



News Release

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"Connecting Cows, Cooperatives, Capitol Hill, and Consumers"

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FDA Commissioner Pledges More Focus on Misabeled Imitation Dairy Foods

Sen. Baldwin Urges Gottlieb to Act Against Plant Foods Violating Federal Standards

ARLINGTON, VA – U.S. Food and Drug Administration Commissioner Scott Gottlieb told a Senate panel on Tuesday that federal standards define milk as a product sourced from animals, and said his agency would be “taking a very close and fresh look” at imitation, plant-derived foods labeled with dairy-specific terms.

[In response to questions](#) from Sen. Tammy Baldwin (D-WI) during a Senate Appropriations Committee hearing yesterday, Dr. Gottlieb also admitted that the agency has “exercised enforcement discretion” in not holding food marketers to that standard, as a variety of plant-based foods using dairy-specific terms have proliferated in the marketplace in the past two decades.

NMPF President and CEO Jim Mulhern said that the FDA “must stop turning a blind eye toward violations of food labeling laws. It needs to use more enforcement, and less discretion, as dozens of brands flagrantly violate government requirements.” NMPF has repeatedly urged federal regulators to enforce U.S. food labeling laws that exclude the ability of plant-derived foods from using the term, as do other nations that also have regulations clearly defining milk.

Mulhern thanked Baldwin “for holding the FDA accountable for its inaction on this matter, and imploring the FDA to do its job.” Last year, Baldwin introduced the DAIRY PRIDE Act, legislation that would compel the FDA to adopt a timetable for taking enforcement action against mislabeled imitation dairy products. More recently, the omnibus spending bill Congress approved last month contains language expressing its concern that dairy labeling standards need to be properly enforced.

Gottlieb told Baldwin that the agency “is committed to taking a fresh look about what we’re doing here” in the area of standards of identity.” He said he “has actively stepped into this issue,” having heard the concerns of Baldwin and NMPF about the lax regulatory environment surrounding misbranded plant products using terms such as “milk,” “yogurt,” “cheese” and “ice cream.”

He added that the agency is requesting more information to inform its next steps. Baldwin told Gottlieb that there is no need “for further review or study. What we need is the FDA to act, and to issue guidance on enforcement of its existing dairy standards of identity.”

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The National Milk Producers Federation (NMPF), based in Arlington, VA, develops and carries out policies that advance the well-being of dairy producers and the cooperatives they own. The members of NMPF's cooperatives produce the majority of the U.S. milk supply, making NMPF the voice of dairy producers on Capitol Hill and with government agencies. For more on NMPF's activities, visit our website at www.nmpf.org.