

Presidential Documents

Title 3—

Proclamation 5285 of December 3, 1984

The President

National Care and Share Day, 1984

By the President of the United States of America

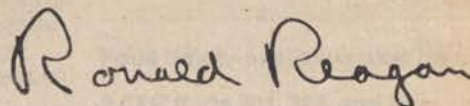
A Proclamation

The spirit of neighbor helping neighbor flows like a deep and mighty river through the history of our Nation. We are proud of our strong and uniquely American tradition of voluntarism. Compassion, vision, and a fundamental sense of decency are the hallmarks of our national character and are reflected in the charitable works of our citizens.

During this holiday season, I call upon all Americans to reflect this spirit of generosity and cooperation by joining in partnership with others to provide food to those in need. I ask the agricultural and food industries to donate surpluses to food banks around the country and to complement government programs that are providing food assistance to low-income Americans. I look for the support of community groups, charitable organizations, and individuals in donating food items and in transporting and distributing them to those in need. Let the caring, sharing, and goodwill generated by private initiative spread across this great Nation of ours and bring joy to each and every individual.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim December 15, 1984, as National Care and Share Day and call upon the people of the United States to pay tribute to acts of charity and to promote community involvement in caring for the needs of our neighbors.

IN WITNESS WHEREOF, I have hereunto set my hand this 3rd day of Dec., in the year of our Lord nineteen hundred and eighty-four, and of the Independence of the United States of America the two hundred and ninth.



[FR Doc. 84-31946

Filed 12-4-84; 11:44 am]

Billing code 3195-01-M

Presidential Documents

Washington, D.C., December 1, 1961

National Day and State Day, 1961

The President

My dear Mr. [Name]:

The spirit of national day is a spirit of unity and of shared purpose. It is a spirit that recognizes the fact that we are all part of a single, indivisible whole. It is a spirit that recognizes the fact that we are all responsible for the well-being of our country and of our fellow citizens.

During this holiday season, I call upon all Americans to join in a spirit of unity and of shared purpose. I call upon all Americans to recognize the fact that we are all part of a single, indivisible whole. I call upon all Americans to recognize the fact that we are all responsible for the well-being of our country and of our fellow citizens.

My dear Mr. [Name], I have pleasure in announcing that the President has decided to observe National Day and State Day on December 1, 1961. This day will be a day of national unity and of shared purpose. It will be a day when all Americans will join in a spirit of unity and of shared purpose.

My dear Mr. [Name], I have pleasure in announcing that the President has decided to observe National Day and State Day on December 1, 1961. This day will be a day of national unity and of shared purpose. It will be a day when all Americans will join in a spirit of unity and of shared purpose.

Respectfully,
John F. Kennedy

Rules and Regulations

Federal Register

Vol. 49, No. 235

Wednesday, December 5, 1984

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 907

[Navel Orange Regs. 606, 605 Amdt. 1, 604 Amdt. 2]

Navel Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: Regulation 606 establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period December 7-13, 1984. Regulation 605, Amendment 1, increases the quantity of such oranges that may be shipped during the period November 30-December 6, 1984, and Regulation 604, Amendment 2, increases the quantity of such oranges that may be shipped during the period November 23-29, 1984. Such action is needed to provide for the orderly marketing of fresh navel oranges for the periods specified due to the marketing situation confronting the orange industry.

DATES: Amended Regulation 604 (§ 907.904) is effective for the period November 23-29, 1984. Amended Regulation 605 (§ 907.905) becomes effective on November 30, 1984. Regulation 606 (§ 907.906) becomes effective on December 7, 1984.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202-447-5975.

SUPPLEMENTARY INFORMATION:

Findings

This rule has been reviewed under USDA procedures and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing

Service, has certified that this action will not have a significant economic impact on a substantial number of small entities.

This regulation and amendments are issued under the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The action is based upon the recommendation and information submitted by the Navel Orange Administrative Committee and upon other available information. It is hereby found that these actions will tend to effectuate the declared policy of the act.

These actions are consistent with the marketing policy for 1984-85. The marketing policy was recommended by the committee following discussion at a public meeting on September 25, 1984. The committee met again publicly on November 27, 1984 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of navel oranges deemed advisable to be handled during the specified weeks. The committee reports the demand for navel oranges is good.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the Federal Register (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendments are based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information on views on the regulation and amendments at an open meeting. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 907

Marketing agreements and orders, California, Arizona, Oranges (Navel).

