

WAC 16-252-118 Statements of calorie content. (1) The label of a dog or cat food, including snacks, treats, and supplements, shall bear a statement of calorie content and meet all of the following:

(a) The statement shall be separate and distinct from the "Guaranteed Analysis" and appear under the heading "Calorie Content";

(b) The statement shall be measured in terms of metabolizable energy (ME) on an "as fed" basis and must be expressed both as "kilocalories per kilogram" (kcal/kg) of product, and as kilocalories per familiar household measure (e.g., cans or cups) or unit of product (e.g., treats or pieces); and

(c) The calorie content is determined by one of the following methods:

(i) By calculation using the following "Modified Atwater" formula: $ME \text{ (kcal/kg)} = 10[(3.5 \times CP) + (8.5 \times CF) + (3.5 \times NFE)]$, where ME = metabolizable energy, CP = % crude protein "as fed," CF = % crude fat "as fed," NFE = % nitrogen-free extract (carbohydrate) "as fed," and the percentages of CP and CF are the average values of these components in the product as determined by sound scientific methods, such as, but not limited to, scientifically accurate calculations made from the formula of the product or upon chemical analysis of the product. The NFE is calculated as the difference between 100 and the sum of CP, CF, and the percentages of crude fiber, moisture and ash (determined in the same manner as CP and CF); or

(ii) In accordance with a testing procedure established by AAFCO.

(d) An affidavit shall be provided upon the request of substantiating that the calorie content was determined by:

(i) WAC 16-252-118 (1)(c)(i) in which case the summary data used in the calculation shall be included in the affidavit; or

(ii) WAC 16-252-118 (1)(c)(ii) in which case the summary data used in the determination of calorie content shall accompany the affidavit.

(e) The calorie content statement shall appear as one of the following:

(i) The heading "Calorie Content" on the label or other labeling shall be followed parenthetically by the word "calculated" when the calorie content is determined in accordance with (c)(i) of this subsection; or

(ii) The heading "Calorie Content" on the label or other labeling shall be followed parenthetically by the word "fed" when the calorie content is determined in accordance with (c)(ii) of this subsection.

(2) Comparative claims shall not be false, misleading, or given undue emphasis and shall be based on the same methodology for the products compared.

[Statutory Authority: RCW 15.53.9012, 15.53.9013, 15.53.9016, and chapter 34.05 RCW. WSR 18-21-191, § 16-252-118, filed 10/24/18, effective 11/24/18.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency.