PB1832

General License and Labeling Guidelines for Marketing Pet Food and Pet Treats as Animal Feed in Tennessee

Rob Holland, Director, Center for Profitable Agriculture
Megan Bruch Leffew, Extension Specialist, Center for Profitable Agriculture
Kortni Blalock, Extension Specialist, Center for Profitable Agriculture
Troy Dugger, Program Coordinator, Center for Profitable Agriculture
Hal Pepper, Former Extension Specialist, Center for Profitable Agriculture
Faith Critzer, Former Assistant Professor, Department of Food Science

Real. Life. Solutions.™

UTEXTENSION
INSTITUTE OF AGRICULTURE
THE UNIVERSITY OF TENNESSEE

General License and Labeling Guidelines for Marketing Pet Food and Pet Treats as Animal Feed in Tennessee

sumarno - stock.adobe.com

Acknowledgements

This publication was originally written by Center for Profitable Agriculture Director Rob Holland, Extension Specialist Megan Bruch Leffew, Retired Extension Specialist Hal Pepper and Former Associate Professor of Food Science Faith Critzer. It was updated with revisions and released in April 2017. In 2026, this publication was updated to reflect changes in Tennessee pet food and pet treats licensing and labeling regulations. The editors are grateful for the opportunity to discuss many of the fine points of both the original and revised versions of this publication with Madison Gleason and Mark Hanes of the Tennessee Department of Agriculture.

Disclaimer

This publication is for educational purposes only and does not constitute legal advice, nor is it intended to be a substitute for the services of a competent legal professional.

Cover Photo

Rawpixel.com - stock.adobe.com

Table of Contents

Introduction 1

Two Primary Regulatory Considerations for Animal Feed Manufacturing and Marketing 2

Raw Milk for Animal Feed 4

Weights and Measures 4

Pet Food, Pet Treats and Chew Toys 4

The Association of American Feed Control Officials 5

Online Resource 5

Summary 5

Jiri Hera - stock.adobe.com

Introduction

Numerous calls and inquiries from farmers and value-added entrepreneurs considering the start-up of a pet food, animal feed or pet treat enterprise are addressed each year in the Center for Profitable Agriculture. The most common initial questions are related to whether or not a permit is needed to sell animal feed and pet food. Other questions involve packaging, labeling, certified scales and marketing. This publication has been developed for educational purposes to provide a general overview of regulations for manufacturing and marketing pet food and pet treats as animal feed in Tennessee. Animal feed and pet food regulations vary by state, and United States Food and Drug Administration (FDA) regulations apply when selling these products across state lines. Feed, pet food and pet treat operations that will be selling products in other states should evaluate FDA regulations for interstate commerce and check with officials in those states for additional guidance.

Two Primary Regulatory Considerations for Animal Feed Manufacturing and Marketing

Guidance and regulatory oversight for commercial feed operations in Tennessee is provided by the Tennessee Department of Agriculture (TDA). More specifically within TDA, commercial feed operations are permitted by the Agriculture Inputs section of the Consumer and Industry Services division.

Historically, most of the animal feed operations in Tennessee have been for livestock feed and high-volume pet food operations. More recently, smaller farm-based and home-based pet food and pet treat operations have been developed for local marketing.

All commercial animal feed producers must obtain a Commercial Feed License (TCA 44-6-104) from the Agriculture Inputs section. Pet food and pet treat products that are prepared for sale are considered commercial animal feed and must comply with the TDA labeling, licensing and reporting requirements for animal feed establishments. All pet food products and manufacturers are subject to inspection.

Those interested in developing a pet food or pet treat product for sale in Tennessee are encouraged to make direct contact with the TDA program manager for the Agriculture Inputs section in advance (see contact information on page 3). Initial discussions with the program manager will likely cover the nature of the product, the ingredients and the facility in which the product will be prepared, packaged and labeled. If you have questions about your product label, you may contact the program manager for further review.

In general, there are two primary regulatory steps applicable to the start-up of all animal feed operations in Tennessee, including pet food and pet treat operations:

1. Proper labeling
2. Application for license

Figure 1. *Example of Acceptable Pet Treat Label*

Proper Labeling

Once a feed product recipe is finalized, it is important to discuss label requirements. The Tennessee Commercial Feed law requires animal feeds (including pet foods and pet treats) be labeled with the following items:

1. Product name (including brand name if applicable)
2. Species of animal(s) intended to consume the product
3. Guaranteed product analysis (with all values reported in percentages by weight)
    a. Crude protein (minimum)
    b. Crude fat (minimum)
    c. Crude fiber (maximum)
    d. Moisture
4. Ingredients statement (list all ingredients in descending order by weight)
5. Directions for use (such as "for complete and balanced meals" or "for intermittent feeding as a treat or reward")
6. Name and address of the manufacturer or distributor
7. Quantity statement (net weight in English and metric units)

In addition to these label requirements, lot numbers or some type of code or tracking system is encouraged but not required. Lot numbers are beneficial for straightforward identification for unexpected situations such as product recalls.

According to TDA, most of the farm-based pet food products licensed in Tennessee are pet treats rather than complete feeds meeting the pet food definition. An example of an acceptable label for pet treat products is provided in Figure 1.

Any product claims that are stated or implied as part of the product packaging, marketing materials or marketing efforts should be substantiated. It is suggested that the TDA program manager for the Agriculture Inputs section approve any product claims in advance.

For pet treats, the principal display panel of the label (the front of the package/label) must obviously state that the product is a "treat" or a "snack" or the feeding directions must state that "this product is intended for intermittent or supplemental feeding only."

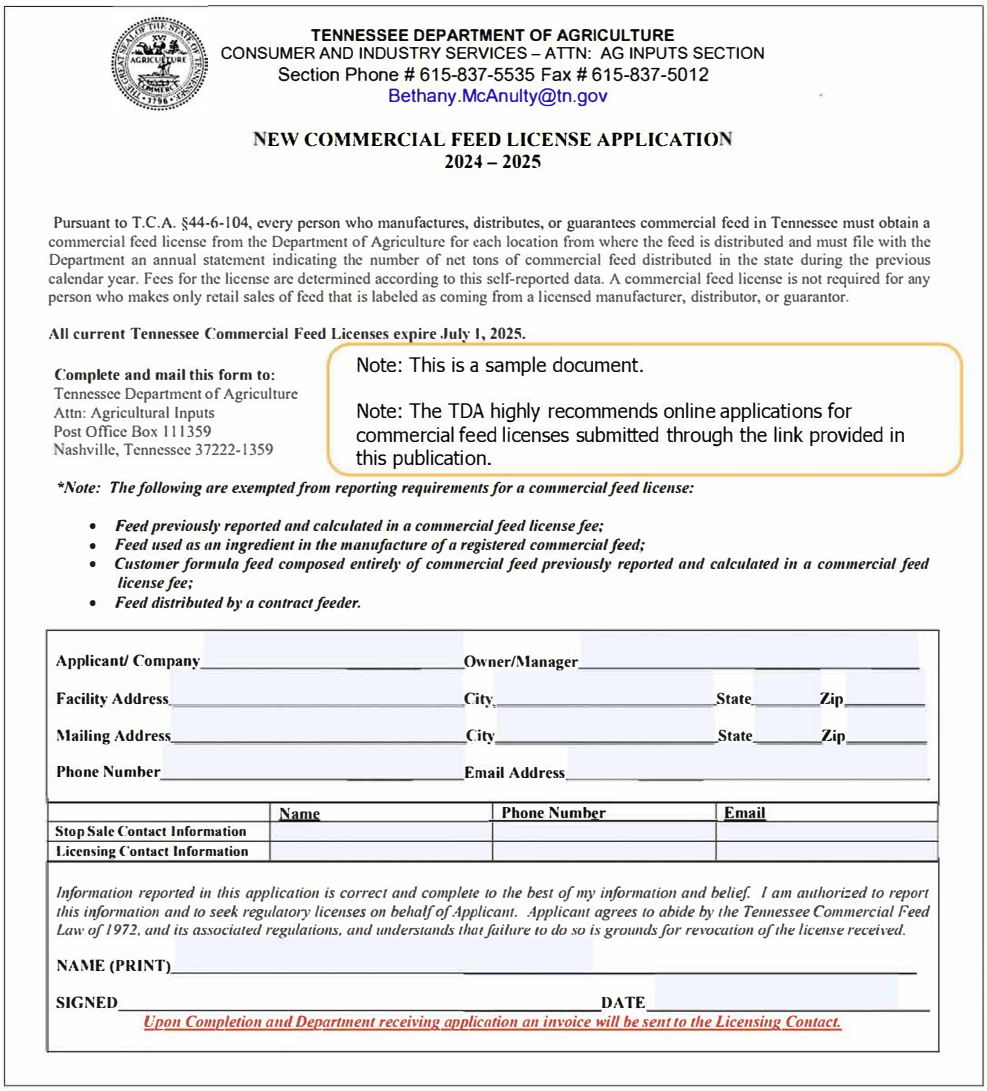
Application for a License

To apply for a license to manufacture or label pet food or pet treats in Tennessee, the form titled "Application for a Tennessee Commercial Feed License" must be completed (Figure 2).

The form can be obtained online or by contacting the Agriculture Inputs section at:

Tennessee Department of Agriculture
Consumer and Industry Services
Agriculture Inputs
615-837-5148

A sample copy of the form, current at the time of this publication, is available as Figure 2. As part of the licensing process, a minimum $50 annual fee is required. After the first year of licensing, a volume-based renewal license will be required based on the tonnage of sales from the previous 12-month period. A late fee will be charged if the license is not renewed by the deadline.



TENNESSEE DEPARTMENT OF AGRICULTURE
CONSUMER AND INDUSTRY SERVICES – ATTN: AG INPUTS SECTION
Section Phone # 615-837-5535 Fax # 615-837-5012
Bethany.McAnulty@tn.gov

NEW COMMERCIAL FEED LICENSE APPLICATION
2024 – 2025

Pursuant to T.C.A. §44-6-104, every person who manufactures, distributes, or guarantees commercial feed in Tennessee must obtain a commercial feed license from the Department of Agriculture for each location from where the feed is distributed and must file with the Department an annual statement indicating the number of net tons of commercial feed distributed in the state during the previous calendar year. Fees for the license are determined according to this self-reported data. A commercial feed license is not required for any person who makes only retail sales of feed that is labeled as coming from a licensed manufacturer, distributor, or guarantor.

All current Tennessee Commercial Feed Licenses expire July 1, 2025.

Complete and mail this form to:
Tennessee Department of Agriculture
Attn: Agricultural Inputs
Post Office Box 111359
Nashville, Tennessee 37222-1359

Note: This is a sample document.

Note: The TDA highly recommends online applications for commercial feed licenses submitted through the link provided in this publication.

Note: The following are exempted from reporting requirements for a commercial feed license:

- ***Feed previously reported and calculated in a commercial feed license fee;***
- ***Feed used as an ingredient in the manufacture of a registered commercial feed;***
- ***Customer formula feed composed entirely of commercial feed previously reported and calculated in a commercial feed license fee;***
- ***Feed distributed by a contract feeder.***

Applicant/ Company_____ **Owner/Manager**_____

Facility Address_____ **City**_____ **State**_____ **Zip**_____

Mailing Address_____ **City**_____ **State**_____ **Zip**_____

Phone Number_____ **Email Address**_____

	Name	Phone Number	Email
Stop Sale Contact Information			
Licensing Contact Information			

Information reported in this application is correct and complete to the best of my information and belief. I am authorized to report this information and to seek regulatory licenses on behalf of Applicant. Applicant agrees to abide by the Tennessee Commercial Feed Law of 1972, and its associated regulations, and understands that failure to do so is grounds for revocation of the license received.

NAME (PRINT)_____

SIGNED_____ **DATE**_____

Upon Completion and Department receiving application an invoice will be sent to the Licensing Contact.

Figure 2: *Sample Application Form for a Tennessee Commercial Feed License*

Raw Milk for Animal Feed

It should be noted that raw milk that is distributed for animal feed in Tennessee must comply with the same licensing, reporting and labeling requirements that generally apply to the sale of all commercial animal feeds in the state. Producers of pet food using raw milk are commercial animal feed manufacturers and must have a Tennessee Commercial Feed license. The license is required annually along with annual reporting of sales and proper labeling. Regarding labeling, each container must comply with the same label requirements as required for all other commercial feeds along with the two additional requirements that are included in the list below:

- Species of animal from which the milk was obtained (Examples: raw cow milk or raw goat milk).
- Precautionary Statement (this is REQUIRED LANGUAGE): WARNING – Not for Human Consumption.

The application for a license to manufacture raw milk to be marketed as an animal feed is the same application to be completed by any commercial feed facility in Tennessee. The application form is the same as the form noted above.

Additional note: When selling raw milk for pet food or pet treats, it is **required** to store the raw milk separate from food products intended for human consumption.

For more information, contact the TDA Agriculture Inputs section at 615-837-5148.

Figure 3. *Example of Raw Milk Pet Treat Label*

Weights and Measures

It should be noted that while the state feed law requires that product quantity/weight be included on each package as part of the label, there are additional requirements regarding the scales on which the weight is determined. These legislative requirements are administered by the TDA Weights and Measures section to prevent unfair or deceptive dealing by weight or measure in any commodity or service advertised, packaged, sold or purchased within the state.

Point-of-Sale Pet Food/Treats

When scales are used at the point of sale to weigh pet foods/pet treats, they must meet specific rules and regulations enforced by TDA Weights and Measures and should be inspected by this agency prior to use. The net weight and related labeling of packaged pet food/pet treats must likewise conform to regulations enforced by TDA.

Prepackaged Pet Food/Treats

Pet food and pet treat products that are prepackaged prior to sale must include an accurate net weight in metric or customary units; however, the weight is typically expressed in the customary units of pounds, ounces or both. Weights expressed in the customary system should be labeled to at least two decimal places, i.e., 1.56 pounds. Scales used to weigh prepackaged products do not have to be inspected by this agency, but the product's accurate net weight must be expressed on the product label.

Questions regarding weights and measures requirements should be addressed with the Weights and Measures section at:

Tennessee Department of Agriculture
Consumer and Industry Services
Weights and Measures
615-837-5109

Pet Food, Pet Treats and Chew Toys

For labeling, it is important to understand the difference between pet food and pet treats.

- Pet foods are any commercial feed prepared and distributed for consumption by pets and are considered to be nutritionally complete and balanced for all stages of an animal's life.
- Pet treats are not considered a complete and nutritionally balanced feed.

