

Feed Marketing Legislation – Q&A

Unless stated otherwise, references are to Regulation (EC) No 767/2009 on the placing on the market and use of feed.

Q1 When did the new labelling system start?

The new labelling requirements set out in [Regulation \(EC\) No 767/2009](#) entered into force on 01 September 2010. The revision of labels at mills should now be completed. Department inspectors have held workshops on feed labelling in 2011 to assist manufacturers with queries arising from their experience in introducing the new system. This Q&A document summarises the main queries from the workshops. It should be noted that the draft EU Code of Good Labelling Practice for Compound Feed for Food Producing Animals (CGLP) developed by the EU feed business sector (Arts 25-26) also provides important guidance.

Q2 Is it necessary to include the merchant's name on the label?

Yes, the merchant's name, address and DAFM registration number must appear on the label if s/he is the responsible person for labelling. The manufacturer's name and address need not be labelled, but the manufacturer's approval number must be given, to ensure that feed is fully traceable back to the point of production. In cases where the manufacturer is the responsible person for labelling, then his name, address and approval number are required on the label. See [Art 17.1 \(c\)](#)

Q3 Is there a set order in which the components of the label should be displayed i.e. analytical constituents, composition, additives, etc?

No, this is not set out in the Regulation. There is however a recommended order given in the draft Code of Good Labelling Practice. All components must be declared on the label or outside the label on the package (for certain declarations only, see [Article 21.3](#) on Derogations). The order of the label can be decided by the feed business operator.

Q4 Is the list of feed additives available in booklet form?

The EU Register of Feed Additives currently runs to approximately 417 pages and is revised several times each year. It is advisable to use the internet to check the register on an ongoing basis. To find out if there is a maximum content set for a particular feed additive, click on the link for the additive under the heading "Reference in OJ" and it will open the Authorising Regulation for this product. The following is the link to the Register http://ec.europa.eu/food/food/animalnutrition/feedadditives/registeradditives_en.htm

Q5 Explain the difference between feed additives, premixtures, mineral feed and the different types of compound feeds.

Each of the above terms are defined in legislation:

- ‘**feed additives**’ means substances, micro-organisms or preparations, other than feed material and premixtures, which are intentionally added to feed or water in order to perform, in particular, one or more of the functions mentioned in Article 5(3); - Art 2.2(a) of [Regulation \(EC\) No 1831/2003 on additives for use in animal nutrition](#) .
- ‘**premixtures**’ means mixtures of feed additives or mixtures of one or more feed additives with feed materials or water used as carriers, not intended for direct feeding to animals; Art 2.2(e) of [Reg \(EC\) No. 1831/2003](#). The ‘100 times’ rule does not apply to premixtures – see Q28 below.
- ‘**compound feed**’ means a mixture of at least two feed materials, whether or not containing feed additives, for oral animal-feeding in the form of complete or complementary feed,
- ‘**complete feed**’ means compound feed which, by reason of its composition, is sufficient for a daily ration; Art 3.2(i). Where an additive has a maximum or minimum content fixed in its authorising Regulation, they must be complied with in complete feed.
- ‘**complementary feed**’ means compound feed which has a high content of certain substances but which, by reason of its composition, is sufficient for a daily ration only if used in combination with other feed – Art 3.2(j). The ‘100 times’ rule applies to all complementary feed other than dietetic feed – see Q27 below.
- ‘**mineral feed**’ means complementary feed containing at least 40 % crude ash; - Art 3.1.(k). Note: Mineral feeds include liquid mineral feeds such as mineral and vitamin drenches.
- feed intended for **particular nutritional purposes** or ‘**dietetic feed**’ means feed which can satisfy a particular nutritional purpose by virtue of its particular composition or method of manufacture, which clearly distinguishes it from ordinary feed. This does not include medicated feedingstuffs within the meaning of [Directive 90/167/EEC](#).
- Although not defined in legislation, products commonly known as ‘**nutritional supplements**’ are complementary feeds. They can be in many forms such as powder, liquid (e.g. mineral and vitamin drenches), paste or block. These products do not include veterinary medicinal products such as wormers).

Premixtures and feed additives must be homogeneously mixed with a feed material, in a compound feed or in water (according to the feed additive’s authorisation) before feeding to animals. A mineral feed can be fed directly to animals e.g. top-dressed on silage. FBOs (including primary producers) using feed additives or premixtures, rather than compound feeds (including mineral feeds) containing them, must be approved by the Department.

