

Commonwealth of Puerto Rico
DEPARTMENT OF AGRICULTURE
San Juan, Puerto Rico

MARKET REGULATION NO. 11

TO REGULATE THE SALE AND DISTRIBUTION OF COMMERCIAL FEED FOR
DOMESTIC ANIMALS IN THE COMMONWEALTH OF PUERTO RICO,
AND TO REPEAL REGULATION NUMBER 1080, PROMULGATED ON
FEBRUARY 16, 1967, AS AMENDED BY REGULATIONS
NUMBER 1373, 1711, 2720, 2917, 3044, 3059, 3105 AND 3377

INDEX

<u>CONTENT</u>	<u>PAGE</u>
SECTION I. – TERMS USED	1
SECTION II. – DEFINITION OF TERMS	1-4
SECTION III. – REGISTRATION OF COMMERCIAL FEEDS	4-8
SECTION IV. – LICENSES	9
SECTION V. – LABELING	9-11
SECTION VI. – MISBRANDING	11
SECTION VII. – ADULTERATION	12-13
SECTION VIII. – QUALITY OF INGREDIENTS IN COMMERCIAL FEEDS	13-14
SECTION IX. – INSPECTION, SAMPLING AND ANALYSIS	15-17
SECTION X. – DETENTION OF COMMERCIAL FEEDS	17-18
SECTION XI. - SALES REPORTS	18-19
SECTION XII. – REVIEW OF ADMINISTRATIVE DETERMINATIONS	19
SECTION XIII. – PENALTIES FOR THE COMMERCIAL FEED NOT CONFORMING TO THE GUARANTEE	19-21
SECTION XIV. – CANCELLATION OF REGISTRATIONS	21
SECTION XV. – PROCEDURE FOR LEVYING ADMINISTRATIVE FINES	21-22
SECTION XVI. – PENALTIES	22
SECTION XVII. – REPEAL	22
SECTION XVIII. – LEGAL AUTHORITY AND EFFECTIVENESS	22-23+

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SECTION I. – TERMS USED

For the purposes and application of this Regulation, all words used in the singular number shall be deemed to import the plural or vice versa, where its use so justifies. The English version shall prevail whenever there may be a reasonable doubt as to the meaning of a word or group of words that may have been translated from the English to the Spanish language. Names used in the masculine gender shall include the feminine gender, or vice versa, where the case may so demand.

SECTION II. – DEFINITION OF TERMS

The following terms shall have the following meanings, wherever used or referred to in this Regulation, unless as otherwise indicated by the text:

1. Puerto Rico – means the Commonwealth of Puerto Rico.
2. Department – means the Department of Agriculture of Puerto Rico.
3. Secretary – means the Secretary of Agriculture of Puerto Rico, or his authorized representative.
4. Act – means Act No. 110 approved on June 28, 1962, as amended, known as “Commercial Feed for Domestic Animals Act of Puerto Rico”.

* Compliance with the requirements of this Regulation shall not excuse failure of any person or firm to comply with the provisions of other applicable laws and regulations.

5. Inspector – means the representative of the Secretary, duly authorized to enforce the Act and this Regulation, including any other official authorized by the Secretary of Agriculture by means of agreement with other agencies and entities.
6. Person – means any individual, partnership, association, cooperative association, corporation or any other form of legal organization.
7. To Distribute – means to have for sale, offer for sale, sale or otherwise supply commercial feeds, including commercial feeds for personal use.
8. Distributor – means any person who distributes commercial feed in Puerto Rico.
9. Commercial Feed – means all material or mixture of materials distributed for use in the feeding of domestic animals, including mineral or vitamin supplements, or mineral supplements with vitamins intended to supply principally mineral elements or inorganic nutrients but excluding hay, fresh grass, whole and unblended grains and seeds and molasses not diluted or mixed with other matters. This includes mashed feed, pellets, or bulky feeds.
10. Domestic Animals – it includes all kinds of bovines, dairy and beef cattle; porcine, equine, and asinine cattle, mules, jacks, hircine cattle; sheep, rabbits, and fowl for commercial production of meat and eggs.
11. Ingredient – means each one of the substances constituting a commercial feed; Provided, that such substance has been adopted and systematically denominated and defined as such by the Association of American Feed Control Officials, Incorporated. Likewise, any other substance, the use of which in a commercial feed has been authorized expressly by the Secretary, shall also be considered as an ingredient. In order that the Secretary may authorize the use of any other substance as an ingredient in a commercial feed it shall be necessary that such substance be approved as such by the Agricultural Experimental Station of the University of Puerto Rico and that the interested party submit previously scientific, authentic and corroborative evidence of the usefulness of the substance in the feeding of animals, as well as of its composition, characteristics and proportion in which the same shall be used according to the animals for which it is intended, and that its use as such has no toxic, harmful or undesirable effects.