PART 907—[AMENDED]

1. Section 907.906 is added as follows:

§ 907.906 Navel Orange Regulation 606.

The quantities of navel oranges grown in California and Arizona which may be handled during the period December 7, 1984, through December 13, 1984, are established as follows:

- (a) District 1: 1,600,000 cartons;
- (b) District 2: Unlimited cartons;
- (c) District 3: Unlimited cartons;
- (d) District 4: Unlimited cartons.

2. Section 907.905 Navel Orange Regulation 605 paragraphs (a) through (d) are hereby revised to read:

§ 907.905 Navel Orange Regulation 605.

- (a) District 1: 1,500,000 cartons;
- (b) District 2: Unlimited cartons;
- (c) District 3: Unlimited cartons;
- (d) District 4: Unlimited cartons.

3. Section 907.904 Navel Orange Regulation 604 paragraphs (a) through (d) are hereby revised to read:

§ 907.904 Navel Orange Regulation 604.

- (a) District 1: 1,240,000 cartons;
- (b) District 2: Unlimited cartons;
- (c) District 3: Unlimited cartons;
- (d) District 4: Unlimited cartons.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: November 29, 1984.

Thomas R. Clark,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 84-31684 Filed 12-4-84; 8:45 am]

BILLING CODE 3410-02-W

Food Safety and Inspection Service

9 CFR Parts 301, 325, and 381

[Docket No. 82-020F]

Transportation and Other Transactions of Animal Food Containing Meat and/or Poultry Products

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule amends the Federal meat and poultry products inspection regulations regarding the transportation and other transactions, in commerce, of animal food containing meat and/or poultry products. The

Federal meat inspection regulations currently provide three basic requirements for animal food prepared from carcasses of livestock prior to being transported in commerce: (1) It must be properly identified as an animal food, (2) it must not be represented as a human food, and (3) it must be denatured. However, the regulations provide exemptions from the denaturing requirement. This final rule continues to exempt animal food containing meat products from the denaturing requirement if clearly labeled, in a specified manner, as animal food, and also allows the affected industry more flexibility in the labeling of animal food containing meat products. The final rule also amends the Federal meat inspection regulations regarding animal food containing meat products to reflect the fact that these regulations apply to all transactions in commerce. Furthermore, this final rule revises the definition of animal food to reflect the fact that the Federal meat inspection regulations do not cover processed dry animal food.

In addition, the final rule establishes comparable animal food provisions and exemptions in the poultry products inspection regulations. These regulations currently require only that poultry carcasses, and parts and products thereof, not intended for use as human food be denatured and marked "Not fit for human food" prior to shipment from an official establishment or transportation in commerce. Many of these changes are in response to a petition from the Pet Food Institute.

EFFECTIVE DATE: December 5, 1985.

FOR FURTHER INFORMATION CONTACT: Mr. R.W. Conter, Director, Compliance Division, Meat and Poultry Inspection Operations, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-7745.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

The Agency has made a determination that this final rule is not a major rule under Executive Order 12291. It provides more flexible regulations on the labeling and preparation of animal food products containing meat or poultry products and continues to provide assurance that the products intended for use in animal food do not enter into human food channels. This final rule will result in an annual effect on the economy of \$100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; or significant adverse effects on competition, employment, investment,

productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Effect on Small Entities

The Administrator, Food Safety and Inspection Service, has determined that this final rule will not have a significant economic impact on a substantial number of small entities, as determined by the Regulatory Flexibility Act, Pub. L. 96-354 (5 U.S.C. 601). It allows more flexibility for the affected industry in the labeling and preparation of animal food products containing meat or poultry ingredients.

Background

Under the Federal Food, Drug, and Cosmetic Act, the Food and Drug Administration (FDA) has primary authority over regulating the production of animal food (21 U.S.C. 321(f), 341). However, the U.S. Department of Agriculture is responsible, under the Federal Meat Inspection Act (FMIA) (21 U.S.C. 601 *et seq.*) and the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451 *et seq.*), for assuring that meat and poultry and products made therefrom not intended for use as human food do not enter into commerce unless they are denatured or otherwise identified to deter their use as human food.

Section 325.11(d) of the Federal meat inspection regulations (9 CFR 325.11(d)) sets forth certain requirements for the transportation in commerce of animal food prepared wholly or in part from materials derived from livestock carcasses. The regulations provide three basic requirements for such animal food before allowing it to be transported in commerce: (1) It must be properly identified as animal food, (2) it must not be represented as being a human food, and (3) it must be denatured as prescribed in § 325.13(a)(2) of the Federal meat inspection regulations (9 CFR 325.13(a)(2)). However, § 325.11(d) provides for exemptions from the denaturing requirement if animal food (1) contains less than 5 percent of parts or products of livestock carcasses and is not represented as a human food product or a product of the meat food industry, or (2) is packaged in hermetically sealed, retort processed, conventional retail-size containers or is semi-moist and packaged in retail size packages and the retail-size container or package bears on its label the name of the article (e.g., "Dog Food") in letters at least three times as high, wide, and thick, and as contrasting in color with their background, as the letters in any

words denoting the use of carcass-derived ingredients.

In addition, § 325.11(d) provides that the requirements of 9 CFR Part 325 do not apply to any animal food which does not consist of any parts or products of the carcasses of livestock, or to livestock or poultry feed which does not consist of any such articles other than processed livestock byproducts (such as meat meal tankage, meat and bone meal, blood meal and feed grade animal fat).

No explicit requirements are contained currently in the poultry products inspection regulations for transporting animal food consisting of undenatured poultry or poultry products. Section 381.193 of the poultry products inspection regulations (9 CFR 381.193) requires only that poultry carcasses, and parts and products thereof, not intended for use as human food must be denatured as prescribed in § 381.95 of the regulations, and marked "Not fit for human food" prior to shipment from an official establishment or transportation in commerce.

PFI Petition

The Food Safety and Inspection Service (FSIS) was petitioned by the Pet Food Institute (PFI) to modify the Federal meat and poultry products inspection regulations relating to the transportation of inedible product for use in the production of animal food. PFI asserts that the Federal meat and poultry products inspection regulations are not consistent with other rules equally applicable to pet food labeling and impose requirements unnecessary to protect the public. Specifically, PFI petitioned for the following changes:

1. Exempt animal food products from denaturing when such products contain less than 10 percent of parts or products of livestock carcasses rather than the current 5 percent limit. PFI suggested that the "less than 10 percent" would be consistent with the guidelines of the Association of American Food Control Officials (AAFCO). AAFCO guidelines prescribe that in products containing less than 10 percent carcass-derived ingredient(s), the name(s) of such ingredient(s) may not form a part of the product name. PFI contends that such labeling would not present any confusion to consumers concerning the meat content and, thus, would justify the increase.

2. Eliminate the requirement that animal food must be named as such, e.g., "Dog Food," in order to be exempt from denaturing, provided that terms referencing the product as animal food, such as "Dog Food" or "For Cats," are

stated on the label in letters at least as large as those required in the quantity-of-content declaration. PFI contends that the risk of confusion between animal food and human food arises only if animal food is labeled in a manner similar to human food; e.g., "Beef Tips."

3. Establish poultry products inspection regulations comparable to the meat inspection regulations to provide consistency for animal foods regardless of whether they contain meat or poultry.

In response to the PFI petition, on August 8, 1983, FSIS published a proposed rule in the *Federal Register* (48 FR 35884). The proposal stated that animal food need not be denatured if the name of the article clearly denotes the article's intended use as animal food and appears on the label in a conspicuous manner. Two methods of labeling for that purpose were proposed:

(1) The name of the article may be stated on the label as "Animal Food," "Pet Food," or "(name of species) Food" (e.g., "Dog Food") in letters at least twice as high, wide, and thick as the letters indicating the presence of any meat ingredients; or

(2) The name of the article may be stated on the label to indicate the presence of meat ingredients (e.g., "Horsemeat for Pets" or "Beef Stew for Dogs") provided that the entire name is stated on the main display panel, whether on one line or more, and the letters denoting the article's intended use as animal food are at least as high, wide, and thick as the letters indicating the presence of meat ingredients, and provided further that if a vignette is used on the label, the letters stating the article's intended use must be at least one-half as high, wide, and thick as the letters used in the article's name indicating the presence of meat or poultry ingredients but not less than 1/8 inches high.

