

1510.2580 STATEMENTS OF CALORIE CONTENT.

Subpart 1. **Label requirements.** Except as required in part 1510.2590, the label of a dog or cat food may bear a statement of calorie content if the label complies with items A to E.

A. The statement must be separate and distinct from the guaranteed analysis and must appear under the heading "Calorie Content."

B. The statement must be measured in terms of metabolizable energy (ME) on an "as fed" basis and must be expressed as "kilocalories per kilogram" (kcal/kg) of product, and may also be expressed as kilocalories per familiar household measure, such as cans, cups, or pounds.

C. The calorie content must be determined by one of the following methods:

(1) by calculation using the "Modified Atwater" formula:

$$\text{ME(kcal/kg)} = 10[(3.5 \times \text{CP}) + (8.5 \times \text{CF}) + (3.5 \times \text{NFE})]$$

Where: ME = Metabolizable Energy

CP = % crude protein "as fed"

CF = % crude fat "as fed"

NFE = % nitrogen-free extract (carbohydrate) "as fed"

and the percentages of CP and CF are the arithmetic averages from proximate analyses of at least four production batches of the product, and the NFE is calculated as the difference between 100 and the sum of CP, CF, and the percentages of crude fiber, moisture, and ash (determined in the same manner as CP and CF); or

(2) in accordance with a testing procedure established by AAFCO.

D. An affidavit must be provided upon request to the commissioner when a laboratory analysis of the dog or cat food performed by the department under authority of Minnesota Statutes, section 25.41, has found that the calorie count differs from the label calorie statement, substantiating that the calorie content was determined by:

(1) item C, subitem (1), in which case the results of all the analyses used in the calculation must accompany the affidavit; or

(2) item C, subitem (2), in which case the summary data used in the determination of calorie content shall accompany the affidavit.

E. The calorie content statement must appear as one of the following:

(1) the claim on the label or other labeling must be followed parenthetically by the term "calculated" if the calorie content is determined in accordance with item C, subitem (1); or

(2) the value of calorie content stated on the label which is determined in accordance with item C, subitem (2), must not exceed or understate the value determined in accordance with item C, subitem (1), by more than 15 percent.

Subp. 2. **Comparative claims.** Comparative claims must not be false, misleading, or given undue emphasis and must be based on the same methodology for the products compared.

Statutory Authority: *MS s 25.40*

History: *29 SR 655*

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