



National Milk Producers Federation

2107 Wilson Blvd., Suite 600, Arlington, VA 22201 | (703) 243-6111 | www.nmpf.org

Agri-Mark, Inc.
Associated Milk
Producers Inc.
Bongards' Creameries
Cooperative Milk
Producers Association
Cortland Bulk Milk
Producers Cooperative
Dairy Farmers of
America, Inc.
Ellsworth
Cooperative Creamery
FarmFirst Dairy
Cooperative
First District Assoc.
Foremost Farms USA
Land O'Lakes, Inc.
Lone Star Milk
Producers
Maryland & Virginia
Milk Producers
Cooperative Association
Michigan Milk
Producers Association
Mid-West
Dairymen's Company
Mount Joy Farmers
Cooperative Association
Northwest Dairy Assoc.
Oneida-Madison Milk
Producers Cooperative
Association
Prairie Farms Dairy, Inc.
Premier Milk Inc.
Scioto County
Cooperative Milk
Producers' Association
Select Milk
Producers, Inc.
Southeast Milk, Inc.
St. Albans Cooperative
Creamery, Inc.
Swiss Valley Farms
Tillamook County
Creamery Association
United Dairymen
of Arizona
Upstate Niagara
Cooperative, Inc.
Zia Milk
Producers, Inc.

January 3, 2018

Ms. Felicia Billingslea
Director Food Labeling and Standards
US Food and Drug Administration
CPK 1 HFS-820
5001 Campus Drive
College Park, MD 20740

Re: Kite Hill "Artisan Almond Milk Yogurt"

Dear Ms. Billingslea,

We write to call your attention to a line of so-called "Artisan Almond Milk Yogurt" products manufactured by Kite Hill and distributed in interstate commerce by California-based Lyrical Foods, Inc., that are not only misbranded, but also falsely imply they are a suitable substitute for real dairy yogurt. When a food product's label attempts to skirt federal and state law, it is the obligation of regulators to rectify the situation.

Kite Hill's imitation "yogurt" product does not comply with the federal standard of identity for "yogurt" (21 CFR 131.200). The standard defines "yogurt" as produced by culturing cream, milk, partially skimmed milk, or skim milk, alone or in combination, with specific lactic acid bacteria. The standard does not include plant-based beverages among the required or optional ingredients that may be used in yogurt manufacture. Because this non-dairy product is labeled with the name of a standardized dairy food without conforming to the associated standard of identity, these products are misbranded.

Furthermore, Kite Hill's ploy to market its product using dairy food terminology can lead consumers to think its imitation "yogurt" is a nutritionally viable substitute for cow's milk yogurt. However, without real milk's many nutrients as a base, this fake yogurt product fails to deliver the same nutrition as the real thing. In fact, the Kite Hill product contains 40 percent more calories and 10 more grams of fat compared to an equivalent serving of vanilla yogurt, while at the same time offering one-third less protein and zero calcium.

According to federal labeling regulations, the name of the food must appear on the front label or principal display panel of a packaged food. In the absence of a name of the food established by law or regulation, the common or usual name of the food or an appropriate descriptive name, that is not misleading, should be used (21 CFR

101.3). Adding a word or two in front of the name of a standardized dairy food does not represent an appropriate common or usual name of the food. It only adds confusion for consumers about the nutritional content of foods.

The plant-based gels produced and marketed by Kite Hill are imitations of real dairy yogurt, and should be labeled with a fanciful name that does not include the name of a standardized dairy product on the front of the package, or labeled as an imitation product (i.e. "Almond Imitation Yogurt") in accordance with 21 CFR 101.3(e).

NMPF has also noted other violations of federal labeling regulations on this product's packaging and on the manufacturer's website (www.kite-hill.com) and want to bring this to the attention of the Food and Drug Administration. NMPF urges FDA to take immediate and decisive action against this inappropriately named "Artisan Almond Milk Yogurt" with respect to applicable food labelling regulations, specifically as they relate to the purloined use of an established statement of identity.

Please feel free to contact us with any questions or for additional information. NMPF looks forward to your response.

Respectfully,



Beth Panko Briczinski, Ph.D.
Vice President, Dairy Foods & Nutrition

Enclosures

CC: Ted Elkin, Deputy Director for Regulatory Affairs, FDA-CFSAN
William Jones, Acting Director, Office of Food Safety, FDA-CFSAN
John F. Sheehan, JD, Director, Division of Dairy, Egg & Meat Products, FDA-CFSAN
Dr. Douglas A. Balentine, Director, Office of Nutrition & Food Labeling, FDA-CFSAN
Dr. Stephen W. Beam, Chief, Milk and Dairy Food Safety, CDFA

The National Milk Producers Federation, established in 1916 and based in Arlington, VA, develops and carries out policies that advance the well-being of dairy producers and the cooperatives they own. The members of NMPF's cooperatives produce the majority of the U.S. milk supply, making NMPF the voice of dairy producers on Capitol Hill and with government agencies. NMPF provides a forum through which dairy farmers and their cooperatives formulate policy on national issues that affect milk production and marketing.

Attachment: Photos of Kite Hill "Artisan Almond Milk Yogurt" Vanilla (product photographed on August 1, 2017).



At Kite Hill, we decided it was finally time for someone to make truly great tasting plant-based foods that are better for you and the environment. We start with luscious and creamy whole almond milk and add live active cultures and Madagascar vanilla beans to produce the most scrumptious non-dairy yogurt available. Enjoy.

DAIRY FREE
SOY FREE
GLUTEN FREE
VEGAN

NON-GMO ALMONDS
NO PRESERVATIVES
NO ARTIFICIAL COLORINGS
LIVE CULTURES

INGREDIENTS: ALMOND MILK (WATER, ALMONDS), CANE SUGAR, ORGANIC TAPIOCA STARCH, NATURAL FLAVOR, LOCUST BEAN GUM, CITRIC ACID, VANILLA BEAN, XANTHAN GUM, AGAR, LIVE ACTIVE CULTURES: S.THERMOPHILUS, L.BULGARICUS, L.ACIDOPHILUS AND BIFIDOBACTERIA.

CONTAINS ALMONDS

kite-hill.com

Nutrition Facts
Serving Size
Amount Per Serving
Calories
Total Fat
Saturated Fat
Trans Fat
Cholesterol
Sodium
Total Carbohydrate
Dietary Fiber
Sugars
Protein



DISTRIBUTED BY
LYRICAL FOODS, INC.
HAYWARD, CA 94545
©2015 Lyrical Foods, Inc.

ARTISAN

ki

↓
Tear,
Separate
& Recycle

SEE
OUR STORY
INSIDE


Best by: See Lid

**Perishable
Keep Refrigerated**


56624 00412 8

TRADITIONALLY
CULTURED



ARTISAN ALMOND MILK YOGURT

kite hill

TRADITIONALLY CULTURED

SOY & DAIRY FREE



VANILLA

5x THE PROTEIN OF COCONUT YOGURT

CONTAINS 3g PROTEIN PER 1.5 OZ. SERVING COMPARED TO 1g PROTEIN IN THE LEADING COCONUT YOGURT