

SCHEDULE 3

CONTENTS OF THE STATUTORY STATEMENT OR OTHER DECLARATION (EXCEPT FOR ADDITIVES AND PREMIXTURES NOT CONTAINED IN FEEDING STUFFS)

PART I

Interpretation

1. The expression “in the case of any compound feeding stuff”, wherever it appears in this Schedule, shall be construed as referring to any compound feeding stuff which is put into circulation.

Additive declarations (applicable to all feeding stuffs)

2. Where any person puts into circulation any feeding stuff to which there has been added in the course of manufacture or preparation for putting into circulation, an additive of any of the kinds specified below and which is not excluded from application of the Additives Directive by Article 22 of that Directive (concerning exports to third countries), the following particulars shall be contained in the statutory statement—

- (a) for antioxidants, colourants or preservatives—
 - (i) if the feeding stuff is a compound feeding stuff other than a pet food, the name of the additive;
 - (ii) if the feeding stuff is a pet food and it is not covered by paragraph (iii) below, the words “with antioxidant”, “coloured with” or “colourant”, or “preservative” or “preserved with”, as appropriate, followed by the name of the additive; and
 - (iii) if the feeding stuff is a pet food, it is put into circulation in a package having a net weight not exceeding 10 kilograms, its statutory statement contains a reference number by means of which the feeding stuff concerned may be identified, and its manufacturer supplies, on request, details of the name of the additive concerned—
 - (aa) the particulars specified in paragraph (ii) above, or
 - (bb) the words “with antioxidant”, “coloured with” or “preserved with”, as appropriate, followed by “EC additives”;
- (b) for vitamin A, D or E, the name of the vitamin, and the active substance level (in the case of vitamin A or D) or the alpha-tocopherol level as acetate (in the case of vitamin E), whether naturally present or added, together in either case with an indication of the period during which that level will remain present but where more than one of these vitamins is present, either the period for each or only the shortest of such periods;
- (c) for copper, the name of the additive and the total level of the element, whether naturally present or added;
- (d) for enzymes—
 - (i) the names of the active constituents according to their enzymatic activities, as specified in the authorisation concerned;
 - (ii) the identification number allotted by the International Union of Biochemistry;
 - (iii) the activity units (expressed as activity units per kilogram or activity units per litre);
 - (iv) an indication of the period during which the activity units will remain present;
 - (v) an indication of any significant characteristics of the enzyme arising during manufacture, as specified in the authorisation concerned; and

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- (vi) the EC registration number; and
- (e) for micro-organisms–
 - (i) the identification of each strain, in accordance with the authorisation;
 - (ii) the file number of each strain;
 - (iii) the number of colony-forming units (expressed as CFU/kg);
 - (iv) the EC registration number;
 - (v) an indication of the period during which the colony-forming units will remain present; and
 - (vi) an indication of any significant characteristics of the micro-organisms arising during manufacture, as specified in the authorisation concerned.
- 3. In relation to the additives specified below the following particulars may be contained in the statutory statement in addition to those required by paragraph 2 above–
 - (a) for trace elements other than copper (if the amount present can be determined by the method of analysis specified in Point 3 of the Annex to Eighth Commission Directive 78/633/EEC(1), as last amended by Commission Directive 84/4/EEC(2) or by some other valid scientific method), the name of the additive and the total level of the element, whether naturally present or added; and
 - (b) for vitamins other than vitamins A, D and E, provitamins and substances having a similar chemical effect (if the amount present can be determined by any valid scientific method), the name of the additive, the active substance level, whether naturally present or added, and an indication of the period during which that level will remain present.
- 4. Any amount referred to–
 - (a) in paragraph 2(c), 3(a) or 3(b) shall be expressed in milligrams per kilogram; and
 - (b) in paragraph 2(b) shall be expressed in million international units per kilogram, international units per kilogram, milligrams per kilogram or micrograms per kilogram, as appropriate.
- 5. By way of exception to paragraph 4(a), any amount referred to in paragraph 2(c), 3(a) or 3(b) may be expressed as a percentage by weight, unless the amount is less than 0.1% by weight, in which case it shall be expressed in milligrams per kilogram or micrograms per kilogram as appropriate.
- 6. The particulars required or permitted by paragraphs 2 or 3 to be included in the statutory statement may be accompanied (in the case of any additive not being an enzyme or a micro-organism) by the trade name or the EC registration number of any additive named therein.

Warning statements

7. Where any person puts into circulation any feed material comprising protein derived from mammalian tissue but containing no mammalian meat and bone meal, and intended for animals other than pet animals, the statutory statement shall contain the following declaration–

“This feed material comprises protein derived from mammalian tissue the feeding of which to ruminants is prohibited”.

8. Where any person puts into circulation any feed material comprising or containing mammalian meat and bone meal, and intended for animals other than pet animals, the statutory statement shall contain the following declaration–

(1) O.J. No. L 206, 29.7.78, p.43.

(2) O.J. No. L 15, 18.1.84, p.28.

“This feed material comprises protein derived from mammalian tissue the feeding of which to ruminants, all other categories of farmed creatures and equine animals is prohibited”.

9. In the case of any compound feeding stuff containing protein derived from mammalian tissue but containing no mammalian meat and bone meal, and intended for animals other than pet animals, the statutory statement shall contain the following declaration—

“This compound feeding stuff contains protein derived from mammalian tissue the feeding of which to ruminants is prohibited.”.

10. In the case of any compound feeding stuff containing mammalian meat and bone meal, and intended for animals other than pet animals, the statutory statement shall contain the following declaration—

“This compound feeding stuff contains protein derived from mammalian tissue the feeding of which to ruminants, all other categories of farmed creatures and equine animals is prohibited.”.

Feed materials

11. Subject to paragraphs 12 to 15 in the case of any feed material which is put into circulation by any person, the following particulars shall be contained in the statutory statement—

- (a) in the case of any feed material of a kind specified in column (3) of Part II to Schedule 2—
 - (i) the corresponding name specified in column (2) of that Part (the inclusion of any word appearing in brackets in that column being optional); and
 - (ii) the particulars (if any) specified in relation to the feed material in the corresponding entry in column (4) of that Part;
- (b) in the case of any feed material of a kind specified in column (1) of Part III to Schedule 2—
 - (i) its name or description there specified, or a name and description (other than one specified in that column, or in column (2) of Part II to that Schedule) sufficiently specific to indicate the nature of the material, and in conformity with the criteria specified in the Introductory Notes to Part II to that Schedule; and
 - (ii) the particulars specified in relation to the feed material in the corresponding entry in column (2) of Part III to that Schedule;
- (c) in the case of any feed material—
 - (i) subject to regulation 9(5) as read with Article 6(4) of the Feed Materials Directive, which shall be observed where applicable, the words “feed material”;
 - (ii) the moisture content of the feed material, if it exceeds 14% by weight of the feed material or, where a different percentage is specified in relation to that feed material in Part II or Part III to Schedule 2, if it exceeds that percentage;
 - (iii) the moisture content of the feed material, where it does not exceed the relevant percentage specified in paragraph (ii), but a purchaser requests that the moisture content be declared;
 - (iv) the level of ash soluble in hydrochloric acid in the feed material, if that level exceeds 2.2% in the dry matter or, where a different percentage is specified in relation to that feed material in Part II or Part III to Schedule 2, if it exceeds that percentage;
 - (v) where any other feed material has been used to denature the feed material, the nature and quantity of the other feed material so used;
 - (vi) where any other feed material has been used to bind the feed material, the nature of the other feed material so used;

