



CHAPTER 106
ARTICLE 31C - NORTH CAROLINA COMMERCIAL FEED LAW OF 1973

N.C.G.S. § 106-284.42.

Inspection, sampling, and analysis.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	S.L. 1998-215, s. 11 — third act in the lineage	21 September 2026, 03:10 UTC	39a5193bada245164371a847 - 651a8400cdd8ee7fd1bf574 - 062d9ef576dab9fd

- § 106-284.42(a)

For the purpose of enforcement of this Article, and in order to determine whether its provisions have been complied with, including whether or not any operations may be subject to such provisions, officers or employees duly designated by the Commissioner upon presenting appropriate credentials, to the owner, operator, or agent in charge, are authorized (i) to enter, during normal business hours or actual operation, any factory, warehouse, or establishment within the State in which commercial feeds are manufactured, processed, packed, or held for distribution and take samples therefrom or to enter any vehicle being used to transport or hold such feeds and take samples therefrom; and (ii) to inspect during normal business hours or while in operation, such factory, warehouse, establishment or vehicle and all pertinent equipment, finished or unfinished materials, containers, and labeling therein. The inspection may include the verification of such records, and production and control procedures as may be necessary to determine compliance with this Article.
- § 106-284.42(b)

A separate presentation of appropriate credentials shall be given for each such inspection, but a presentation shall not be required for each entry made during the period covered by the inspection. Each such inspection shall be commenced and completed with reasonable promptness. Upon completion of the inspection, the person in charge of the facility or vehicle shall be so notified.
- § 106-284.42(c)

If the officer or employee making such inspection of a factory, warehouse, or other establishment has obtained a sample(s) in the course of the inspection, upon completion of the inspection and prior to leaving the premises he shall give to the owner, operator, or agent in charge a receipt describing the sample(s) obtained.

- § 106-284.42(d)** If the owner of any factory, warehouse or establishment described in subsection (a), or his agent, refuses to admit the Commissioner or his agent to inspect in accordance with subsections (a) and (b), the Commissioner or his agent is authorized to obtain without notice from any district or superior court judge within the county where the facility is located, an order directing such owner or his agent to submit the premises described in such order to inspection.
- § 106-284.42(e)** Sampling and analysis shall be conducted in accordance with methods published by the Association of Official Analytical Chemists, or in accordance with other generally recognized methods.
- § 106-284.42(f)** The results of all analyses of official samples shall be forwarded by the Commissioner to the person named on the label and to the dealer. When the inspection and analysis of an official sample indicates a commercial feed has been adulterated or misbranded, and upon written request within 30 days following receipt of the analysis, the Commissioner shall furnish to the registrant a portion of the sample concerned.
- § 106-284.42(g)** The Commissioner, in determining for administrative purposes whether a commercial feed is deficient in any component, shall be guided by the official sample as defined in G.S. 106-284.33, subdivision (14), and obtained and analyzed as provided for in subsections (a), (c), and (e) of this section.
- § 106-284.42(h)** The Board is authorized to adopt regulations establishing permitted analytical variation providing for reasonable deviation from the guaranteed analysis.
- § 106-284.42(i)** The registrant of a commercial feed found to be in significant violative deviation from the guarantee shall be subject to a penalty for this deviation.
- § 106-284.42(j)** If the analysis of a sample shows a deviation from permitted analytical variation established by the Board, the registrant or other responsible person shall be penalized according to the following schedule:
- | Component | Deviating Method of Penalty Assessment |
|---------------|--|
| Crude protein | Three times the relative percentage * of deviation from the guarantee times the retail value of the commercial feed. |
| Crude fat | Ten percent (10%) of retail value of the lot of commercial feed. |

Crude fiberTen percent (10%) of retail value of the lot of commercial feed.

VitaminsTen percent (10%) of retail value of the lot of commercial feed.

MineralsTen percent (10%) of retail value of the lot of commercial feed.

Crude protein

equivalent from

nonprotein

nitrogenTen percent (10%) of retail value of the lot of commercial feed.

Animal drugsTwenty percent (20%) of retail value of the lot of commercial feed.

AntibioticsTwenty percent (20%) of retail value of the lot of commercial feed.

Other analysisTen percent (10%) of retail value of the lot of commercial feed.

* Example, a feed guaranteed 16.0% protein and assaying only 14.0%, will be considered as 2.0%/16.0%, or 12.5% deficient in protein. The penalty will be computed as 3×0.125 x retail value of the feed, or $0.375 \times$ retail value of the feed.

§ 106-284.42(k)

Penalties for multiple deficiencies within a sample shall be additive; provided that in no case shall the penalty exceed the retail value of the product. The minimum penalty under any of the foregoing provisions shall be twenty-five dollars (\$25.00) or the retail value of the product whichever is smaller, regardless of the value of the deficiency.

§ 106-284.42(l)

Within 60 days from the date of written notice by the Commissioner or his duly designated agent to the manufacturer, guarantor, dealer or agent, all penalties assessed and collected under this section shall be paid to the purchaser of the lot of feed or canned pet food represented by the sample analyzed. When such penalties are paid, receipts shall be taken and promptly forwarded to the Commissioner of Agriculture. If said consumers cannot be found, the clear proceeds of the penalty assessed shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
3 ACTS

Amendment lineage

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.

	1973		1986		1998
	TICK HEIGHT = ACTS IN THAT YEAR DASHED = RECODIFICATION, NOT AMENDMENT				
Nº	YEAR	ACT		CHARACTER	
01	1973	ch. 771, s. 13		ENACTED	
02	1997	S.L. 1997-261, s. 109		AMENDED	
03	1998	S.L. 1998-215, s. 11		AMENDED	

APPARATUS II
2 AUTHORITIES

Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

REFERENCE	APPEARS IN	OPERATIVE LANGUAGE IN THIS SECTION
G.S. 106-284.33	(g)	<i>"the official sample as defined in"</i>
G.S. 115C-457.2	(l)	<i>"and Forfeiture Fund in accordance with"</i>

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 106-284.42 (1998).

PINPOINT

N.C. Gen. Stat. § 106-284.42(a) (1998).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

Provenance

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This is not the official text. The official text is published by the General Assembly of North Carolina.

HISTORY PARENTHETICAL, AS PRINTED BY THE STATE
(1973, ch. 771, s. 13; 1997-261, s. 109; 1998-215, s. 11.)

SET IN SPECTRAL AND ARCHIVO
NORTH CAROLINA LAW — STATUTE EXPORT, FORMAT V1

