

**21—41.5 (198) Suitability.**

**41.5(1)** The nutritional content of commercial feed shall be as purported or is represented to possess by its labeling. Such animal feed, its labeling and intended use must be suitable for the intended purpose of the product.

**41.5(2)** Commercial feeds for swine, poultry, and fish, and milk replacer for veal calves and herd replacement calves, when fed according to directions, must meet the nutritional requirements established by:

*a.* The committee on animal nutrition of the National Research Council of the National Academy of Sciences, or

*b.* A signed affidavit attesting to the nutritional adequacy of the feed based upon valid scientific evidence. Such affidavit shall be submitted to the secretary upon request.

(1) An affidavit certifying the feed sponsor has valid scientific knowledge which ensures suitability of the nutritional content of the feed product shall be submitted to the secretary only when the suitability of a product is challenged.

(2) Submission of a completed “Affidavit of Suitability” shall serve as proof of suitability and therefore the feed sponsor shall not be required to provide scientific information nor any reference thereto unless the secretary has reason to believe that such product is not suitable for its intended use. In such case the secretary shall have the authority to conduct a hearing pursuant to 21—subrule 2.2(5), Iowa Administrative Code, requiring the feed sponsor to produce sufficient scientific and other evidence of the product’s suitability.

(3) Upon receipt of a completed “Affidavit of Suitability,” the feed sponsor may continue to market the product. When such affidavit is not adequately submitted, the secretary may continue to withdraw the feed from distribution and order its removal from the marketplace as well as all other feeds manufactured or distributed under the same product name.

(4) The affidavit of suitability shall contain the following information:

1. The feed company’s name;
2. The feed’s product name;
3. The name and title of the affiant submitting the document;
4. The statement that the affiant has knowledge of the nutritional content of the listed feed product and is familiar with the nutritional requirements for the animal species and animal class(es) for which the product is intended as established by the National Research Council of the National Academy of Sciences;

5. The statement that the affiant has knowledge of valid scientific evidence that supports the suitability of the product for the intended animal species and animal class(es) for which the feed is intended;

6. The date of submission; and

7. The signature of the affiant notarized by a certified notary public.