



# **General License and Labeling Guidelines** for Marketing Pet Food and Pet Treats as Animal Feed in Tennessee

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# Special Appreciation

*Special appreciation is extended to Dan Danielson, Jimmy Hopper, Ed Coleman, Bob Williams, Bill Thompson, Shanna Lively and Mike Brown at the Tennessee Department of Agriculture for their assistance in compiling and reviewing this information.*

*Additional appreciation is extended to Mark Powell, administrator of the Agriculture Inputs Division of the Tennessee Department of Agriculture, for his collaboration on revisions in 2017.*

This publication has been developed in part for the Tennessee Value-Added Beef Program. The Tennessee Value-Added Beef Program is supported by state funds which were matched with Federal funds under the Federal-State Marketing Improvement Program of the USDA Agricultural Marketing Service.

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## Introduction

Numerous calls and inquiries from farmers and value-added entrepreneurs considering the start-up of a pet food, animal feed or pet treat enterprise are addressed each year in the Center for Profitable Agriculture. The most common initial questions are related to whether or not a permit is needed to sell animal feed and pet food. Other questions involve packaging, labeling, certified scales and marketing. This publication is intended to provide a general overview about license and labeling for marketing pet food, pet treats and animal feeds in Tennessee. The information contained in this publication has been developed for educational purposes and summarizes the guidelines and regulations related to producing and selling pet food and pet treats as animal feed in Tennessee. Animal feed and pet food regulations vary by state. Feed and pet food operations that will be selling products in other states should evaluate the rules and regulations in those states.

# Two Primary Regulatory Considerations for Animal Feed Manufacturing/Marketing

Guidance and regulatory oversight for commercial feed operations in Tennessee is provided by the Tennessee Department of Agriculture (TDA). More specifically within TDA, commercial feed operations are permitted by the Agriculture Inputs section of the Consumer and Industry Services division. Historically, most of the animal feed operations in Tennessee have been for livestock feed and high-volume pet food operations. More recently, smaller farm-based and home-based pet food and pet treat operations have been developed for local marketing.

All commercial animal feed producers must obtain a Commercial Feed Facility License (TCA 44-6-104) from the Agriculture Inputs section. Pet food and pet treat products that are prepared for sale are considered commercial animal feed and must comply with the TDA labeling, licensing and reporting requirements for animal feed establishments. All pet food products and manufacturers are subject to inspection.

Those interested in developing a pet food or pet treat product for sale in Tennessee are encouraged to make direct contact with the TDA Administrator for the Agriculture Inputs section in advance (see contact information on page 6). Initial discussions with the administrator will likely cover the nature of the product, ingredients, facility in which the product will be prepared and packaging and labeling. If you have questions about your product label, you may contact the administrator for further review.

In general, there are two primary regulatory steps/considerations applicable to the start-up of all animal feed operations in Tennessee including pet food and pet treat operations:

1. Proper Labeling.
2. Application for License.

## Proper Labeling

Once a feed product recipe is finalized, it is important to discuss label requirements. The Tennessee Commercial Feed law requires animal feeds (including pet foods and pet treats) be labeled with the following items:

1. Product Name (including brand name if applicable).
2. Species of animal(s) intended to consume the product.
3. Guaranteed Product Analysis (with all values reported in percentages by weight).
  - a. Crude Protein (minimum).
  - b. Crude Fat (minimum).
  - c. Crude Fiber (maximum).
  - d. Moisture (maximum).
4. Ingredients Statement (list all ingredients in descending order by weight).
5. Directions for use (such as “for complete and balanced meals” or “for intermittent feeding as a treat or reward”).
6. Name and address of the manufacturer or distributor.
7. Quantity statement (net weight in English and metric units).

In addition to these label requirements, lot numbers or some type of code or tracking system is suggested.

According to TDA, as of December 2014, most all of the farm-based pet food products licensed in Tennessee are pet treats rather than complete feeds meeting the pet food definition. An example of an acceptable label for pet treat products is provided as Figure 1.

Any product claims that are stated or implied as part of the product packaging, marketing materials or marketing efforts should be substantiated. It is suggested that the TDA administrator for the Agriculture Inputs section approve any product claims in advance.

For pet treats, the principal display panel of the label (the front of the package/label) must obviously state that the product is a “treat” or a “snack” or the feeding directions must state that “this product is intended for intermittent or supplemental feeding only.”



Figure 1. Example of Acceptable Pet Treat Label

**Application for License**

To apply for a license to manufacture or label pet food or pet treats in Tennessee, the form titled “Application for a Tennessee Commercial Feed License” must be completed. The form is available online at [tn.gov/assets/entities/agriculture/attachments/License\\_Application\\_Feed.pdf](http://tn.gov/assets/entities/agriculture/attachments/License_Application_Feed.pdf).