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- (vii) the net quantity of the feed material, expressed in units of mass in the case of any solid feed material and, in the case of any liquid feed material, in units of mass or volume;
- (viii) where the feed material is part of a divided batch of feed materials, reference to the original batch;
- (ix) the name or business name, and the address or registered business address, of the person within the European Community responsible for the particulars specified in this sub-paragraph, if the establishment referred to in sub-paragraph (x) is not responsible for them; and
- (x) where the establishment producing the feed material must be approved in accordance with Regulation (EC) No 1774/2002 of the European Parliament and of the Council laying down health rules concerning animal by-products not intended for human consumption⁽³⁾; the name or business name, and the address or registered business address, of the establishment, the approval number, the batch reference number or any other particulars which ensure that the material can be traced.

12. The particulars specified in paragraph 11(a)(ii) and (b)(ii) and (c)(ii) to (iv) shall not be required where—

- (a) before the feed material concerned is supplied, the person to whom it is supplied notifies the supplier in writing that those particulars need not be supplied, or
- (b) any feed material of animal or vegetable origin, fresh or preserved, and intended for pet animals, is supplied (in a quantity not exceeding 10 kg) directly to the final user thereof, by a person established in the United Kingdom.

13.—(1) In the case of any feed material which—

- (a) originated in a third country, and
- (b) is, for the first time, put into circulation in Scotland and the European Community,

in the circumstances specified in the introductory paragraph of Article 6(2) of the Feed Materials Directive, provisional details of the particulars specified in paragraph 11(a)(ii), (b)(ii) and (c)(ii) to (iv) may be provided, if the requirements of sub-paragraph (2) below are observed.

(2) The requirements of this sub-paragraph are observed if—

- (a) the person responsible for giving those particulars gives notification, in advance, of the impending arrival of the feed material in Scotland, to an inspector appointed under section 67(3) by the authority which, by virtue of section 67(1), has the duty to enforce Part IV of the Act at the intended place of arrival;
- (b) the provisional details are accompanied by the following declaration in bold type—
“provisional data to be confirmed by (name and address of the laboratory instructed to carry out the analyses) regarding (reference number of the sample to be analysed) before date”; and
- (c) the person responsible as mentioned in subparagraph (a) provides the final particulars in question to the person to whom the feed material is supplied, and to the inspector referred to in subparagraph (a), within 10 days of its arrival in Scotland.

(3) Where the requirements of sub-paragraph (2) are observed, it shall be the duty of the inspector concerned to notify the European Commission that, in relation to the feed material concerned, the provisional particulars concerned have been provided, and to inform the Commission of the nature of those particulars.

(3) OJ No. L273, 10.10.2002, p.1.

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14.—(1) The particulars specified in paragraph 11 shall not be required in the case of any feed material of animal or vegetable origin, in its natural state, fresh or preserved, and which is not treated with an additive other than any preservative, if the feed material is provided by a farmer-producer to a breeder-user, both of whom carry on business in the United Kingdom.

(2) For the purposes of this paragraph, “farmer-producer” and “breeder-user” shall have the same meanings as in the Feed Materials Directive.

15.—(1) The particulars specified in paragraph 11(a)(ii), (b)(ii), and (c)(ii) to (vii) shall not be required in the case of any feed material which is a By-product of vegetable or animal origin derived from agro-industrial processing, and which has a moisture content greater than 50%.

(2) For the purposes of this paragraph, “agro-industrial processing” shall have the same meaning as in the Feed Materials Directive.

16.—(1) Subject to sub-paragraph (2), in the case of any feed material which is put into circulation by any person, information may be provided in addition to the particulars required or permitted to be contained in the statutory statement or otherwise declared.

(2) Any such information provided in addition to the particulars required or permitted to be contained in the statutory statement or otherwise declared—

- (a) shall be clearly separated from those particulars;
- (b) shall relate to objective or quantifiable factors which can be substantiated; and
- (c) shall not be misleading.

