ALABAMA DEPARTMENT OF AGRICULTURE AND INDUSTRIES AGRICULTURAL CHEMISTRY ADMINISTRATIVE CODE

CHAPTER 80-1-5
SALE OF COMMERCIAL FEED

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80-1-5-.01 Purpose.

The purpose of this Chapter is to implement the provisions of the commercial feed law as found in the Alabama law.
Author: Charles H. Barnes
Statutory Authority: Code of Ala. 1975, §2-21-25.
History: Filed April 19, 1982.

80-1-5-.02 Previous Regulation Withdrawn And Repealed.

That regulation entitled **Agricultural Chemistry Division Rules and Regulations Governing the Sale of Commercial Feed** passed December 19, 1978, effective January 1, 1979, and signed February 2, 1979,

is hereby withdrawn and repealed. The following regulation amending the above is submitted in its place.
Author: Charles H. Barnes
Statutory Authority: Code of Ala. 1975, §2-21-25.
History: Filed April 19, 1982.

80-1-5-.03 Definitions And Terms.

(1) The official definition of feed ingredients and official feed terms adopted by the Association of American Feed Control Officials and published in the official publication of that organization, as amended by said organization from time to time, are hereby adopted for use in Alabama except as the Commissioner may otherwise designate by this or other regulations.

(2) The following commodities are exempt from the definition of **Commercial Feed** when unground, when not mixed or intermixed with other materials, when not adulterated within the meaning of Code of Ala. 1975, §2-21-22, and when not otherwise adulterated as determined by the Commissioner: hay, straw, stover, whole seed, silage, cobs, shucks, hulls, and plain salt. All individual chemical compounds enumerated in Code of Ala. 1975, §2-21-17(2), shall also be exempt when not intermixed or mixed with other materials and not adulterated as defined by Code of Ala. 1975, §2-21-22 above.
Author: Charles H. Barnes
Statutory Authority: Code of Ala. 1975, §2-21-25.
History: Filed April 19, 1982.

80-1-5-.04 Labeling.

(1) In addition to the labeling requirements set out under Code of Ala. 1975, §2-21-20, commercial feed other than customer-formula feed and vertical-integrator feed shall also be labeled with the following information on the principal display panel of the product and in the following general format:

(a) Net weight.

(b) Product name and brand name if any under which the feed is distributed.

(c) Drugs. If drugs are used, the following shall apply:

1. The word **medicated** shall appear directly following and below the product name in type size, no smaller than one-half the type size of the product name.

2. The purpose of medication (claim statement).

3. An active drug ingredient statement listing the active drug ingredients by their established name and the amounts in accordance with Rule 80-1-5-.06(4).

4. The required directions for use and precautionary statements or reference to their location if the detailed feeding directions and precautionary statements required by Rules 80-1-5-.08 and 80-1-5-.09 appear elsewhere on the label.

(d) The guaranteed analysis of the feed as required under the provisions of Code of Ala. 1975, §2-21-20(1)(c), includes the following items, unless exempted in this subrule, and in the order listed:

1. Minimum percentage of crude protein.

2. Maximum or minimum percentage of equivalent protein from nonprotein nitrogen as required in Rule 80-1-5-.06(5).

3. Minimum percentage of crude fat.

4. Maximum percentage of crude fiber.

5. Minerals, to include in the following order:

(a) minimum and maximum percentages of calcium (Ca),

(b) minimum percentage of phosphorus (P),

(c) minimum and maximum percentages of salt (NaC1), and

(d) other minerals.

6. Vitamins in such terms as specified in Rule 80-1-5-.06(3).

7. Total sugars as invert on dried molasses products or products being sold primarily for their sugar content.

(e) Exemptions from guaranteed analysis are allowed as follows:

1. Guarantees for minerals are not required when there are no specific label claims and when the commercial feed contains less than 6^{1} % of calcium, phosphorus, sodium and chloride.

