Congress of the United States Washington, DC 20515

December 16, 2016

The Honorable Robert M. Califf, M.D. Commissioner
Food and Drug Administration
10903 New Hampshire Avenue
Silver Spring, MD 20993

Dear Commissioner Califf:

We strongly believe that the use of the term "milk" by manufacturers of plant-based products is misleading to consumers, harmful to the dairy industry, and a violation of milk's standard of identity. We request that the Food and Drug Administration (FDA) exercise its legal authority to investigate and take appropriate action against the manufacturers of these misbranded products.

As you know, dairy farmers are facing a serious financial crisis. These hard working Americans have experienced deep cuts in income as milk prices have plunged 40 percent since 2014. While the Administration has taken steps to address this crisis, market forecasts predict that the dairy industry will continue to face depressed prices in the immediate future. Unless more is done, many more farmers will be forced to sell their herds.

It is against this backdrop that we write concerning the mislabeling of imitation "milk" products. In recent years, there has been tremendous growth in the sale of plant-based products often labeled as "milk". A recent Neilson survey revealed that in the past five years, sales of certain plant-based grew 250 percent to more than \$894.6 million. By contrast, sales of milk fell 7 percent in 2015.

While consumers are entitled to choose imitation products, it is misleading and illegal for manufacturers of these items to profit from the "milk" name. These products should be allowed on the market only when accurately labeled. We urge FDA to enforce this matter by requiring plant-based products to adopt a more appropriate name that does not include the word "milk".

As you are aware, milk has a clear standard of identity defined as "the lacteal secretion, practically free from colostrum, obtained by the complete milking of one or more healthy cows" (21 CFR 131.110). Milk, produced by the mammary gland, also has a unique nutritional value, providing an excellent source of protein and a wide array of vitamins and minerals, including calcium, vitamins A and D, and potassium. Plant-based products clearly fail to meet this standard of identity. They are unable to match the nutritional makeup of the product they mimic, yet they continue to be marketed as milk.

While addressing this serious issue will not solve all the challenges confronting dairy farmers, it is an important part of the solution that will also provide consumers with the accurate information they expect. We urge you to initiate a thorough investigation and appropriate enforcement action.

Thank you for your consideration of this request. We look forward to your timely response.

Sincerely,

PETER WELCH

Member of Congress

COLLIN C. PETERSON

Member of Congress

TOM REED

Member of Congress

SUZAN DELBENE

Member of Congress

DAN NEWHOUSE

Member of Congress

JAMES COMER

Member of Congress

MIKE SIMPSON

Member of Congress

DAVID G. VALADAO

Member of Congress

JOE COURTNEY

Member of Congress

SEAN DUFFY

Member of Congress

ANN McLANE KUSTER

Member of Congress

PAUL TONKO

Member of Congress

GLENN GROTHMAN Member of Congress KURT SCHRADER Member of Congress RON KIND Member of Congress JIM RENACC Member of Congress Member of Congress

Slem 'GT' Thompson GLENN 'GT' THOMPSON

TOM EMMER Member of Congress

ELIZABETH H. ESTY Member of Congress

REID RIBBLE Member of Congress

STEVE PEARCE Member of Congress

RICK LARSEN Member of Congress

MARK POCAN Member of Congress

THOMAS J. ROO Member of Congress

JOHN KATKO Member of Congress

TOM MARINO Member of Congress

RICHARD HANNA Member of Congress

DEVIN NUNES Member of Congress John Moolenaar Member of Congress

BOB GIBBS Member of Congress

Member of Congress

F. JAMES SENSENBRENNER, JR. Member of Congress