Compound feeding stuffs: general

17.—(1) Subject to sub-paragraph (2), in the case of any compound feeding stuff, the following particulars shall be contained in the statutory statement—

- (a) the description “complete feeding stuff”, “complementary feeding stuff”, “mineral feeding stuff”, “molassed feeding stuff”, “complete milk replacer feed” or “complementary milk replacer feed” as appropriate;
- (b) the species or category of animal for which the feeding stuff is intended and directions for the proper use of the feeding stuff, indicating the purpose for which it is intended, except where the feeding stuff is constituted from no more than three ingredients and is clearly described by reference to its ingredients, either in the statutory statement or elsewhere on its package, label or container; and
- (c) the name or trade name and address or registered office of the person established in the European Community responsible for the accuracy of the particulars which, in accordance with this Schedule are required in the case of compound feeding stuffs to be contained in the statutory statement or otherwise declared.

(2) In the case of—

- (a) any pet food, the descriptions “complete pet food” and “complementary pet food” may be used instead of “complete feeding stuff” and “complementary feeding stuff” respectively;
- (b) any feeding stuff for pet animals other than dogs or cats, each of the descriptions “complete feeding stuff” and “complementary feeding stuff” may be replaced by either of the descriptions “compound feeding stuff” or “compound pet food”, but in such a case the statutory statement shall comply with paragraph 19 below and the provisions relating to complete feeding stuffs in Part II of this Schedule, even if it would not otherwise be required to do so.

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18. In the case of any compound feeding stuff, the following particulars shall be declared either in the statutory statement, or elsewhere on the package, label or container (in which case the statutory statement shall indicate where they are to be found)–

- (a) the net quantity, expressed in the case of solid products in units of mass, and in the case of liquid products in units of mass or volume;
- (b) the minimum storage life, which shall be expressed–
 - (i) in the case of microbiologically highly perishable feeding stuffs, by the words “use before...” followed by the appropriate date (day, month and year), and
 - (ii) in all other cases by the words “best before...” followed by the appropriate date (month and year),
 except that, where an expiry date for a period is required to be declared by paragraph 2(b) or 3(b), and is earlier than the appropriate date otherwise required by this paragraph, that expiry date shall be used as the appropriate date;
- (c) the batch reference number; and
- (d) the approval or registration number allocated by the relevant enforcement authority to the establishment which manufactured the compound feeding stuff.

19.—(1) In the case of any compound feeding stuff other than a whole grain mix, the statutory statement–

- (a) shall include such declarations of the matters provided for in the columns of Part II of this Schedule as must be included; and
- (b) may include such declarations provided for in the columns of Part II of this Schedule as may be included,

for consistency with Article 5 of the Compound Feedingstuffs Directive.

(2) In the case of a whole grain mix which is put into circulation, the statutory statement may include such of the declarations provided for in the columns of Part II of this Schedule as may be included for consistency with Article 5 of the Compound Feedingstuffs Directive.

20.—(1) In the case of any compound feeding stuff other than a whole grain mix, the moisture content shall be declared in the statutory statement if it exceeds the following levels–

milk replacer feeds and other compound feeding stuffs with a milk product content exceeding 40%	7%
mineral feeding stuffs containing no organic substances	5%
mineral feeding stuffs containing organic substances	10%
other compound feeding stuffs	14%

(2) In the case of a whole grain mix, or a compound feeding stuff with a moisture content not exceeding the limits stated in sub-paragraph (1) which is put into circulation, the moisture content may be declared in the statutory statement.

21. In the case of any compound feeding stuff having a level of ash insoluble in hydrochloric acid not exceeding the relevant level specified in regulation 18(1)(a) or, as the case may be, (b), that level may be declared in the statutory statement as a percentage of the feeding stuff as such.