12. Additive – means an ingredient or combination of ingredients added to the basic commercial feed mix or parts thereof to fulfill a specific need. Said term shall comprise every substance considered as “additive” by the Food and Drugs Administration of the United States and/ or the Department of Health of Puerto Rico.
13. Medicated Feed – means any commercial feed that contains ingredients such as drugs, hormones or antibiotics, added and intended for the cure, mitigation, treatment, or prevention of diseases of domestic animals, or intended to stimulate growth or in otherwise affect the structure or any function of the body of domestic animals.
14. Label – means all written, printed or engraved material on the receptacle or container in which a commercial feed is distributed, or otherwise attached thereto.
15. Trade Mark – means any word, name, symbol or device, or any combination thereof, identifying the commercial feed of a distributor and distinguishing it from other commercial feeds or other distributors.
16. Official Sample – means a representative sample of a commercial feed taken by the Secretary or his authorized representative from the same lot of commercial feed in its original unbroken or inviolate container, mashed or bulked in a mill, farm or truck.
17. Lot – means a group of the same commercial feed, either packed or unpacked, that may be distinguished from any other group of commercial feed.
18. Ton – means a net weight of two thousand (2,000) pounds avoirdupois.
19. Percentage - means the percentage by weight.
20. Original Container – means the immediate container of the commercial feed for domestic animals, sacks, including vans, trucks, trailers or any other means used to deliver to the buyer said feed, when the same is sold in bulk, in sacs, etc.
21. Manufacturer – means any person within or without Puerto Rico who manufactures, packs, repacks, or processes in any other form commercial feeds for their sale and distribution in Puerto Rico.
22. Carrier – means any person or maritime navigation company or airline transporting commercial feed to Puerto Rico, including terrestrial transportation.
23. Registrant or Representative – means the person living in Puerto Rico presenting for register any commercial feed under the provisions of the Act and this Regulation.

24. To register – means the act of inscribing before the Secretary of Agriculture each commercial feed by every manufacturer of commercial feeds in Puerto Rico, as well as the manufacturer's representative or agent in Puerto Rico of commercial feeds produced outside of and introduced to Puerto Rico.

SECTION III. – REGISTRATION OF COMMERCIAL FEEDS

A. In order to be distributed in Puerto Rico, it shall be an indispensable requirement that all commercial feeds be registered in the Department by the manufacturer of the commercial feed in Puerto Rico, or by the manufacturer's representative or agent in Puerto Rico of such commercial feed produced out of and introduced to Puerto Rico. When any agent or representative of the manufacturer abroad ceases in his functions, it shall be his duty to notify the Secretary his cessation as such, in which case the commercial feed cannot be distributed in Puerto Rico until the manufacturer of the commercial feed produced out of Puerto Rico designates a new agent or representative and such designation is officially informed to the Secretary. The new agent or representative so designated shall be responsible of complying with the provisions of the Act and this Regulation applicable to the commercial feed object of the registration in effect. It shall be understood that the manufacturer of a commercial feed guarantees the composition and analysis of the same.

B. Any person designated as agent or representative of the manufacturer of a commercial feed produced outside Puerto Rico shall comply with the following requirements in order to operate as such:

1. Be a resident of Puerto Rico;
2. Possess an establishment or adequate place to make inspections of commercial feed lots at any moment or in a date previously agreed;
3. Show authentic evidence of the legal tenancy or possession of the place of business;
4. Submit a letter from the manufacturer of the commercial feed designating him as its agent or representative;

5. Submit a letter from him to the manufacturer accepting the representation;
 6. If the agent or representative is a corporation, submit copy of the certificate of incorporation issued by the Department of State of Puerto Rico or the state of the United States in which it is incorporated.
- C. Separate entries shall be required for commercial feeds differing among themselves either in the guaranteed analysis, ingredients, groups of ingredients included in approved collective terms, additives, name of the feed, trademark or manufacturer.
- D. Applications for registration of commercial feeds shall be made in a special form furnished by the Secretary. The application shall be sent in duplicate and shall be accompanied by two labels of the commercial feed to be registered. The copy or duplicate of the application shall be returned to the applicant together with the certificate of registration of the commercial feed, once the same are registered in the Department. In cases where the label appears printed directly on the container of the commercial feed, two clearly legible facsimiles or faithful reproductions thereof, shall be attached to the application. In each application for registration, the following information shall appear among other:
1. Name of the commercial feed, trademark and name and address of its manufacturer.
 2. Name and address of the person requesting the registration of the commercial feed, as well as the personal or representative capacity of the person signing the application, specifying the office held or the power of attorney conferred to him if he signs in a representative capacity.
 3. Specific indication of the animals for which the commercial feed is distributed; and the sex, stage of growth or development of animal and other conditions or characteristics thereof, such as state of gestation, productivity, use or purpose of the animal, as the case may be, when the commercial feed has some specific

purpose or use related to one or more of such conditions or characteristics of the animal.

