

4-12-2 Definitions.

As used in this chapter:

- (1) "Adulterated commercial feed" means any commercial feed:
 - (a)
 - (i) that contains any poisonous or deleterious substance that may render it injurious to health;
 - (ii) that 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) that contains any food additive or color additive that is unsafe within the meaning of 21 U.S.C. Sec. 348 or 379e;
 - (iv) that contains a pesticide chemical in or on a raw agricultural commodity which 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 such 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) that contains viable weed seeds in amounts exceeding limits established by rule of the department; or
 - (vi) that 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 such regulations are not appropriate to the conditions that exist in this state; or
 - (b) that 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 any word, name, symbol, or device that identifies the distributor or registrant of a commercial feed.
- (3) "Commercial feed" means all materials, except unadulterated whole unmixed seeds or unadulterated physically altered entire unmixed seeds, that are distributed for use as feed or for mixing in feed; provided, that the department may exempt from this definition by rule, or from specific sections of this chapter, commodities such as hay, straw, stover, silage, cobs, husks, hulls, and individual chemical compounds or substances if the commodities, compounds, or substances are not inter-mixed or mixed with other materials, and are not adulterated within the meaning of Subsection (1)(a).
- (4) "Customer-formula feed" means commercial feed that consists of a mixture of commercial feeds or feed ingredients manufactured according to the specific instructions of the final purchaser.
- (5) "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.
- (6) "Drug" means any article intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in animals other than man and articles other than feed intended to affect the structure or any function of the animal body.
- (7) "Feed ingredient" means each constituent material in a commercial feed.

- (8) "Label" means any written, printed, or graphic matter upon or accompanying a commercial feed.
- (9) "Manufacture" means to grind, mix, blend, or otherwise process a commercial feed for distribution.
- (10) "Mineral feed" means a commercial feed intended to supply primarily mineral elements or inorganic nutrients.
- (11) "Misbranded" means any commercial feed, whether in a container or in bulk, that bears a label that is false or misleading in any particular, or that bears a label that does not strictly conform to the labeling requirements of Section 4-12-5.
- (12) "Official sample" means a sample of commercial feed taken by the department and designated as "official."
- (13) "Percent" or "percentage" means percentage by weight.
- (14) "Ton" means a net weight of 2,000 pounds avoirdupois.

Amended by Chapter 179, 2007 General Session