



APA-2

ALABAMA DEPARTMENT OF AGRICULTURE AND INDUSTRIES  
FOOD SAFETY

NOTICE OF INTENDED ACTION

Agency Name: Alabama Department of Agriculture and Industries

Rule No. & Title: 80-1-5-.05 Registration Of Commercial Feed Companies, Brand and Product Names

Intended Action: To update fees.

Substance of Proposed Action: No longer needed.

Time, Place, Manner of Presenting Views: Views may be presented in writing to the contact person below or in person on Tuesday, August 9, 2011 at 10:00 a.m., in the Auditorium of the Richard Beard Building, 1445 Federal Drive, Montgomery, Alabama.

Final Date for Comment and Completion of Notice: August 9, 2011.

Contact Person at Agency: Robert J. Russell, Assistant Attorney General and Legal Counsel, Department of Agriculture and Industries, 1445 Federal Drive, Montgomery, Alabama 36107-1123, Telephone No. 240-7117.

June 16 2011  
Date

John McMillan  
John McMillan  
Commissioner of Agriculture  
and Industries

**80-1- 5-.05 Registration Of Commercial Feed Companies, Brand And Product Names.**

(1) No person shall manufacture or sell a commercial feed in this state, unless he has filed with the commissioner on forms provided by the commissioner, his name, place of business and location of each manufacturing facility from which feed may be shipped within or into this state.

(2) Such person shall apply for and obtain from the commissioner a license authorizing the sale and distribution of commercial feed. The application for a license shall be accompanied by the fee hereinafter required and shall be on forms furnished by the commissioner which shall contain such information as is necessary for the issuance of the license. All licensing shall expire on December 31 of each year and shall be renewed annually as of January 1 upon the filing of an application and payment of the required license fee. The license fee shall be based upon the number of tons of commercial feed sold or distributed in this state during the preceding twelvemonth period ending December 31. The amount of the license fee shall be based upon the following schedule:

<b>TONS SOLD</b>	<b>LICENSE FEE</b>	
Less than 250 tons.....	<del>\$ 35.00</del>	45.00
250 tons or more but less than 500 tons.....	<del>\$ 75.00</del>	90.00
500 tons or more but less than 1,000 tons.....	<del>\$250.00</del>	300.00
1,000 tons or more but less than 2,000 tons.....	<del>\$300.00</del>	375.00
2,000 tons or more but less than 4,000 tons.....	<del>\$350.00</del>	450.00
4,000 tons or more but less than 8,000 tons.....	<del>\$450.00</del>	575.00
8,000 tons or more but less than 12,000 tons.....	<del>\$550.00</del>	750.00
<del>12,000 tons or more but less than 16,000 tons.....</del>	<del>\$650.00</del>	
<del>More than 16,000 tons.....</del>	<del>\$750.00</del>	

(3) An inspection fee at the rate of 25 cents per ton shall be paid on commercial feeds by every person who distributes the commercial feed in this state. Nothing in this rule shall affect the exemptions and exceptions found in §2-21-24 a), §2-21-24(a) (1), and §2-21-24(a) (2) of the Code of Ala. 1975. In the case of a commercial feed distributed in this state in packages or containers of ten pounds or less, an annual fee of ~~\$75.00~~ \$100.00 per product shall be paid the commissioner in lieu of the inspection fee specified herein for individuals or entities whose annual gross sales in Alabama exceed \$250,000.00 annually or \$1,000,000.00 overall. For individuals or entities whose gross sales are \$250,000.00 or less in Alabama and \$1,000,000.00 or less overall, the fee paid per product shall be \$50.00.

- (4) The brand or product name must be appropriate for the intended use of the feed and must not be misleading. If the name indicates the feed is made for a specific use, the character of the feed must conform therewith. A mixture labeled Dairy Feed, for example, must be suitable for that purpose.
- (5) Commercial, registered brand or trade names are not permitted in guarantees or ingredient listings and only in the product name of feeds produced by or for the firm holding the rights to such a name.
- (6) The name of a commercial feed shall not be derived from one or more ingredients of a mixture to the exclusion of other ingredients and shall not be one representing any components of a mixture unless all components are included in the name, provided that if any ingredient or combination of ingredients is intended to impart a distinctive characteristic to the product which is of significance to the purchaser, the name of that ingredient or combination of ingredients is quantitatively guaranteed in the guaranteed analysis, and the brand or product name is not otherwise false or misleading.
- (7) The word protein shall not be permitted in the product name of a feed that contains added non protein nitrogen.
- (8) When the name carries a percentage value, it shall be understood to signify protein and/or equivalent protein content only, even though it may not explicitly modify the percentage with the word protein, provided that other percentage values may be permitted if they are followed by the proper description and conform to good labeling practice. Digital numbers shall not be used in such a manner as to be misleading or confusing to the customer.
- (9) Single ingredient feeds shall have a product name in accordance with the designated definition of feed ingredients.
- (10) The word vitamin, or a contraction thereof, or any word suggesting vitamin can be used only in the name of a feed which is represented to be a vitamin supplement, and which is labeled with the minimum content of each vitamin declared, as specified in Rule 80-1-5-.06(3).
- 11) The term mineralized shall not be used in the name of a feed except for TRACE MINERALIZED SALT. When so used, the product must contain significant amounts of the trace minerals which are recognized as essential for animal nutrition.

(12) The term meat and meat by products shall be qualified to designate the animal from which the meat and meat byproducts is derived unless the meat and meat by-products are made from cattle, swine, sheep and goats.

**Authors:** Charles H. Barnes, John P. Hagood, Robert J. Russell

**Statutory Authority:** Code of Ala. 1975, §§2-21-19,2-21-24,2-21-25.

**History:** Filed April 19, 1982. **Amended:** Filed August 16, 2004; effective September 20, 2004. **Amended:** Filed June 16, 2011.