authority: RCW 15.53.9012, 15.53.9013, 15.53.9016, and chapter 34.05 RCW. WSR 18-21-191, § 16-252-044, filed 10/24/18, effective 11/24/18.]