



The differences between

PET FEED AND PET FOOD



This document is provided to pet food consumers as a resource to better understand pet food regulations, and the lack of enforcement of those regulations. Provided by Susan Thixton, pet food consumer advocate; TruthaboutPetFood.com and AssociationforTruthinPetFood.com.

The short version...

All pet foods and treats fall into two different classifications:
Feed Grade or Human Grade.

Feed Grade Pet Foods

- Feed grade pet foods are not required to abide by U.S. Federal food safety laws. In fact, the FDA allows feed grade pet foods to violate U.S. Federal law.

In April of 2019, the FDA stated:

“We do not believe that the use of diseased animals or animals that died otherwise than by slaughter to make animal food poses a safety concern and we intend to continue to exercise enforcement discretion.”

- Ingredients and supplements are NOT required to be human edible.
- NOT required to be manufactured by food safety standards.
- Formulated for pet consumption only, not held to U.S. food safety law.
- NOT labeled with any term or disclosure to alert pet owners to feed grade quality and/or potential use of illegal inferior ingredients or inferior manufacturing conditions.
- All styles of pet food can be feed grade; dry, can, raw, dehydrated, etc.

Human Grade Pet Foods

- Human grade pet foods are “food” - required to abide by all U.S. Federal food safety laws.
- All ingredients and supplements are human edible.
- Manufactured by the same safety standards as human food.
- Formulated for pet consumption, but are held to the exact same food safety laws as human food.
- Labeled with the term “Human Grade” alerting pet owners all food safety requirements have been met.
- Raw pet foods are not allowed to be labeled as Human Grade. Raw pet foods meet the legal requirements of the claim IF they are manufactured under USDA inspection (email the manufacturer for verification).

The detailed version...

All pet foods and treats fall into two different classifications: **Feed Grade or Human Grade.**

The legal definitions (from Association of American Feed Control Officials - AAFCO) of these classifications are:

"Feed Grade: Material that has been determined to be safe, functional and suitable for its intended use in animal food, is handled and labeled appropriately, and conforms to the Federal Food, Drug and Cosmetic Act unless otherwise expressly permitted by the appropriate state or federal agency (Suitable for use in animal feed)."

"Human Grade: Every ingredient and the resulting product are stored, handled, processed, and transported in a manner that is consistent and compliant with regulations for current good manufacturing practices (cGMPs) for human edible foods as specified in 21 CFR (Code of Federal Regulations) Part 117." ¹

On the surface these two classifications of pet food or ingredients don't seem that different. But...with further information, you'll see they can be as different as daylight and dark.

Human grade pet foods are simple to explain, they are food. When a pet food label includes the words "Human Grade" (ignore website claims, more on this to follow), this

means that all ingredients and supplements are required to be the same quality you'd purchase in a grocery for your human family, they are human edible quality. Human grade pet foods are also required to be manufactured by the same food safety standards that human food is manufactured by. The diets are formulated for cats and dogs, but each ingredient quality and manufacturing standards are the exact same as for human food.

Feed grade pet foods differ from human grade pet foods in that they could be manufactured with human edible quality ingredients and per human food safety standards, **but the FDA does not require them to be.**

When you read the definition of feed grade carefully, it states that feed grade pet foods or ingredients abide by law – unless they don't; *"conforms to the Federal Food, Drug and Cosmetic Act unless otherwise expressly permitted by the appropriate state or federal agency."*

In other words, feed grade pet foods/ingredients abide by federal law, UNLESS they are permitted to violate law by state or federal pet food authorities. What is "expressly

permitted" by state and federal pet food authorities in feed grade pet foods/ingredients is shocking.

In April 2019 the FDA stated:



In October 2016, the pet food consumer group Association for Truth in Pet Food filed a formal request with FDA asking the Agency to prohibit their allowed use of diseased animals and non-slaughtered animals into pet food. The FDA responded 2 ½ years later with the above statement, **refusing to prohibit** these dangerous and illegal ingredients into pet food. FDA continues to "exercise enforcement discretion", allowing pet foods to include illegal ingredients.

Many pet foods violate federal law.

U.S. federal law has no definition of feed grade (the only definition is the AAFCO definition). In fact, federal law clearly defines pet food as "food".

The Federal Food Drug and Cosmetic Act (Title 21, Chapter 9, Subchapter II, Section 321 Definitions; generally) defines a food as:

"(f) The term "food" means (1) articles used for food or drink for man or other animals, (2) chewing gum, and (3) articles used for components of any such article." ³

U.S. federal law also clearly defines an adulterated or illegal food, which happens to be word for word opposite of what FDA allows into feed grade pet foods.

The Federal Food Drug and Cosmetic Act (Title 21, Chapter 9, Subchapter IV, Section 342 Adulterated food) defines an adulterated or illegal food as:

"A food shall be deemed to be adulterated" (in part) "(5) if it is, in whole or in part, the product of a diseased animal or of an animal which has died otherwise than by slaughter;" ⁴

Per the Federal Food Drug and Cosmetic Act, diseased animals and animals that have died otherwise than by slaughter are adulterated, illegal in ANY food. But, per the FDA's own words and AAFCO's definition of feed grade, feed grade

pet foods are allowed to contain illegal ingredients.

