



# News Release

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*"Connecting Cows, Cooperatives, Capitol Hill, and Consumers"*

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## **Misbranded Dairy Imitations Mislead Americans, Require Enforcement Action, NMPF Tells FDA Commissioner Scott Gottlieb**

ARLINGTON, VA –U.S. Food and Drug Administration (FDA) Commissioner Scott Gottlieb’s recent comments about the need for strong federal oversight of food labels are exactly what is needed to address the misleading labeling and branding of imitation dairy products, the National Milk Producers Federation said today.

[In a letter](#) to FDA Commissioner Dr. Scott Gottlieb, NMPF implored the agency to devote resources to prevent nutritionally inferior products from using the names of real dairy foods. The letter follows several recent public comments in which Gottlieb outlines [the FDA’s interest](#) in reviewing the information on food labels and their impact on public health.

“I want to see the agency step in to adjudicate some of the important claims that product developers want to make on labeling that could be important in informing consumers,” Gottlieb told the *Wall Street Journal* in an [Oct. 15 article](#). “So we intend to do that.”

In response, NMPF’s letter said that food labels – particularly the name of the food on a package – play a pivotal role in conveying significant nutrition information to consumers.

Gottlieb’s focus on product label claims provides an opportunity “to make a clear statement against the inaccurate and misleading labels commonly associated with the plant-based dairy imitators,” NMPF President and CEO Jim Mulhern wrote in the letter. “The names of non-dairy alternatives must reflect current regulations and standards of identity, and should not mislead consumers as to the true nutrient value of the product.”

The letter to Gottlieb reiterated NMPF’s concern about the importance of accurate food labeling: The use of dairy terms on non-dairy foods misleads consumers because none of the imitations contain the same amounts of protein, vitamins and minerals as real dairy products. NMPF cited a 2015 Mintel survey that found that 49% of the responses identified nutrition as the No. 1 reason for consuming non-dairy beverages labeled as “milks.”

However, NMPF conducted a marketplace survey of 244 plant-based beverages in the Washington, D.C. area in 2017, and found that none of them is nutritionally equivalent to real milk, and thus none delivers the nine essential nutrients provided by milk.

“Consumers who purchase these imitations are not receiving the same level of nutrients found in cow’s milk, and that means Americans are falling short of the recommended amount of vitamins and minerals for a healthy diet,” said Dr. Beth Briczinski, NMPF’s vice president for dairy foods and nutrition. “FDA must act on this matter or else see the further decline of proper nourishment of our children and families.”

NMPF has made several attempts over the last decade seeking FDA’s attention to this issue, but the agency has yet to take any significant enforcement action, despite its history of sending warning letters to dozens of other food companies regarding misleading labeling claims.

“In February 2010, FDA sent warning letters to 17 food companies in a single day notifying them of their violation of federal laws through false or misleading label claims, and an open letter to the food industry made it clear that accurate food labeling to improve nutritional information for consumers was an agency priority. That one effort made a dramatic difference in the labeling and marketing of a host of food products,” NMPF said in its letter.

“The lack of enforcement by FDA of the long-standing labeling provisions of various standards of identity for milk and dairy products and other pertinent federal labeling regulations has led to rampant consumer fraud related to the inferior nutrient content of these non-dairy products compared to their true dairy counterparts,” Mulhern said in the letter.

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The National Milk Producers Federation (NMPF), 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. For more on NMPF’s activities, visit our website at [www.nmpf.org](http://www.nmpf.org).