2. Guarantees for vitamins are not required when the commercial feed is neither formulated for nor represented in any manner as a vitamin supplement.

3. Guarantees for crude protein, crude fat, and crude fiber are not required when the commercial feed is intended for purposes other than to furnish these substances or they are of minor significance relating to the primary purpose of the product, such as drug premixes, mineral or vitamin supplements and molasses.

(f) Feed ingredients, collective terms for the grouping of feed ingredients, are to be shown as follows:

1. The name of each ingredient as defined in the official publication of the Association of American Feed Control Officials, common or usual name, or one approved by the Commissioner.

2. Collective terms for the grouping of feed ingredients as defined in the official definition of **feed ingredients** published in the official publication of the Association of American Feed Control Officials in lieu of the individual ingredients, provided that:

(i) When a collective term for a group of ingredients is used on the label, individual ingredients within that group shall not be listed on the label.

(ii) The manufacturer shall provide the feed control official, upon request, with a list of individual ingredients, within a defined group, that are or have been used at manufacturing facilities distributing in or into the state.

(g) Name and principal mailing address of the manufacturer or person responsible for distributing the feed. The principal mailing address shall include the street address, city, state and zip code; however, the street address may be omitted if it is shown in the current city directory or telephone directory.

(h) The information required in (a) through (g) above, must appear in its entirety on one side of the label or on one side of the container. The information concerning adequate directions shall be displayed in a prominent place on the label or container but not necessarily on the same side as the other information. When the information on use and precautions is placed on a different side of the label or container, it must be referenced on the front side with a statement such as **See back of label for directions for use.** None of the information required by Rule 80-1-5-.04 shall be subordinated or obscured by other statements or designs.

(2) Customer-formula feed shall be accompanied with the information prescribed in this regulation using labels, invoice, delivery ticket, or other shipping document bearing the following information:

(a) The name and address of the manufacturer.

(b) The name and address of the purchaser.

(c) The date of sale or delivery.

(d) The feed name and brand name if any.

(e) The product name and net weight of each registered commercial feed and each other ingredient used in the mixture.

(f) If a drug-containing product is used:

1. The purpose of the medication (claim statement).

2. The established name of each active drug ingredient and the level of each drug used in the final mixture expressed in accordance with Rule 80-1-5-.06(4).

3. The directions for use and precautionary statements as required by Rules 80-1-5-.08 and 80-1-5-.09.

Author: Charles H. Barnes
Statutory Authority: Code of Ala. 1975, §2-21-25.
History: Filed April 19, 1982.

80-1-5-.05 Registration Of Commercial Feed Companies, Brand And Product Names.

(1) No person shall manufacture or sell a commercial feed in this state, unless he has filed with the commissioner on forms provided by the commissioner, his name, place of business and location of each manufacturing facility from which feed may be shipped within or into this state.

(2) Such person shall apply for and obtain from the commissioner a license authorizing the sale and distribution of commercial feed. The application for a license shall be accompanied by the fee hereinafter required and shall be on forms furnished by the commissioner which shall contain such information as is necessary for the issuance of the license. All licensing shall expire on December 31 of each year and shall be renewed annually as of January 1 upon the filing of an application and payment of the required license fee. The license fee shall be based upon the number of tons of commercial feed sold or distributed in this state during the preceding twelve-month period ending December 31. The amount of the license fee shall be based upon the following schedule:

TONS SOLD **LICENSE FEE**

Less than 250 tons..... $ 45.00 250 tons or more but less than 500 tons..... $ 90.00 500 tons or more but less than 1,000 tons..... $300.00 1,000 tons or more but less than 2,000 tons..... $375.00 2,000 tons or more but less than 4,000 tons..... $450.00 4,000 tons or more but less than 8,000 tons..... $575.00 8,000 tons or more..... $750.00