Refer to Articles 3 of [Reg \(EC\) No 767/2009](#) and [Reg \(EC\) No 1831/2003](#) for additional definitions.

Q6 How is bulk feed to be labelled?

Feed materials or compound feeds sold in bulk quantities must be accompanied by a document containing all mandatory labelling requirements. These requirements can appear on the weighbridge document or on a label accompanying the weighbridge document. In the case of bagged feed, all bags must be labelled individually. [Art 11.2 & Art 14](#).

Q7 Are there any different interpretations in Northern Ireland?

Officials of this Department have met with their Northern Ireland counterparts on a number of occasions to discuss the Regulation in detail and its implementation so as to ensure that there is a consistent approach by both competent authorities.

Q8 What font size should be used on labels?

The font size for print on labels/bags is not set out in the Regulation, but the information provided on the label must be legible. Labels are likely to be larger than previously. [Art 14.1](#) and [14.2](#).

Q9 Can abbreviated names be used for labelling of feed materials?

Specific feed additive names must be listed in full. Some abbreviated feed material names have been introduced into the [Catalogue of Feed Materials \(Regulation \(EC\) No 575/2011\)](#), for example soya (bean) meal, dehulled which was formerly referred to as soya, dehulled, extracted, toasted in Directive 96/25/EC. Where applicable, the GM status of feed materials need only be referred to once under the section on Composition using an asterisk format e.g. maize*, soya**

* produced from genetically modified maize

** produced from genetically modified soya.

Note: [Directive 96/25/EC](#) was repealed and replaced by [Regulation \(EC\) No 767/2009](#).

Links: [EU Feed Materials Register](#)

[Catalogue of Feed Materials - Regulation \(EC\) No 575/2011](#)

See Q 34 re abbreviated names of feed additives.

Q10 Have the names of some feed materials changed from those previously used?

Yes. The names of some feed materials in the [Catalogue of Feed Materials - Regulation \(EC\) No 575/2011](#) have changed to those previously in [Directive 96/25/EC](#).

The descriptions of some feed materials have been amended and are now more precise. Maximum contents for the presence of processing aids are specified for some feed materials. For example, 'sunflower seed' meal is now called 'sunflower seed, extracted'. Its description includes a reference to heat treatment and provides for up to a maximum content of 1% used bleaching earth from integrated crushing and refining plants or filter aids. If rumen protected, the method of rumen protection must be declared.

For some feed materials, their descriptions have been revised although their names remain unchanged. The compulsory declarations for some feed materials in the Catalogue of Feed Materials differ to those previously in Directive 96/25/EC e.g. Maize Gluten Feed (entry 1.2.9 in the Catalogue, formerly entry 1.39 in Directive 96/25/EC).

Q11 What are the derogations in place for mixes of whole plant grains?

The compulsory declarations outlined in Chapter II of Annex VI and Annex VIII (crude protein, crude oil and fat, crude fibre, crude ash etc) need not be declared for mixes of whole plant grains, seeds and fruits. All other labelling particulars are required. Art. 21.4.

Q12 In what order are feed materials to be listed in the Composition section?

Feed materials must be listed in descending order by weight on an “as is” basis, not on a dry matter basis.

Q13 Must all trace elements be listed on the label?

Yes, maximum contents are set in authorising Regulations for all trace elements as feed additives, therefore all trace elements added to feed must be listed under the heading Trace Elements in the Section Additives (per kg) along with their identification number, specific name and added amount.

Q14 What should a feed business operator do if he has a large quantity of mineral buckets in stock which were screen printed prior to this Regulation coming into force?

Where a feed business operator has screen printed (pre-printed) buckets in stock that do not conform to the labelling requirements of [Regulation \(EC\) No. 767/2009](#), an additional label (sticker) should be placed on the bucket containing all the required information.

Q15 Is it necessary to include feeding rates on labels under “Instructions for Use”?

Where a compound feed contains an additive at a level in excess of the maximum level set for the complete feed, then instructions for proper use must include a feeding rate in order to ensure that the respective maximum contents of feed additives in the daily ration are complied with. For example, if a beef or dairy ration contains copper in excess of 35 mg/kg, then a feeding rate must be given on the label. The target species or categories of animals must be specified. [See Annex II point 4.](#)

Q16 Does the amount of water to be offered have to be included under Feed Instructions?

No, it is not a mandatory requirement to include a statement on providing water or the quantity of water to be provided to animals. It is often stated, but it is not a compulsory declaration.

Q17 Where a blend of feed oils is included in the ration, is it necessary to declare the individual oils?