4. Name of each one of the ingredients or generic terms for collective terms constituting the commercial feed.

Except in specific cases, or when otherwise provided by the Secretary, each ingredient shall be denominated with the name with which is officially defined by the Association of American Feed Control Officials, Incorporated. Tentative definitions of ingredients shall not be used until the names are officially adopted by the Association of American Feed Control Officials, Incorporated, except in case no official definition exists for each one of said ingredients.

Collective terms of groups of ingredients permitted shall be those included and so recognized by the Food and Drug Administration of the United States and the Association of American Feed Control Officials, Incorporated.

5. Guaranteed analysis, specifying in the following order:

Minimum percentage of crude protein; minimum percentage of crude fat; and maximum percentage of neutro detergent fiber in the commercial feed. When a commercial feed is intended for ruminant animals a maximum of .5% of phosphorus shall be guaranteed. In case of commercial feeds considered as substitute of forage for ruminant animals (it being understood as such, those in which the maximum guarantee of neutro detergent fiber is twenty-eight (28) percent or more), it shall be guaranteed, in addition to the maximum percentage of neutro detergent fiber, the minimum percentage thereof. The percentages shall be expressed up to one decimal place. The difference between the maximum percentage and minimum percentage of neutral detergent fiber shall not exceed five (5%) percent at no case. When the feed contains more than thirty

(30%) percent of wheat middling either alone or combine with any other byproduct of the manufacturing of cereals it shall be indicated in the label the maximum amount included of this or the combination with any other byproduct of the manufacturing of cereals. The determination of the concentration of wheat middling or of any other byproduct of the manufacturing of cereals shall be made based on the microscopic analysis. The maximum tolerance allowed for this parameter shall not exceed ten (10) percent and shall be considered a violation to this parameter to exceed the maximum limit indicated in the label of three out of the last five samples. In addition, the guaranteed concentrations of other nutritive, medicinal, principles forming part of commercial feed shall also be indicated. Such concentrations shall be within the limits established, and shall be stated in the units of measure required by the Association of American Feed Control Officials, Incorporated and/or the Food and Drug Administration of the United States. Guarantees for crude protein, crude fat, and neutro detergent fiber shall not be required when the commercial feed is intended for purposes other than to supply such substances in the commercial feed of minor importance in relation to the primary purpose of the commercial feed.

- E. Once a commercial feed has been registered in the name of a person, it need not be registered in the name of other persons also distributing the same commercial feed. Any person who distributes a commercial feed already registered by other person shall apply for a license to be able to engage in such activity, as established in Section IV and shall render a sales and payment report as established in subsection B of Section X.
- F. The Secretary may refuse the registration of any commercial feed which is not in agreement with the provisions of the Act and this Regulation. Likewise, he may refuse registration of any commercial feed with little or no nutritional

value, or containing any poisonous or harmful substance, or any substance in such concentration as to render it harmful to the health of the domestic animal for which it will serve as feed or the consumer of said food.

G. All registrations shall expire on June 30 every two (2) years. Provided, that for the renewal of registrations of commercial feeds already registered, as to which there has been no change in the information required for the registrations in effect pursuant to Section III of this Regulation, it shall be sufficient that the Secretary receives a certification of the registrant to such effect in order that the registration be construed as renewed for two additional years, or until there is any change in any of the particulars comprised in said information. The certification for the renewal of the registrations shall include, among other, the following information:

1. Name of the commercial feed registration of which is to be renewed.
2. Registration number assigned
3. A statement to the effect that there has been no change in the information required for the previous registration; Provided that the renewal of the registration shall be invalid and a new registration shall be required if during the year there is any change in guaranteed analysis, ingredients, group of ingredients constituting a collective term, additives, name, trademark or manufacturer of the commercial feed previously certified.

SECTION IV. – LICENSES

A. Every person who distributes commercial feed in Puerto Rico shall provide himself with a license issued by the Secretary to operate as such. The application shall be submitted to the Secretary in the forms provided or authorized by him. All licenses will expire on June 30 every two (2) years. The representative of the manufacturer under whose name is registered the commercial feed is exempted from this license requirement.

SECTION V. – LABELING

A. Any commercial feed distributed in Puerto Rico shall bear a label containing the following information, which shall appear on the same side or face of the label in clearly and legibly printed letters, and the same shall not be subordinated or obscured by other statement or designs contained on the label. In case that any other information is required, the same may appear on other side panel of the label.

