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AAFCO Updates to Model Regulations

Insight — March 29, 2024

2024 has ushered in the first major update in more than 40 years[1] to the Association of American Feed Control Officials (AAFCO) Model Regulations for Pet Food and Specialty Pet Food. The new Model Regulations impose major changes from past editions of the AAFCO's suggested labeling standards. These updates will directly affect companies that manufacture and/or market pet food products (including supplements and treats), as well as other industry participants like retailers that sell pet food products and veterinarians that recommend pet food products to patients. This article provides a summary of these changes so that industry members can determine whether their current labels may need updates to reach compliance with the new Model Regulations.

Background

The AAFCO is a collaborative association of state and federal feed regulators and industry stakeholders that seeks to harmonize a patchwork of state and federal regulations governing animal feed and pet food products. To that end, the AAFCO gathers input from feed control officials across the United States to develop and implement its Model Regulations, which are uniform standards, definitions, and policies for the control of animal feed. The AAFCO then encourages state regulators to adopt and implement these Model Regulations through their individual state rulemaking procedures. Ultimately, the AAFCO's Model Regulations guide how pet food products sold in the United States should be labeled to comply with state and federal regulations.

In 2015, the AAFCO launched the Pet Food Label Modernization project to update its Pet Food Model Regulations to increase transparency and more closely align pet food labels to labels on human food. In July 2023, the AAFCO announced that its membership approved new Model Regulations of pet food and specialty pet food regulations to be published in 2024's Official Publication.

Changes

The new Model Regulations alter previous iterations of the AAFCO's recommended labeling standards in four key ways:

1. **Pet Nutrition Facts Box** – the Model Regulations impose new requirements for the format and content of the Nutrition Facts Box so that it will more closely resemble the nutrition facts panels found on human food and beverage packaging. The nutritional adequacy statement is now required to be part of the Nutrition Facts Box. Further, the box must not only disclose the total calories for each

serving of the product, but also a breakdown of the calories supplied by protein, fat, and carbohydrates.

2. **Intended Use Statement** – The Model Regulations now require the intended use statement to be on the lower third of the front display panel. Only certain vocabulary can be used to state the intended use of a product so that terminology is consistent across products. For example, a product intended to be the complete diet for a puppy, and that meets nutritional adequacy requirements to be the complete diet for a puppy, must state in the bottom third of the principal display panel: “Complete Food for Puppies” or “Complete Puppy Food.” A product that is not a complete food, but is intended to supplement certain vitamins and minerals, must state that it is Food Supplement (e.g., Cat Food Supplement).
3. **Ingredient Statement** – The required terminology for the ingredient statement has been updated to clarify the naming conventions for meat, fish, and poultry ingredients. Additionally, these requirements now allow for vitamins and minerals to be identified by their common or usual names so that the ingredient list is easier for consumers to understand. There is a new optional parenthetical format for mineral or vitamin mixes so that they may be listed as Minerals or Vitamins followed by a parenthetical with each common law of the minerals or vitamins present. For example: “Minerals (Copper Sulfate, Zinc Sulfate, Manganese proteinate).” Finally, the Model Regulations allow for identification of organically produced ingredients as “organic” in the ingredient list itself (for example, “organic blueberries”). Ingredients must meet the AAFCO definition of “organic” to be so designated.
4. **Handling and Storage Instructions** (optional) – The Model Regulations now provide that labels can include icons to visually depict the handling and storage instructions for the product. These are not required but are encouraged to standardize how pet food products inform consumers to handle and store products. The icons are to be used in conjunction with written instructions for handling and storage.

Timing

Now that the Model Regulations have been published in 2024's Official Publication, AAFCO has passed the baton to state feed regulators to adopt the model regulations into their own formal state regulations. This is a state-specific process. State regulators may choose to adopt some, all, or none of the changes in the Model Regulations. Further, some states may complete their rulemaking process faster than others. This can result in the same patchwork of state regulations that the AAFCO seeks to prevent and can leave industry with a variety of regulations to meet.

To mitigate against this, the AAFCO recommended that state regulatory bodies use their enforcement discretion to hold off on reviewing pet food labels for compliance with the new regulations for a period of six years after the 2024 Official Publication's printing.[2] However, this is only a recommendation and does not necessarily mean that all states will be similarly lenient for the full six years following the new Model Regulations.

We recommend that businesses undertake label reviews of their current products sooner rather than later to mitigate against these risks.

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[1] *https://www.aafco.org/news/aafco-membership-approves-new-model-pet-food-and-specialty-pet-food-regulations/*

[2] *https://www.aafco.org/wp-content/uploads/2023/07/AAFCO-PFLM-Enforcement-Recommendation-Letter-FINAL.pdf*

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