

Code of Alabama 1975



Title 2 Agriculture

Alabama Commercial Feed Law of 1978

Section 2-21-16 ~ Section 2-21-34

Section 2-21-16

Short title.

This chapter shall be known as the Alabama Commercial Feed Law of 1978.

(Acts 1978, No. 780, p. 1143, §1.)

Section 2-21-17

Definitions.

When used in this chapter or in rules and regulations promulgated thereunder, the following words and terms shall have the meaning ascribed to them, except where the context clearly indicates otherwise:

(1) BRAND NAME. Any word, name, symbol or device, or any combination thereof, identifying the commercial feed of a distributor or licensee and distinguishing it from that of others.

(2) COMMERCIAL FEED. Such term includes customer-formula feed, as this term is used in this chapter, and means any material whether simple, mixed compound, ground, unground, organic or inorganic, used as a feed for animals other than man or any material including minerals, vitamins, antibiotics, anti-oxidants, medicines, drugs, chemicals and other substances, materials or elements, or parts thereof intended for use or used as an ingredient or component of a mixture of materials, used as a feed for animals other than man; provided, that the commissioner, with approval of the board and by regulation, may exempt from this definition or from specific provisions of this chapter, commodities such as unprocessed and unmixed whole seeds, hay, straw, stover, silage, cobs, husks, hulls and individual chemical compounds or substances when such commodities, compounds or substances are not intermixed or mixed with other materials and are not adulterated within the meaning of subdivision (1) of Section 2-21-22.

(3) CONTAINER. Any bag, box, barrel, package, carton, object, apparatus, device, appliance or other container into which commercial feed is packed, stored or placed for handling and transporting.

(4) CONTRACT FEEDER. A person who, as an independent contractor, feeds commercial feed to animals pursuant to a contract whereby such commercial feed is supplied, furnished or otherwise provided to such person and whereby such person's remuneration is determined all or in part by feed consumption, mortality, profits or amount or quality of product. A manufacturer of a "vertical-integrator feed" is not a contract feeder.

(5) CUSTOMER-FORMULA FEED. Commercial feed which consists of a mixture of commercial feeds and/or feed ingredients, each batch of which is manufactured according to the specific instructions of the final purchaser.

(6) DISTRIBUTE. To offer for sale, sell, exchange or barter commercial feed; or to supply, furnish or otherwise provide commercial feed to a contract feeder.

(7) DISTRIBUTOR. Any person who distributes.

(8) DRUG. Any substance intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in animals other than man and substances other than feed intended to affect the structure or any function of the animal body.

(9) FEED INGREDIENT. Each of the constituent materials making up a commercial feed.

(10) LABEL. A display of written, printed or graphic matter upon or affixed to the container in which a commercial feed is distributed, or on the invoice or delivery slip with which a commercial feed is distributed.

(11) LABELING. All labels and other written, printed or graphic matter

a. Upon a commercial feed or any of its containers or wrapper, or

b. Accompanying such commercial feed.

(12) MANUFACTURE. To grind, mix or blend, or further process, a commercial feed for distribution.

(13) MINERAL FEED. A commercial feed intended to supply primarily mineral elements or inorganic nutrients.

(14) OFFICIAL SAMPLE. A sample of feed taken by the commissioner or his agent in accordance with Section 2-21-26.

(15) PERCENT or PERCENTAGES. Parts per hundred by weight.

(16) PERMITTED ANALYTICAL VARIATION. Allowances for the inherent variability in sampling and in laboratory analyses of guaranteed components, as published by the Association of American Feed Control Officials from time to time

in its official publication. Manufacturing variation and their effects on the guaranteed components are not included in such value.

(17) PERSON. Such term includes individual, partnership, corporation, cooperatives and associations.

(18) PET. Any domesticated animal normally maintained in or near the household of the owner thereof.

(19) PET FOOD. Any commercial feed prepared and distributed for consumption by pets.

(20) PRODUCT NAME. The name of the commercial feed which identifies it as to kind, class or specific use.

(21) PURCHASER and CUSTOMER-BUYER. Any person, firm, organization, agency, association or group who buys or otherwise acquires a commercial feed, customer-formula feed or custom-mix or custom-mill services.

(22) SPECIALTY PET. Any domesticated animal pet normally maintained in a cage or tank, such as, but not limited to, gerbils, hamsters, canaries, psittacine birds, mynahs, finches, tropical fish, goldfish, snakes and turtles.