1. Net weight - the information regarding the net weight may appear printed directly on the container. In the case of liquid commercial feeds, the contents shall be stated in units of measure for liquids established in the laws or regulations of the Division of Weights and Measures of the Department of Consumer Affairs of Puerto Rico.
2. Trademark
3. Name of the commercial feed. The name shall appear in letters of an equal size. In the case of medicated feed, the term MEDICATED shall appear immediately below the name of the product, in letters of an equal size and of a type-size not smaller than half the type-size of the letters of the name of the commercial feed.
4. Specific indication of the domestic animals for which the commercial feed is distributed; and the sex, stage of growth or development or other conditions or characteristics of the domestic animals such as state of gestation, productivity or non-productivity, or use or purpose of the animal, as the case may be, when the commercial feed has some specific purpose or use related to one or more of such conditions or characteristics of the domestic animal. This information shall always appear in Spanish, and optionally also in English or any other language that the manufacturer may wish.

5. Guaranteed analysis in accordance with the provisions of Subdivision 5, Subsection D of Section III of this Regulation. This information shall appear in Spanish.
6. Name of each one of the ingredients or the collective terms of groups of ingredients approved by the Food and Drug Administration, as well as the additives composing the commercial feed, denominated as provided in Subdivision 4, Subsection D of Section III of this Regulation, and printed in letters of the same size and type.

When the name of a collective name is written in a label designating a group, it shall not be necessary to write the name of each one of the ingredients composing said group in the label. Provided, that any registrant and/or manufacturer shall, at the request of the secretary, individually identify the ingredients in a collective term used in any commercial feed in a specific lot distributed in Puerto Rico during the term of effectiveness of the registration.

7. Name and address of the manufacturer who guarantees the composition and analysis of the commercial feed.
8. Registration number assigned by the Secretary.

B. When a commercial feed contains medicaments, vitamins, hormones or other drugs, the label shall indicate the technical name and the concentration of each one of said substances. There shall be indicated in the Spanish language the purpose of these substances, clear and specific directions for the use of said feed, ration per animal, and warnings and precautions that should be taken to prevent that the commercial feed be used inadequately or improperly.

In the case of commercial feeds containing growth promotion or feed efficiency levels of antibiotics to be used continuously as the sole ration of the animals for which they were intended, the concentration of said antibiotics are not required to appear on the label. This exemption shall not apply in cases of certain antibiotics for which the Food and Drug Administration of the United States requires that their level be shown regardless of the amount or purposes thereof.

The technical name of the medicaments, hormones, or other drugs shall be those officially established or accepted by the Food and Drug Administration. The common name by which the ingredient or substance is known in the market may be used, but only for those medicaments that have not been officially designated by said Administration. Except as hereinbefore provided, the name given by the manufacturer to a medicinal ingredient shall not be used in lieu of its technical name.

- C. Information regarding net energy of maintenance, gaining and lactation in mega calories per pound.
- D. Commercial feeds intended for bovine cattle shall indicate the average ruminal degradation of the protein.

The information required on the above mentioned paragraphs C and D shall be based on the table of values published by the National Nutrition Council or any other the Secretary of Agriculture deems pertinent for the ingredients and the theoretical formula of the feed. This information shall appear below the nutritional panel or on a table on another area of the label.

- E. Each container or receptacle shall bear a label containing the information required in this Section; Provided, that the label shall accompany each lot and copy thereof shall be furnished to each purchaser at the time of delivery, when a commercial feed is distributed in bulk.

SECTION VI. – MISBRANDING

The distribution in Puerto Rico of misbranded commercial feed is hereby prohibited. A commercial feed shall be considered misbranded if:

1. The label does not contain all the information required in Section V of this Regulation.
2. The information required on the label of the commercial feed differs the data on the certificate of registration issued therefor by the Secretary.
3. It contains false or unjustified claims as to the nutritive value, properties or uses of the commercial feed.
4. The information required by the Act and this Regulation to appear on the label is inconspicuous or difficult to read under customary conditions prevailing in the purchase and use of the commercial feed.

SECTION VII. – ADULTERATION

A. The distribution in Puerto Rico of adulterated commercial feed is hereby prohibited.

B. A commercial feed shall be considered adulterated if:

1. It contains any one of the following substances, the use of which in a commercial feed is prohibited by this Regulation, to wit:

a. Poisonous or deleterious substances of no nutritive value, contained in such amounts as to render the commercial feed harmful or injurious to the health of the domestic animal when administered in accordance with the directions for use appearing on the label.

b. Substances that may impart undesirable characteristics to the products obtained from the domestic animal fed on the commercial feed, or which may unfavorably affect the health of a human being who consumes the meat, eggs, milk and other products of the domestic animal fed on such commercial feeds, even when used in the proportions shown on the label.

c. Substances that may be harmful to the health of the domestic animal, or having little or no nutritive value, such as weeds, sand or small stones, sawdust, seeds with laxative or irritating properties, and any other such matter unsuitable to be used in a commercial feed.

d. Substances of high fiber contents, such as grain or seed hulls, screenings, straw, corn cobs, or any other such substance, unless the name of each one of them is clearly specified on the label of the commercial feed.

e. The use of urea in commercial feeds for non-ruminants.