Furthermore, it was proposed that the letters used to denote the intended use must contrast as markedly with their background as the letters indicating the presence of meat ingredients.

Lastly, FSIS proposed poultry products inspection regulations comparable to the meat inspection regulations, as suggested by PFI.

FSIS did not propose an increase in the amount of meat permitted in animal food exempt from denaturing, but welcomed any additional evidence on this point. Under the FMIA and PPIA, FSIS has an obligation to regulate the control of meat products and poultry products not intended for use as human food to assure that such products do not enter into human food channels. Permitting products containing twice as much undenatured meat as is currently

allowed under the regulations to be exempt from FSIS control would result in increased trade in undenatured, increase in the risk of such product being diverted to human use. Whether the AAFCO guidelines might ameliorate the increased risk is unknown. In any case, the guidelines do not provide a means for FSIS to fulfill its statutory obligations in this regard.

Discussion of Comments

FSIS received 15 comments in response to the proposed rule—4 from manufacturers of human food, 3 from associations of human food manufacturers, 3 from pet food manufacturers, 2 from State agencies, 1 from a pet food manufacturers' association, 1 from a Federal agency, and 1 from a consumer. All commenters supported the intent of the proposed rule, with 4 recommending changes. The following is a summary of the issues raised by the commenters and FSIS's response to each:

Dry Food

1. *Comment.* Four commenters requested that the regulations be amended to exempt processed dry pet foods from the denaturing requirement even if they contain livestock or poultry articles. They stated that due to the nature and appearance of the dry pet food, there was no risk of confusing it with human food.

Response. FSIS agrees that there is no risk that consumers would confuse processed dry animal food in the finished state as human food.

The FMIA and the PPIA require that livestock or poultry products not intended for human food be denatured or otherwise identified as prescribed by regulations of the Secretary to deter their use for human food. However, historically, processed dry animal foods have not been considered by consumers to be as products of the meat and poultry food industries, and it has never been the intent of FSIS to impose denaturing or labeling requirements for such animal foods. The manufacturing of processed dry animal food has traditionally been solely regulated by FDA. Therefore, the final rule has been amended by revising the definition of "animal food" to clarify that the Federal meat inspection regulations are not intended to cover processed dry animal foods. The definition of "animal food manufacturer" is also amended for clarity. The poultry products inspection regulations are amended similarly by revising the definition of "animal food manufacturer" and by adding a definition for "animal food."

In addition, § 325.11(d)(4) of the Federal meat inspection regulations is amended in this final rule to reflect that these regulations do not apply to processed dry animal food as this product does not come under the definition of an animal food. A similar provision has also been added in the final rule for the poultry products inspection regulations.

Labeling Size

2. *Comment.* Four commenters disagreed with the proposed requirement that words identifying product as pet food must be twice the size as those referencing the livestock or poultry ingredient. They recommended that all such wording be equal in size.

Response. The intent of this proposed rule was to assure that the name of the article, such as "Animal Food," "Pet Food," "Dog Food," or "Cat Food," would be conspicuous on the label when it appeared noncontiguous to the labeling showing ingredients derived from carcasses of livestock or poultry. Since the proposed rule provides for equal size type of contiguous labeling, such as "Beef Stew for Dogs" or "Turkey Dinner for Cats," FSIS sees no valid reason to allow equal size type for the name of the article and the reference to the livestock or poultry ingredient since this would not fulfill the "conspicuous" labeling requirement.

Can Lid Labeling

3. *Comment.* Four commenters recommended that as an alternative to a pet vignette on the principal display panel, words such as "Dog Food" or "For Pets" be permitted on the lid of the canned pet foods rather than on the principal display panel to qualify for the half-size lettering for reference to pet food.

Response. FSIS believes that in order to be considered conspicuous, and to reduce the possibility of consumer confusion as much as possible, the vignette and half-size lettering must appear on the principal display panel where such labeling customarily is placed.

Effective Date

4. *Comment.* Two commenters requested that if the proposal is made a final rule, FSIS should allow a minimum of 1 year for pet food manufacturers to comply with the new labeling requirements. This would give manufacturers time to make the labeling revisions and exhaust their existing label supply.

Response. FSIS agrees that some phase-in period is necessary and,

therefore, has made this final rule effective 1 year after publication. FSIS believes this will provide sufficient time for manufacturers to exhaust most of their existing label supplies and to obtain new labeling that complies with this rule.

Miscellaneous

5. *Comment.* One commenter advised FSIS of two minor typographical errors.

Response. FSIS has amended the final rule correcting those errors.

Additional Amendments

FSIS has also revised the regulations to reflect the fact that these regulations govern all transactions in commerce of animal food. The final rule has been amended to include that no animal food shall be bought, sold, transported, offered for sale or transportation, or received for transportation in commerce, or imported, except as set forth in the regulations.

Final Rule

After consideration of the comments received, FSIS has determined to adopt the proposed rule, modified as discussed herein.

List of Subjects

9 CFR Part 301

Meat and meat food products, Meat inspection.

9 CFR Part 325

Meat inspection, Transportation.

9 CFR Part 381

Poultry products inspection, Transportation.

1. The authority citations for Parts 301 and 325 are revised to read as follows:

Authority: 34 Stat. 1260, 81 Stat. 584, as amended (21 U.S.C. 601 *et seq.*); 72 Stat. 862, 92 Stat. 1069, as amended (7 U.S.C. 1901 *et seq.*); 76 Stat. 663 (7 U.S.C. 450 *et seq.*).

PART 301—[AMENDED]

2. Section 301.2 is amended by revising paragraphs (p) and (q) to read as follows:

§ 301.2 Definitions.

(p) *Animal Food.* Any article intended for use as food for dogs, cats, or other animals derived wholly, or in part, from the carcass or parts or products of the carcass of any livestock, except that the term animal food as used herein does not include (i) processed dry animal food or (ii) livestock or poultry feeds manufactured from processed livestock

byproducts (such as meatmeal tankage, meat and bonemeal, bloodmeal, and feed grade animal fat).

(q) *Animal food manufacturer.* Any person engaged in the business of manufacturing or processing animal food.

PART 325—[AMENDED]

3. Section 325.11(d)(1), (3), and (4) of the Federal meat inspection regulations (9 CFR 325.11(d)(1), (3) and (4)) are revised to read as follows:

§ 325.11 Inedible articles: denaturing and other means of identification; exceptions.

(d)(1) Except as provided in paragraphs (d)(2), (3), and (4) of this section, or in §§ 314.10 and 314.11 of this subchapter, no animal food prepared, in whole or in part, from materials derived from the carcasses of livestock in an official establishment or elsewhere, shall be bought, sold, transported, offered for sale or transportation, or received for transportation, in commerce, or imported, unless:

(i) It is properly identified as animal food;

(ii) It is not represented as being a human food; and

(iii) It has been denatured as prescribed in § 325.13(a)(2) so as to be readily distinguishable from an article of human food.

(3) Notwithstanding the provisions of paragraph (d)(1) of this section, animal food packed in hermetically sealed, retort processed, conventional retail-size containers, and retail-size packages of semi-moist animal food need not be denatured in accordance with § 325.13(a)(2) if the name of the article clearly conveys the article's intended use for animal food and appeared on the label in a conspicuous manner.

(i) Except as provided in subdivision (ii) of paragraph (d)(3), the name of the article must be stated on the label as "Animal Food," "Pet Food," or "(name of species) Food" (e.g., "Dog Food" or "Cat Food"). To be considered conspicuous, the name of the article, wherever it appears on the label, must be in letters at least twice as high, wide, and thick as the letters indicating the presence in the article of any ingredients derived from the carcasses of livestock.

(ii) Notwithstanding the provisions of paragraph (i) of this paragraph (d)(3), the article's name may be stated on the label to show that it is or contains livestock-source material and that the article is for animals; e.g., "Horsemeat for Pets" or "Beef Stew for Dogs": *Provided*, That the entire name of the

article is stated, wherever it appears on the label, as an individual, contiguous unit, whether stated on a single line or more than one line, and the letters denoting the article's intended use for animal food are at least as high, wide, and thick as the letters indicating the presence of material derived from any livestock carcass. However, when the label bears on its principal display panel a vignette which pictures, in clearly recognizable form and size, one or more animals of the species for which the article's name indicates the article is intended, the letters used to state the article's intended use shall be at least one-half as high, wide, and thick as the letters used in the article's name or other letters indicating the presence of material derived from any livestock carcass, but shall not be less than 1/8 inch high. The letters used to state the article's intended use may be separated from the article's name by the vignette.