(23) SPECIALTY PET FOOD. Any commercial feed prepared and distributed for consumption by specialty pets.

(24) TON. A net weight of two thousand pounds avoirdupois. The metric ton is a unit of weight equal to one thousand kilograms or 2204.62 pounds avoirdupois.

(25) VERTICAL-INTEGRATOR FEED. A commercial feed manufactured for feeding livestock, poultry or aquatic animals that are owned by the person manufacturing the feed or that are owned by subsidiaries, parents or other business entities associated with the manufacturer through common ownership.

(26) BOARD. The State Board of Agriculture and Industries.

(Acts 1978, No. 780, p. 1143, §3.)

Section 2-21-18

Enforcing official.

This chapter shall be administered by the Commissioner of Agriculture and Industries of the State of Alabama, hereinafter referred to as the "commissioner."

(Acts 1978, No. 780, p. 1143, §2.)

Section 2-21-19

Licensing.

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

(b) The 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 12-month period ending December 31. The amount of the license fee shall be established by the Board of Agriculture and Industries within the range as set out in the following schedule:

Tons Sold	License Fee
Less than 250 tons	\$ 30.00- 45.00
250 tons or more but less than 500 tons	60.00 - 90.00
500 tons or more but less than 1,000 tons	200.00 - 300.00
1,000 tons or more but less than 2,000 tons	250.00 - 375.00
2,000 tons or more but less than 4,000 tons	300.00 - 450.00
4,000 tons or more but less than 8,000 tons	350.00 - 575.00
8,000 tons or more	400.00 - 750.00

If the license fee is not paid within a period of 30 days after the date on which payment thereof is due, a delinquent penalty of 10 percent of the total amount due or a minimum amount of \$10.00 shall be added to the license fee. The license fee due hereunder, and any delinquent penalty, shall constitute a debt and becomes the basis of judgment against the person required to obtain the license if not paid as herein required. The amount of the license fee required to be paid by persons not previously distributing commercial feed into this state shall be the minimum fee of \$30.00 for a license also expiring on December 31 following the date of issuance at which time the license shall be renewable in accordance with this subsection.

(c) In the event of sale or other transfer of ownership of a commercial feed manufacturing or sale facility by a person who has a license as required in this section, the license shall be transferred to the new owner, provided, that the amount of such new owner's license required on January 1 shall be governed by the amount of the person's previous sales from which the license was transferred.

It is hereby intended that every person who manufactures or formulates or labels any commercial feed which is sold in or for importation into this state, or any person who labels any such commercial feed and sells it in or for importation into this state, whether manufactured by such person or not, shall be required to procure a license and pay the fee therefor as herein required.

(d) Pursuant to rules and regulations, any person making application for a license as required in subsection (b) of this section shall place on file with the commissioner the label for each brand of feed which the person may sell, offer for sale, or distribute for sale in this state. The label so filed with the commissioner shall be the official label for the commercial feed sold, offered for sale, or distributed for sale in this state. Any commercial feed sold, offered for sale, or distributed for sale with a label not on file or at variance with the official label shall be deemed misbranded and subject to the penalties of this chapter.

(e) The commissioner is empowered to refuse or cancel the license of any manufacturer whose commercial feed is not in compliance with the provisions of this chapter or to prevent the sale, offering for sale, or distribution for sale of any commercial feed determined by official action to be harmful, detrimental, or of no value when used in accordance with the label directions; provided, that no action under this section shall be final until the manufacturer shall have been given an opportunity to be heard before the commissioner.

(Acts 1978, No. 780, p. 1143, §4; Act 2004-516, p. 996, §1.)

Section 2-21-20

Labeling.

A commercial feed, regardless of the container in which it is shipped or sold, shall be labeled as follows:

(1) In case of a commercial feed, except a customer-formula feed, it shall be accompanied by a label bearing the following information:

a. The net weight.

b. The product name and the brand name, if any, under which the commercial feed is distributed.

c. The guaranteed analysis stated in such terms as the commissioner by regulation determines is required to advise the user of the composition of the feed or to support claims made in the labeling. In all cases, the substances or elements must be determinable by laboratory methods such as the methods published by the Association of Official Analytical Chemists.

d. The common or usual name of each ingredient used in the manufacture of the commercial feed; provided, that the commissioner, by regulation, may permit the use of a collective term for a group of ingredients which perform a similar function, or he may exempt such commercial feeds, or any group thereof, from this requirement of an ingredient statement if he finds that such statement is not required in the interest of consumers.

e. The name and principal mailing address of the manufacturer or the person responsible for distributing the commercial feed.

f. Adequate directions for use for all commercial feeds containing drugs and for such other feeds as the commissioner may require by regulation as necessary for their safe and effective use.

g. Such precautionary statements as the commissioner by regulation determines are necessary for the safe and effective use of the commercial feed.

(2) In the case of a customer-formula feed, it shall be accompanied by a label, invoice, delivery slip or other shipping document, bearing the following information:

a. Name and address of the manufacturer.

b. Name and address of the purchaser.

c. Date of delivery.

d. The product name and brand name, if any, the net weight of each commercial feed used in the mixture and the net weight of each other ingredient used.

e. Adequate directions for use for all customer-formula feeds containing drugs and for such other feeds as the commissioner may require by regulation as necessary for their safe and effective use.

f. Such precautionary statements as the commissioner by regulation determines are necessary for the safe and effective use of the customer-formula feed.

(3) In the case of a "vertical-integrator feed" all the conditions specified under subdivision (2) of this section for the customer-formula feed will apply except that the records will be kept at the place of manufacture and need not accompany the feed as it is transported to point of use, except as required by the Federal Food, Drug and Cosmetic Act (21 U.S.C. Section 301, et seq.).

(Acts 1978, No. 780, p. 1143, §5.)

Section 2-21-21

Misbranding.

A commercial feed shall be deemed to be misbranded:

- (1) If its labeling is false or misleading in any particular;
- (2) If it is distributed under the name of another commercial feed;
- (3) If it is not labeled as required in Section 2-21-20;
- (4) If it purports to be or is represented as a commercial feed, or if it purports to contain or is represented as containing a commercial feed ingredient, unless such commercial feed or feed ingredient conforms to the definition, if any, prescribed by regulation by the commissioner; or
- (5) If any word, statement or other information required by or under authority of this chapter to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs or devices in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

(Acts 1978, No. 780, p. 1143, §6.)

Section 2-21-22

Adulteration.

A commercial feed shall be deemed to be adulterated:

- (1) If it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance, such commercial feed shall not be considered adulterated under this subdivision if the quantity of such substance in such commercial feed does not ordinarily render it injurious to health; or
- (2) If it bears or contains any added poisonous, added deleterious or added nonnutritive substance which is unsafe within the meaning of Section 406 of the Federal Food, Drug and Cosmetic Act (other than one which is a. a pesticide chemical in or on a raw agricultural commodity; or b. a food additive); or
- (3) If it is, or it bears or contains any food additive which is unsafe within the meaning of Section 409 of the Federal Food, Drug and Cosmetic Act; or
- (4) If it is a raw agricultural commodity and it bears or contains a pesticide chemical which is unsafe within the meaning of Section 408(a) of the Federal Food, Drug and Cosmetic Act; provided, that where a pesticide chemical has been

used in or on a raw agricultural commodity in conformity with an exemption granted or a tolerance prescribed under Section 408 of the Federal Food, Drug and Cosmetic Act and such raw agricultural commodity has been subjected to processing such as canning, cooking, freezing, dehydrating or milling, the residue of such pesticide chemical remaining in or on such processed feed shall not be deemed unsafe if such residue in or on the raw agricultural commodity has been removed to the extent possible in good manufacturing practice and the concentration of such residue in the processed feed is not greater than the tolerance prescribed for the raw agricultural commodity unless the feeding of such processed feed will result or is likely to result in a pesticide residue in the edible product of the animal, which is unsafe within the meaning of Section 408(a) of the Federal Food, Drug and Cosmetic Act; or

(5) If it is, or it bears or contains any color additive which is unsafe within the meaning of Section 706 of the Federal Food, Drug and Cosmetic Act; or

(6) If any valuable constituent has been in whole or in part omitted or abstracted therefrom or any less valuable substance substituted therefor; or

(7) If its composition or quality falls below or differs from that which it is purported or is represented to possess by its labeling; or

(8) If it contains a drug and the methods used in or the facilities or controls used for its manufacture, processing or packaging do not conform to current good manufacturing practice regulations promulgated by the commissioner to assure that the drug meets the requirement of this chapter as to safety and has the identity and strength and meets the quality and purity characteristics which it purports or is represented to possess. In promulgating such regulations, the commissioner shall adopt the current good manufacturing practice regulations for medicated feed premixes and for medicated feeds established under authority of the Federal Food, Drug and Cosmetic Act, unless he determines that they are not appropriate to the conditions which exist in this state; or

(9) If it contains viable weed seeds in amounts exceeding the limits which the commissioner shall establish by rule or regulation.