Yes, if a blend of oils is used in the manufacture of a compound feed, each oil (feed material) must be declared separately under the heading ‘Composition’ in descending order by weight. [Art 17.1 \(e\)](#)

Q18 Should moisture content be declared on labels?

Moisture content must be declared under the heading “Analytical constituents” if greater than 14% (Art 15 (g)) in the case of most compound feeds and in the case of feed materials where no other levels are set in Annex V or the [Community Catalogue of Feed Materials i.e. Reg \(EU\) No 575/2011](#). See also Annex I for specific requirements for mineral feeds, milk replacers and feeds with a milk- product content >40%.

Q19 Can minerals and vitamins be declared in the Composition section on label/bags?

No, the Composition section must only list the feed materials contained in the feed in descending order by weight. Minerals and vitamins are listed individually under the heading Additives (per kg) See Art 17.1(e)

Q20 When declaring copper under the heading Additives (per kg), what is to be declared?

Each source of copper must be declared, for example cupric sulphate pentahydrate, cupric chelate of amino acids hydrate, along with the identification number, in this case E4 and the added amount of each source See Annex VI.

Q21 Should feed additives in feed be declared on a dry matter basis?

No, feed additive contents must be declared on the basis of feed with a moisture content of 12%. Where set in the authorising Regulation, the maximum or minimum levels in feed refer to the content in complete feed with a moisture content of 12%.

Q22 Will every source of trace element have to be declared on feed labels e.g. copper?

The legislation requires that the added amount of certain feed additives be declared (Annex VI/VII Chapter 1). In the case of trace elements, this is the added amount of the compound of the trace element e.g. the amount of copper sulphate pentahydrate being added. The responsible person can voluntarily declare the amount of trace element (e.g. copper) contained in the additive or alternatively voluntarily declare the total content of the trace element under 'Analytical Constituents'. While DAFM and Competent Authorities in several other Member States are in communication with the EU Commission requesting a change in the legislation as regards the compulsory declaration to reflect the more meaningful practice of labelling the content of the trace element, **until such time as the Regulation is revised, trace elements must be declared according to the provisions in Annexes VI and VII.**

The examples of revised labels attached show the trace elements declared by the compounds. In two examples, the content of the element is declared voluntarily, in addition to the compulsory declaration of the feed additive. You should check with your supplier to confirm the trace element content of the feed additive.

Q23 Can vitamins and trace elements be declared in the section 'Analytical Constituents'?

Vitamins and trace elements (additive name, identification number and added amount) must be declared in the Additives section of the label. In addition, vitamins and trace elements can be declared voluntarily in the Analytical Constituents section. The amount to be declared in the Analytical Constituents section is the total amount present in the feed (i.e. taking into account the background level present in the feed). Annex VI and VII, Chapter II, 2. Currently, in the case of trace elements, [Regulation \(EC\) No 767/2009](#) requires the content of additive (added) i.e. the compound of trace element to be declared under 'additives' and, if declared voluntarily, the content of the trace element (e.g. copper), including background level, to be declared under 'Analytical Constituents'.

Q24 In ruminant feed, do levels of copper and magnesium have to be declared?

Magnesium: The level of magnesium in ruminant compound feeds, other than mineral feeds, must be declared under the heading “Analytical Constituents” if $\geq 0.5\%$. Magnesium content must always be declared on labels of mineral feeds for ruminants.

Copper: If copper, is added to a feed, then the source of the copper, the amount of the additive and identification number must be declared under the heading ‘Trace Elements’ in the ‘Additives (per kg)’ section of the label.

Any additive for which there is a maximum content set in legislation for any one species or category of animal must be declared on the label of feed for all animals, even if there are no maximum or minimum content set for the species or category of animal for which the feed is intended. For example, if an additive is authorised for use in pigs and sheep, and there is a maximum content set for its inclusion in pig feed but not sheep feed, the additive must be declared on labels for both feeds. Vitamin E is a voluntary declaration as there are no maximum contents set for any species.

The labelling of analytical constituents of compound feed, including mineral feed, is set out in Chapter II of Annexes VI and VII for food producing and non-food producing animals respectively.

Q 25 Annex VI, Chapter 1, Paragraph 4 states "Feed additives not mentioned in paragraph 1 may be voluntarily indicated in the form laid down in paragraph 1 or partially". What does "partially" mean?

Paragraph 1 of Annex VI specifies the four particulars that must be declared on feed labelling containing certain feed additives i.e. the additive name, identity number, functional group and added amount.

