

250.541 Adulterated commercial feeds.

- (1) A commercial feed or a material exempted from the definition of commercial feed under KRS 250.501 shall be deemed to be adulterated:
 - (a) If it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance, the commercial feed shall not be considered adulterated under this subsection if the quantity of the substance in the commercial feed does not ordinarily render it injurious to health; or
 - (b) If it bears or contains any added poisonous, added deleterious, or added nonnutritive substance which is unsafe within the meaning of Section 406 of the Federal Food, Drug, and Cosmetic Act (other than one which is 1. a pesticide chemical in or on a raw agricultural commodity; or 2. a food additive); or
 - (c) If it is, or it bears or contains any food additive which is unsafe within the meaning of Section 409 of the Federal Food, Drug, and Cosmetic Act; or
 - (d) If it is a raw agricultural commodity and it bears or contains a pesticide chemical which is unsafe within the meaning of subsection (a) of Section 408 of the Federal Food, Drug, and Cosmetic Act. If a pesticide chemical has been used in or on a raw agricultural commodity in conformity with an exemption granted or a tolerance prescribed under Section 408 of the Federal Food, Drug, and Cosmetic Act and the raw agricultural commodity has been subjected to processing such as canning, cooking, freezing, dehydrating, or milling, the residue of the pesticide chemical remaining in or on the processed feed shall not be deemed unsafe if the residue in or on the raw agricultural commodity has been removed to the extent possible in good manufacturing practice and the concentration of the residue in the processed feed is not greater than the tolerance prescribed for the raw agricultural commodity unless the feeding of the processed feed will result or is likely to result in a pesticide residue in the edible product of the animal, which is unsafe within the meaning of subsection (a) of Section 408 of the Federal Food, Drug, and Cosmetic Act; or
 - (e) If it is, or it bears or contains, any color additive which is unsafe within the meaning of Section 706 of the Federal Food, Drug, and Cosmetic Act; or
 - (f) If it is, or it bears or contains, any new animal drug which is unsafe within the meaning of Section 512 of the Federal Food, Drug, and Cosmetic Act; or
 - (g) If it consists in whole or in part of any filthy, putrid, or decomposed substance, or if it is otherwise unfit for feed; or
 - (h) If it has been prepared, packed, or held under unsanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health; or
 - (i) If it is, in whole or in part, the product of a diseased animal or of an animal which has died otherwise than by slaughter, which is unsafe within the meaning of Section 402(a)(1) or (2) of the Federal Food, Drug, and Cosmetic Act; or

- (j) If its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health; or
 - (k) If it has been intentionally subject to radiation, unless the use of the radiation was in conformity with the regulation or exemption in effect pursuant to Section 409 of the Federal Food, Drug, and Cosmetic Act.
- (2) A commercial feed shall be deemed to be adulterated:
- (a) If any valuable constituent has been in whole or in part omitted or abstracted therefrom or any less valuable substance substituted therefor;
 - (b) If its composition or quality falls below or differs from that which it is purported or is represented to possess by its labeling;
 - (c) If it contains a drug and the methods used in or the facilities or controls used for its manufacture, processing, or packaging do not conform to current good manufacturing practice administrative regulations promulgated by the director to assure that the drug meets the requirement of KRS 250.491 to 250.631 as to safety, and has the identity and strength and meets the quality and purity characteristics which it purports or is represented to possess. In promulgating the administrative regulations, the director shall adopt the current good manufacturing practice regulations for type A medicated articles and type B and type C medicated feeds established under authority of the Federal Food, Drug, and Cosmetic Act, unless the director determines that they are not appropriate to the conditions which exist in this state;
 - (d) If it contains viable weed seeds in amounts exceeding the limits which the director shall establish by administrative regulation; or
 - (e) If its labeling would deceive or mislead the purchaser with respect to its composition or suitability.

Effective: July 15, 1996

History: Amended 1996 Ky. Acts ch. 68, sec. 6, effective July 15, 1996. -- Amended 1990 Ky. Acts ch. 356, sec. 4, effective July 13, 1990. -- Created 1972 Ky. Acts ch. 24, sec. 7.