(Acts 1978, No. 780, p. 1143, §7.) Section 2-21-23

Prohibited acts.

The following acts and the causing thereof within the State of Alabama are hereby prohibited:

(1) The manufacture or distribution of any commercial feed that is adulterated or misbranded.

(2) The adulteration or misbranding of any commercial feed.

(3) The distribution of agricultural commodities such as whole seed, hay, straw, stover, silage, cobs, husks and hulls, which are adulterated within the meaning of subdivision (1) of Section 2-21-22.

- (4) The removal or disposal of a commercial feed in violation of an order under Section 2-21-27.
- (5) The failure or refusal to obtain a license in accordance with Section 2-21-19.
- (6) The violation of Section 2-21-30.
- (7) Failure to pay inspection fees and file reports as required by Section 2-21-24.

(Acts 1978, No. 780, p. 1143, §8.)

Section 2-21-24

Inspection fee; quarterly statement; disposition of fees; overpayments.

(a) An inspection fee established by the Board of Agriculture and Industries not to exceed twenty-five cents (\$.25) per ton shall be paid on commercial feeds by every person who distributes the commercial feed in this state, exempting bulk grain; except that:

- (1) The inspection fee shall be paid only once on any commercial feed, feed ingredients, customer-formula feeds or parts thereof. Commercial feeds, feed ingredients, customer-formula feeds or parts thereof on which the inspection fee has not been paid by the distributor or previous distributor shall be subject to the inspection fee.
- (2) No fee shall be paid on "vertical-integrator feed" or on the ingredient used to manufacture a "vertical-integrator feed." Any services the Department of Agriculture and Industries provides manufacturers of "vertical-integrator feed" in relation to this chapter shall be paid for according to fees established by the board.
- (3) In the case of a commercial feed distributed in this state in packages or containers of ten pounds or less, an annual fee established by the Board of Agriculture and Industries not to exceed one hundred dollars (\$100) per product shall be paid to the benefit of the Agricultural Fund in lieu of the inspection fee specified above.

(b) Each person who is liable for the payment of such fee also shall:

- (1) File, not later than the last day of January, April, July, and October of each year, a quarterly statement, setting forth the number of net tons of commercial feeds distributed in this state during the preceding calendar quarter. Upon filing the quarterly statement, the person shall pay the inspection fee at the rate stated in subsection (a). Inspection fees which have not been paid to the commissioner within 15 days following the date due shall have a penalty fee of 15 percent (minimum \$15.00) added to the amount due. The assessment of this penalty fee shall not prevent the commissioner from taking other actions as provided in this chapter.

(2) Keep records as may be necessary or required by the commissioner to indicate accurately the tonnage of commercial feed distributed in this state. The commissioner may examine the records to verify statements of tonnage. Failure to make an accurate statement of tonnage or to pay the inspection fee or comply as provided herein shall constitute sufficient cause for the cancellation of the licenses on file for the distributor.

(c) Fees collected pursuant to this section, including license fees collected under Section 2-21-19, shall be deposited to the credit of the Agricultural Fund of the State Treasury for the regulatory duties of the Department of Agriculture and Industries.

(d) Amounts improperly or illegally collected under this chapter as overpayments may be refunded to the person entitled thereto in accordance with Section 2-1-6.

(Acts 1978, No. 780, p. 1143, §9; Acts 1979, No. 79-310, p. 463; Act 2004-516, p. 996, §1.)

Section 2-21-25

Rules and regulations.

(a) The commissioner, with the approval of the board, is authorized to promulgate such rules and regulations for commercial feeds and pet foods as are specifically authorized in this chapter and such other reasonable rules and regulations as may be necessary for the efficient enforcement of this chapter. In the interest of uniformity, the commissioner shall, by regulations, adopt, unless he determines that they are inconsistent with the provisions of this chapter or are not appropriate to conditions which exist in this state, the following:

(1) The official definitions 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; and

(2) Any regulation promulgated pursuant to the authority of the Federal Food, Drug and Cosmetic Act (21 U.S.C. Section 301, et seq.); provided, that the commissioner, with the approval of the board, would have the authority under this chapter to promulgate such regulations.