(3) An inspection fee at the rate of 25 cents per ton shall be paid on commercial feeds by every person who distributes the commercial feed in this state. Nothing in this rule shall affect the exemptions and exceptions found in §2-21-24(a), §2-21-24(a)(1), and §2-21-24(a)(2) of the Code of Ala. 1975. In the case of a commercial feed distributed in this state in packages or containers of ten pounds or less, an annual fee of $100.00 per product shall be paid the commissioner in lieu of the inspection fee specified herein for individuals or entities whose annual gross sales in Alabama exceed $250,000.00 annually or $1,000,000.00 overall. For individuals or entities whose gross sales are $250,000.00 or less in Alabama and $1,000,000.00 or less overall, the fee paid per product shall be $50.00.

(4) The brand or product name must be appropriate for the intended use of the feed and must not be misleading. If the name indicates the feed is made for a specific use, the character of the feed must conform therewith. A mixture labeled Dairy Feed, for example, must be suitable for that purpose.

(5) Commercial, registered brand or trade names are not permitted in guarantees or ingredient listings and only in the product name of feeds produced by or for the firm holding the rights to such a name.

(6) The name of a commercial feed shall not be derived from one or more ingredients of a mixture to the exclusion of other ingredients and shall not be one representing any components of a mixture unless all components are included in the name, provided that if any ingredient or combination of ingredients is intended to impact a distinctive characteristic to the product which is of significance to the purchaser, the name of that ingredient or combination of ingredients is quantitatively guaranteed in the guaranteed analysis, and the brand or product name is not otherwise false or misleading.

(7) The word protein shall not be permitted in the product name of a feed that contains added nonprotein nitrogen.

(8) When the name carries a percentage value, it shall be understood to signify protein and/or equivalent protein content only, even though it may not explicitly modify the percentage with the word protein, provided that other percentage values may be permitted if they are followed by the proper description and conform to good labeling practice. Digital numbers shall not be

used in such a manner as to be misleading or confusing to the customer.

(9) Single ingredient feeds shall have a product name in accordance with the designated definition of feed ingredients.

(10) The word vitamin, or a contraction thereof, or any word suggesting vitamin can be used only in the name of a feed which is represented to be a vitamin supplement, and which is labeled with the minimum content of each vitamin declared, as specified in Rule 80-1-5-.06(3).

(11) The term mineralized shall not be used in the name of a feed except for TRACE MINERALIZED SALT. When so used, the product must contain significant amounts of the trace minerals which are recognized as essential for animal nutrition.

(12) The term meat and meat by-products shall be qualified to designate the animal from which the meat and meat by-products is derived unless the meat and meat by-products are made from cattle, swine, sheep and goats.

Author: Charles H. Barnes, John P. Hagood, Robert J. Russell
Statutory Authority: Code of Ala. 1975, §§2-21-19, 2-21-24, 2-21-25.
History: Filed April 19, 1982. **Amended:** Filed August 16, 2004; effective September 20, 2004. **Amended:** Filed August 10, 2011; effective September 14, 2011.

80-1-5-.06 Expression Of Guarantees.

(1) The guarantees for crude protein, equivalent protein from nonprotein nitrogen, crude fat, crude fiber and mineral guarantees (when required) will be in terms of percentage by weight.

(2) Commercial feeds containing 6¹ % or more calcium, phosphorus, sodium and chloride shall include in the guaranteed analysis the minimum and maximum percentage of calcium (Ca), the minimum percentage of phosphorus (P), and if salt is added, the minimum and maximum percentage of salt (NaCl). Minerals except salt (NaCl), shall be guaranteed in terms of percentage of the element. When calcium and/or salt guarantees are given in the guaranteed analysis such shall be stated and conform to the following:

(a) When the minimum is 5.0% or less, the maximum shall not exceed the minimum by more than one percentage point.

(b) When the minimum is above 5.0%, the maximum shall not exceed the minimum by more than 20% and in no case shall the maximum exceed the minimum by more than five percentage points.