2. If the analysis of an official sample reveals that the composition of the commercial feed is inferior to that guaranteed on the label, after allowing for the tolerances indicated in Subsection A, Section XIII and tolerances established by the Association of American Feed Control Officials, Incorporated and/or by the Food and Drug Administration of the United States in regard to the mineral ingredients and medicaments or additives

contained in said commercial feed in accordance with the provisions of Section VIII of this Regulation.

3. If the analysis of an official sample reveals that one or more of the ingredients, individual or collective, declared in the certificate of registration has been omitted from the commercial feed, or totally or partially substituted for other ingredient or ingredients, or that ingredients other than those declared in the certificate of registration, have been added.
4. If the commercial feed contains insects, fungi, bacteria, or other organisms or microorganisms that may affect the quality of the feed, whether in its nutritive value or by producing deleterious substances in the same which may render it harmful or detrimental to the health of the animal which consumes said feed.

SECTION VIII. - QUALITY OF INGREDIENTS IN COMMERCIAL FEEDS

- A. The composition or characteristics of each ingredient in a commercial feed shall conform to those specified in the description of the same as defined by the Association of American Feed Control Officials Incorporated. In the case of ingredients whose use is allowed by express authorization of the Secretary, the composition, proportion or any other characteristics thereof shall conform to the specification of the Secretary in such authorization.
- B. Ingredients used in a commercial feed to provide a certain nutritive principle shall be those adequate for each type of domestic animal.
- C. The use of urea in commercial feeds shall be permitted only if the following requirements and conditions are fulfilled:
 1. That it be used only in commercial feeds for ruminants. Said ingredient shall be considered as an adulterant agent in commercial feeds for other animals.
 2. The maximum percentages of proteins from non-protein nitrogen shall appear immediately below the crude protein in the guaranteed analysis on the label of the commercial feed; and likewise urea must appear in the list of ingredients stated on the label.

3. If the commercial feed contains more than three point seventy five (3.75%) percent of protein from urea, or if the protein from urea exceeds one third (1/3) of the total crude protein in the commercial feed, the label shall bear clear and specific directions for the proper usage of the commercial feed, and shall contain conspicuously and prominently the following statement:

“WARNING: THIS FEED SHOULD ONLY BE USED IN ACCORDANCE WITH THE DIRECTIONS FURNISHED ON THE LABEL”.
- D. Use of ammoniated compounds in commercial feeds shall be limited to those approved by and conforming to the requirements established therefor by the Food and Drug Administration or by the Association of American Feed Control Officials, Incorporated.
- E. Fluorine (F) contents in any mineral or mineral mixture to be used directly for feeding domestic animals shall not exceed 0.30 percent for bovine cattle; 0.35 percent for sheep; 0.45 percent for swine; and 0.60 percent for fowl intended for commercial production of meat and/or eggs.
- F. When the term “iodized” is used in connection with a mineral ingredient in a commercial feed, said ingredient shall contain not less than 0.007 percent of iodine, uniformly distributed in the mineral ingredient.
- G. A commercial feed containing 5 percent or more of added mineral ingredients, shall include in the guaranteed analysis the minimum and maximum percentages of calcium (Ca) and Salt (NaCl), and the minimum percentages of iodine (I) and phosphorus (P), if the last two have been added. With the exception of salt (NaCl), mineral content, which are quantitatively guaranteed, shall be stated in terms of percentage of the element.
- H. Medicinal ingredients, as well as their concentration, purity, potency and effectiveness, when they are included in a commercial feed, shall conform to the requisites established for such purpose by the Food and Drug Administration of the United States and/or the Department of Health of Puerto Rico.
- I. Use of additives, such as preservatives, artificial colors and/or flavors in a commercial feed, shall be limited to those approved by the Food and Drug Administration of the United States and/or the Department of Health of Puerto Rico. Such additives shall conform to the directions provided for their proper usage by said Administration and/or the Department of Health of Puerto Rico.