22. In the case of any compound feeding stuff, the following particulars may be included in the statutory statement–

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- (a) if the manufacturer is not the person responsible for the labelling particulars, the name or business name and the address or registered business address of the manufacturer;
- (b) an indication of the physical condition of the feeding stuff or the specific processing it has undergone;
- (c) the date of manufacture, expressed as follows—
 - “manufactured ... [days, months or years] before the minimum storage life expiry date indicated ... [place where indicated if not on statutory statement].”;
- (d) the identification mark or trade mark of the person responsible for the particulars which, in accordance with this Schedule, are required or permitted in the case of compound feeding stuffs to be contained in the statutory statement or otherwise declared;
- (e) the description or trade name of the feeding stuff;
- (f) the price of the feeding stuff; and
- (g) the country of origin or manufacture of the feeding stuff.

23.—(1) In the particulars required or permitted by paragraphs 18 to 21 and 25 and by paragraph 19 of Schedule 4 to the 2000 Regulations to be set out in the statutory statement—

- (a) unless the paragraph in question specifies some other method of expression, the amounts shown shall be expressed in each case as a percentage of the weight of the feeding stuff as such; and
- (b) phosphorus shall be expressed as “phosphorus P”.

(2) An expression of an amount as being within a range of percentages set out in the statutory statement shall not be regarded as compliance with sub-paragraph (1).

24.—(1) Subject to sub-paragraph (2), in the case of any compound feeding stuff, information may be provided in addition to the particulars required or permitted to be contained in the statutory statement or otherwise declared.

(2) Any information provided pursuant to sub-paragraph (1)—

- (a) shall be clearly separated from those particulars;
- (b) shall not be designed to indicate the presence or content of analytical constituents other than those the declaration of which is provided for in this Schedule or in Schedule 7;
- (c) shall relate to objective or quantifiable factors which can be substantiated;
- (d) shall not be misleading, in particular by attributing to the feeding stuff effects or properties that it does not possess, or by suggesting that it possesses special characteristics, when all similar feeding stuffs contain similar properties;
- (e) shall not claim that the feeding stuff will prevent, treat or cure a disease;
- (f) shall not, in the case of any feeding stuff intended for a particular nutritional purpose, include a generic description other than in the form of the generic term “dietetic”;
- (g) shall not, in the case of any feeding stuff other than one intended for a particular nutritional purpose, include a generic description in that form; and
- (h) shall not include reference to a particular pathological condition, unless—
 - (i) the feeding stuff is intended for a particular nutritional purpose, and
 - (ii) the particular nutritional purpose is specified in respect of that feeding stuff in column 1 of Chapter A of Schedule 7 and relates to that condition.

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Compound pet food: specific provisions

25.—(1) In the case of any compound feeding stuff for dogs or cats, all the feed materials shall be declared in the statutory statement.

(2) In the case of any compound feeding stuff for pet animals other than dogs and cats, the feed materials may be declared in the statutory statement, and in such case all the feed materials shall be declared.

(3) Subject to paragraph 29(2) below and paragraph 3 of Chapter B of Schedule 7, feed materials declared in accordance with sub-paragraph (1) or (2) above shall be declared either—

- (a) by their specific names, with an indication of the amount of each feed material; or
- (b) by their specific names in descending order by weight; or
- (c) by categories, as described in Part I of Schedule 8, in descending order by weight;

and the use of one of those forms of declaration shall preclude the use of either of the others, except—

- (i) where the declaration is by categories and any feed material belongs to none of the categories described in Part I of Schedule 8, in which case that feed material, designated by its specific name, shall be listed in order by weight in relation to the categories; or
- (ii) in the case of any feeding stuff intended for a particular nutritional purpose, paragraph 29(2) below and paragraph 3 of Chapter B of Schedule 7 require the declaration of any feed material by its specific name, in which case any feed material to which those provisions do not apply may be declared by reference to the category to which it belongs.

26. Where any declaration under paragraph 25 is by specific names, any feed material described in column 3 of Part II of Schedule 2 shall be declared by the corresponding name specified in column 2 of that Part (the inclusion of any word appearing in brackets in that column being optional).