(3) Guarantees for minimum vitamin content of commercial feeds and feed supplements, when made, shall be stated on the label in milligrams per pound for feed except that:

(a) Vitamin A, other than precursors of Vitamin A, shall be stated in International or USP units per pound.

(b) Vitamin D, products offered for poultry feeding, shall be stated in International Chick Units per pound.

(c) Vitamin D for other uses shall be stated in International or USP units per pound.

(d) Vitamin E shall be stated in International or USP Units per pound.

(e) Guarantees for vitamin content on the label of a commercial feed shall state the guarantee as true vitamins, not compounds, with the exception of the compounds Pyridoxine Hydrochloride, Choline Chloride, Thiamine, and Pantothenic Acid.

(f) Oils and premixes containing Vitamin A or Vitamin D, or both may be labeled to show vitamin content in terms of units per gram.

(4) Guarantees for drugs shall be stated in terms of percent by weight, except:

(a) Antibiotics present at less than 2,000 grams per ton (total, of commercial feed) shall be stated in grams per ton of commercial feed.

(b) Antibiotics present at 2,000 or more grams per ton (total, of commercial feed) shall be stated in grams per pound of commercial feed.

(c) Labels for commercial feeds containing growth promotion and/or feed efficiency levels of antibiotics, which are to be fed continuously as the sole ration, are not required to make quantitative guarantees except as specifically noted in the Federal Food Additive regulations for certain antibiotics, wherein quantitative guarantees are required regardless of the level or purpose of the antibiotic.

(d) The term **milligrams per pound** may be used for drugs or antibiotics in those cases where a dosage is given in **milligrams** in the feeding directions.

(5) Commercial feeds containing any added nonprotein nitrogen shall be labeled as follows:

(a) For ruminants:

1. Complete feeds, supplements, and concentrates containing added nonprotein nitrogen and containing more than 5% protein from natural sources shall express the protein guarantee as follows:

Crude Protein, minimum, _____% (This includes not more than_____% equivalent protein from nonprotein nitrogen.)

2. Mixed feed concentrates and supplements containing less than 5% protein from natural sources may express the protein guarantee as follows:

Equivalent Crude Protein from Nonprotein Nitrogen, minimum, _____%.

3. Ingredient sources of nonprotein nitrogen such as Urea, Di-Ammonium Phosphate, Ammonium Polyphosphate Solution, Ammoniated Rice Hulls, or other basic nonprotein nitrogen ingredients shall be guaranteed as follows: Nitrogen, minimum, _____. Equivalent Crude Protein from Nonprotein Nitrogen, minimum, _____%.

(6) Mineral phosphatic materials for feeding purposes shall be labeled with the guarantee for minimum and maximum percentage of calcium (when present), the minimum percentage of phosphorus, and the maximum percentage of fluorine.

Author: Charles H. Barnes
Statutory Authority: Code of Ala. 1975, §2-21-25.
History: Filed April 19, 1982.

80-1-5-.07 Ingredients.

(1) The name of each ingredient or collective term for the grouping of ingredients, when required to be listed, shall conform to the provisions of Rule 80-1-5-.03 above.

(2) The name of each ingredient must be shown in letters or type of the same size.

(3) No reference to quality or grade of an ingredient shall appear in the ingredient statement of a feed.

(4) The term **dehydrated** may precede the name of any product that has been artificially dried.

(5) A single ingredient product, which ingredient conforms to an established definition appearing in Rule 80-1-5-.03 is not required to have an ingredient statement.

(6) When the word **iodized** is used in connection with a feed ingredient, the feed ingredient shall contain not less than 0.007% iodine, uniformly distributed.
Author: Charles H. Barnes
Statutory Authority: Code of Ala. 1975, §2-21-25.
History: Filed April 19, 1982.

80-1-5-.08 Directions For Use And Precautionary Statements.

