

CHAPTER 7-16-05 EXPRESSION OF GUARANTEES

Section
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1. The guarantees for crude protein, equivalent crude protein from nonprotein nitrogen, lysine, methionine, other amino acids, crude fat, crude fiber, and other fiber indicators shall be in terms of percentage.
2. Mineral guarantees.
 - a. When the calcium, salt, and sodium guarantees are given in the guaranteed analysis, such must be stated and conform to the following:
 - (1) When the minimum is below two and one-half percent, the maximum may not exceed the minimum by more than one-half percentage point.
 - (2) When the minimum is two and one-half percent, but less than five percent, the maximum may not exceed the minimum by more than one percentage point.
 - (3) When the minimum is above five percent or greater, the maximum may not exceed the minimum by more than twenty percent of the minimum and in no case may the maximum exceed the minimum by more than five percentage points.
 - b. When stated, guarantees for minimum and maximum total sodium and salt, minimum potassium, magnesium, sulfur, phosphorus, and maximum fluorine must be in terms of percentage. Other mineral guarantees must be stated in parts per million when the concentration is less than ten thousand parts per million and in percentage when the concentration is ten thousand parts per million or greater.
 - c. Products labeled with a quantity statement may state mineral guarantees in milligrams per unit consistent with the quantity statement and directions for use.
3. Guarantees for minimum vitamin content of commercial feeds must be listed in the order specified and are stated in milligrams per pound or in units consistent with those used for the quantity statement unless otherwise specified.
 - a. Vitamin A, other than precursors of vitamin A, in international units per pound.
 - b. Vitamin D-3 in products offered for poultry feeding, in international chick units per pound.
 - c. Vitamin D for other uses, international units per pound.
 - d. Vitamin E, in international units per pound.
 - e. Concentrated oils and feed additive premixes containing vitamins A, D, E, or any combination thereof may, at the option of the distributor be stated in units per gram instead of units per pound.
 - f. Vitamin B-12, in milligrams or micrograms per pound.
 - g. All other vitamin guarantees shall express the vitamin activity in milligrams per pound in terms of the following: menadione; riboflavin; d-pantothenic acid; thiamine; niacin; vitamin B-6; folic acid; choline; biotine; inositol; p-amino benzoic acid; ascorbic acid; and carotene.

4. Guarantees for drugs must be stated in terms of percent by weight, except:
 - a. Antibiotics present at less than two thousand grams per ton, total, of commercial feed must be stated in grams per ton of commercial feed.
 - b. Antibiotics present at two thousand or more grams per ton, total, of commercial feed must be stated in grams per pound of commercial feed.
 - c. Labels for commercial feeds containing either growth promotion, or feed efficiency levels of nonmedically important antibiotics, or both, 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, where 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 must be labeled as follows:
 - a. For ruminants:
 - (1) Complete feeds, supplements, and concentrates containing added nonprotein nitrogen and containing more than five percent protein from natural sources must be guaranteed as follows: crude protein, minimum, (insert percent). This includes not more than (insert percent) equivalent crude protein from nonprotein nitrogen.
 - (2) Mixed feed concentrates and supplements containing less than five percent protein from natural sources may be guaranteed as follows: equivalent crude protein from nonprotein nitrogen, minimum (insert percent).
 - (3) Ingredient sources of nonprotein nitrogen such as urea, diammonium phosphate, ammonium phosphate solution, ammoniated rice hulls, or other basic nonprotein nitrogen ingredients defined by the association of American feed control officials must be guaranteed as follows: nitrogen, minimum (insert percent), equivalent crude protein from nonprotein nitrogen, minimum (insert percent).
 - b. For nonruminants:
 - (1) Complete feeds, supplements, and concentrates containing crude protein from all forms of nonprotein nitrogen, added as such, must be labeled as follows: crude protein, minimum (insert percent). This includes not more than (insert percent) equivalent crude protein that is not nutritionally available to (species of animal for which the feed is intended).
 - (2) Premixes, concentrates, or supplements intended for nonruminants containing more than one and one-quarter percent equivalent crude protein from all forms of nonprotein nitrogen, added as such, must contain adequate directions for use and a prominent statement:

WARNING: This feed must be used only in accordance with directions furnished on the label.
6. Mineral phosphatic materials for feeding purposes must 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.

7. Guarantees for microorganisms shall be stated in colony forming units per gram when directions are for using the product in grams, or in colony forming units per pound when directions are for using the product in pounds. A parenthetical statement following the guarantee must list each species in order of predominance.
8. Guarantees for enzymes must be stated in units of enzymatic activity per unit weight or volume, consistent with label directions. The source organism for each type of enzymatic activity must be specified, such as: "protease (Bacillus subtilis) 5.5 mg amino acids liberated/min./milligram." If two or more sources have the same type of activity, they must be listed in order of predominance based on the amount of enzymatic activity provided.
9. Guarantees for dietary starch, sugars, and fructans for commercial feeds, other than customer-formula feed, pet food, and specialty pet food products:
 - a. A commercial feed that bears on its labeling a claim in any manner for levels of "dietary starch", "sugars", "fructans", or words of similar designation, must include on the label:
 - (1) Guarantees for maximum percentage of dietary starch and maximum percentage sugars, in the guaranteed analysis section immediately following the last fiber guarantee.
 - (2) A maximum percentage guarantee for fructans immediately following sugars, if the feed contains forage products.
 - b. When such guarantees for dietary starch, sugars or fructans for commercial feeds appear on the label, feeding directions must indicate the proper use of the feed product and a recommendation to consult with a veterinarian or nutritionist for a recommended diet.

History: Effective July 1, 2020.

General Authority: NDCC 4.1-41-20

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