(b) Before the issuance, amendment or repeal of any rule or regulation authorized by this chapter, the commissioner shall give adequate notice of the proposed regulation, amendment or notice to repeal an existing regulation in a manner reasonably calculated to give interested parties including all current licensees, adequate notice and shall afford all interested persons an opportunity to present their views thereon, orally or in writing, within a reasonable period of time. After consideration of all views presented by interested persons, the commissioner, with approval of the board, shall take appropriate action to adopt and promulgate the proposed rule or regulation or to amend or repeal an existing rule or regulation. The provisions of this subsection notwithstanding, if the commissioner, pursuant to the authority of this chapter, adopts the official definitions of feed ingredient or official feed terms as adopted by the Association of American Feed Control

Officials, or regulations promulgated pursuant to the authority of the Federal Food, Drug and Cosmetic Act, any amendment or modification adopted by said association or by the Secretary of Health, Education and Welfare in the case of regulations promulgated pursuant to the Federal Food, Drug and Cosmetic Act, shall be adopted automatically under this chapter without regard to the publication of the notice required by this subsection, unless the commissioner, by order, specifically determines that said amendment or modification shall not be adopted.

(Acts 1978, No. 780, p. 1143, §10.)

Section 2-21-26

Inspection, sampling and analysis.

(a) For the purpose of enforcement of this chapter and in order to determine whether its provisions have been complied with, including whether or not any operations may be subject to such provisions, officers or employees duly designated by the commissioner, upon presenting appropriate credentials to the owner, operator or agent in charge, are authorized:

(1) To enter, during normal business hours, any factory, warehouse or establishment within the state in which commercial feeds are manufactured, processed, packed or held for distribution, or to enter any vehicle being used to transport or hold such feeds; and

(2) To inspect at reasonable times and within reasonable limits and in a reasonable manner, such factory, warehouse, establishment or vehicle and all pertinent equipment, finished and unfinished materials, containers and labeling therein. The inspection may include the verification of only such records, and production and control procedures as may be necessary to determine compliance with the good manufacturing practice regulations established under subdivision (4) of Section 2-21-22.

(b) Each inspection shall be commenced and completed with reasonable promptness. Upon completion of the inspection, the person in charge of the facility or vehicle shall be so notified and presented a copy of the inspection report, which will include a record of all samples taken.

(c) If the officer or employee making such inspection of a factory, warehouse, or other establishment has obtained a sample in the course of the inspection, upon completion of the inspection and prior to leaving the premises he shall offer to leave with the owner-operator, or agent in charge, a duplicate sample.

(d) If the owner of any factory, warehouse or establishment described in subsection (a) of this section, or his agent, refuses to admit the commissioner or his agent to inspect in accordance with subsections (a) and (b) of this section, the commissioner is authorized to obtain from any state court a warrant directing such owner or his agent to submit the premises described in such warrant to inspection.

(e) For the purpose of the enforcement of this chapter, the commissioner or his duly designated agent is authorized to enter upon any public or private premises including any vehicle of transport during regular business hours to have access to, to obtain samples and to examine records relating to distribution of commercial feeds.

(f) Sampling and analysis shall be conducted in accordance with methods published by the Association of Official Analytical Chemists, or in accordance with other generally recognized methods approved by the commissioner.

(g) The results of all analyses of official samples revealing deficiencies shall be forwarded by the commissioner to the person named on the label and to the purchaser when he can be located. When the inspection and analysis of an official sample indicates a commercial feed is in violation of the provisions of this chapter and upon request within 30 days following receipt of the analysis, the commissioner shall furnish to the licensee a portion of the sample concerned.

(h) The commissioner, in determining for administrative purposes whether a commercial feed is deficient in any component, shall be guided by the permitted analytical variation as defined in subdivision (16) of Section 2-21-17 and obtained and analyzed as provided for in subsections (c), (e) and (f) of this section.

(i) Penalties may be invoked if the analysis of a sample shows a deviation from "permitted analytical variation" established by the commissioner and established in rules and regulations promulgated pursuant to this chapter.

(j) For repeated or flagrant violations, the commissioner may cancel the manufacturer's license.

(k) Samples and portions of samples shall be retained according to sample retention times established by the commissioner in the rules and regulations.

(Acts 1978, No. 780, p. 1143, §11.)

Section 2-21-27

Stop sale orders, seizure and condemnation.