Where feed additives are declared voluntarily, they may be declared as per paragraph 1 or partially. This means that it is not necessary to declare all four particulars. For example, the responsible person could declare the feed additive name only or name, identity number and content. Obviously, the declaration must be sufficient to identify the particular feed additive. For example, if Sorbic Acid, a preservative belonging to the functional group ‘technological additives’, is declared voluntarily, it could be declared as ‘E200’ without stating its name, added amount, or functional group.

If a sensory or nutritional feed additive as referred to in Annex I to [Regulation \(EC\) No 1831/2003](#) is labelled on a voluntary basis, its added amount must always be indicated (Paragraph 5 of Annex VI of Regulation (EC) No 767/2009). For example, if Vitamin E is declared voluntarily, it is sufficient to state its name and the added amount.

Q26 Does added zinc have to be declared in pig feed?

Yes, it is compulsory to declare zinc under the heading “Additives”, as a maximum content has been set for this element in legislation ([Regulation \(EC\) No 1334/2003](#)). Any additive for which a maximum content is set in legislation must be declared. [Annex VI Chapter 1, 1.](#)

Q27 If a compound feed, does not contain one of the compulsory declarations (for example methionine in a complementary mineral feed for piglets), should the

analytical constituent be declared on the label as 0 % or simply not appear in the Analytical Constituents section?

All compulsory declarations must be included on feed labels with their content stated. If an analytical constituent which is a compulsory declaration is not present in the feed, it must be declared as 0%.

Q28 How should feed additives levels be calculated in liquid complementary feeds e.g. mineral and vitamin drenches?

The levels of feed additives must be calculated on the basis of their content in a feed with a moisture content of 12 %. When calculating and assessing the feed additive level of a liquid feed, the moisture content must be adjusted to 12%. It should be noted that water is not a feed material.

By way of derogation from Article 8(2) concerning the 100 (or 5) times rule, the types of feed referred to in that Article, that were legally placed on the market before 1 September 2010, may be placed or remain on the market until a decision on the application for updating the list of intended uses as referred to in Article 10 has been taken, provided that such application was submitted before 1 September 2010 [[Art 32\(2\)](#)]

Q29 Many pre-calver complementary mineral feedingstuffs contain trace elements in excess of the 100 times rule (for example a mineral feedingstuff with copper at 4000 mg/kg, iodine at 700 mg/kg, selenium at 60 mg/kg). What options does a feed manufacturer have in relation to these products?

Article 8 on Content of Feed Additives states that the content of feed additives in a complementary feed cannot exceed 100 times the relevant fixed maximum content set in the authorising regulation – “**the 100 times rule**”. For example, copper in a complementary mineral feedingstuff cannot exceed 3500 mg/kg (i.e. 35 mg/kg x 100). Feed business operators have two options in relation to products such as the above example – they can either reformulate the feed to reduce the content of the feed additives to comply with the 100 times rule, or the feed may be marketed as a dietetic feed, once it meets the criteria of being a dietetic feed as per [Directive 2008/38/EC](#) and only additive(s) contributing to the essential nutritional characteristics of the particular nutritional purpose exceed the 100 times rule.

Where there is a fixed maximum or minimum content in complete feed set in an authorising regulation for an additive, the intake/level in the daily ration, must comply with these authorised levels. This applies whether or not the 100 times rule is exceeded. In other words, although a complementary feed (part of the daily ration) may contain an additive in excess of the maximum level set for complete feed, when other feeds in the diet are taken into consideration, the level in the daily ration cannot exceed the maximum content. In the case of complete feed, the content of an additive must comply with the relevant fixed maximum content set in the authorising regulation.

Q30 Does the 100 times rule apply to premixtures?

No. This rule applies to feed materials and complementary feeds containing feed additives – Art 8. It does not apply to premixtures. There is no maximum level set for additives in premixtures. However, manufacturers of complementary feed must ensure that the complementary feed manufactured from a premixture complies with the rule.

The rule does not allow for, under any circumstances, the maximum content set for complete feed to be exceeded in the daily ration. Where a complementary feed contains a feed additive at a level exceeding the maximum level set for complete feed, the instructions for use must ensure that the feeding rate is such that the calculated level in the daily ration does not exceed the maximum level set for complete feed. For example, if a feed additive is present in a complementary feed at twice the authorised level for complete feed, then the complementary feed will have to constitute less than half the daily ration in order to comply with the maximum set for complete feed having taken account of background levels of the additive in the other half of the daily ration e.g. forage.

