

## Getting Started Selling Commercial Feed & Pet Food

---

### *What is considered a feed product?*

“Feed” is defined by the Association of American Feed Control Officials (AAFCO) as **an edible material that is consumed by animals and contributes energy and/or nutrients to the animal’s diet**. If a product is clearly an edible material that is consumed by animals and contributes energy and/or nutrients to the animal’s diet, it should be regulated as feed unless it is specifically exempt.

### *What products are exempt from the commercial feed regulations?*

The commissioner by rule may exempt commodities from the definition of commercial feed. Agr 1202.01 (c) provides the following list of exempt commodities when unground and when not intermixed or mixed with other materials: **raw meat, hay, straw, stover, silages, cobs, husks, and hulls**.

### *What are the regulations for selling feed products?*

The state of New Hampshire, as most states do, regulates both the **labeling** and **registration** of commercial feeds for animals, including pet foods and treats. The requirements are contained in the NH Commercial Feed Law, [RSA 435:17-35](#) and in the Administrative Rules, Chapter Agr 1200. Part Agr 1203 of the rules contains the specific requirements for Pet Food, including pet treats. Manufacturers should obtain a copy of the [laws and rules](#) for details of the full requirements.

### *What guidelines do I need to follow when designing my label?*

Specific label requirements for pet foods have been developed by the [Association of American Feed Control Officials \(AAFCO\)](#). Those requirements have been adopted in the [laws and rules](#) of the New Hampshire Department of Agriculture, Markets & Food.

The last page of this document, as well as AAFCO’s [Labeling Requirements](#) summarize the essential labeling elements required for pet foods, including treats. You can also visit the [Animal Feed Labeling Guide](#) available on the AAFCO website for a more extensive overview.

***How do I find a lab that will provide me with a 'Guaranteed Analysis' for my product label?***

[The AAFCO website provides a list](#) of laboratories that conduct nutritional and/or toxicological analyses of animal feeds (including pet foods and treats) for a fee. These include commercial laboratories as well as some state laboratories that analyze "service samples". Laboratories are listed by state for convenience. However, a company may choose to submit samples to any lab regardless of location.

***How do I start the registration process once my label is finished?***

Prior to distributing commercial feed in NH, an [application](#) to register individual feed products must be submitted and approved by the Department. [New Hampshire law](#) requires that each feed product be registered and renewed annually. The purpose of registration is to assure that products distributed in this state are labeled properly and formulated with allowed ingredients.

Applications must be accompanied with product labels (hard copy or CD/USB) for each new product as well as the annual registration or renewal fee of \$75 per product.

***I've sent in my registration application. Am I able to sell my product(s) now?***

You cannot distribute your product(s) until you receive a copy of your approved product list. The department will electronically provide a copy of that list to the email noted on your application unless a hard copy is specifically requested.

If your products are found in distribution prior to being approved or renewed for the current year those products may be subject to stop sale.

***How long will it take to receive my approval?***

There is no way to determine how long a registration will take to process, but they are addressed in the order they were received. An 'error-free' application is *typically* processed within 60 days; however, your application could take much less or even more time depending on the current workload. Your registration may also take longer or even be returned to you for the following reasons:

- Contains a large number of labels to be reviewed and processed.
- The registration is received with an incorrect payment amount.
- Fees arrive separately from the application.
- Portions of the application are left blank, or incorrect.
- Labels are missing or illegible.
- Labels are found to be out of compliance with applicable regulations.

***Can I sell my products online or in other states once it is approved?***

Registration in New Hampshire allows the product to be sold or distributed in **this state**. If products are offered for sale in other states, the receiving state may require registration as well. Some states do not register individual products, but instead require a license be obtained. Please see the [AAFCO Regulatory](#) page to find registration requirements and contact information for each individual state.

***How will I know when to renew my products?***

All product registrations expire on January 1<sup>st</sup>; therefore, your renewal application and payment should be sent in prior to that date.

Please note that the Department does not mail out the application needed to renew your products; however, we do mail out registration postcard in October as a reminder that the application is available on the [product registration](#) portion of our website.

The easiest way to renew your products is to include the previous year's approved product list along with your renewal application and payment. Simply cross off any products from that list that you wish to discontinue, and we will renew the remaining products. If you wish to add new products you may add those product names to the list and indicate them as new. All new products must include labels.

If you need an additional copy of your approved product list, please email [Registrations@agr.nh.gov](mailto:Registrations@agr.nh.gov).

***Do I have to register each size of my product if they are the same formulation?***

No, in New Hampshire, only one registration is required to cover multiple sizes and shapes as long as the ingredient statement and guaranteed analysis remain the same.

***What happens if I revise my label in the future?***

If you make minor changes, such as graphic revisions (color, pictures, logos, etc.), or changes to the Quantity Statement, these are considered revised or updated labels of the same product, and do not require an additional fee (unless you are also renewing). However, the revised label must be submitted to update your file.

If you make formula changes to the product that would impact the ingredient statement then the product is considered to be new and will require a new registration and label approval.

## Label Format & Content Overview (PF2)

If you intend to distribute your feed product to other states in addition to NH, you will want to follow the label requirements as outlined in the Association of American Feed Control Officials Official Publication (OP). Most states have adopted these requirements in their state Commercial Feed Law and Rules. The specific requirement for each regulation as found in the OP is noted in ( ).