When the commissioner or his duly authorized agent has reasonable cause to believe that any lot or other quantity of commercial feed is being distributed, sold or offered for sale or kept for sale in violation of any of the requirements of this chapter or rules or regulations adopted under this chapter, he may issue and enforce a written or printed "stop sale" or "suspension from sale" order warning the distributor not to dispose of the lots of commercial feed in the manner as provided by Section 2-2-30. Any lot or other quantity of commercial feed not in compliance with this chapter or rules and regulations adopted thereunder shall also be subject to seizure and condemnation on complaint of the commissioner filed in the circuit court in accordance with the procedure and requirements of Sections 2-2-31 and 2-2-32.

(Acts 1978, No. 780, p. 1143, §12.)

Section 2-21-28

Short weight.

If any commercial feed in the possession of or consigned to the purchaser is found by the commissioner to be short in weight, the licensee who manufactures or distributes said commercial feed shall, within 30 days after an official notice from the commissioner, pay to the purchaser a penalty equal to four times the value of the actual shortage. The commissioner, by regulation and with approval of the board may allow reasonable tolerances for short weight due to loss through handling and transportation.

(Acts 1978, No. 780, p. 1143, §13.)

Section 2-21-29

Feed deficiency penalties.

If a commercial feed is found to be deficient in a constituent guaranteed on the label by more than one "permitted analytical variation," a monetary penalty is assessed in an amount equal to five percent of the purchase price of the product and 10 percent for each additional "permitted analytical variation deficiency." An exception to this penalty rate will apply for nutrients in commercial feeds where the level in the feed is guaranteed to be one and one-half percent or less. If these nutrients are found to be deficient by one "permitted analytical variation," a monetary penalty is assessed in the amount of two percent of the purchase price and two percent for each additional "permitted analytical variation." The total penalty assessed under this section for major and minor constituents shall not exceed 25 percent of the selling price of the feed, with a minimum penalty of \$10.00.

Penalties assessed under this section shall be paid by the guarantor of the feed to the consumer of the feed within 60 days from the date of notice if the consumer can be identified and located. The commissioner shall be notified of such payment in a form and manner prescribed in rules and regulations. When the consumer cannot be identified and located, then the penalty shall be paid to the commissioner for deposit to the credit of the Agricultural Fund of the State Treasury.

(Acts 1978, No. 780, p. 1143, §14.)

Section 2-21-30

Recovery of short weight and feed deficiency penalties.

In any case wherein the licensee fails or refuses to make payment of a penalty to the purchaser within the time required, the purchaser may institute legal action against the licensee for the recovery of such penalty as provided in Sections 2-21-28 and 2-21-29. Any judgment against the licensee shall be double the amount of the penalty and shall include a reasonable attorney's fee and court costs. In cases where the licensee is required to pay the amount of any penalty to the

commissioner for deposit to the credit of the Agricultural Fund, and the licensee fails or refuses to make such payment within the time required, the commissioner may institute legal action in a court of competent jurisdiction for collection of the amount of the penalty upon 10 days' notice to the licensee following the 60 day payment period.

(Acts 1978, No. 780, p. 1143, §15.)

Section 2-21-31

Penalties for violations of chapter or rules and regulations; injunctive relief; warning notices.

(a) Penalties. Any person who shall violate any of the provisions of this chapter or who fails to perform any duty or requirement imposed by the provisions of this chapter or who violates any rule or regulation duly promulgated under this chapter or who shall sell or offer for sale or distribute for sale any commercial feed in violation of the requirements of this chapter shall be guilty of a misdemeanor and, upon conviction, shall be punished as now prescribed by law for such an offense. Fines paid for such violations shall be deposited in the State Treasury to the credit of the Agricultural Fund.

(b) Injunctive relief. In addition to the penalty provided hereunder, the commissioner may apply by petition or complaint to the circuit court, and such court, or any judge thereof, shall have jurisdiction and for cause shown to grant a temporary or permanent injunction, or both, restraining and enjoining any person from violating or continuing to violate any of the provisions and requirements of this chapter or any rule or regulation promulgated under authority of this chapter. Such injunction shall be issued without bond. Petitions for injunctive relief as authorized hereunder shall be filed in the circuit court of the county of residence of the defendant or in the county where such violation or violations occurred.

(c) Warning notices. Nothing in this chapter shall be construed as requiring the commissioner or his representative to:

- (1) Report for prosecution;
- (2) Institute seizure proceedings; or
- (3) Issue a withdrawal from distribution order as a result of minor violations of this chapter,

when he believes the public interest will best be served by suitable notice of warning in writing.