And the worst part of this - **no pet owner is warned or alerted.** Pet food labels are not required to disclose if their products contain illegal ingredients, no pet food manufacturer is required to disclose their use of illegal ingredients.

From February 3, 2017 through May 31, 2019 - **more than 91 million pounds of pet foods were recalled because they contained pentobarbital,**⁵ a drug used to euthanize animals. The fact that this much pet food was recalled because it contained 'an animal that died otherwise than by slaughter' (euthanized animal) should not give consumers comfort. All 91 plus million pounds of pet foods were recalled because of the actions of a pet owner and a TV station journalist - **NOT from regulatory surveillance** of the pet food industry for illegal ingredients.

Pet Owner forced recall

On New Years Eve 2016 a pet owner in Seattle, WA fed her five dogs a can of Evanger's Hunk of Beef dog food. Within minutes of consuming the pet food, the dogs began staggering and falling down. The dogs were rushed to an Emergency Clinic, but one dog - Talula - had eaten more of the food than the others. Talula died.

This pet owner had a necropsy performed on Talula. "A toxicology

report later revealed the cause of her death. A drug called pentobarbital, a euthanasia agent, was found in both the dog's stomach and the Evanger's dog food. 'If this sample came directly from a can,' the toxicologist wrote, 'this is an urgent matter.' ⁶

The lab results were provided to FDA and a recall of the pet food occurred a month later on February 3, 2017.

Television station WJLA journalist Lisa Fletcher interviewed the Seattle pet owner and multiple consumer advocates regarding the euthanasia drug discovered in pet food. The television station tested 62 cans of pet food across 24 brands. Their results found pentobarbital in 15 cans of dog food. The television station provided their results to FDA and a recall of multiple varieties of canned Gravy Train, Kibbles n' Bits, Ol' Roy and Skippy dog foods was issued shortly after. ^{7, 8}

Illegal ingredients in pet food “*may be a much more pervasive problem*”.

How prevalent is the use of ingredients sourced from diseased animals and animals that have died other than by slaughter in pet food?

In October 2018, Dr. Steven Solomon, Director FDA Center for Veterinary Medicine stated in a speech to industry (obtained through Freedom of Information Act request) *“Most of us probably think that pentobarbital comes from a couple of bad actors that use a euthanized animal when they know they aren’t really supposed to. New evidence is showing that it may be a much more pervasive problem throughout the animal food supply than originally thought, and we have reason to believe rendered products can be a source for pentobarbital, if not controlled.”*⁹

What type of pet foods use ingredients sourced from diseased animals, euthanized or animals that have died other than by slaughter?

There is no certain answer to this question. The only thing we have to base a response on is information that has come to light thus far.

The typical procedure FDA follows after a recall is to perform a trace forward and trace backwards investigation with the pet food manufacturer. Trace forward investigation is to document all retail

and wholesale locations the recalled pet food was shipped to; efforts to assure that all recalled pet foods are removed from store shelves. The trace backwards investigation is to determine the source of the problem. As example, in the trace backwards investigation of the Gravy Train, Kibbles ‘n Bits, Ol’ Roy and Skippy recall, the FDA and manufacturer Smuckers determined the source of the pentobarbital was a fat ingredient purchased from a supplier in Pennsylvania (JBS/MOPAC in Souderton, PA).

When the source of the pet food problem is determined through trace backwards, a similar trace forward and trace backwards investigation is typically performed at the ingredient supplier. In the case of the Gravy Train, Kibbles ‘n Bits, Ol’ Roy and Skippy recall investigation at supplier JBS/MOPAC, authorities learned that JBS/MOPAC also shipped pentobarbital contaminated fats to Kentucky pet food manufacturer Champion Pet Foods.¹⁰

Unlike previous pet food brands that recalled pet foods due to pentobarbital contamination (Evangars, Gravy Train, Kibbles ‘n Bits, Ol’ Roy and Skippy), Champion Pet Food did not recall it’s products even though the pentobarbital contaminated pet foods *“was further distributed to the store/consumer level.”*¹¹

What we have evidence of, ingredients sourced from animals

that have died other than by slaughter have been documented in both kibble and canned pet foods, and from low price ranged grocery store type pet foods to high price ranged pet store type pet foods.

Based on historical evidence and FDA’s open permission for any feed grade pet food to utilize ingredients sourced from diseased animals or animals that have died other than by slaughter, the answer to the question ‘what type of pet foods use these illegal ingredients’ is:

Any feed grade pet food could contain ingredients sourced from diseased animals or animals that have died other than by slaughter. Pet owners have no guarantee of the quality of ingredients with feed grade pet foods.

Another unknown of feed grade pet food is manufacturing standards.

