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4-12-102 Definitions.

As used in this chapter:

- (1) "Adulterated commercial feed" means any commercial feed that:
 - (a)
 - (i) contains any poisonous or deleterious substance that may render it injurious to health;
 - (ii) contains any added poisonous, added deleterious, or added nonnutritive substance that is unsafe within the meaning of 21 U.S.C. Sec. 346, other than a pesticide chemical in or on a raw agricultural commodity or a food additive;
 - (iii) contains any food additive or color additive that is unsafe within the meaning of 21 U.S.C. Sec. 348 or 379e;
 - (iv) contains a pesticide chemical in or on a raw agricultural commodity that is unsafe within the meaning of 21 U.S.C. Sec. 346a unless it is used in or on the raw agricultural commodity in conformity with an exemption or tolerance prescribed under 21 U.S.C. Sec. 346a and is subjected to processing such as canning, cooking, freezing, dehydrating, or milling, so that the residue, if any, of the pesticide chemical in or on the processed feed is removed to the extent possible through good manufacturing practices as prescribed by rules of the department so that the concentration of the residue in the processed feed is not greater than the tolerance prescribed for the raw agricultural commodity in 21 U.S.C. Sec. 346a;
 - (v) contains viable weed seeds in amounts exceeding limits established by rule of the department;
 - (vi) contains a drug that does not conform to good manufacturing practice as prescribed by federal regulations promulgated under authority of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. Sec. 301 et seq., for medicated feed premixes and for medicated feeds unless the department determines that the regulations are not appropriate to the conditions that exist in this state;
 - (vii) contains any filthy, putrid, or decomposed substance, or is otherwise unfit for feed; or
 - (viii) has been prepared, packed, or held under unsanitary conditions; or
 - (b) has a valuable constituent omitted or abstracted from it, in whole or in part, or its composition or quality falls below or differs from that represented on its label or in labeling.
- (2) "Brand name" means one or more words, names, symbols, or devices that:
 - (a) identify a distributor or registrant's commercial feed; and
 - (b) distinguish the distributor or registrant's commercial feed from the commercial feed of others.
- (3)
 - (a) "Commercial feed" means all materials that are distributed for use as feed or for mixing in feed.
 - (b) "Commercial feed" does not include:
 - (i) unadulterated, whole, unmixed seeds;
 - (ii) unadulterated, physically altered, entire, unmixed seeds; or
 - (iii) any unadulterated commodity that the department specifies by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, including hay, straw, stover, silage, cobs, husks, hulls, and individual chemical compounds or substances, unless the commodities, compounds, or substances are intermixed or mixed with other materials.
- (4) "Contract feeder" means a person who:
 - (a) is an independent contractor; and
 - (b) in accordance with the terms of a contract:
 - (i) is provided commercial feed;

- (ii) feeds the commercial feed to an animal; and
 - (iii) receives remuneration that is calculated in whole or in part by feed consumption, mortality, profit, product amount, or product quality.
- (5) "Customer-formula feed" means commercial feed that consists of a mixture of commercial feeds or feed ingredients, each batch of which is manufactured according to the specific instructions of the final purchaser.
- (6) "Distribute" means to:
- (a) offer for sale, sell, exchange, or barter commercial feed; or
 - (b) supply, furnish, or otherwise provide commercial feed to a contract feeder.
- (7) "Drug" means any article intended:
- (a) for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in animals other than humans; and
 - (b) to affect the structure or any function of the animal body, unless the article is feed.
- (8) "Feed ingredient" means each constituent material in a commercial feed.
- (9) "Label" means any written, printed, or graphic matter upon or accompanying a commercial feed.
- (10) "Manufacture" means to grind, mix, blend, or otherwise process a commercial feed for distribution.
- (11) "Mineral feed" means a commercial feed intended to supply primarily mineral elements or inorganic nutrients.
- (12)
- (a) "Misbranded" means any commercial feed, whether in a container or in bulk, that bears a label that:
 - (i) is false or misleading in any particular; or
 - (ii) does not strictly conform to the labeling requirements of Section 4-12-105.
 - (b) "Misbranded" includes commercial feed that is distributed under the name of another commercial feed.
- (13) "Official sample" means a sample of commercial feed taken by the department in accordance with this chapter and designated as "official."
- (14) "Percent" or "percentage" means percentage by weight.
- (15) "Pet" means a domesticated dog or cat.
- (16) "Pet food" means a commercial feed prepared and distributed for consumption by a pet.
- (17) "Product name" means the name of the commercial feed that:
- (a) identifies the kind, class, or specific use of the commercial feed; and
 - (b) distinguishes the commercial feed from all other products bearing the same brand name.
- (18) "Quantity statement" means the net weight in mass, liquid measurement, or count.
- (19) "Specialty pet" means any animal normally maintained in a household for nonproduction purposes, including rodents, ornamental birds, ornamental fish, reptiles, amphibians, ferrets, hedgehogs, marsupials, and rabbits.
- (20) "Specialty pet food" means a commercial feed prepared and distributed for consumption by a specialty pet.
- (21) "Ton" means a net weight of 2,000 pounds avoirdupois.