(Acts 1978, No. 780, p. 1143, §16.)

Section 2-21-32

Protection of trade secrets.

Any person who seeks to his own advantage, or reveals to other than the commissioner or officers of the commissioner (appropriate department of the state), or to the court when relevant in any judicial proceeding, any information acquired under the authority of this chapter concerning any method, record, formulation or processes which, as a trade secret, is entitled to protection, is guilty of a misdemeanor and shall, on conviction thereof, be fined not less than \$500.00 or imprisoned for not more than six months or both; provided, that this prohibition shall not be deemed as prohibiting the commissioner or his duly authorized agent from exchanging information of a regulatory nature with duly appointed officials of the United States government or all other states who are similarly prohibited by law from revealing this information.

(Acts 1978, No. 780, p. 1143, §17.)

Section 2-21-33

Cooperation with other entities.

The commissioner may cooperate with and enter into agreements with governmental agencies of this state, other states, agencies of the federal government and private associations in order to carry out the purpose and provisions of this chapter.

(Acts 1978, No. 780, p. 1143, §18.)

Section 2-21-34

Publication of certain information.

The commissioner may publish annually, in such forms as he may deem proper, information concerning the sales of commercial feeds, together with such data on their production and use as he may consider advisable; provided, that the information concerning production and use of commercial feed shall not disclose the operations of any persons.

(Acts 1978, No. 780, p. 1143, §19.)

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 (NaCl), 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 6¹ % 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.

Authors: 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.

Authors: 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 photo copy of the negotiated instrument of penalty payment (in check, money order, etc.).

(c) A photo copy 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 Encephalopathy (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.

EDITOR'S 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.

ALABAMA DEPARTMENT OF AGRICULTURE AND INDUSTRIES
 AGRICULTURAL CHEMISTRY
 ADMINISTRATIVE CODE

CHAPTER 80-1-9
 PET FOOD STANDARDS

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80-1-9-.01 **Application.** Pursuant to Code of Ala. 1975, §§4, 67 and 68 of Title 2, the following regulations, standards and requirements are hereby approved and adopted for the sale of commercial feeds where such feeds are offered for sale or sold for the feeding of domestic animals, birds and fish that are normally maintained in or near households as pets:

Author: Charles H. Barnes

Statutory Authority: Code of Ala. 1975, §2-21-25.

History: Filed April 19, 1982.

NOTE: Code of Ala. 1975, §§4, 67 and 68 of Title 2 of the Code of Alabama appearing in the above rule are codified in Code of Ala. 1975, as §§2-2-16, 2-21-12 and 2-21-13, respectively. Sections 2-21-12 and 2-21-13 were repealed January 1, 1979. Code of Ala. 1975, §2-21-25, apparently replaced the majority of repealed §§2-21-12 and 2-21-13.

80-1-9-.02 **Pet Food Standards.** The regulations as prepared and approved by the Association of American Feed Control Officials (AAFCO) and the Pet Food Institute as same appear in the official publication of the Association of American Feed Control Officials, 1977, as recommended for adoption to govern the manufacture or distribution of feeds for animals, birds and fish normally maintained or kept in or near a household as pets, are hereby adopted by reference thereto for implementation, administration and enforcement of the sale or offering for sale of commercial feeds in Alabama as regulated by Code of Ala. 1975, §§56-68, Title 2, as amended, the law which governs the sale of commercial feeds, unless such regulations as adopted herein by reference are in conflict with said law or clearly not applicable thereunder.

Author: Charles H. Barnes

Statutory Authority: Code of Ala. 1975, §2-21-25.

History: Filed April 19, 1982.

NOTE: Code of Ala. 1975, §§56-68, Title 2, appearing in the above rule are codified in Code of Ala. 1975, as §§2-21-1 through 2-21-13. All of these statutes were repealed on January 1, 1979, and replaced by §§2-21-16 through 2-21-34 which is the present Commercial Feed Law.

Author: Charles H. Barnes

Statutory Authority: Code of Ala. 1975, §2-21-25.

History: Filed April 19, 1982.

EDITOR'S NOTE: The following is a history by the Department of Agriculture and Industries prior to the enactment of the Alabama Administrative Act.

HISTORY: This Chapter was adopted June 22, 1977 and became effective September 1, 1977.