November 29, 2017

Dr. Scott Gottlieb
Commissioner
US Food and Drug Administration
10903 New Hampshire Ave
Silver Spring, MD 20993

Dear Commissioner Gottlieb,

The American Dairy Coalition and the 30,000 dairy producers we represent throughout the United States are urgently requesting the FDA take immediate action to prohibit the use of misleading product labels and protect the federal standard of identity for milk and dairy products. A federal standard of identity for milk has been in place for years. By allowing plant-based dairy alternative products to bear a label branding the product as “milk” is misleading consumers into thinking the content of these products are consistent with the federal standard (21 CFR 131.110). In order to ensure honesty, consistency and transparency within the marketplace, the FDA must take action against imitation product titles, labels and claims commonly used by plant-based dairy imitators.

While plant-based drinks may provide something that looks similar to dairy products, their nutritional content is far from equal. Product consistency also is an issue: A carton of soy milk could contain anywhere from 61 to 400 mgs of calcium per cup depending on whether the product has been calcium fortified or not (according to a survey of popular brands). The same is true with other varieties of plant-based alternatives. Furthermore, a variety of other ingredients with unfamiliar names are routinely added to most of these plant alternative drinks. For example, the ingredient list on the back of a randomly selected popular brand of coconut milk contained more than 10 ingredients. Whole Milk contained 2 (milk and vitamin D3).

Consumers rely on product labels to form expectations of the products they purchase. Plant-based alternative dairy products have based their livelihood upon imitating dairy products. Allowing for this continuous misrepresentation is allowing them to mislead customers. Milk is milk, it is natural, consistent and wholesome and has defined compositional characteristics or manufacturing parameters unique to its standard of identity. Plant-based non-dairy alternatives purposely mis-brand products to make consumers believe plant based alternatives meet the same standard of identity as milk does. Any food product that uses a food name established by a FDA standard of identity but does not conform to the standard is deceiving. The American Dairy Coalition is asking the FDA to immediately ensure consumers can quickly, clearly and accurately compare and contrast the nutritional content of the products they choose to feed their families.

Sincerely,

Laurie Fischer
CEO and Founder