

1510.2520 BRAND AND PRODUCT NAMES.

Subpart 1. **Certain terms.** The terms "100 percent," "all," or similar terms must not be used in the brand or product name of a pet food or specialty pet food if the product contains more than one ingredient, not including water sufficient for processing, decharacterizing agents, or trace amounts of preservatives and condiments.

Subp. 2. **Ingredients in name.** An ingredient or a combination of ingredients may form a part of the product name of a pet food or specialty pet food if:

A. the ingredients derived from animals, poultry, or fish constitute at least 95 percent of the total weight of the product. Water sufficient for processing may be excluded when calculating the percentage, however, the ingredients must constitute at least 70 percent of the total product weight;

B. any ingredient constitutes at least 25 percent of the weight of the product, provided that:

(1) water sufficient for processing may be excluded when calculating the percentage, as long as the ingredients constitute at least ten percent of the total product weight;

(2) a descriptor is used with the ingredient names, implying that other ingredients are included in the product formula. Examples of descriptors include "dinner," "platter," "entree," "formula," and "recipe"; and

(3) the descriptor is in the same size, style, and color print as the ingredient names;

C. the combination of ingredients included in the product name complies with the following:

(1) each ingredient constitutes at least three percent of the product weight, excluding water sufficient for processing;

(2) the names of the ingredients appear in the order of respective predominance by weight in the product; and

(3) all the ingredient names appear on the label in the same size, style, and color print.

Subp. 3. **With ingredient.** If the name of an ingredient appears in the product name of a pet food or specialty pet food or elsewhere on the product label and includes a descriptor such as "with" or similar designation, the named ingredients must each constitute at least three percent of the product weight exclusive of water for processing. If the names of more than one ingredient are shown, they appear in respective order of predominance by weight in the product. The three-percent minimum level does not apply to claims for condiments or

nutrients, such as, but not limited to, vitamins, minerals, and fatty acids. The word "with," or similar designation, and named ingredients must be in the same size, style, color, and case print and be of no greater size than:

Panel Size	Maximum "With Claim" Type Size
<5 square inches	1/8 inch
5-25 square inches	1/4 inch
25-100 square inches	3/8 inch
100-400 square inches	1/2 inch
400+ square inches	1 inch

Subp. 4. **Flavor.** A flavor designation may be included as part of the product name or elsewhere on the label of a pet food or specialty pet food if the flavor designation meets the following requirements:

A. the flavor designation:

(1) conforms to the name of the ingredient as listed in the ingredient statement; or

(2) is identified by the source of the flavor in the ingredient statement; and

B. the word "flavor" is printed in the same size type and with an equal degree of conspicuousness as the name of the flavor designation.

Subp. 5. **Derivation from ingredient.** The product name of the pet food or specialty pet food must not be derived from one or more ingredients unless all ingredients are included in the name, except as specified by subpart 2 or 3, except 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 that have a material bearing upon the price of the product or upon acceptance of the product by the purchaser; or

B. it does not constitute a representation that the ingredient or combination of ingredients is present to the exclusion of other ingredients.

Subp. 6. **Contractions; coined names.** Contractions or coined names referring to ingredients must not be used in the brand name of a pet food or specialty pet food unless they comply with subpart 2, 3, or 4.

Statutory Authority: *MS s 25.40*

History: *29 SR 655*

Published Electronically: *July 24, 2008*