(1) Directions for use and precautionary statements on the labeling of all commercial feeds, customer-formula and vertical-integrator feeds containing additives (including drugs, special purpose additives, or nonnutritive additives) shall:

(a) Be adequate to enable safe and effective use for the intended purposes by users with no special knowledge of the purpose and use of such articles; and

(b) Include, but not be limited to, all information described by all applicable regulations under the Federal Food, Drug and Cosmetic Act.

(2) Adequate directions for use and precautionary statements are required for feeds containing nonprotein nitrogen as specified in Rule 80-1-5-.09 below.

(3) Adequate directions for use and precautionary statements necessary for safe and effective use are required on commercial feeds distributed to supply particular dietary needs or for supplementing or fortifying the usual diet or ration with any vitamin, mineral or other dietary nutrient or compound.
Author: Charles H. Barnes
Statutory Authority: Code of Ala. 1975, §2-21-25.
History: Filed April 19, 1982.

80-1-5-.09 Nonprotein Nitrogen.

(1) Urea and other nonprotein nitrogen products are acceptable ingredients only in commercial feeds for ruminant animals as a source of equivalent crude protein. If the commercial feed contains more than 8.75% of equivalent crude protein from all forms of nonprotein nitrogen, added as such, or the equivalent crude protein from all forms of nonprotein nitrogen, added as such, exceeds one-third of the total crude protein, the label shall bear adequate directions for the safe use of feeds and a precautionary statement: **CAUTION: USE AS DIRECTED.** The directions for use and the caution statement shall be in type of such size so placed on the label that they will be read and understood by ordinary persons under customary conditions of purchase and use.

(2) On labels such as those for medicated feeds which bear adequate feeding directions and/or warning statements, the presence of added nonprotein nitrogen shall not require a duplication of the feeding directions or the precautionary statements as long as those statements include sufficient information to ensure the safe and effective use of this product due to the presence of nonprotein nitrogen.
Author: Charles H. Barnes
Statutory Authority: Code of Ala. 1975, §2-21-25.
History: Filed April 19, 1982.

80-1-5-.10 Drug And Feed Additives.

(1) Prior to approval of a label for commercial feed which contains additives (including drugs, other special purpose additives, or nonnutritive additives), the distributor may be required to submit evidence to prove the safety and efficacy of the commercial feed when used according to the directions furnished on the label.

(2) Satisfactory evidence of safety and efficacy of a commercial feed may be:

(a) When the commercial feed contains such additives, the use of which conforms to the requirements of the applicable regulations in the **C.F.R.** Title 21, or as amended, or which are **prior sanctioned** or **generally recognized as safe** for such use, or

(b) When the commercial feed is itself a drug as defined in Code of Ala. 1975, §2-21-17(8), and is generally recognized as safe and effective for the labeled use or is marketed subject to an application approved by the Food and Drug Administration under Title 21, U.S.C. 360(b) or as amended.

Author: Charles H. Barnes
Statutory Authority: Code of Ala. 1975, §2-21-25.
History: Filed April 19, 1982.

80-1-5-.11 Adulterants.

All screenings or by-products of grains and seeds containing weed seeds, when used in commercial feed or sold as such to the ultimate consumer, shall be ground fine enough or otherwise treated to destroy the viability of such weed seeds so that the finished product contains no more than 0 viable prohibited weed seeds per pound and not more than 300 viable restricted weed seeds per pound.
Author: Charles H. Barnes, Patrick B. Moody
Statutory Authority: Code of Ala. 1975, §2-21-25.

History: Filed April 19, 1982. **Amended:** Filed May 12, 2017; effective June 26, 2017.

80-1-5-.12 Adulteration: Definition Of Good Manufacturing Practice.

For the purpose of defining **good manufacturing practices**, in the determination of adulteration under the provisions of Code of Ala. 1975, §2-21-22(8), the following shall apply:

(a) The regulations prescribing good manufacturing practices for medicated feeds as published in the **C.F.R.**, Title 21, Part 225, Sections 225.1 - 225.115 or as amended.