Q31 Have some additives been reclassified as feed materials?

Yes. [Commission Regulation \(EU\) No 892/2010](#) has clarified the status of certain products with regard to feed additives within the scope of [Regulation \(EC\) No 1831/2003](#). The Regulation clarified that some products are no longer feed additives [e.g. Calcium carbonate, sodium hydrogen carbonate (sodium bicarbonate), sodium sulphate] and other products are not feed additives [e.g. Calcium chloride, Potassium chloride].

Q32 Have tolerances for discrepancies between labelled compositional values and the values analysed in official controls been revised?

Yes. Tolerances are set out in [Regulation \(EC\) No 939/2010 amending Annex IV to Regulation \(EC\) No 767/2009 on permitted tolerances for the compositional labelling of feed materials or compound feed as referred to in Article 11\(5\)](#). This amendment is included in the consolidated version of Regulation (EC) No. 767/2009 in the links in this document. Revised tolerances for analytical constituents are contained in Part A of Annex IV of Regulation (EC) No 767/2009. Tolerances have also been introduced for the analysis of feed additives contained in compound feed and complementary mineral feedingstuffs Part B Annex IV.

Q33 Can abbreviated names be used for labelling of feed additives?

Yes, it is expected that the CGLP will provide clarity on the use of abbreviated names for labelling feed additives. When using an abbreviated name, it must be meaningful and sufficiently clear to enable the purchaser to easily identify the full name of the individual feed additive. For example, ‘3b8.10 Selenium –organic’ as the abbreviated name for ‘Organic form of Selenium produced by *Saccharomyces cerevisiae* CNCM I-3060 (Selenised yeast inactivated)’.

See Q9 re abbreviated names of feed material.

Q34 Do flavourings have to be declared on pet food labels?

In general, no. However, maximum limits have been set in legislation for two flavours – E954 (saccharin) and E959 (neohesperidine dihydrochalcone). If these are added to pet food, then they need to be declared under the functional group ‘Flavouring compounds’. All other flavouring compounds do not need to be declared, but can be declared voluntarily.

Q35 How should methionine be declared?

The labelling of methionine is mandatory for pig and poultry feed. The list of analytical constituents must contain the native methionine content and the added DL methionine. If

applicable, the hydroxy analogue of methionine must to be declared with its monomer/total acid content in the list of feed additives

Q36 Is a product name such as Super Beef Ration viewed as making a claim?

The name Super Beef Ration is non descriptive and does not contain a claim. In the case of a product name or description which emphasises the presence of an ingredient (feed material or additive), the content of the feed material or additive must be declared on the label e.g. if the name of the feed is “High Maize Ration” the maize content (%) must be stated. The percentage declared must be the exact percentage of maize inclusion – no tolerance allowed. See Art. 17.2 (a), Annex VI, Chapter I, Point 2 and Annex VII Chapter I, Point 2.

Q37 How are claims present on feed labels/company brochures to be substantiated?

Any claim present on a feed label or company brochure/leaflet etc must be objective, verifiable by the competent authorities and understandable to the users of feed. Unless requested to do so by the competent authority, feed business operators are not required to submit scientific data or research to DAFM to substantiate claims. However, this scientific data on substantiation should be available for inspection by DAFM if required, from the time that the feed is placed on the market. Erroneous claims will be investigated by this Department. Discussions may take place on the issue of substantiation of claims at EU Commission level. Art. 13

Q38 Are claims concerning the addition of protected forms of trace elements to the feed permitted on labels?

These claims are permitted once they can be substantiated either by reference to publicly available scientific evidence or documented company research.

Q39 In a product name such as “Golden Barley Beef”, does the percentage barley have to be declared?

Yes, the percentage barley in this feed must be declared on the label as the presence of barley in the feed is emphasised on the label in the product name. The exact percentage of barley must be declared, no tolerance on this figure is permitted. Art 17. 2 (a)

Q40 How is medicated feed to be labelled?

All compound feeds must be labelled in accordance with [Regulation \(EC\) No. 767/2009](#). In addition, medicated feedingstuffs must comply with [Directive 90/167/EEC](#). Therefore current requirements as regards labelling of medicated feedingstuffs (i.e. the description ‘medicated feedingstuff’, content of medication, safety instructions, activity life etc) are still in force.

Further information on [Feedingstuffs Legislation](#) can be found on the Department’s website

This document is provided for guidance. FBOs should refer to the legislation referred to herein for the legal text.