The form can also be obtained by contacting the Agriculture Inputs section at:

Tennessee Department of Agriculture  
 Consumer and Industry Services  
 Agriculture Inputs  
 615-837-5148

A sample copy of the form, current at the time of this publication, is available as Figure 2. As part of the licensing process, a minimum \$50 annual fee is required. After the first year of licensing, a volume-based renewal license will be required based on the tonnage of sales from a previous 12-month period. A late fee will be charged if the license is not renewed by the deadline.

**Raw Milk for Animal Feed**

It should be noted that raw milk that is distributed for animal feed in Tennessee must comply with the same licensing, reporting and labeling requirements that generally apply to the sale of all commercial animal feeds in the state. Producers of pet food using raw milk are commercial animal feed manufactures and must have a Tennessee Commercial Feed Facility License. The license is required annually along with semi-annual reporting of sales and proper labeling. Regarding labeling, each container must comply with the same label requirements as required for all other commercial feeds (listed on pages 5 and 7) along with the two additional requirements that are included in the list below:

- Species of animal from which the milk was obtained (Examples: Raw Cow Milk or Raw Goat Milk).
- Precautionary Statement (this is REQUIRED LANGUAGE) - **WARNING - Not for Human Consumption.**

The application for a license to manufacture raw milk to be marketed as an animal feed is the same application to be completed by any commercial feed facility in Tennessee. The application form may be found online at [tn.gov/assets/entities/agriculture/attachments/License\\_Application\\_Feed.pdf](http://tn.gov/assets/entities/agriculture/attachments/License_Application_Feed.pdf).

For more information, contact the Tennessee Department of Agriculture, Agriculture Inputs section at 615-837-5135.

**Weights and Measures**

It should be noted that while the state feed law requires that product quantity/weight be included on each package as part of the label, there are additional requirements regarding the scales on which the weight is determined. These legislative requirements are administered by the TDA Weights and Measures section to prevent unfair or deceptive dealing by weight or measure in any commodity or service advertised, packaged, sold or purchased within the state.



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 PHONE # 615-837-5135 FAX # 615-837-5005

**APPLICATION FOR COMMERCIAL FEED LICENSE  
 2016 – 2017**

Pursuant to T.C.A. §44-6-104, every person who manufactures, distributes, or guarantees a commercial feed in Tennessee must obtain a commercial feed license from the Department of Agriculture for each location from where commercial feed is distributed. Licensees must file with the Department an annual statement indicating the number of net tons of commercial feed distributed in the state during the previous licensure year. Fees for the license are determined according to this self-reported data.

All licenses expire on July 1 following their issuance. License fees for renewal must be remitted to the Department by July 16 following expiration of the license. Nonpayment of the license fee by July 16 will result in an additional late charge of \$25 for renewal of the license. Checks should be made payable to the Tennessee Department of Agriculture and mailed with this completed form and enclosed return envelope.

A commercial feed license is not required for any person who makes only retail sales of commercial feed that is labeled, indicating it is from a licensed manufacturer, distributor, or guarantor.

**ANNUAL STATEMENT FOR COMMERCIAL FEED LICENSE**  
*(to be completed by applicant)*

Number of net tons of commercial feed distributed in TN, July 1, 2015 – June 30, 2016: \_\_\_\_\_

Divided by 350 tons = \_\_\_\_\_

Multiplied by \$50 = \_\_\_\_\_

**TOTAL LICENSE FEE**  
**(\$50 minimum)**

*\*Note: The following are exempted from reporting requirements for a commercial feed license:*

- *Feed previously reported and calculated in a commercial feed license fee;*
- *Feed used as an ingredient in the manufacture of a registered commercial feed;*
- *Customer formula feed composed entirely of commercial feed previously reported and calculated in a commercial feed license fee;*
- *Feed distributed by a contract feeder.*

APPLICANT/COMPANY \_\_\_\_\_ OWNER/MANAGER \_\_\_\_\_

FACILITY ADDRESS \_\_\_\_\_ CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

MAILING ADDRESS \_\_\_\_\_ CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

PHONE NUMBER \_\_\_\_\_ EMAIL ADDRESS \_\_\_\_\_

*Information reported in this application is correct and complete to the best of my information and belief. I am authorized to report this information and to seek regulatory licenses on behalf of Applicant.*

NAME (PRINT) \_\_\_\_\_ PERMIT NUMBER (if applicant is seeking renewal) \_\_\_\_\_

SIGNED \_\_\_\_\_ DATE \_\_\_\_\_ AMOUNT ENCLOSED \$ \_\_\_\_\_

*Pre-printed portions of this form represent information on file with the Department. Please strike and correct as appropriate.*

Figure 2. Sample Application Form for a Tennessee Commercial Feed Facility License (form current as of December 2016).