Complementary feeding stuffs

27.—(1) In the case of any complementary feeding stuff which, subject to Article 10 of the Additives Regulation, is put into circulation and contains any additive in excess of the maximum content in relation to complete feeding stuffs specified for that additive in the relevant Part of Parts I to VIII of the Table to Schedule 3 to the 2000 Regulations or, as the case may be, in the relevant European Community Regulation, and which is not covered by Article 22 (concerning exports to third countries) of the Additives Directive, the instructions for use in the statutory statement shall state, according to the species and age of the animal, the maximum quantity in grams or kilograms of the feeding stuff which, under these Regulations, may be given per animal per day, and shall be so formulated that, when they are correctly followed, the final content of the additive in relation to complete feeding stuffs does not exceed the maximum so specified in relation to them.

(2) Sub-paragraph (1) shall not apply to any products delivered to manufacturers of compound feeding stuffs or to their suppliers.

Ingredients to which particular attention is drawn

28.—(1) Subject to sub-paragraph (2), in the case of any compound pet food, or of any feeding stuff intended for a particular nutritional purpose for animals other than pet animals which is put into circulation, particular attention may be drawn in the statutory statement, or elsewhere on the package, label or container, to the presence or low content of one or more ingredients which are essential aspects of the characteristics of the feeding stuff.

(2) Where particular attention is drawn to the presence or low content of any ingredient, as permitted by sub-paragraph (1), the minimum or maximum content, expressed in terms of the percentage by weight of that ingredient, shall be clearly indicated—

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- (a) opposite the statement which draws attention to that presence or low content; or
- (b) in the list of ingredients, by mentioning that presence or low content and the percentage thereof (by weight) opposite the corresponding category of ingredients.

Feeding stuffs for particular nutritional purposes

29.—(1) Subject to sub-paragraph (2), in the case of any feeding stuff intended for a particular nutritional purpose which is put into circulation, the following particulars shall be contained in the statutory statement—

- (a) the term “dietetic”;
- (b) a description of the feeding stuff;
- (c) the particular nutritional purpose of the feeding stuff, as specified in column 1 of Chapter A of Schedule 7;
- (d) the essential nutritional characteristics of the feeding stuff, as specified in column 2 of that Chapter;
- (e) the declarations prescribed in column 4 of that Chapter;
- (f) the declarations, if any, prescribed in column 6 of that Chapter;
- (g) where any declarations prescribed in that column do not include a declaration that it is recommended that the prior opinion of a veterinarian be sought, the words “It is recommended that a specialist’s opinion be sought before use”; and
- (h) the recommended length of time for use of the feeding stuff.

(2) The particulars required by sub-paragraph (1) to be contained in the statutory statement shall be declared in accordance with the requirements of paragraphs 3–7 and 9 of Chapter B of Schedule 7.

30.—(1) Subject to sub-paragraph (2), in the case of any feeding stuff intended for a particular nutritional purpose which is put into circulation, particular attention may be drawn in the statutory statement, or elsewhere on the package, label or container, to the presence or low content of one or more analytical constituents which are essential aspects of the characteristics of the feeding stuff.

(2) Where particular attention is drawn to the presence or low content of any analytical constituent, as permitted by sub-paragraph (1), the maximum or minimum content, expressed in terms of the percentage by weight of that analytical constituent, shall be clearly indicated in the list of analytical constituents.

Permitted protein products

31.—(1) In the case of any product named as a permitted product in column 2 of Schedule 6, the statutory statement shall contain, in addition to any other particulars required by these Regulations, the name specified for that product in column 7 of that Schedule, together with such further particulars as may be specified in that column in relation to it.

(2) In the case of any compound feeding stuff containing, for use as a protein source, any product named as a permitted product in column 2 of Schedule 6, the statutory statement shall contain, in addition to any other particulars required by these Regulations, the name specified for that product in column 7 of that Schedule, together with such further particulars as may be specified in that column in relation to compound feeding stuffs containing that product.