



This pet food/treats guidance was developed to provide information on regulatory requirements and Maine Meat and Poultry Inspection (MMPI) policy on production of pet treats and foods in inspected or custom exempt establishments.

Regulation of pet food/treats falls under the Maine Department of Agriculture, Conservation and Forestry's Feed, Seed and Fertilizer program.

All pet foods/treats manufactured or distributed within Maine must be registered with Maine's Feed, Seed and Fertilizer program.

1. You must register **each type of pet food/treat** with the Feed, Seed and Fertilizer program and
2. Your products must be labeled correctly, for example:
 - a. The product name and the net content must be shown on the principal display panel.
 - b. The words "Dog Food", "Cat Food", "Dog Treat" or similar designation must appear conspicuously on the principal display panel.
 - c. The label must specify the name and address of the manufacturer, packer, or distributor of the pet food/treat product.
 - d. Labels must include ingredients and information from a "Guaranteed Analysis" in accordance with Maine DACF 01-001 Chapter 312.

The following products do not need to be registered as a pet food/treat if certain conditions are met:

- Chews, bones, toys, and exercisers made of animal skin, hide, wood, or man-made material
- Hooves
- Ears
- Animal bones
- Ligaments
- Snouts
- Pizzles

Conditions that must be met for the listed products to be exempt from pet food/treats registration:

1. The product does NOT contain additional ingredients other than flavoring (smoking is allowed).
2. Whether flavor-coated or unflavored, the product labeling or advertising does NOT make any nutritional claims or state that the product is intended for use as an animal food.
3. Exempt items' labels must list the product name, net content statement, and the manufacturer's or distributor's name and address.

Pet products that supply or claim to supply nutrition to animals are NOT exempt from pet food/treat registration and must be registered with the Feed, Seed and Fertilizer program.

Examples of products not exempt from registration as a pet food/treat:

- A label that states “digestible” or “high protein” or similar nutritional claim
- A product labeled as “food”, “treat”, “snack”, or similar designation
- A bone filled with peanut butter (peanut butter is an additional ingredient)

Label Examples

 EXEMPT	 NOT EXEMPT
<div><p>PIG EAR DOG CHEW</p><p>Ingredient: Pig Ear Net Wt. 10 oz.</p></div> <p>Not identified as a food, treat, snack, or similar designation, no nutritional information</p>	<div><p>PIZZLE STICKS DOG TREATS</p><p>HIGH PROTEIN Ingredient: Bovine Pizzle Net Wt. 10 oz.</p></div> <p>Identified as a treat, includes the nutritional claim “High in Protein”</p>

Producing pet food/treats in inspected establishments:

MMPI or USDA-FSIS inspected establishments must meet both the requirements in 9 CFR 318.12, 325.11, and 416.2 (381.152 for poultry) and comply with Maine commercial feed regulations to make pet food/treats.

1. Pet food/treats must be prepared in a sanitary manner. The preparation of these products must not create insanitary conditions, adulterate or interfere with human-edible products, or interfere with inspected activities.
2. Pet food/treats production must meet the same sanitary requirements (SPS, SSOPs) as human-use products if the products are prepared in an edible product area. Only human-edible, non-denatured raw materials may enter edible product areas.
3. Pet food/treats produced in an inedible product area do not have to meet SPS and SSOP regulations but must still be produced under sanitary conditions and not adulterated.
4. Raw materials used to produce pet food/treats may come from in-house inspected slaughtered livestock or may be purchased from other approved sources.
5. Pet food/treats must be clearly distinguished and separated from human food during processing and may not be stored in coolers with inspected products, sold or transported until fully packaged and labeled as pet food/treats.
6. Offal from inspected and passed animals can be sold or given to registered pet food/treat manufacturers if the MMPI or USDA-FSIS establishment keeps records of the donations or sales.

If you want to produce pet food/treats using inspected materials you will need to develop an SOP with your procedures for handling, storing, and processing these products. The SOP must include a traceback method with lot identification to document the inspected meat and poultry and FDA regulated ingredients used and products sold. If you are unable to accommodate a separate area to manufacture pet food/treats, then it is recommended you handle the product intended for pet food/treats as inspected and passed, human-edible product throughout all stages of processing until the final product is packaged. At this point you would label the product with the proper pet food/treat labeling.

For questions about pet food regulations, licensing, and distribution please contact the Maine Feed, Seed, and Fertilizer program at (207) 287-3841.

Producing pet food/treats in custom-exempt establishments:

Custom exempt products may be used to produce pet food/treats under certain conditions.

1. You must comply with both Maine commercial feed regulations and 9 CFR 303.1 regulations to manufacture pet food in a custom exempt facility.
2. All parts of a custom-slaughtered animal are the property of the owner of that animal and must be either returned to the owner or promptly denatured. To be able to use custom exempt offal for pet food/treats, you must first have confirmation in writing from the owner that those parts are not wanted.
 - a. E.g., if you want to make liver treats for pets, you must ask, and the livestock owner must confirm that they do NOT want liver(s) back from their animal(s).
 - b. Your cut sheet can be helpful here, for example you can add boxes that ask clients what they do or do not want returned.
3. You must add denaturant to all custom exempt materials not returned to the owner. If you are using these materials to make pet food/treats, you must add a denaturant to the offal that is approved for use in pet food.
 - a. Charcoal is NOT allowed in pet food
 - b. Bone char from animal bones is allowed in pet food
 - c. It is our recommendation to use food coloring as a denaturant
 - i. FD&C Blue #1, Blue #2, and Green #3 are all approved by USDA as denaturants AND by FDA for use in pet food
 - ii. Pre-mixed denaturant may not be safe for pets! It is recommended to purchase one of the above food colorings separately and mix with water
4. You will need a separate space to manufacture pet food/treats with custom exempt materials because denatured materials cannot enter an edible processing area.
5. Pet food/treats made for and returned to the animal's owner, using their own animal's offal do not have to be denatured and can be produced in an edible processing area.
6. Offal from custom exempt animals can be sold or given to registered pet food/treat manufacturers if the custom exempt establishment keeps records of the donations or sales and the offal is denatured before leaving the custom exempt establishment.

If you want to produce pet food/treats using custom exempt materials you will need to develop an SOP with your procedures for handling, storing, and processing these products. The SOP must include a traceback method with lot identification to document the custom exempt meat and poultry and FDA regulated ingredients used and products sold. If you are unable to accommodate a separate area to manufacture pet food/treats, then it is recommended you handle the product intended for pet food/treats as custom exempt human-edible product throughout all stages of processing until the final product is packaged. At this point you would denature the product and label the product with the proper pet food/treat labeling.

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