

**Congress of the United States**  
**Washington, DC 20510**

July 20, 2026

The Honorable Kyle Dimantas  
Acting Commissioner  
U.S. Food and Drug Administration  
10903 New Hampshire Avenue  
Silver Spring, Maryland 20993

Dear Acting Commissioner Dimantas,

We write to voice our concerns over the Food and Drug Administration's lack of enforcement of dairy standards of identity given the proliferation of nutritionally-deficient and poorly-labeled plant-based imitation products on the market. As you step into your new role as Acting Commissioner of the Food and Drug Administration, we urge you to prioritize our shared goal by enforcing existing dairy standards of identity, which are in the best interest of American consumers and dairy farmers.

Standards of identity for food products protect consumers by ensuring that the nutrition information, ingredients and production processes of specific foods are consistent with consumer expectations. Americans rely on FDA for marketplace safety and transparency, guiding informed decision-making for families across the United States. Unfortunately, FDA has continuously allowed non-dairy products to freely use dairy terms like "milk," "cheese," "yogurt" and "butter" on their product labels. The FDA guidance issued in February 2023 demonstrated a weak, nearly absent approach to enforcing dairy standards of identity by allowing plant-based alternatives to use dairy terms while only recommending voluntary labeling statements. As the market has evolved, even products not covered under the enforcement discretion have followed suit, and today many synthetic products sold at national retailers also employ non-compliant nomenclature such as "animal-free dairy milk." Continuing with this overly lenient guidance is unacceptable, and stricter enforcement must be prioritized.

Dairy foods like milk contribute key dietary nutrients like protein, vitamins A, B-12 and D, calcium and potassium, and dairy products are well-understood by consumers to provide a meaningful source of these nutrients. In its own 2023 guidance, FDA recognized the wide variability and nutritional inferiority of most plant-based alternative products, stating that "while consumers appear to understand that plant-based milk alternatives are distinct products from milk, several consumer studies submitted in response to the notice indicate that consumers, including consumers who purchase plant-based milk alternatives, do not understand the nutritional differences between milk and plant-based milk alternatives."

The blatant misuse of dairy terms for plant-based products unfairly impacts dairy farmers and processors and harms consumers due to inaccurate labeling information. The American Academy of Pediatrics has raised concerns about the nutritional inadequacy of plant-based alternatives (aside from fortified soy products). Improperly-labeled imitation products suggest a false nutritional equivalency to dairy milk, which carries the high risk of nutritional deficiencies in children. The North American Society for Pediatric Gastroenterology expressed a similar concern that non-standardized plant-based beverages used inappropriately in lieu of standardized milk products “places children at risk of slowed growth, protein-calorie malnutrition, failure to thrive and specific nutrient deficiencies, such as vitamin D, compromising current and future health and development.” The ongoing misbranding of non-dairy products using established dairy standards of identity perpetuates consumer confusion about the nutritional profile of such products, ultimately posing a public health risk to American consumers – including children.

We lead a robust bipartisan effort through the DAIRY PRIDE Act, which would require non-dairy products made from nuts, seeds, plants or algae to no longer be mislabeled with dairy terms such as “milk,” “yogurt,” “cheese” or “butter.” It requires FDA enforcement of imitation and misbranded food under section 403 of the Food, Drug and Cosmetics Act in addition to enforcement if a product does not meet the dairy standards of identity. As original co-sponsors of the DAIRY PRIDE Act, we urge your support of legislative efforts that bring alignment to stricter enforcement of dairy standards of identity.

Our intention is not to block the sale of dairy substitutes, which consumers may turn to for a variety of reasons, including dietary need and preference. However, such decisions should be based on clear consumer understanding that does not borrow from dairy’s known nutritional benefit. We recommend you do what your predecessors have not done. As you step into your new role, carrying with you your background at FDA Human Foods Program, we urge you to enforce dairy standards of identity and stop imitation products from usurping dairy terms. Rescinding the current FDA guidance and enforcing existing dairy standards of identity is in the best interest of our nation’s consumers, dairy farmers and broader public health.

Sincerely,



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Tammy Baldwin  
United States Senator



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John Joyce, M.D.  
United States Representative



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James E. Risch  
United States Senator



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Josh Riley  
United States Representative