

Congress of the United States
Washington, DC 20515

March 27, 2019

The Honorable Scott Gottlieb
Commissioner
U.S. Food and Drug Administration
5630 Fishers Lane, Rm. 1061
Rockville, Maryland 20852

**Re: Use of Names of Dairy Foods in the Labeling of Plant-Based Products
(Docket No. FDA-2018-N-3522)**

Dear Commissioner Gottlieb:

We write regarding the Food and Drug Administration's (FDA) interest in the use of names of dairy foods in the labeling of plant-based foods (Docket No. FDA-2018-N-3522). We respectfully request that any action you take on this topic ensures that consumers can easily identify and select plant-based alternatives to dairy food products, which includes allowing use of dairy terms for plant-based products.

As the FDA is aware, the market for plant-based alternatives to dairy products, including milk, cheese, yogurt, and butter, has grown exponentially in recent years. This category, once made up of primarily of soy and almond milk, now consists of a wide array of foods and beverages made from a variety of agricultural ingredients, many of which are grown by American farmers. These options meet U.S. consumers' growing demand for dairy alternatives. American consumers seek these alternatives for many reasons, including allergies or intolerance to dairy, nutritional needs, religious and ethical beliefs, sustainability, and, quite often, taste preference.

We applaud the FDA's commitment to modernizing identity standards for a wide array of food products, as current standards lag far behind innovations in the food industry. However, we are concerned that these attempts could disadvantage some food industry sectors. FDA enforcement actions that rely on a needlessly restrictive interpretation of existing labeling requirements could impact consumers' ability to recognize and choose plant-based alternatives. This could stifle growth and innovation within this sector.

We would also be concerned if the FDA were to impose new labeling requirements that do not reflect the reality of how consumers distinguish between dairy products and plant-based alternatives. Labels using common English words like "milk, cheese, yogurt, and butter" are used to communicate the basic nature of different plant-based products that are meant to be dairy-free alternatives and include many of the same organoleptic, physical, and functional properties of their dairy counterparts. These more conventional labels are often accompanied by terms like "plant-based," "dairy-free," "non-dairy," and "vegan" to clearly denote that they are separate products from dairy food products. Many of these plant-based products have been in circulation for over 30 years, and FDA has taken very little action on their use of these terms,

which are now widely recognized and relied upon by consumers. To prevent these food products from including the names of dairy foods in their labels would only lead to confusion in the marketplace.

It is critical that the FDA continues to allow consumers to easily identify and select plant-based alternatives. Doing so contributes to both the well-being of individual consumers, through increased choice, and to the well-being of our economy. We urge you to ensure that any action protects the ability of consumers to easily identify and select plant-based alternatives to dairy food products.

Thank you for your consideration of our request.

Sincerely,



Earl Blumenauer
Member of Congress



Ted W. Lieu
Member of Congress



Mark Meadows
Member of Congress



Jamie Raskin
Member of Congress



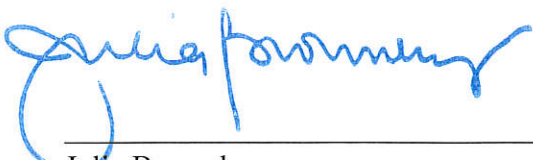
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