

United States Senate

WASHINGTON, DC 20510

March 14, 2019

The Honorable Scott Gottlieb
Commissioner
Food and Drug Administration
10903 New Hampshire Ave
Silver Spring, MD 20993-0002

The Honorable Frank Yiannas
Deputy Commissioner for Food and
Policy Response
Food and Drug Administration
10903 New Hampshire Ave
Silver Spring, MD 20993-0002

Dear Commissioner Gottlieb and Deputy Commissioner Yiannas:

Thank you for your attention to the misuse of dairy terms on non-dairy products. We appreciate your issuing a Request for Information on this matter. Following your review of that additional information, we urge you to move forward and expeditiously enforce against imitation products that use dairy's good name for their own benefit, in violation of the Food and Drug Administration's (FDA) existing Standards of Identity.

Dairy farmers work tirelessly to deliver healthy, quality milk to their milk processors for bottling, cheese making, and other dairy uses. Our farmers and dairy processors abide by very specific standards to ensure consumers can rely on the quality, safety and nutrition that they expect when selecting a dairy product. Consumers can also rely on dairy products to perform as expected in recipes, precisely because these products are standardized through FDA regulation.

Dairy products provide high quality nutrients that are standardized across brands, so that regardless of which brand a consumer selects, they can be certain that they are providing their families the nutrition they expect in every serving. As the 2015 Dietary Guidelines described, dairy alternatives are known to be less efficient at delivering some nutrients, requiring greater intake and more energy than is used digesting dairy products to deliver similar nutritional value.

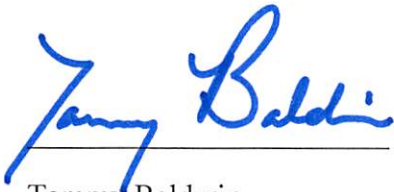
Imitation dairy products can also vary in nutritional content across brands. For instance, one brand of plant-based beverage may contain a different ratio of flavored water, pressed plant material, and nutritional additives than another brand. These differences are not subject to standardization from FDA guidance in the way that dairy products are, making enforcement of existing dairy standards of identity all the more important to providing consumers clear nutritional delineations across product types.

Plant based products ought to be marketed based on their own characteristics and nutrient profiles, rather than using dairy's good name, and established nutritional profile, to market products that are not standardized and do not meet the criteria of dairy terms set forth in the standards of identity.

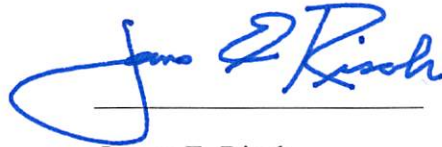
Dairy farmers, cheese makers, milk bottlers and makers of other products—ranging from cultured dairy products like yogurt and kefir to ice cream—have waited far too long for FDA to enforce its existing rules, which they abide by each day. We appreciate your attention to this

matter and look forward to steps to address this mislabeling as soon as possible.

Sincerely,

Handwritten signature of Tammy Baldwin in blue ink, written over a horizontal line.

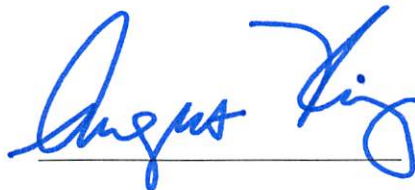
Tammy Baldwin
United States Senator

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James E. Risch
United States Senator

Handwritten signature of Mike Crapo in blue ink, written over a horizontal line.

Mike Crapo
United States Senator

Handwritten signature of Angus S. King, Jr. in blue ink, written over a horizontal line.

Angus S. King, Jr.
United States Senator

Handwritten signature of Patrick J. Leahy in blue ink, written over a horizontal line.

Patrick J. Leahy
United States Senator