(iii) Letters used to denote the intended use of the article must contrast as markedly with their background as the letters indicating the presence in the article of livestock carcass-source material contrast with their background.

(4) The requirements of this part do not apply to livestock or poultry feeds manufactured from processed livestock byproducts (such as meat meal tankage, meat and bone meal, blood meal, and feed grade animal fat), or to processed dry animal food.

PART 381—[AMENDED]

4. The authority citation for Part 381 is revised to read as follows:

Authority: 71 Stat. 441, 82 Stat. 791, as amended, 21 U.S.C. 451 *et seq.*; 76 Stat. 663 (7 U.S.C. 450 *et seq.*).

5. Section 381.1(b) of the poultry products inspection regulations (9 CFR 381.1(b)) is amended by revising subparagraph (5) and by adding new subparagraph (60) to read as follows:

§ 381.1 Definitions.

(b) * * *

(5) *Animal food manufacturer.* "Animal Food Manufacturer" means any person engaged in the business of manufacturing or processing animal food.

(60) *Animal food.* Any article intended for use as food for dogs, cats, or other animals, derived wholly, or in part, from carcasses or parts or products of the carcass of poultry, except that the term animal food as used herein does not

include (i) processed dry animal food or (ii) livestock or poultry feeds manufactured from processed poultry byproducts (such as poultry byproduct meal, hydrolyzed poultry feathers, and hydrolyzed poultry byproducts aggregate).

6. Section 381.193 of the poultry products inspection regulations (9 CFR 381.193) is revised to read as follows:

§ 381.193 Poultry carcasses, etc., not intended for human food.

(a) Except as provided in paragraphs (b) of this section, poultry carcasses, and parts and products thereof, that are not intended for use as human food may, after they have been denatured as prescribed in § 381.95, be bought, sold, transported, offered for sale or transportation, or received for transportation, in commerce, or imported, even though they do not comply with all the provisions of the regulations, provided they are marked "Not fit for human food." These requirements do not apply to parts of poultry carcasses that are naturally inedible by humans, such as entrails.

(b)(1) Except as provided in paragraphs (b) (2), (3), and (4) of this section, no animal food processed, in whole or in part, from materials derived from the carcasses of poultry in an official establishment or elsewhere, shall be bought, sold, transported, offered for sale or transportation, or received for transportation in commerce, or imported, unless:

(i) It is properly identified as animal food;

(ii) It is not represented as being a human food; and

(iii) It has been denatured as prescribed in § 381.95 so as to be readily distinguishable from an article of human food.

(2) Notwithstanding the provisions of paragraph (b)(1) of this section, an animal food that consists of less than 5 percent of parts or products of the carcasses of poultry and that is not represented by labeling or appearance or otherwise as being a human food or as a product of the poultry industry need not be denatured in accordance with § 381.95.

(3) Notwithstanding the provisions of paragraph (b)(1) of this section, animal food packed in hermetically sealed, retort processed, conventional retail-size containers, and retail-size packages of semi-moist animal food need not be denatured in accordance with § 381.95 if the name of the article clearly conveys the article's intended use for animal food and appears on the label in a conspicuous manner.

(i) Except as provided in paragraph

(ii) of this paragraph (b)(3), the name of the article must be stated on the label as "Animal Food," "Pet Food," or "(name of species) Food" (e.g., "Dog Food" or "Cat Food"). To be considered conspicuous, the name of the article, wherever it appears on the label, must be stated in letters at least twice as high, wide, and thick as the letters indicating the presence in the article of any ingredients derived from carcasses of poultry.

(ii) Notwithstanding the provisions of paragraph (i) of this paragraph (b)(3), the article's name may be stated on the label to show that it is or contains poultry carcass-source material and that the article is for animals; e.g., "Chicken for Pets" or "Turkey Dinner for Cats": *Provided*, That the entire name of the article is stated, wherever it appears on the label, as an individual, contiguous unit, whether stated on a single line or more than one line, and the letters denoting the article's intended use for animal food are at least as high, wide, and thick as the letters indicating the presence of material derived from any poultry carcass. However, when the label bears on its principal display panel a vignette which pictures, in clearly recognizable form and size, one or more animals of the species for which the article's name indicates the article is intended, the letters used to state the article's intended use shall be at least one-half as high, wide, and thick as the letters used in the article's name or other letters indicating the presence of material derived from any poultry carcass, but shall not be less than 1/8 inch high. The letters used to state the article's intended use may be separated from the article's name by the vignette.

