(ii) When the variation is in regard to a fill of container standard—"Product Mislabeled. Actual fill may be as low as ——% below standard of fill. This Product Not for Retail Distribution."

(3) The statements required by paragraphs (t)(2)(i) and (ii) of this section, which may be consolidated where appropriate, shall appear prominently and conspicuously as compared to other printed matter on the shipping container and in boldface print or type on a clear, contrasting background in order to render them likely to be read and understood by the purchaser under ordinary conditions of purchase.

[41 FR 38619, Sept. 10, 1976, as amended at 54 FR 18279, Apr. 28, 1989]

§ 501.110 Animal feed labeling: collective names for feed ingredients.

(a) An animal feed shall be exempt from the requirements of section 403(i)(2) of the act with respect to its label bearing the common or usual names of the animal feed ingredients listed in paragraph (b) of this section under the following prescribed conditions:

(1) The animal feed is intended solely for livestock and poultry.

(2) The label of the animal feed bears the collective name(s) prescribed in paragraph (b) of this section in lieu of the corresponding common or usual names of the individual feed ingredients contained therein.

(3) The label of the animal feed otherwise conforms to the requirements of section 403(i)(2) of the act.

(4) The ingredients of any feed listed in paragraph (b) of this section neither contain nor are food additives as defined in section 201(s) of the act unless provided for by and in conformity with applicable regulations established pursuant to section 409 of the act.

(b) Each collective name referred to in this paragraph may be used for the purpose of labeling where one or more of the ingredients listed for that collective name are present. The animal feed ingredients listed under each of the collective names are the products defined by the Association of American Feed Control Officials. The collective names are as follows:

(1) Animal protein products include one or more of the following: Animal products, marine products, and milk products.

(2) Forage products include one or more of the following: Alfalfa meals, entire plant meals, hays, and stem meals.

(3) Grain products include one or more of the following: Barley, grain sorghums, maize (corn), oats, rice, rye, and wheat.

(4) Plant protein products include one or more of the following: Algae meals, coconut meals (copra), cottonseed meals, guar meal, linseed meals, peanut meals, safflower meals, soybean meals, sunflower meals, and yeasts.

(5) Processed grain byproducts include one or more of the following: Brans, brewers dried grains, distillers grains, distillers solubles, flours, germ meals, gluten feeds, gluten meals, grits, groats, hominy feeds, malt sprouts, middlings, pearled, polishings, shorts, and wheat mill run.

(6) Roughage products include one or more of the following: Cobs, hulls, husks, pulps, and straws.

PART 502—COMMON OR USUAL NAMES FOR NONSTANDARDIZED ANIMAL FOODS

Sec. 502.5  General principles.

502.19  Petitions.


§ 502.5  General principles.

(a) The common or usual name of a food, which may be a coined term, shall accurately identify or describe, in as simple and direct terms as possible, the basic nature of the food or its characterizing properties or ingredients. The name shall be uniform among all identical or similar products and may not be confusingly similar to the name of any other food that is not reasonably encompassed within the same name. Each class or subclass of food shall be given its own common or usual name that states, in clear terms, what it is in a way that distinguishes it from different foods.

(b) The common or usual name of a food shall include the percentage(s) of any characterizing ingredient(s) or component(s) when the proportion of such ingredient(s) or component(s) in
the food has a material bearing on price or consumer acceptance or when
the labeling or the appearance of the food may otherwise create an erro-
neous impression that such ingredi-
ent(s) or component(s) is present in an
amount greater than is actually the
case. The following requirements shall
apply unless modified by a specific reg-
ulation in this part.

(1) The percentage of a characterizing
ingredient or component shall be de-
clared on the basis of its quantity in
the finished product (i.e., weight/
weight in the case of solids, or volume/
volume in the case of liquids).

(2) The percentage of a characterizing
ingredient or component shall be de-
clared by the words “containing (or
contains) — percent (or %) —” or
“— percent (or %) —” with the first
blank filled in with the percentage ex-
pressed as a whole number not greater
than the actual percentage of the in-
gredient or component named and the
second blank filled in with the common
or usual name of the ingredient or
component. The word “containing” (or
“contains”), when used, shall appear
on a line immediately below the part of
the common or usual name of the food
required by paragraph (a) of this sec-
tion. For each characterizing ingredi-
ent or component, the words “— percent
(or %) —” shall appear following or
directly below the word “contain-
ing” (or “contains”), or directly below
the part of the common or usual name
of the food required by paragraph (a) of
this section when the word “contain-
ing” (or “contains”) is not used, in eas-
ily legible boldface print or type in dis-
tinct contrast to other printed or
graphic matter, and in a height not
less than the larger of the following al-
ternatives:

(i) Not less than one-sixteenth inch
in height on packages having a prin-
cipal display panel with an area of 5
square inches or less and not less than
one-eighth inch in height if the area of
the principal display panel is greater
than 5 square inches; or

(ii) Not less than one-half the height
of the largest type appearing in the
part of the common or usual name of
the food required by paragraph (a) of
this section.

(c) The common or usual name of a
food shall include a statement of the
presence or absence of any characteriz-
ing ingredient(s) or component(s) and/
or the need for the user to add any
characterizing ingredient(s) or compo-
nent(s) when the presence or absence
of such ingredient(s) or component(s) in
the food has a material bearing on
price or consumer acceptance or when
the labeling or the appearance of the
food may otherwise create an erro-
neous impression that such ingredi-
ent(s) or component(s) is present when
it is not, and consumers may otherwise
be misled about the presence or ab-
sence of the ingredient(s) or compo-
nent(s) in the food. The following re-
quirements shall apply unless modified
by a specific regulation in this part.

(1) The presence or absence of a char-
terizing ingredient or component
shall be declared by the words “con-
taining (or contains) ——” or
“containing (or contains) no
———” or “does not contain ———,” with the blank
being filled in with the common or
usual name of the ingredient or compo-
nent.

(2) The need for the user of a food to
add any characterizing ingredient(s) or
component(s) shall be declared by an
appropriate informative statement.

(3) The statement(s) required under
paragraph (c) (1) and/or (2) of this sec-
tion shall appear following or directly
below the part of the common or usual
name of the food required by para-
graphs (a) and (b) of this section, in
easily legible boldface print or type in dis-
tinct contrast to other printed or
graphic matter, and in a height not
less than the larger of the alternatives
established under paragraph (b)(2) (i)
and (ii) of this section.

(d) A common or usual name of a
food may be established by common
usage or by establishment of a regula-
tion in this part, in a standard of iden-
tity, or in other regulations in this
chapter.

§ 502.19 Petitions.

(a) The Commissioner of Food and
Drugs, either on his own initiative or
on behalf of any interested person who
Food and Drug Administration, HHS

§ 509.4 Establishment of tolerances, regulatory limits, and action levels.

(a) When appropriate under the criteria of §509.6, a tolerance for an added poisonous or deleterious substance, which may be a food additive, may be established by regulation in subpart B of this part under the provisions of section 406 of the act. A tolerance may prohibit any detectable amount of the substance in food.

(b) When appropriate under the criteria of §509.6, and under section 402(a)(1) of the act, a regulatory limit for an added poisonous or deleterious substance, which may be a food additive, may be established by regulation in subpart C of this part under the provisions of sections 402(a)(1) and 701(a) of the act. A regulatory limit may prohibit any detectable amount of the substance in food. The regulatory limit established represents the level at which food is adulterated within the meaning of section 402(a)(1) of the act.

(c)(1) When appropriate under the criteria of §509.6, an action level for an