



National Council on Weights and Measures  
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**Re: Labeling of Pet Treats – NIST 2.37 Pet Treats or Chews**

The American Feed Industry Association (AFIA), based in Arlington, Va., is the world’s largest organization devoted exclusively to representing the business, legislative and regulatory interests of the U.S. animal food industry and its suppliers. Founded in 1909 as the American Feed Manufacturers Association, the name changed to the American Feed Industry Association in 1985 to recognize the importance of all types of companies involved in the feed manufacturing industry—from manufacturers of commercial and integrated feed and pet food to ingredient suppliers to equipment manufacturers. AFIA is also recognized as the leader on international industry developments, representing the industry at global forums, including within the International Feed Industry Federation.

AFIA’s members include more than 680 domestic and international companies, such as livestock feed and pet food manufacturers, integrators, pharmaceutical companies, ingredient suppliers, equipment manufacturers and supply companies that provide other products or services to feed manufacturers. Several state, national and regional associations are also AFIA members.

The feed industry plays a critical role in the production of healthy, wholesome meat, milk, fish and eggs and supports policies that uphold U.S. food and feed safety, ensure the proper nutrition of animals and protect the environment. More than 75 percent of the feed in the United States is manufactured by AFIA members. AFIA’s members also manufacture approximately 70 percent of the country’s non-grain ingredients, including soybean meal, distillers’ co-products, vitamins, minerals, amino acids, yeast products and other miscellaneous and specialty ingredients.

AFIA appreciates this opportunity to share our position on the National Council on Weights and Measures (NCWM) proposed adoption of a new regulation for sale of pet treats based on the National Institute of Standards and Technology (NIST) Handbook.

The regulation regarding the sale of pet treats proposed to be adopted by NCWM is as follows:

**NIST 2.37. Pet Treats or Chews** – Digestible chews, rawhides, bones, biscuits, antlers or similar type products shall be sold by weight.

Making it a requirement for pet treats or chews to be labeled by weight is in direct contradiction and likely violation of state and federal laws and regulations. By allowing such a requirement, it may create confusion between industry and regulatory agencies and the consumers it is meant to protect. AFIA provides the following points to highlight the provisions where contradiction exists.

*Our Industry. Our Passion. Our Voice.*

**1. NIST 2.37 is in clear violation of federal law found in 21 CFR 501.8 Subpart A - general provisions for animal food labeling.**

**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; ....

**2. NIST 2.37 is in clear violation of federal law, generally referred to as the Fair Packaging and Labeling Act, and implementing regulations found in 16 CFR 500.,**

**Sec 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.

**3. NIST 2.37 is not congruent with language found in many state laws.**

The language proposed in 2019 NIST 2.37 is not congruent with language found in many state laws which are patterned after language found in the Association of American Feed Officials (AAFCO) Model Commercial Feed Law. Since 1909, AAFCO has promoted a set of model state feed/pet food laws and rules in alignment with the U.S. Food and Drug Administration. While AAFCO does not legislate, they work in the areas of language for legislation through these model bills, feed labeling, and ingredient definitions with the goal of assisting industry and state governments to enact animal feed and pet food laws that are consistent throughout the U.S.

The AAFCO Model Bill and Regulations PF2(a)(3) state:

“Quantity statement, as defined in Section 3(s) of this Act and Regulation 3(a)(8) of the Model Regulations, by weight (pounds and ounces, and metric), liquid measure (quarts, pints and fluid ounces, and metric) or by count, on the principal display panel;”

Our organization is very concerned about the attempt to alter or pass over federal and state laws without their due consideration. Such a proposed change has the likelihood to increase cost of doing business for industry by requiring changes to packaging and inconsistency of state laws. We believe federal law found in 21 CFR 501.8 and 500.7 should be enforced and ask that NCWM/NIST immediately withdraw NIST proposed regulation 2.37 concerning pet treats and chews. Adoption will result in disruption of fair commerce and a financial burden for industry and consumers.

Thank you for your consideration of this letter.

Sincerely,

Louise H. Calderwood  
Director of Regulatory Affairs