

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: 12/10/18		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: Patrick Tovey		Submitter's Organization: Pet Food Institute	
5. Address: 1020 19 th Street NW #225			
6. City: Washington		7. State: DC	8. Zip Code: 20036
9. Country: USA			
10. Phone Number: 202-791-9400	11. Fax Number: n/a	12. Email Address: pat@petfoodinstitute.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.) We seek removal or revision of NIST Handbook 130 proposed regulation 2.37 concerning Pet Treats and Chews and instead seek to find a practicable solution that is permissible in the current animal food regulatory framework.			
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: Uniform regulation for the method of sale of commodities Paragraph: 2.37. Pet Treats or Chews			
16. Proposal: Please use strikeout to show words to be deleted and underline 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 <u>except when a package can only be properly measured in terms of count only, and the individual unit is visible to the purchaser, such packages may be sold by count.</u> (edited from NOTE 11, page 88 2019 NIST Handbook 130 - 11.27. Packaged Commodities Sold by Count)			
17. Justification: Please include national importance, background on the issue, and reference to supporting data or documents. Certain sections of the Code of Federal Regulations are in conflict as cited below (emphasis added - underline). 16 CFR § 500.7 Net quantity of contents, method of expression. The net quantity of contents shall be expressed in terms of weight or mass, measure, <u>numerical count</u> , 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.			

Submit Form Via Email To: don.onwiler@ncwm.net

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And

21 CFR §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, cupfuls, 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.

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

One situation which might necessitate a change in the manner in which these products are labeled might be in the case of common consumer misunderstanding on the label of what they are purchasing. PFI members which sell these products have consumer question/complaint numbers listed on package and have not found there to be misunderstanding in the marketplace based on complaints.

19. Requested Action if Considered for NCWM Agenda:

Voting Item Developing Item Informational Item Other (Please Describe):

20. List of Attachments: see attached letter to Don Onweiler, Executive Director, NCWM