



Starting a Pet Food or Treat Business

This document is for guidance purposes only and does not constitute legal advice. It is the responsibility of the commercial feed manufacturer/distributor to ensure they are in compliance with the applicable laws and requirements. Following the guidance in this document does not preclude regulatory or compliance action by the Wisconsin Department of Agriculture, Trade, and Consumer Protection when authorized by state law, nor does it release any commercial feed manufacturer or distributor from legal responsibility or liability of any kind.

1. **Q:** Can hemp products, like CBD oil, hemp oil, hemp seed or other by-products, be used in pet (dog or cat) food or treats?

A: No, currently the safety and efficacy of CBD oil or any other hemp or hemp by-product has not been reviewed for use in any animal feed. Pets do not choose their diets like people do, so it is important to perform safety and efficacy reviews on each ingredient before it is approved for use in animal feed, including dog and cat (pet) food and treats. Reviews are handled through the Ingredient Definitions Committee through the Association of American Feed Control Officials (AAFCO; <https://www.aafco.org/Regulatory/Committees/Ingredient-Definitions>) or the Federal Food & Drug Administration as food additive petitions (FDA; <https://www.fda.gov/animalveterinary/developmentapprovalprocess/ucm056809.htm>).

2. **Q:** Is pet food regulated?

A: Yes, the manufacture and sale of pet food is regulated by the federal government and the 50 states, including Wisconsin.

3. **Q:** What falls under the classification 'pet food' or 'pet treats'?

A: Pet food is defined as any commercial (i.e., you offer for sale, exchange or barter) feed prepared and distributed for consumption by dogs or cats. Pet food is a subset of animal feed.

- Complete and balanced foods are pet foods.
- Treats/snacks are pet food.
- Nutrient supplements (vitamins, minerals, fatty acids) are pet food.
- Nutrient-added waters are pet food.
- Edible chews (rawhide, hooves, pizzles) are exempt from Wisconsin labeling requirements, unless labeled for nutritive value.
- Non-nutritional supplements (herbs and botanicals, metabolites) are sometimes regulated as pet food, and are sometimes regulated as drugs, depending upon labeling claims and the state that the distribution takes place.

The following products are exempt from commercial feed (pet food) labeling requirements unless the manufacturer, labeling or advertising makes any claim that the product provides nutritional value:

- Animal bone, ligament, skin or hide, wood or man-made pet chews
- Hooves
- Ears
- Snouts
- Pizzles

4. **Q:** How do I know if my pet food or pet treat product is a commercial feed?

A: Pet food sold - in a local farmers market, over the Internet, at a veterinarian's office, in a local store – it's all considered commercial feed, unless retained for your own personal use.

5. **Q:** What do the regulations cover?

A: Wisconsin Statutes §94.72 and Wisconsin Administrative Code §ATCP 42 cover the licensing of your company, the ingredients used in the food, the labeling (including the label and other materials such as brochures) of the food, and the manufacture of the food, including the required Good Manufacturing Practices (GMPs) to follow in producing the food.

6. **Q:** Are there state and federal regulations to comply with?

A: Yes, you must comply with all state and federal regulations, including the Code of Federal Regulations. (Refer to the immediately preceding question regarding Wisconsin state commercial feed regulations.) Pet food and the Federal Food and Drug Administration:

- Food Safety Modernization Act (FSMA) regulations were signed into law in 2011, with full implementation required by all applicable entities by September 19, 2020. There are seven overall parts to the rules, four of which are important to animal feed:
 - Animal Feed Current Good Manufacturing Practice and Preventive Control Rules,
 - Foreign Supplier Verification program (FSVP),
 - 3rd Party Accreditation, and
 - Sanitary Transport.
- More info on FDA's website: <http://www.fda.gov/Food/GuidanceRegulation/FSMA/>
- Generally, references to animal feed are in U.S. Code: Title 21 - Food and Drugs - Parts 501 (21 CFR 501); 70, 72, 74, and 81 (21 CFR 70, 73, 74, and 81); 570 and 582 (21 CFR 570 and 582); 113, 225, and 226 (21 CFR 113, 225, and 226)

More help from FDA: <http://www.fda.gov/animalveterinary/products/animalfoodfeeds/petfood/ucm2006475>

7. **Q:** Is a commercial facility required?

A: In most cases, you are not required to have a commercial kitchen to make pet treats. You can make these products in your own home as long as they can be manufactured in a manner that prevents them from being unsafe. This includes making them in a kitchen that is clean and in good repair, and that is adequate to manufacture a product that is manufactured, processed, packaged, stored and distributed in a manner that prevents adulteration (harmful contamination), and misbranding (false labeling). Be sure to contact your local municipality to ensure no local rules apply to the business.

8. **Q:** What should I do first?

A: After organizing your business entity, register it with the Department of Financial Institutions (<https://www.wdfi.org/corporations/>), and then complete a current year Commercial Feed License Application. The form is available online to print: <http://datcp.wi.gov/Farms/Feed/index.aspx>. Include copies of all labels (see question 8) for the products that you plan to distribute in Wisconsin.

9. **Q:** What are the labeling requirements?

A: The product will be required to have a label that contains:

1. A product or brand name;
2. An appropriate designation of: dog treat, dog food, cat treat, cat food, kitten food, puppy food, etc.;
3. A statement of quantity (in both metric and inch-pound units, or as otherwise allowed);
4. A guaranteed analysis listing at least:
 - a. The minimum crude protein in the product,
 - b. The minimum crude fat in the product,
 - c. The maximum crude fiber in the product, and
 - d. The maximum moisture in the product.
 - e. In addition, any “claimed” nutritive value must be guaranteed. For example, “Contains glucosamine to support hip and joint health,” the guaranteed analysis must include glucosamine;
5. An ingredient statement, using AAFCO approved ingredient terms (see question 10), and listing the ingredients in descending order of predominance by weight;
6. A statement of nutritional adequacy or purpose, if required (mainly for foods, not for treats);
7. (OPTIONAL) A statement of calorie content (using the Atwater formula for Metabolizable Energy (ME) as kcal/kg);
8. Directions for use of the product; and
9. Name and address of the manufacturer.

****Remember to submit your compliant, final version labels with the Commercial Feed License application.****

10. **Q:** What does “AAFCO approved ingredient terms” mean?

A: The Association of American Feed Control Officials (AAFCO) is a group of State regulators, Federal regulators, and industry members that work together to develop a book, called the “Official Publication (OP),” in an effort to create consistent standards by which to regulate animal feed. The OP contains a comprehensive list of approved feed ingredients, and the ingredient definitions, for manufacturers to utilize in the ingredient statement on the label.

11. **Q:** What if I sell my treats in bulk?

A: The same labeling requirements apply to both individual packages and those sold in bulk. Products sold from bins or similar containers require a placard bearing the mandatory label information to be placed in plain view of someone accessing the bin/container.

For More information on Pet Treat Manufacturing, Labeling, Distribution and Wisconsin Feed Regulation information, call 608-224-4539 or email datcpfeed@wisconsin.gov.