SECTION IX. – INSPECTION, SAMPLING AND ANALYSIS

- A. The Secretary may examine, take samples and analyze any commercial feed distributed in Puerto Rico, to verify whether the same meets the requirements established in this Regulation.
- B. In order to enforce compliance with the provisions of the Act and this Regulation, the inspectors may enter, during working hours, to any building, warehouse, store, ship, vehicle, farms or place where commercial feeds are manufactured, stored, transported, offered for sale, or otherwise distributed in Puerto Rico.
- C. When a lot of commercial feed is subject to inspection, the same shall be arranged in such way as to allow the inspector to determine with reasonable ease the quantity of containers in each lot. Likewise, the owner or person in charge of the lot shall facilitate the means for a proper sampling of the lot by the inspector.
- D. For the taking of samples and chemical analysis of the commercial feeds, the methods established therefor by the Association of Official Analytical Chemists or those established by the Secretary shall be used. In cases of microscopist analysis of commercial feeds, the methods established therefor by the American Association of Feed Microscopists or those established by the Secretary shall be used.
- E. Any person that refuses the entrance to an inspector to any building, warehouse, store, ship, vehicle, farm or place where commercial feeds are manufactured, stored, transported, offered for sale or otherwise distributed in Puerto Rico, shall be guilty of a misdemeanor, punishable as provided on Subsection (b) Section 7 of the Act; to wit: a fine of not more than three hundred dollars, or imprisonment in jail for a term that shall not exceed thirty (30) days, or both penalties, at the discretion of the Court; in addition to being subject to the penalties provided in Section 12 of the Act.
- F. Neither the inspection report nor the analysis of an official sample may be nullified or altered in any manner, unless the evidence presented therefor justifies such action. The following procedure shall be followed to such purposes:
 - 1. When the inspection or analysis of an official sample shows that a commercial feed is adulterated or misbranded, the Secretary shall notify the registrant of the commercial feed in Puerto Rico or the person who manufactured, imported or distributed the commercial feed in Puerto Rico without being duly registered,

granting him ten (10) days to submit any allegation or to request a portion of the official sample.

2. If the person notified of the violation fails to submit any allegation within the aforesaid period, the result of the inspection and analysis of the official sample shall be considered final and unappealable.
3. When a portion of the official sample is requested, the term to submit allegations shall be extended to twenty (20) days counted from the date of receipt of the portion of the official sample.
4. If the registrant finds any difference as a result of his own analysis of the portion of the official sample requested and chooses to make the corresponding allegation, he shall proceed as follows:
 - a. He shall present to the Secretary, in writing, the corresponding allegation within the above-mentioned term, stating that the analysis was performed following the methods established therefor by the Association of Official Analytical Chemists or by the American Association of Feed Microscopists as the case may be.
 - b. The registrant or his authorized representative and the Director of the Laboratory of the Department shall set a convenient date so the registrant shall appear to the Laboratory of the Department and, in the presence of both, the official sample object of the allegation shall be analyzed. This analysis shall be performed following the methods established therefor by the Association of Official Analytical Chemists or by the American Association of Feed Microscopists as the case may be.

The Secretary shall determine the action he deems pertinent in accordance with the result of the analysis and pursuant to the provisions of the Act and this Regulation.

- G. The Secretary may publish in bulletins, newspapers, magazines, or by any other mean he may deem convenient, for the knowledge of interested parties and the public, the results of the inspections and of the analysis of samples of commercial feeds.

- H. It shall be the duty of every agent or authorized representative to notify the Department about the arrival of every lot of commercial feed prior to or at the time of arrival of the same to Puerto Rico, indicating the ship or plane transporting it and the place and date of unloading of the same.
- I. No lot of commercial feeds shall be removed from the port, airport, or place of unloading without the authorization of the Secretary of Agriculture or of an official or an inspector; Provided, that both the agent or authorized representative and the carrier shall be responsible for the fulfillment of this provision.
- J. Every lot of commercial feed imported may be inspected in the facilities or place provided by the representative or authorized agent; Provided, that in the event the commercial feed is imported in bulk, this may be inspected in the port, airport or place of unloading.

SECTION X. – DETENTION OF COMMERCIAL FEEDS

- A. The Secretary may issue a detention order with respect to any lot of commercial feed, which is distributed in violation of any of the provisions of this Regulation. It is hereby prohibited to distribute or otherwise dispose of a lot of commercial feed so detained without a previous written authorization of the Secretary or any court with competent jurisdiction.
- B. The Secretary shall lift the detention order with respect to a lot of commercial feed when the violations are corrected to his satisfaction within a period of thirty (30) days following the date of the issuance of the detention order. When the violations are not corrected within a period of thirty (30) days, the lot of a commercial feed shall remain so detained subject to confiscation, destruction or other disposition upon order of a court with competent jurisdiction at the request of the Secretary.
- C. Notwithstanding the penalties provided in the Act and this Regulation, which shall be inapplicable to the offense herein referred to, any person who distributes or who otherwise disposes of a detained lot of commercial feed, without previous written authorization of the Secretary or a court of competent jurisdiction, shall be guilty of misdemeanor and upon conviction thereof shall be punished by a fine of not less than two hundred (\$200) dollars nor more than two thousand (\$2,000) dollars, or by

imprisonment in jail for not less than ten (10) days nor more than ninety (90) days, or by both penalties, at the discretion of the Court.

