



College of Agriculture, Food and Environment

Regulatory Services

Actions to take and required responses to Feed Withdrawal from Distribution Orders issued to Kentucky Feed Distributors

On site orders issued by the Inspector

Many withdrawal from distribution orders are issued because the manufacturer has not responded to requests to register the product or the product registration has been cancelled by the Division.

1. Remove the product from the retail sales area. The order prohibits the product from being offered for sale until the registration is completed.
2. Identify the product in such a manner that it not be put back on the retail floor or removed from the store until the withdrawal from distribution has been addressed.

Withdrawal from distribution orders may also be received by mail as the result of an analysis of a sample obtained at the feed dealer location being out of tolerance of one or more the product guarantees stated on the feed analysis label. These orders will consist of a report of the laboratory analysis results stating the nature of the deficiencies found and a withdrawal from distribution directed to the manufacturer of the product. You will receive a copy of the deficiencies and order that is being sent to the manufacturer.

Retailer or Distributor Responsibilities

1. Remove the product from the retail sales area when your copy of the withdrawal from distribution order is received at your location. The order prohibits the product from being offered for sale until the violation is corrected and the order has been released.
2. Identify the product in such a manner that it will not be put back on the retail floor or removed from the store until the violation has been addressed.
3. The order has been directed to the manufacturer; if the manufacturer fails to contact you within 5 days of your receipt of the withdrawal from distribution order we suggest that you contact the manufacturer, your corporate office, and or your distributor.
4. If Regulatory Services can assist you in any manner please feel free to contact the Kentucky Feed Director, Dr. G. Alan Harrison at alan.harrison@uky.edu.

Provisions of the Kentucky Commercial Feed Law –

"Withdrawal from distribution" orders -- Condemnation and confiscation.

(1) When the director has reasonable cause to believe any lot of commercial feed is being distributed in violation of any of the provisions of KRS 250.491 to 250.631 or of any of the prescribed administrative regulations under KRS 250.491 to 250.631, he may issue and enforce a written or printed "withdrawal from distribution" order, warning the distributor not to dispose of the lot of commercial feed in any manner until written permission is given by the director or the court. The director shall release the lot of commercial feed so withdrawn

when the statutes and administrative regulations have been complied with. If compliance is not obtained within thirty (30) days, the director may begin, or upon request of the distributor or registrant shall begin, proceedings for condemnation.

(2) Any lot of commercial feed not in compliance with statutes and administrative regulations shall be subject to seizure on complaint of the director to a court of competent jurisdiction in the area in which the feed is located. In the event the court finds the commercial feed to be in violation of KRS 250.491 to 250.631 and orders its condemnation, the feed shall be disposed of in any manner consistent with its quality and the laws of the state. However, in no instance shall the disposition of the feed be ordered by the court without first giving the owner an opportunity to apply to the court for release of the feed or for permission to process or relabel the feed to bring it into compliance with KRS 250.491 to 250.631.

Adulterated commercial feeds.

A commercial feed shall be deemed to be adulterated:

- (a) If any valuable constituent has been in whole or in part omitted or abstracted therefrom or any less valuable substance substituted therefor;
- (b) If its composition or quality falls below or differs from that which it is purported or is represented to possess by its labeling;

Misbranded commercial feeds.

A commercial feed shall be deemed to be misbranded:

- (1) If its labeling is false or misleading in any particular;
- (2) If it is distributed under the name of another commercial feed;
- (3) If it is not labeled as required in KRS 250.521;
- (4) If it is represented as a commercial feed or as containing a commercial feed ingredient, unless the commercial feed or feed ingredient conforms to the official definition prescribed by regulation; or
- (5) If any word, statement, or other information required by or under authority of KRS 250.491 to 250.631 to appear on the label or labeling is not prominently placed thereon with sufficient conspicuousness (as compared with other words, statements, designs, or devices in the labeling) and in terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

250.551 Prohibited acts.

The following acts and the causing thereof within the Commonwealth of Kentucky are prohibited:

- (1) The manufacture or distribution of any commercial feed that is adulterated or misbranded;
- (2) The adulteration or misbranding of any commercial feed;
- (3) The distribution of agricultural commodities such as whole seed, hay, straw, stover, silage, cobs, husks, and hulls which are adulterated within the meaning of KRS 250.541(1);
- (4) The removal or disposal of a commercial feed in violation of an order under KRS 250.591;
- (5) The failure or refusal to register in accordance with KRS 250.511;
- (6) The violation of subsection (6) of KRS 250.601; and
- (7) Failure to pay inspection fees and file reports as required by KRS 250.561.