

**21—42.3(198) Brand and product names.**

**42.3(1)** No flavor designation shall be used on a pet food label unless the designated flavor is detectable by a recognized test method, or is one the presence of which provides a characteristic distinguishable by the pet. Any flavor designation on a pet food label must either conform to the name of its source as shown in the ingredient statement or the ingredient statement shall show the source of the flavor. The word “flavor” shall be printed in the same size type and with an equal degree of conspicuousness as the ingredient term(s) from which the flavor designation is derived. Distributors of pet food employing such flavor designation or claims on the labels of the product distributed by them shall, upon request, supply verification of the designated or claimed flavor to the appropriate control official.

**42.3(2)** The designation “100%” or “All” or words of similar connotation shall not be used in the brand or product name of a pet food if it contains more than one ingredient. However, for the purpose of this provision, water sufficient for processing, required decharacterizing agents and trace amounts of preservatives and condiments shall not be considered ingredients.

**42.3(3)** The term “meat” and “meat by-products” shall be qualified to designate the animal from which the meat and meat by-products are derived unless the meat and meat by-products are from cattle, swine, sheep and goats, for example, “horsemeat” and “horsemeat by-products.”

**42.3(4)** The name of the pet food shall not be derived from one or more ingredients of a mixture of a pet food product unless all components or ingredients are included in the name except as specified by 42.3(1), 42.3(5), or 42.3(6); provided that the name of an ingredient or combination of ingredients may be used as a part of the product name if:

*a.* The ingredient or combination of ingredients is present in sufficient quantity to impart a distinctive characteristic to the product or is present in amounts which have a material bearing upon the price of the product or upon acceptance of the product by the purchaser thereof; or

*b.* It does not constitute a representation that the ingredient or combination of ingredients is present to the exclusion of other ingredients; or

*c.* It is not otherwise false or misleading.

**42.3(5)** When an ingredient or a combination of ingredients derived from animals, poultry, or fish constitutes 95 percent or more of the total weight of all ingredients of a pet food mixture, the name or names of such ingredient(s) may form a part of the product name of the pet food; provided that where more than one ingredient is part of such product name, then all such ingredient names shall be in the same size, style, and color print. For the purpose of this provision, water sufficient for processing shall be excluded when calculating the percentage of the named ingredient(s). However, such named ingredient(s) shall constitute at least 70 percent of the total product.

**42.3(6)** When an ingredient or a combination of ingredients constitutes at least 25 percent but less than 95 percent of the total weight of all ingredients of a dog or cat food mixture, the name or names of such ingredient or ingredients may form a part of the product name of the pet food if each of the ingredients constitutes at least 3 percent of the product weight excluding water used for processing and only if the product name also includes a primary descriptive term such as “dinner,” “platter,” or similar designation so that the product name describes the contents of the product in accordance with an established law, custom or usage or so that the product name is not misleading. If the names of more than one such ingredient are shown, they shall appear in the order of their respective predominance by weight in the product. All such ingredient names and the primary descriptive term shall be in the same size, style and color print. For the purpose of this provision, water sufficient for processing shall be excluded when calculating the percentage of the named ingredient(s). However, such named ingredient(s) shall constitute at least 10 percent of the total product.

**42.3(7)** Contractions or coined names referring to ingredients shall not be used in the brand name of a pet food unless it is in compliance with subrule 42.3(1), 42.3(4), 42.3(5), or 42.3(6).