When scales are used at the point of sale to weigh pet foods/pet treats, they must meet specific rules and regulations enforced by TDA Weights and Measures and should be inspected by this agency prior to use. The net weight and related labeling of packaged pet food/pet treats must likewise conform to regulations enforced by TDA. Pet food and pet treat products that are prepackaged prior to sale must include an accurate net weight in metric or customary units; however, the weight is typically expressed in the customary units of pounds, ounces or both. Weights expressed in the customary system should be labeled to at least two decimal places, i.e., 1.56 pounds. Scales used to weigh prepackaged products do not have to be , but the product's accurate net weight must be expressed on the product label.

Questions regarding weights and measures requirements should be addressed with the Weights and Measures section at:

Tennessee Department of Agriculture  
Consumer and Industry Services  
Weights and Measures  
615-837-5109

## Pet Food, Pet Treats and Chew Toys

For labeling, it is important to understand the difference in pet food and pet treats.

- **Pet foods** are any commercial feed prepared and distributed for consumption by pets and are considered to be nutritionally complete and balanced for all stages of an animal's life.
- **Pet treats** are not considered as a complete and nutritionally balanced feed.

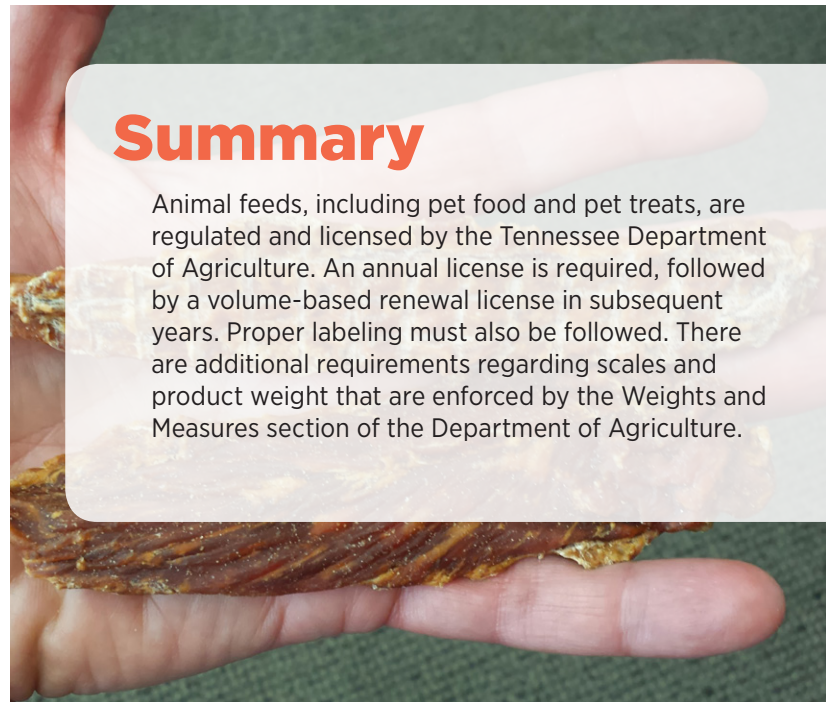
If the product is intended as a pet food, its nutritional completeness and balance must be verified by the manufacturer. In addition, some edible products intended for pets may fall under a third category of chew toys. For example, animal bones, animal ears or hide/leather products may be marketed as chew toys for pets. Chew toys are generally not considered a pet food or a pet treat.

## The Association of American Feed Control Officials

Additional information regarding getting into the pet food business can be obtained from the Association of American Feed Control Officials (AAFCO). While the AAFCO does not have statutory oversight for the regulation of pet food and pet treats, the association provides information and advice to pet food manufactures and regulatory agencies to assist in development and proper labeling of these products. The AAFCO has a comprehensive labeling guide that is available for sale. The guide provides helpful information pertaining to labeling and includes various label examples. Those planning to sell animal feed and pet food products in states outside of Tennessee may find the AAFCO resources helpful in understanding other state licensing and labeling requirements. The AAFCO website contains a great deal of information about starting a pet food business, registration and licensing, labeling, ingredients and product analysis. Find out more about AAFCO at [petfood.aafco.org](http://petfood.aafco.org).

### Summary

Animal feeds, including pet food and pet treats, are regulated and licensed by the Tennessee Department of Agriculture. An annual license is required, followed by a volume-based renewal license in subsequent years. Proper labeling must also be followed. There are additional requirements regarding scales and product weight that are enforced by the Weights and Measures section of the Department of Agriculture.



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PB 1832 04/17 17-0137

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