

# United States Senate

WASHINGTON, DC 20510

January 31, 2017

The Honorable Donald J. Trump  
President of the United States  
The White House  
1600 Pennsylvania Ave, NW  
Washington, DC 20500

Dear Mr. President:

I write to urge you to ensure that the Food and Drug Administration acts to solve a problem impacting consumers and Wisconsin's dairy industry: the mislabeling of imitation dairy products. First, I would urge you to swiftly nominate a Commissioner of the Food and Drug Administration (FDA) who understands the need to enforce these laws and provide consumers with accurate information about the products they consume. Second, I would encourage your Administration to enforce the laws on the books that allow the FDA to crack down on the mislabeling of non-dairy products with dairy terms including "milk," "yogurt," and "cheese."

The FDA is charged with protecting public health and it has a wide range of responsibilities and functions including oversight over food and food processors. This function is critical to Wisconsin's agriculture economy, which has 260,000 jobs in food processing. We produce a great range of products that meet high standards for quality and food safety. We need an FDA leader who will work at the pace of business with farmers and food processors as they work to deliver safe and quality food for our country. At this moment when the dairy economy is working to recover from low prices, it is especially urgent that the FDA address the misuse of dairy terms on plant-based foods.

In recent years, there has been an increase in the mislabeling of non-dairy products with dairy terms including "milk," "yogurt," and "cheese." This practice violates current FDA rules and it is unfair to dairy farmers and processors who work hard every day to meet the specific standard of identity requirements set for dairy products. Products made from nuts, seeds, plants and algae do not provide the same nutritional profile as the dairy products they imitate, and they should not be able to use dairy's good name for their own profit.

Current Food and Drug Administration (FDA) regulations define dairy products as being from dairy animals. Although existing federal regulations are clear, previous FDA commissioners have failed to enforce these labeling regulations, and the mislabeling of products has increased rapidly. This lack of action has hurt dairy farmers who work tirelessly to ensure their dairy products meet FDA standards and provide the public with nutritious food. It has also led to the proliferation of mislabeled alternative products that contain a range of ingredients and nutrients that are often not equivalent to the nutrition content of dairy products. I would urge your Administration to act now to enforce the current rules.

The absence of appropriate enforcement under the law is of great concern to me. That is why I have introduced legislation to require prompt enforcement of this law: S. 130, the Defending Against Imitations and Replacements of Yogurt, milk, and cheese to Promote Regular Intake of Dairy Everyday Act (DAIRY PRIDE Act). My bill would require the FDA to act to enforce its labeling policy within 90 days, and report to Congress on progress in two years. Whether through enforcement of existing law or enactment of my legislation, it is my hope that we can provide relief to our dairy industry in the near future.

Agriculture is the backbone of Wisconsin's economy and our dairy industry contributes more than \$43 billion to the state's economy each year. When Wisconsin's dairy farms succeed, our rural economy succeeds. I have heard from dairy farmers and processors across Wisconsin about how mislabeled plant-based products have hurt their livelihoods and eaten into the little profit they make. It is time we address this unfair practice.

Sincerely,



Tammy Baldwin  
United States Senator