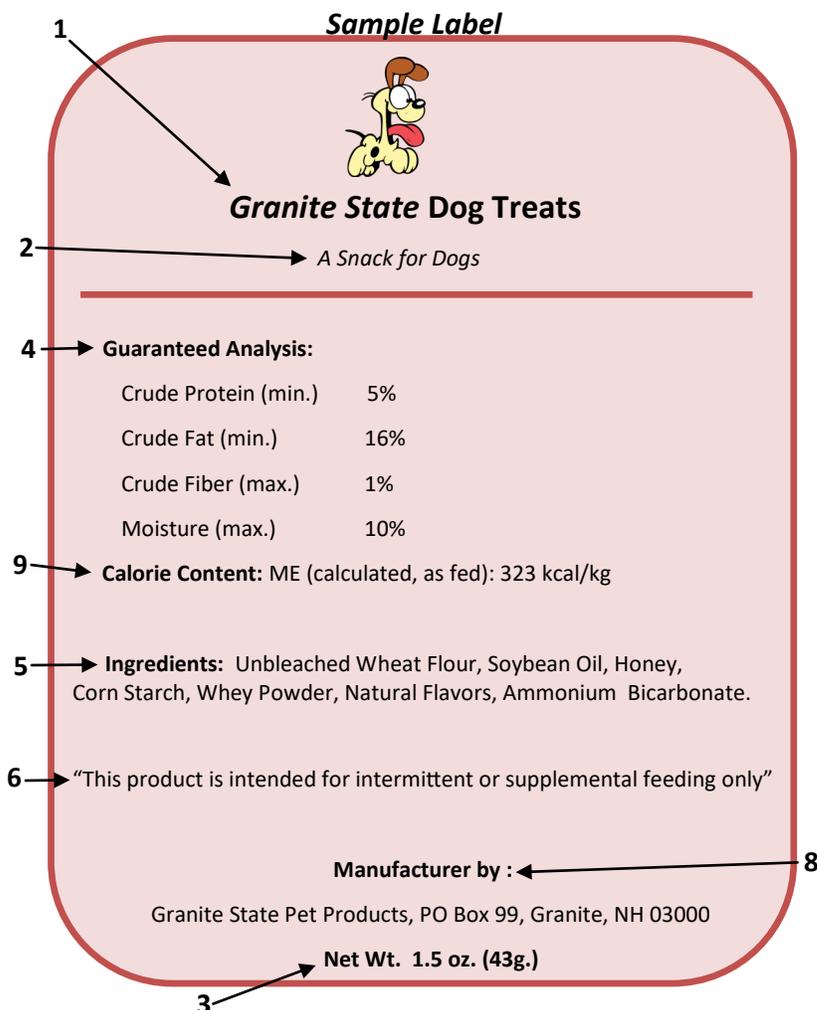
To obtain a copy of the OP visit [www.aafco.org/publications](http://www.aafco.org/publications).

The principal display panel (PDP) must contain the following:

1. Product Name
2. Name of Species for which the Product is Intended
3. Quantity Statement

The PDP is the portion of the label most likely to be displayed or examined under normal conditions for retail sale.

The remaining information is not required on the PDP, but must be easily readable by the purchaser under ordinary conditions of sale.



**CLAIMS:** Please follow the AAFCO recommendations for products labeled with [dental health claims](#), [natural claims](#), or [human grade claims](#).

### 1. Product Name and Brand Name (PF3)

An unique identifier for the product in combination with the brand name. References to ingredients may be included.

### 2. Name of Species for which the Product is Intended

Must be conspicuously designated in words on the PDP, but may be included in the product name.

### 3. Quantity Statement (3(a)(8))

Statement needs to be conformance with the US FAIR Packaging and Labeling Act. Weight, volume, or count must be placed on the bottom third of the PDP.

### 4. Guaranteed Analysis (PF4)

The GA must appear in the correct format, and must list guarantees for Crude Protein (minimum), Crude Fat (minimum), Crude Fiber (maximum), Moisture (maximum). Other guarantees may be voluntary or required depending upon claims made.

### 5. Ingredient Statement (PF5)

All ingredients used must be listed in descending order of predominance by weight. The ingredients used must be GRAS, approved food additives, or sanctioned for use in animal feeds (defined by AAFCO). No reference to quality, grade or brand name is allowed in the IS.

### 6. Nutritional Adequacy or Purpose (PF7)

Identifies the species, life stage, and purpose that the product is nutritionally adequate for.

### 7. Feeding Directions (PF8)

Any product labeled as complete and balanced requires feeding directions. Directions are voluntary for products labeled as a snack or treat.

### 8. Manufacturer or Distributor Information (PF11)

The name and address of the manufacturer, packer or distributor is required. If the name is listed in a current city or telephone directory then the street address may be omitted. Just a website or phone number is not adequate.

### 9. Calorie Content Statement (PF9)

The statement must be separate and distinct from the "Guaranteed Analysis" and appear under the heading "Calorie Content". The statement must be measured in terms of metabolizable energy (ME) on an "as fed" basis and must be expressed both as "kilocalories per kilogram (kcal/kg) of product, and as kilocalories per familiar household measure (e.g. cans or cups) or unit of product (e.g. treats or pieces).