SECTION XI. – SALES REPORTS

- A. The Act establishes an inspection fee of forty (\$0.40) cents for every ton of commercial feed distributed in Puerto Rico. The same exempts from payment of said inspection fee all raw materials, mixtures of raw materials or any commercial feed sold to manufacturers of commercial feed and used in the processing of commercial feeds registered under the provisions of the Act and this Regulation.
- B. Any person having registered one or more commercial feeds shall be bound to present to the Secretary, within the first thirty (30) days after the close of each quarter, a statement in accordance with a special form provided by the Secretary, indicating the number of tons and fraction of ton of each commercial feed registered in his behalf and distributed in Puerto Rico during said quarter; Provided, that for the purposes of the Act and this Regulation, the signing of such statement by the deponent shall be construed as if the same were signed under oath and shall produce the same legal effect. This statement shall be accompanied by the amount of inspection fees established by the Act. Any person distributing a commercial feed previously registered by another person shall render a sales and payment report in a form provided by the Secretary. When an unregistered commercial feed has been distributed in Puerto Rico, the person who has distributed such commercial feed shall be bound to submit the above-mentioned statement and to pay the corresponding inspection fees, and shall also be subject to the penalties prescribed by the Act. In the event that an unregistered commercial feed manufactured in a mill of Puerto Rico has been distributed, the Secretary may close the same, upon holding the corresponding administrative hearing.
- C. The Secretary or his authorized representative may inspect books, bills of lading, invoices, or any other document necessary to establish the veracity of quarterly statements on commercial feeds distributed in Puerto Rico, required by the Act and by Subsection B of this Section. For such purposes, the Secretary may enter, during working hours, into any establishment where commercial feeds are distributed in Puerto Rico. It shall be the responsibility of every person who distributes commercial feeds to keep the records and documents for two (2) years.

D. Any person who refuses to permit the inspection authorized by Subsection (d) of Section 9 of the Act and by Subsection C of this Section shall be guilty of misdemeanor punishable as provided by Subsection (e) of Section 9 of the Act, to wit: by a fine of not more than three hundred (300) dollars or by imprisonment in jail for a term of not more than thirty (30) days, or both penalties, in the discretion of the Court. In addition, it shall be subject to the penalties imposed by Section 12 of the Act.

SECTION XII. - REVIEW OF ADMINISTRATIVE DETERMINATIONS

Any administrative determination of the Secretary establishing that a commercial feed is adulterated, or misbranded or that the composition or analysis of the feed is not in accordance with the guarantee stated when registered in the Department of Agriculture, it may be appealed within the term and in the manner provided by the Act.

SECTION XIII. – PENALTIES FOR THE COMMERCIAL FEED NOT CONFORMING TO THE GUARANTEE

A. In case a commercial feed shows a deficiency of more than half a unit (it being understood that each unit corresponds to one percent by weight) in protein or fat, or shows an excess of neutral detergent fiber exceeding two units in relation to the guaranteed analysis stated in the registration of the same, or in its labeling, in case of an unregistered commercial feed, after the result of the inspection and analysis of the official sample is final and unappealable, the manufacturer of said commercial feed shall be bound to pay as a penalty, the amount imposed by the Secretary in accordance with the scale hereinafter set forth, subject to the fact the official sample of said feed is taken from the original container, or in the warehouses of the manufacturer, or in those of the distributor, or in the distribution or marketing channel of said feed or on same being delivered to the purchaser.

The amounts to be paid as a penalty in such cases shall be determined on the basis of the following scale:

<i>Unit or fraction of unit in protein, fat and neutral detergent fiber deficiency, or excess in fiber, surpassing one – half unit in relation to guaranteed analysis stated in the registration or labeling of the commercial feed.</i>	<i>Penalty to be paid for each one hundred (100) pounds or fraction thereof of commercial feed found deficient in the inspected lot.</i>
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<i>More than .5 and up to 1</i>	<i>\$0.75</i>
<i>More than 1 and up to 2</i>	<i>\$1.25</i>
<i>More than 2 and up to 3</i>	<i>\$1.75</i>
<i>More than 3</i>	<i>\$2.25 plus \$0.50 per each unit or fraction thereof, in excess of 3 units.</i>

B. It shall also be understood as deficient in neutral detergent fiber, any commercial feed considered as forage for ruminant animals, which are referred to in paragraph 5 of subsection D of Section III of this Regulation, if the result of its official analysis shows a concentration of more than two units of one (1%) percent by weight in neutral detergent fiber under the minimum guaranteed in the registration or labeling of the product, after the result of the inspection and analysis of the official sample is final and unappealable. The manufacturer of such commercial feed shall be bound to pay as a penalty the amount imposed by the Secretary as hereinafter stated.