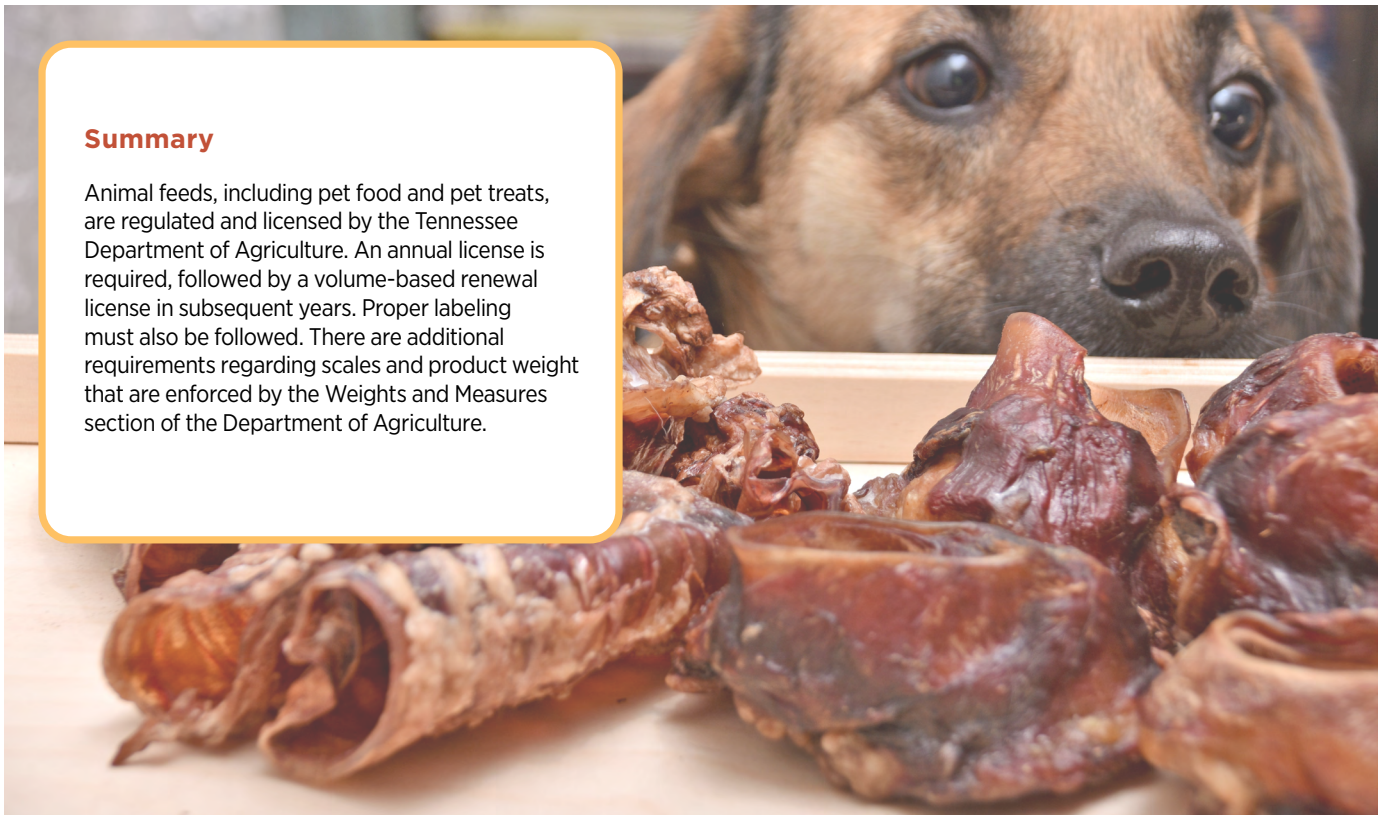
If the product is intended as a pet food, its nutritional completeness and balance must be verified by the manufacturer. In addition, some edible products intended for pets may fall under a third category of chew toys. For example, animal bones, animal ears or hide/leather products may be marketed as chew toys for pets. Chew toys are generally not considered pet food or a pet treat. According to the Association of American Feed Control Officials, chews toys are considered all chews, bones, toys (made of animal skin, hide, wood or manmade objects), hooves, ears, ligaments, snouts and pizzles. Chew toys are exempt from labeling unless there is a nutritional claim, such as "low-calorie" or "high protein."

The Association of American Feed Control Officials

Additional information regarding getting into the pet food business can be obtained from the Association of American Feed Control Officials (AAFCO). While the AAFCO does not have statutory oversight for the regulation of pet food and pet treats, the association provides information and advice to pet food manufactures and regulatory agencies to assist in development and proper labeling of these products. The AAFCO has a comprehensive labeling guide that is available for sale. The guide provides helpful information pertaining to labeling and includes various label examples. Those planning to sell animal feed and pet food products in states outside of Tennessee may find the AAFCO resources helpful in understanding other state licensing and labeling requirements. The AAFCO website contains a great deal of information about starting a pet food business, registration and licensing, labeling, ingredients and product analysis.

Online Resource

Tennessee Department of Agriculture, New Commercial Feed License Application: stateoftennessee.formstack.com/forms/tda_new_commercial_feed_license_application



Summary

Animal feeds, including pet food and pet treats, are regulated and licensed by the Tennessee Department of Agriculture. An annual license is required, followed by a volume-based renewal license in subsequent years. Proper labeling must also be followed. There are additional requirements regarding scales and product weight that are enforced by the Weights and Measures section of the Department of Agriculture.

ValeriyPH - stock.adobe.com

UTIA.TENNESSEE.EDU

Real. Life. Solutions.™

PB1832 05/26 26-0106 Programs in agriculture and natural resources, 4-H youth development, family and consumer sciences, and resource development. University of Tennessee Institute of Agriculture, U.S. Department of Agriculture and County governments cooperating. UT Extension provides equal opportunities in programs and employment.