Information provided in a 2017 FOIA requested document - the FDA inspection report of a Mars Petcare plant in Columbus, Ohio stated:

“Inspectional Observations

1. Failure to inspect, segregate, or otherwise handle raw materials and ingredients used in manufacturing under conditions that will protect the animal food against contamination and minimize deterioration.”

Pet owners are encouraged to voice their opinions to FDA.

"2. Failure to take effective measures to exclude pests from your plant and protect against contamination of animal food by pests (Discussion Item from 10/27/2016 EI)."¹²

The FDA determined Mars Petcare failed to protect ingredients from contamination and deterioration. As well, the FDA inspection showed that Mars Petcare failed to prevent pest contamination of the pet foods made there.

But...the FDA did not require Mars Petcare to recall the pet foods made in this plant, deterioration of ingredients and contamination of pet foods by pests were ignored - because...this is a feed manufacturing plant not held to the same safety standards as human grade standards.

Are all feed grade pet foods a risk?

No. Some feed grade pet foods use only edible ingredients and manufacture in clean conditions. The problem for pet owners is there is no method to determine which manufacturers are using safe ingredients and producing in clean plants and which are not.

How do pet owners know if a pet food is feed grade or human grade?

Association for Truth in Pet Food formally requested FDA properly label pet products as food or feed to better inform pet owners about the quality of ingredients and manufacturing standards they are purchasing.¹³ Unfortunately, the FDA response stated they didn't believe a feed/food labeling of pet products *"would help consumers to know specifically how pet food differs from human food."*²

Human grade pet food labels are marked with the words *"Human Grade"*. Feed grade pet food labels are not marked as feed grade.

Ignore any website claims (or other marketing material) for human grade claims; regulatory authorities do not scrutinize pet food websites or marketing materials for false or misleading claims. Many pet foods make claims of human grade ingredients on their websites - including images of human edible foods. Many of those human grade claims could be false. The only verification pet owners currently have is the pet food label - look for the words *"Human Grade"* printed on the label.

Any style of pet food can be feed grade (kibble, can, raw, dehydrated, and so on). Currently only cooked, dehydrated and raw pet foods are available as *"Human Grade"*. Raw pet foods however are not allowed to make the human grade claim on their label. Raw pet foods that are

manufactured in a USDA facility under inspection meet the legal requirements of *"Human Grade"*.

You can voice your opinion on feed grade to FDA.

Feed grade pet products are regulated by the exact same laws and contain the exact same ingredients as cattle feed, chicken feed, and pig feed; all products that are meant to be stored in a barn - not brought into homes.

Human grade pet foods are regulated by the same laws as human food and contain the same ingredients as human food.

At the very least, we believe that all pet owners should be provided with full disclosure on the pet food label if the product is a pet 'food' abiding by all food safety laws or if the product is a pet feed that could contain illegal ingredients. We encourage all pet owners to ask the FDA to issue a pet food/pet feed labeling standard for pet products. Pet owners can email the FDA at: AskCVM@fda.hhs.gov

Links

- 1 - Page 10 https://www.aafco.org/Portals/0/SiteContent/Regulatory/Committees/Ingredient-Definitions/Minutes/Ingredient_Definitions_Minutes_2016_Midyear_Isle_of_Palms.pdf
- 2 - See "Final Response Letter from FDA CVM to Association for Truth in Pet Food"
<https://www.regulations.gov/docket?D=FDA-2016-P-3578>
- 3 - <https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title21-section321&num=0&edition=prelim>
- 4 - <https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title21-section342&num=0&edition=prelim>
- 5 - FDA Enforcement Report records <https://www.fda.gov/safety/recalls-market-withdrawals-safety-alerts/enforcement-reports>
- 6 - <https://www.washingtonpost.com/news/morning-mix/wp/2017/02/08/this-seemed-impossible-dog-food-recalled-after-euthanasia-drug-found-in-can/>
- 7 - <https://www.fda.gov/animal-veterinary/news-events/fda-alerts-pet-owners-about-potential-pentobarbital-contamination-canned-dog-food-manufactured-jm>
- 8 - <https://wjla.com/features/7-on-your-side/fda-to-investigate-after-abc7-exposes-euthanasia-drug-in-dog-food>
- 9 - FOIA received document https://truthaboutpetfood.com/wp-content/uploads/2019/09/Solomon-speech-2018-8268_CVM-Complete-Response_ENC.pdf
- 10 - FOIA records <https://truthaboutpetfood.com/wp-content/uploads/2019/01/FDAFOIA-Champion-Petfoods-FEI-3011918744-PADA-Notification-Letter-5-23-18-6-Pages-CK.pdf>
- 11 - FOIA records <https://truthaboutpetfood.com/wp-content/uploads/2018/12/FDAFOIA2108-9409encl2.pdf>
- 12 - FOIA records <https://truthaboutpetfood.com/wp-content/uploads/2018/07/MarsEIR2017.pdf>
- 13 - <https://truthaboutpetfood.com/wp-content/uploads/2019/06/Addendum-to-Citizen-Petition-FDA-2016-P-3578-0004-3.pdf>