

January 3, 2019

NCWM, Laws and Regulations Committee

Committee Chairperson – Michelle Wilson

Committee Members – Ethan Bogren, Joel Maddux, John McGuire, Doug Rathbun

Committee Advisors – Lance Robertson, David Sefcik, Lisa Warfield and Representative Prentiss Searles

I am writing to you in support of a proposal by Patrick Tovey from the Pet Food Institute, in response to 2.37. Pet Treats and Chews law. Although I agree some products could be sold on a count basis, those having similar density and packaged as a single unit, I feel it has been demonstrated (PowerPoint Pet Treats and Chews presentation on the Central Weights & Measures Association website - <https://www.cwma.net/meetings/presentations>) that most pet treats and chews are difficult to compare without a statement of net weight. This is the same reasoning used by pet treat and chew industry interests to claim that they must use count exclusively on their products. Their argument is that the product variation makes it difficult to use net weight as a method of sale.

The reason this proposal was brought to the committee was due to the varied methods of sale in use for similar or identical products. Method of sale facilitates a value comparison and using count only on products that can vary in size, length, thickness and density without a net weight, does not provide the consumer the ability to compare. Products like rawhide for instance, may vary greatly in the thickness of the hide even if it is rolled into a similar shaped bone of similar length and diameter. The net weight would provide an accurate representation of the amount of product that consumer is buying.

The cost of pet treats and chews is another factor in providing the best possible comparison of products before purchase. I have found these products to be extremely expensive on a per pound basis, in many instances exceeding \$100.00 per pound. Consumers have a right to know what they are getting for their money so they can make an informed decision.

The PowerPoint presentation that I put together to support the original proposal demonstrates the variety of methods of sale used by industry and the fact that companies can use net weight as a method of sale as easily as any other method. Similar or identical products are shown labeled by net weight versus labeled by count.

As I stated above, I would support Patrick Tovey's proposal with some additional qualifications as to what products could be sold by count. I feel individually packaged product sold as a single unit and having very little variation in product thickness or density could possibly qualify. These particular products need to be specifically listed as an exemption in Handbook 130, 2.37 Pet Treats or Chews. In the instance of a single item, the consumer may base their purchase on the size requirements of their pet rather than getting the most product for their money. Under no circumstances would I support "count only" on packaged product with more than one unit in a package. With these products the consumer is buying based on value for their money and net weight is the only way they can be provided with the necessary information to make that decision.

In fact, on the FDA website under Animal Health Literacy information the FDA talks about the "Net Quantity Statement" and specifically states in referring to the quantity statement "a cost-per-ounce or

per-pound comparison between products is always prudent.” They cited the differences in product density as an example.

I would also support making this requirement retroactive to January 1, 2022, to give industry interests, who are not in compliance, time to make the necessary changes to their processing protocols while causing them the least amount of disruption.

I do not support the submission from Sue Hays, AAFCO, which proposes that 2.37. Pet Treats or Chews be stricken from Handbook 130 altogether.

Cindy Lease – Weights and Measures Inspector

City of Madison, Wisconsin