

Form 15: Proposal to Amend NIST Handbooks, Guidance Documents, NCWM Bylaws or NCWM Publication 14



Submit proposals by **September 1**. See meeting dates at www.ncwm.net/meetings. If the item is deemed by a region to have merit, that region will forward the item to NCWM for national consideration. See <http://www.ncwm.net/standards-development/idea> for more information on the Form 15 process. Submit in Microsoft Word Format to the NCWM Executive Director via email at don.onwiler@ncwm.net for review and dispersal to selected regions.

General Information			
1. Date: 12-19-18	2. Regional Association(s): (Not applicable for proposals to the Board of Directors or NTEP Committee) ___ Central (CWMA) ___ Northeastern (NEWMA) ___ Southern (SWMA) ___ Western (WWMA)		
3. Standing Committee: __X__ Laws & Regulations ___ Specifications & Tolerances ___ Professional Development ___ Board of Directors ___ NTEP Committee			
4. Submitter's Name: Sue Hays		Submitter's Organization: AAFCO	
5. Address: 1800 S. Oak St., Ste 100			
6. City: Champaign		7. State: IL	8. Zip Code: 61820
9. Country: USA			
10. Phone Number: 910-215-0077	11. Fax Number: No fax	12. Email Address: exec@aafco.org	
Proposal Information			
13. Purpose: Concise statement as to the intent or purpose of this proposal, such as problem being fixed. (Do not include justification here.) Establish as a priority action to strike 2.37 definition of Pet Treats or Chews at the earliest possible time to avoid disruption of interstate commerce			
14. Document to be Amended: ___ NIST Handbook 44 __x__ NIST Handbook 130 ___ NIST Handbook 133 ___ NCWM Guidance Document ___ NCWM Bylaws ___ NTEP Administrative Policy			
15. Cite portion to be Amended: Please file a separate Form 15 for each code, model law or regulation to be amended. Section: 2.37 Pet Treats or Chews Digestible chews, rawhides, bones, biscuits, antlers or similar type products shall be sold by weight Paragraph:			
16. Proposal: Please use strikeout to show words to be deleted and <u>underline</u> to show new words. 2.37 Pet Treats or Chews Digestible chews, rawhides, bones, biscuits, antlers or similar type products shall be sold by weight			
17. Justification: Please include national importance, background on the issue, and reference to supporting data or documents. PRE-EMPTION OF THIS REGULATION IS BY US FEDERAL GOVERNMENT LAWS: 21 CFR 501.8, SUBPART A "Sec. 501.8 Labeling of animal food with number of servings. (a) The label of any package of a food which bears a representation as to the number of servings contained in such package shall bear in immediate conjunction with such statement, and in the same size type as is used for such statement, a statement of the net quantity (in terms of weight, measure, or numerical count) of each such serving; however, such statement may be expressed in terms that differ from the terms used in the required statement of net quantity of contents (for example, cupsful, tablespoonfuls, etc.) when such differing term is			

common to cookery and describes a constant quantity. Such statement may not be misleading in any particular. A statement of the number of units in a package is not in itself a statement of the number of servings.

(b) If there exists a voluntary product standard promulgated pursuant to the procedures found in 15 CFR part 10 by the Department of Commerce, quantitatively defining the meaning of the term serving with respect to a particular food, then any label representation as to the number of servings in such packaged food shall correspond with such quantitative definition.”

16 CFR 500.6 generally referred to as the Fair Packaging and Labeling Act.

§ 500.6 Net quantity of contents declaration, location.

(a) The label of a consumer commodity shall bear a declaration of the net quantity of contents separately and accurately stated on the principal display panel.

(b) The declaration of net quantity shall appear as a distinct item on the principal display panel, shall be separated (by at least a space equal to the height of the lettering used in the declaration) from other printed label information appearing above or below the declaration and, shall not include any term qualifying a unit of weight or mass, measure, or count such as “jumbo quart,” “giant liter,” “full gallon,” “when packed,” “minimum,” or words of similar import. The declaration of net quantity shall be separated (by at least a space equal to twice the width of the letter “N” of the style of type used in the net quantity statement) from other printed label information appearing to the left or right of the declaration. However, the “e” mark shall not be considered to be a qualifying word or phrase and may be used as part of the statement of the net quantity of contents where warranted. When used, the “e” mark shall be at least 3 millimeters (approximately 1/8 in) in height. The declaration of net quantity of contents shall be placed on the principal display panel within the bottom 30 percent of the area of the label panel in lines generally parallel to the base on which the package or commodity rests as it is designed to be displayed: *Provided*, that:

(1) On consumer commodities having a principal display panel of 5 square inches (32.2 cm²) or less, the requirement for placement within the bottom 30 percent of the area of the label panel shall not apply when the declaration of net quantity of contents meets the other requirements of this part, and

(2) The requirements as to separation, location, and type size, specified in this part are waived with respect to variety and combination packages as defined in this part.

16 CFR 500.7 relating to net quantity of contents:

§ 500.7 Net quantity of contents, method of expression.

The net quantity of contents shall be expressed in terms of weight or mass, measure, numerical count, or a combination of numerical count and weight or mass, size, or measure so as to give accurate information regarding the net quantity of contents thereof, and thereby facilitate value comparisons by consumers. The net quantity of contents statement shall be in terms of fluid measure if the commodity is liquid, or in terms of weight or mass if the commodity is solid, semi-solid, or viscous, or a mixture of solid and liquid. If there is a firmly established general consumer usage and trade custom of declaring the contents of a liquid by weight or mass, or a solid, semi-solid, or viscous product by fluid measure, numerical count, and/or size, or (as in the case of lawn and plant care products) by cubic measure, it may be used, when such declaration provides sufficient information to facilitate value comparisons by consumers. The declaration may appear in more than one line of print or type

18. Possible Opposing Argument's: Please demonstrate that you are aware and have considered possible opposition.

NIST has the authority to pass this regulation without due process or notification to the states, and federal law does not pre-empt NIST.

19. Requested Action if Considered for NCWM Agenda:

Voting Item Developing Item Informational Item Other (Please Describe): Vote at earliest possible time

20. List of Attachments: Letter to head of NIST, Dr. Copan, cc Don Onwiler, dated December 4, 2018