(b) The regulations prescribing good manufacturing practices for medicated premixes as published in C.F.R., Title 21, Part 226, §§226.1 - 226.115 or as amended.

Author: Charles H. Barnes
Statutory Authority: Code of Ala. 1975, §2-21-25.
History: Filed April 19, 1982.

80-1-5-.13 Retention Time.

Retention time for samples and portions of samples shall be as follows:

(a) Samples of commercial feeds and feed ingredients found by official analysis to comply with the label guarantee may be disposed of at the conclusion of the analysis.

(b) Samples of commercial feeds and feed ingredients found by official analysis to be deficient from guarantees and subject to penalty or other regulatory action shall be retained for a period of 180 days or until certificate of payment is received or other regulatory action is completed.

Author: Charles H. Barnes
Statutory Authority: Code of Ala. 1975, §2-21-25.
History: Filed April 19, 1982.

80-1-5-.14 Short Weight.

(1) A weight tolerance for commercial feed marketed in containers of 25 pounds or less of 3% of the declared weight (adjusted to 12% moisture) shall be allowed before a penalty is assessed.

(2) A weight tolerance for commercial feed marketed in containers of more than 25 pounds, but not more than 100 pounds of 2.5% of

the declared weight (adjusted to 12% moisture) shall be allowed before a penalty is assessed.

(3) A weight tolerance for commercial feed marketed in containers of over 100 pounds of .5% of the declared weight (adjusted to 12% moisture) shall be allowed before a penalty is assessed.
Author: Charles H. Barnes
Statutory Authority: Code of Ala. 1975, §2-21-25.
History: Filed April 19, 1982.

80-1-5-.15 Notice Of Payment Of Penalty.

When a penalty is assessed under provisions of Code of Ala. 1975, §2-21-29, of the Law, the Commissioner shall be notified by the guarantor of payments of such penalty to the consumer by one of the following methods:

(a) A certificate of receipt of penalty signed and dated by recipient of the payment.

(b) A photocopy of the negotiated instrument of penalty payment (in check, money order, etc.).

(c) A photocopy of a credit memo on recipient's account endorsed by recipient acknowledging notice of credit to his account.
Author: Charles H. Barnes
Statutory Authority: Code of Ala. 1975, §2-21-25.
History: January 1, 1979. **Amended:** July 9, 1980.

80-1-5-.16 Bovine Spongiform Encephalopathy (BSE) Prevention.

To prevent the establishment and amplification of Bovine Spongiform Encephalopahty (BSE) in Alabama, the following U.S. Food and Drug Administration regulations are incorporated by reference and shall be enforced by the Alabama Department of Agriculture and Industries:

(1) 21 C.F.R. §589.2000

(2) 21 C.F.R. §589.2001
Author: Patrick B. Moody
Statutory Authority: Code of Ala. 1975, §2-21-25.
History: New Rule: Filed August 14, 2014; effective September 18, 2014.

80-1-5-.17 Current Good Manufacturing Practice, Hazard Analysis, And Risk-Based Preventive Controls For Food For Animals.

To conduct inspections of animal food manufacturing facilities according to rules established by the Food Safety Modernization Act (FSMA), Animal Feed Regulatory Program Standards (AFRPS) in Alabama, the following U. S. Food and Drug Administration regulations are incorporated by reference and shall be enforced by the Alabama Department of Agriculture and Industries: 21 C.F.R. Part 507, Sections §507.1 - §501.215.
Author: N. Gunter Guy
Statutory Authority: Code of Ala. 1975, §2-21-25.
History: New Rule: Published February 28, 2020; effective April 13, 2020.

Ed. Note: The following is a history by the Department of Agriculture and Industries prior to the enactment of the Alabama Administrative Procedure Act. HISTORY: This Chapter was first promulgated on January 1, 1979. It was amended June 9, 1980. It became effective July 9, 1980.