(iii) Letters used to denote the intended use of the article must contrast as markedly with their background as the letters indicating the presence in the article of poultry carcass-source material contrast with their background.

(4) The requirements of this part do not apply to livestock or poultry feed manufactured from processed poultry byproducts (such as poultry byproduct meal, hydrolyzed poultry feathers, and hydrolyzed poultry byproducts aggregate), or to processed dry animal food.

Done at Washington, DC, on: August 29, 1984.

Donald L. Houston,
Administrator, Food Safety and Inspection Service.

[FR Doc. 84-31787 Filed 12-4-84; 8:45 am]

BILLING CODE 3410-DM-M

DEPARTMENT OF ENERGY

Office of Conservation and Renewable Energy

10 CFR Part 430

[Docket No. CE-RM-82-130]

Energy Conservation Program for Consumer Products; Test Procedures for Dishwashers

Correction

In FR Doc. 84-30976 beginning on page 46533 in the issue of Tuesday, November 27, 1984, make the following correction:

Appendix C—[Corrected]

On page 46536, in the second column, in the next to last line of the column, "than the test" should read "then the test".

BILLING CODE 1505-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 305

Rules for Using Energy Costs and Consumption Information Used in Labeling and Advertising of Consumer Appliances Under the Energy Policy and Conservation Act; Ranges of Comparability for Dishwashers

AGENCY: Federal Trade Commission.

ACTION: Extension of effectiveness of rules on dishwasher ranges of comparability.

SUMMARY: Under the Federal Trade Commission's Appliance Labeling Rule, each required label or fact sheet for a covered appliance must show a range, or scale, indicating the range of energy costs or efficiencies for all models of a size or capacity comparable to the labeled model. These ranges show the highest and lowest energy costs or efficiencies for the various size or capacity groupings of the appliances covered by the rule. The Commission publishes the ranges annually in the *Federal Register* if the upper or lower limits of the range change by 15 percent or more from the previously published range. If the Commission does not publish a revised range, it must publish a notice that the prior range is still applicable for the next year.

The ranges of efficiencies for dishwashers have not changed by as much as 15 percent since the last publication. Therefore, the ranges published on November 17, 1983 remain in effect until new ranges are published.

EFFECTIVE DATE: December 5, 1984.

FOR FURTHER INFORMATION CONTACT: James Mills or Lucerne D. Winfrey, Attorneys, Division of Enforcement, Federal Trade Commission, Washington, D.C. 20580, (202) 376-8934.

SUPPLEMENTARY INFORMATION: Section 324 of the Energy Policy and Conservation Act of 1975 (EPCA)¹ required the Federal Trade Commission to consider labeling rules for the disclosure of estimated annual energy cost or alternative energy consumption information for at least thirteen categories of appliances: (1) Refrigerators and refrigerator-freezers; (2) freezers; (3) dishwashers; (4) clothes dryers; (5) water heaters; (6) room air conditioners; (7) home heating equipment, not including furnaces; (8) television sets; (9) kitchen ranges and ovens; (10) clothes washers; (11) humidifiers and dehumidifiers; (12) central air conditioners; and (13) furnaces. Under the statute, the Department of Energy (DOE) is responsible for developing test procedures that measure how much energy the appliances use. In addition, DOE is required to determine the representative average cost a consumer pays for the different types of energy available.

On November 19, 1979, the Commission issued a final rule² covering seven of the thirteen appliance categories: refrigerators and refrigerator-freezers, freezers, dishwashers, water heaters, clothes washers, room air conditioners and furnaces.

The rule requires that energy efficiency ratings or energy costs and related information be disclosed on labels, fact sheets and in retail sales catalogs for all covered products manufactured on or after May 19, 1980. Certain point-of-sale promotional materials must disclose the availability of energy cost or energy efficiency rating information. The required disclosures and all claims concerning energy consumption made in writing or in broadcast advertisements must be based on the results of the DOE test procedures.

