



Addendum to Citizen Petition  
Docket number FDA-2016-P-3578  
Filed 10/27/2016

#### Action Requested

(5) This petition requests the Commissioner to establish a standard of identity for pet food/treat products providing consumers clarification. Pet food/treat standard of identity would be a simple, easy to understand classification of 'pet feed' or 'pet food'. Pet products that meet the requirements of "Human Grade" as defined by AAFCO would be termed "Pet Food" (Example: cat food, dog food). Pet products that do not meet the full requirement of Human Grade would be termed "Pet Feed" (Example: cat feed, dog feed) with the option for verified exception (a) below.

(a) Similar to the USDA grading of meat, this petition requests the Commissioner establish an optional fee-based pet product ingredient quality verification system; providing consumers a validated standard of identity to quality of ingredients even if the pet product was manufactured in a USDA or pet food facility (does not meet the full requirement of Human Grade pet food). Pet products that complete the verification process (verifying all human grade ingredients) would be provided opportunity to state on product labels and in marketing the claim 'Verified Pet Food' (or similar disclosure) providing consumers with another level of standard of identity.

Reverification would be required at any ingredient change or supplier change.

This petition requests Dog Feed/Cat Feed, or Dog Food/Cat Food, or Dog Food Verified/Cat Food Verified to replace the current classification - all products classified as 'food'. Example: ABC Brands Gourmet Gravy Beef Dog Feed or ABC Brands Gourmet Gravy Beef Dog Food. Pet Feed or Pet Food or Pet Food Verified standard of identity to be required on the product label, the product website, and all marketing material.

This petition requests the definition of 'pet food', 'pet food verified', and 'pet feed' become public information available on the FDA website.

This petition requests the Commissioner to promptly establish the above standard of identity for pet food products providing consumers with honest and fair information. Should participation from AAFCO (Association of American Feed Control Officials) be required, this petition requests the Commissioner to work with AAFCO to promptly facilitate this consumer transparency update.

Statement of Grounds

The Federal Food, Drug, and Cosmetic Act – Subchapter IV-Food, Section 341 Definitions and standards for food states (bold added for emphasis) “Whenever in the judgment of the Secretary such action will promote honesty and fair dealing in the interest of consumers, he shall promulgate regulations fixing and establishing for any food, under its common or usual name so far as practicable, a reasonable definition and standard of identity, a reasonable standard of quality, or reasonable standards of fill of container. **In prescribing a definition and standard of identity for any food or class of food in which optional ingredients are permitted, the Secretary shall, for the purpose of promoting honesty and fair dealing in the interest of consumers, designate the optional ingredients which shall be named on the label.**”

Feed grade pet food/treat ingredients are “common” ingredients within the industry, however no disclosure to the consumer is provided on product labels or websites or marketing material. These pet products are marketed to consumers as food, including feed grade products that contain diseased or non-slaughtered animal material (adulterated per the FD&C Act).

Most pet product advertising (websites and marketing materials) tell the consumer ingredients are ‘food’. Pet food websites and labels are often covered in pictures of human grade foods when often the actual products are feed grade. As evidenced in the Evanger’s Pet Food incident that occurred in early 2017, the pet food manufacturer told consumers meats were “human grade” on company website and other marketing materials. After the death of a pet, consumers learned the pet food company sourced meats from a licensed dead animal processor (non-human grade). Two class action consumer lawsuits (to date) have resulted, directly due to mislabeling the product as ‘food’ when it was actually a ‘feed’ containing illegal adulterated ingredients previously discussed in original Citizen Petition (meat sourced from a non-slaughtered animal).

“For the purpose of promoting honesty and fair dealing in the interest of consumers” feed grade pet products must be clearly designated on the product label and all marketing material.

Not to provide to financial burden on the agency, we request the optional program – Pet Food Verified - become fee-based. Pet product manufacturers would have the option to submit verification to FDA of quality of ingredients and supplements (verifying human grade) regardless if the pet food was manufactured in a certified human food manufacturing facility (currently required for Human Grade claim). Pet products that complete the verification process (verifying human grade) would be provided to state on labels ‘Verified Pet Food’ (or similar disclosure) providing consumers with another level of standard of identity.