The amounts to be paid as a penalty in such cases shall be determined on the basis of the following scale:

<i>Unit or fraction of unit in neutral detergent fiber deficiency, or excess, surpassing two units in relation to guaranteed analysis stated in the registration or labeling of the commercial feed.</i>	<i>Penalty to be paid for each one hundred (100) pounds or fraction thereof of commercial feed found deficient in the inspected lot.</i>
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<i>More than 2 and up to 3</i>	<i>\$1.75</i>
<i>More than 3</i>	<i>\$2.25 plus \$0.25 per each unit or fraction thereof, in excess of 3 units.</i>

In no case shall the penalty to be paid be less than one hundred fifty (150.00) dollars.

The payment for these penalties shall be made directly to the farmer in cash or by check, postal money order or credit allowance in those cases where the samples found deficient correspond to a commercial feed already sold or consigned to the farmer at the moment in which the samples were taken. In all other cases the payment shall be made by check or money order payable to the Secretary of the Treasury of Puerto Rico, and

shall be sent to the Department of Agriculture within thirty (30) days following notification of the penalty. The manufacturer shall submit to the Secretary evidence of having made the corresponding payment to the farmer within the term prescribed.

- C. If any manufacturer fails to satisfy any final and executory penalty imposed by the Secretary under Section 7-A of the Act or under this Section within thirty (30) days following notification thereof, the registration of such commercial feed shall be cancelled and said manufacturer or his authorized representative shall be prohibited from manufacturing or distributing such feed in Puerto Rico or from requesting a new registration thereof until said penalty has been fully paid.

SECTION XIV. – CANCELLATION OF REGISTRATIONS

The Secretary, upon notice to the interested person granting him the opportunity to be heard, may cancel any registration or registrations of commercial feeds issued in behalf of a person for any of the following reasons:

1. Failure to render, within the term specified by the Act and this Regulation, the quarterly statements referring to each commercial feed so registered on his behalf and distributed in Puerto Rico;
2. Failure to pay, within the term specified by the Act and this Regulation, the corresponding inspection fees;
3. Making a false statement as to the number of tons of such commercial feeds distributed during the corresponding quarter;
2. Distributing a commercial feed which is misbranded or adulterated;
3. Disposing, without a written authorization of the Secretary, of a lot of commercial feed to which a detention order has been issued.

SECTION XV. – PROCEDURE FOR LEVYING ADMINISTRATIVE FINES

In order to levy an administrative fine for any violation to this Regulation, the Secretary shall give to the affected party corresponding notice, summoning him to appear at his offices to show cause why the corresponding administrative fine should not be imposed. The summons shall bear the signature of the Secretary. The same shall be forwarded by certified mail, return receipt requested, or delivered personally to the affected person, and if it were a juridical entity, to the person in charge of the same. Whenever delivery is made personally, a copy of the summon shall be kept whereon the party shall sign a note acknowledging service of the

original. If in spite of having received the original said person refuses to sign the note, the person making the service shall certify and sign a note on the copy stating such fact.

The party summoned shall appear on the day and hour set for the administrative hearing either by himself or represented by an agent, representative or attorney, and shall present any evidence he may have in his behalf. If the party summoned fails to appear or if the Secretary considers that the evidence so justifies the Secretary may impose the administrative fine pursuant to Section 12 of the Act.

In order to impose any administrative fine, the Secretary shall issue a written determination with his signature, stating the facts constituting the violation and imposing the corresponding administrative fine. Such determination shall be notified to the affected person either personally or by certified mail, return receipt requested.

Any administrative fine shall be paid not later than fifteen (15) days after notification thereof as aforesaid. The payment of such fines shall be made either by check or money order payable to the Secretary of the Treasury and addressed to the Department of Agriculture.

SECTION XVI. – PENALTIES

Irrespective of the administrative action that the Secretary may take under the Act or this Regulation, any person who fails to comply with any of the provisions of the Act or this Regulation shall be guilty of misdemeanor and punished, by imprisonment in jail for not less than one (1) month nor more than six (6) months or a fine of not less than one hundred (100) dollars nor more than five hundred (500) dollars, or both, at the discretion of the Court; in addition to remain subject to the penalties established in Section 12 of the Act.

SECTION XVII. – REPEAL

The Regulation on the same subject, approved on February 16, 1967, which regulates the sale and distribution on commercial feeds for domestic animals in the Commonwealth of Puerto Rico, as amended is hereby repealed.

SECTION XVIII. – LEGAL AUTHORITY AND EFFECTIVENESS

This Regulation is promulgated pursuant to the powers vested in the Secretary by Act No. 110, approved on June 28, 1962, as amended. The same shall take effect thirty (30) days after its filing in the Department of State of Puerto Rico and the Legislative Library an original

and two copies of its Spanish and English texts pursuant to the provisions of Act No. 170 of August 12, 1988, as amended.

Approved on _____ 2004, in San Juan, Puerto Rico.

Luis Rivero Cubano
Secretary of Agriculture