Pursuant to § 305.8 of the rule, manufacturers submitted reports to the Commission by January 21, 1980. These reports contained the estimated annual cost or energy efficiency rating, derived from tests performed pursuant to the DOE test procedures, for all models of the seven categories of appliances. The reports also contained the model, the number of tests performed on each

model, and the capacity of each model. From the information, the Commission compiled and published³ ranges of comparability for each product, as required by § 305.10 of the rule.

Section 305.8(b) of the rule requires that manufacturers, after filing this initial report, shall report the same information annually by specified dates for each product type.⁴ If an analysis of the new data indicates that the upper or lower limits of any of the ranges have changed by more than 15%, the Commission must, under § 305.10 of the rule, publish a revised version of the new range or ranges. Otherwise, the Commission must publish a statement that the prior range or ranges remain in effect for the next year.

The annual reports for dishwashers have been received and analyzed and it has been determined that neither the upper nor lower limits of the ranges for this product category have changed by 15% or more since the last publication of the ranges on November 17, 1983.

In consideration of the foregoing, the present ranges for dishwashers will remain in effect for the next year.

List of Subjects in 16 CFR Part 305

Advertising, Energy conservation, Household appliances, Labeling, Reporting and recordkeeping requirements.

Authority: Sec. 324 of the Energy Policy and Conservation Act (Pub. L. 94-163) (1975), as amended by the National Energy Conservation Policy Act, (Pub. L. 95-619) (1978), 42 U.S.C. 6294; sec. 553 of the Administrative Procedure Act, 5 U.S.C. 553.

By direction of the Commission.

Emily H. Rock,

Secretary.

[FR Doc. 84-31588 Filed 12-4-84; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

*Food and Drug Administration

21 CFR Part 175

[Docket No. 83F-0096]

Indirect Food Additives: Adhesives and Components of Coatings

AGENCY: Food and Drug Administration.

² 45 FR 13998 (March 3, 1980), 45 FR 19520 (March 25, 1980), 45 FR 28036 (April 17, 1980), 46 FR 3829 (January 16, 1981).

⁴ Reports for clothes washers are due by March 1; reports for water heaters, room air conditioners and furnaces are due by May 1; reports for dishwashers are due by June 1; reports for refrigerators, refrigerator-freezers and freezers are due by August 1.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the use of acetone-formaldehyde condensate as a component of adhesives intended for use in food-contact packaging applications. This action responds to a petition filed by American Cyanamid Co.

DATES: Effective December 5, 1984; objections by January 4, 1985.

ADDRESS: Written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, Room 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Marvin D. Mack, Center for Food Safety and Applied Nutrition (HFF-334), Food and Drug Administration, 200 C Street SW., Washington, DC 20204, 202-472-5740.

SUPPLEMENTARY INFORMATION: In a notice published in the Federal Register of April 22, 1983 (48 FR 17389), FDA announced that a petition (FAP 3B3698) had been filed by American Cyanamid Co., One Cyanamid Plaza, Wayne, NJ 07470, proposing that § 175.105 Adhesives (21 CFR 175.105) be amended to provide for the safe use of acetone-formaldehyde condensate as a component of adhesives intended for use in contact with food.

FDA is aware that some studies show that formaldehyde has caused tumors in rats at the site of intranasal administration. No such study exists, however, that suggests that formaldehyde is tumorigenic when ingested by animals. In fact, there are studies in the literature in which a precursor to formaldehyde (hexamethylenetetramine) did not cause tumors when ingested by mice and rats. Because hexamethylenetetramine is broken down in the stomach to formaldehyde, these studies directly tested whether orally administered formaldehyde is carcinogenic. For the reasons discussed more fully in the agency's denial of requests for a hearing on aspartame (49 FR 6672; February 27, 1984), the inhalation study is not appropriate for use in evaluating the safety of this resin, because it has been demonstrated that formaldehyde is not a systemic carcinogen.

FDA has evaluated data in the petition and other relevant material and concludes that the food additive use is safe and that the regulations should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents

¹ Pub. L. 94-163, 89 Stat. 871, 42 U.S.C. 6201 (1975).

² 44 FR 66466, 16 CFR Part 305 (November 19, 1979).