

§ 355.31

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quality, shall be free from discoloration, mold, smut, and insect infestation, and shall be otherwise fit for use as animal food.

(4) Certified variety pet food shall contain not less than 8 percent protein.

(5) Certified variety pet food shall contain not less than 2 percent fat.

(6) Certified variety pet food may contain not more than 75 percent moisture.

(d) Certified products for dogs, cats, and other carnivora may contain whale meat, fish, and animal food poultry by-products or combinations thereof as optional ingredients in lieu of some but not all of the ingredients named in paragraphs (a)(2), (b)(1)(i), and (c)(1) of this section, respectively, upon specific approval of the Administrator.

[26 FR 3984, May 9, 1961, as amended at 29 FR 9819, July 22, 1964; 29 FR 18419, Dec. 25, 1964. Redesignated at 30 FR 4195, Mar. 31, 1965, and amended at 30 FR 10284, Aug. 19, 1965; 32 FR 13115, Sept. 15, 1967; 33 FR 6707, May 2, 1968]

SUPERVISION

§ 355.31 Supervision by inspector.

No container which bears or is to bear a label as provided for under this part shall be filled in whole or in part except with certified products which have been inspected in compliance with this part, which are sound, healthful, wholesome, and otherwise fit for dogs, cats, and other carnivora, and which are strictly in accordance with the statements on the label. No such container shall be filled in whole or in part and no such label shall be affixed thereto except under the supervision of an inspector.

LABELING

§ 355.32 Labeling required.

Each container of inspected and certified product shall have affixed thereto a label bearing the following information, prominently displayed:

(a) The name of the product, class of product, ingredient statement, and the animal foods inspection legend in the manner provided by paragraphs (a) (1), (2), (3), (4), (5), and (6) of this section.

(1) The name of the canned or semimoist certified food shall include words such as "dog food," "cat food,"

"dog and cat food," or "fox food," accompanied with such references to optional ingredients as may be required by the Administrator under this part. Product names shall not be misleading in regard to class of canned or semi-moist certified food for which label is intended.

(2) Class of product as outlined in paragraphs (a), (b), and (c) of §355.29 shall be declared on either the main display or 20 percent panel of the label.

(3) The word "ingredients," followed by a complete list of ingredients of the food in the order of their predominance and by their common or usual names, shall appear on the label with the name of the food.

(4) The inspection legend for canned, semi-moist or frozen certified animal food shall appear on the label in the form shown herewith, except that the plant number need not appear with the legend when such number is embossed on the sealed metal container as provided in §355.33.



(5) When a product is prepared in whole from any of the items defined in §355.2 (i) through (n), its name shall identify the item and there shall appear contiguous to the name of the item the name of the decharacterizing agent used, followed by the word "added" as, for example, "bone added."

(6) When wheat flour or other processing aid is added to the product, there shall appear on the label, with the name of the decharacterizing agent, in predominating order, the name of the processing aid, as, for example, "Wheat flour and bone added" or "Bone and wheat flour added."

(b) A statement of the quantity of contents of the container, representing in terms of avoirdupois weight the quantity of product in the container.

(c) The name and place of business of the manufacturer, packer, or distributor. The name under which inspection is granted to a plant may appear without qualification on the label of a product prepared by that plant. When the certified product is not prepared by the person whose name appears on the label, the name shall be qualified by a phrase which reveals the connection such person has with the product as, for example, "Prepared for _____."

[23 FR 10107, Dec. 23, 1958, as amended at 25 FR 1357, Feb. 16, 1960; 26 FR 3984, May 9, 1961; 29 FR 9819, July 22, 1964. Redesignated at 30 FR 4195, Mar. 31, 1965, and amended at 32 FR 13115, Sept. 15, 1967]

§ 355.33 Plant number to be embossed on metal containers.

The official number assigned to an inspected plant under § 355.8 shall be embossed on all sealed metal containers of certified products filled in such plant, except that such containers which bear labels lithographed directly on the container and in which the plant number is incorporated need not have the plant number embossed thereon. Labels and embossed code identification shall be affixed so as not to obscure the embossed plant number.

[23 FR 10107, Dec. 23, 1958. Redesignated and amended at 30 FR 4195, Mar. 31, 1965; 32 FR 13115, Sept. 15, 1967; 38 FR 29215, Oct. 23, 1973]

§ 355.34 Labels, approval of, by Administrator.

(a) Except as provided in paragraph (c) of this section, no label shall be used on any container of certified products until it has been approved by the Administrator. For the convenience of the inspected plant, sketches or proofs of proposed labels may be submitted in triplicate to the Administrator for approval, and the preparation of the finished labels deferred until such approval is obtained. All finished labels shall be submitted in quadruplicate to the Administrator for approval. In the case of lithographed labels, paper take-offs in lieu of sections of the metal containers shall be submitted for approval. Such paper take-offs shall not be in the form of a negative but shall be a complete reproduction of the label

as it will appear on the package, including any color scheme involved.

(b) Inserts, tags, liners, pasters, and like devices containing printed or graphic matter for use on, or to be placed within, containers and coverings of certified products shall be submitted for approval in the same manner as provided for labels in paragraph (a) of this section, except that inspectors in charge may permit the use of such devices if they contain no reference to the certified products and bear no misleading feature.

(c) Stencils, labels, box dies, and brands may be used on shipping containers, including tierces, barrels, drums, boxes, crates, and large-size fiberboard containers, without approval by the Administrator, provided the markings are applicable to the certified products, are not false or deceptive, and are used with the approval of the circuit supervisor.

(d) No certified product and no container thereof shall be labeled with any false or deceptive term, and no statement, word, picture, design, or device which conveys any false impression or gives any false indication of the origin, quality, or quantity of the product shall appear on any label.

§ 355.35 Label information to be displayed on principal panel.

The label information required by § 355.32 shall be displayed on the principal panel or panels of the label except that label information other than the name of the product and the ingredient statement may be displayed on a panel immediately adjacent to the principal panel or panels if such supplemental panel consists of at least 20 percent of the label and is reserved exclusively for required labeling information.

§ 355.36 Obsolete labels.

At least once each year, each inspected plant shall submit to the Administrator, in quadruplicate, a list of approvals for labels that have become obsolete, accompanied by a statement that such approvals are no longer desired. The approvals shall be identified by the number, the date of approval, and the name of the product.