



National Milk Producers Federation

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Producers, Inc.

April 4, 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: Bolthouse Farms Plant Powder-Based Beverage Labeled as "Milk"

Dear Ms. Billingslea,

NMPF calls your food labeling-enforcement attention to a line of beverages manufactured from plant-based powders marketed under the Bolthouse Farms brand, which is owned by the Campbell Soup Company.

Based on our review of the product label (see attached photo), this is a deliberate and blatant violation of the standard of identity for milk (21 CFR 131.110). While the term "MILK" is featured with great prominence on the package label, these products from Bolthouse Farms in no way comply with the federal standard of identity for milk, and they contain numerous ingredients not permitted in milk (e.g., water, pea protein).

It is particularly difficult to discern the statement of identity for this product. Federal labeling regulations require the name of the food to be "presented in bold type on the principal display panel... in a size reasonably related to the most prominent printed matter... in lines generally parallel to the base" (21 CFR 101.3(d)). Following these very basic requirements, given the undue prominence of "MILK" on the label of these beverages and the relatively small type size of the oddly-positioned descriptors "Non-Dairy" "Plant Protein", it appears obvious the Bolthouse marketers are trying to suggest the name of the food is simply "Milk". Since the product is not milk, and does not meet the milk standard of identity, it is imperative that FDA take swift and decisive action against such violative practices.

As a non-standardized product, the name of the food should be appropriately descriptive. The accompanying term "Plant Protein" on the label is deliberately vague in identifying the base of the beverage and does not sufficiently describe the true nature of the product. This product should accurately be identified as a "Pea Protein Beverage" or another appropriate common or usual name that does not employ the unmerited use of the standardized term "Milk".

The mis-labeling is all the more egregious because of the positioning of this product at retail (see attached photos). The Bolthouse product line is merchandized in the refrigerated dairy case interspersed among real cow's milk products. The lack of segregation, combined with the deliberate attempt to mislead consumers with the prominent use of the term "MILK" on the label, is extremely troubling and demands enforcement action by your agency.

The product label is inherently confusing, is designed to deceive consumers, and undermines the integrity of dairy standards of identity. NMPF has repeatedly raised concerns to FDA about the labeling violations and unscrupulous marketing tactics of the manufacturers of imitation dairy products. We hope the agency takes immediate action so that the word "milk" is removed from the front of this package.

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: Douglas Stearn, 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

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 Bolthouse Farms Unsweetened plant-based beverage (product photographed on January 12, 2018).



SHAKE WELL
PERISHABLE
KEEP REFRIGERATED

Nutrition Facts

6 servings per container
Serving size 8 fl oz (240mL)

Amount per serving
Calories 90

	% Daily Value*
Total Fat 5g	6%
Saturated Fat 0.5g	3%
Trans Fat 0g	
Cholesterol 0mg	0%
Sodium 140mg	6%
Total Carbohydrate 1g	0%
Dietary Fiber 0g	0%
Total Sugars 0g	
Includes 0g Added Sugars	0%
Protein 10g	19%
Vitamin D 4mcg	20%
Calcium 450mg	35%
Iron 1.8mg	8%
Potassium 330mg	6%
Vitamin A 110mcg	12%
Vitamin E 6mg	42%
Vitamin B-2 1.1mcg	110%

*The % Daily Value (DV) tells you how much a nutrient in a serving of food contributes to a diet of 2,000 calories. A diet is used for general nutrition advice.

DISTRIBUTED BY:
NATURE'S BOUNTY FARMS, INC.
BAKERSFIELD, CA 93307 02017
For information or comments, call 1-800-467-4882
M-F 9 AM - 4 PM PT, www.naturesbounty.com

NOT FOR USE AS INFANT FORMULA.
ONCE OPENED, PROMPTLY RETURN UNUSUED PRODUCT TO REFRIGERATED STORAGE AT 4-47°F (FR - 5°C) AND USE WITHIN 7 DAYS.
PLANT PROTEIN MILK IS FORMULATED WITH INGREDIENTS THAT ARE PROCESSED WITHOUT THE USE OF GENETIC ENGINEERING.

**1/4 CUP OF 2% MILK CONTAINS 200 MG OF CALCIUM. 1 CUP OF PLANT PROTEIN MILK CONTAINS 450 MG OF CALCIUM. MILK DERIVED FROM US DAIRY CATTLE. NUTRIMENT INFORMATION FOR ENHANCED REFERENCE. ALL LISTS IN OZ (M).
THIS MILK IS A 100% GRADE A CONDENSED MILK PRODUCT. 100% GRADE A CONDENSED MILK DERIVED FROM US DAIRY CATTLE. NUTRIMENT INFORMATION FOR ENHANCED REFERENCE. ALL LISTS IN OZ (M).
100% GRADE A CONDENSED MILK DERIVED FROM US DAIRY CATTLE. NUTRIMENT INFORMATION FOR ENHANCED REFERENCE. ALL LISTS IN OZ (M).

INGREDIENTS: WATER, PLANT PROTEIN CONCENTRATE, LESS THAN 2% OF SUGAR, LECITHIN, SEA SALT, CARAMEL COLOR, SODIUM PHOSPHATE, POTASSIUM PHOSPHATE, CALCIUM PHOSPHATE, VITAMIN D, VITAMIN E, VITAMIN B-2, VITAMIN A, VITAMIN K, VITAMIN C, VITAMIN B-12, VITAMIN B-6, VITAMIN B-3, VITAMIN B-5, VITAMIN B-7, VITAMIN B-9, VITAMIN B-10, VITAMIN B-11, VITAMIN B-12, VITAMIN B-13, VITAMIN B-14, VITAMIN B-15, VITAMIN B-16, VITAMIN B-17, VITAMIN B-18, VITAMIN B-19, VITAMIN B-20, VITAMIN B-21, VITAMIN B-22, VITAMIN B-23, VITAMIN B-24, VITAMIN B-25, VITAMIN B-26, VITAMIN B-27, VITAMIN B-28, VITAMIN B-29, VITAMIN B-30, VITAMIN B-31, VITAMIN B-32, VITAMIN B-33, VITAMIN B-34, VITAMIN B-35, VITAMIN B-36, VITAMIN B-37, VITAMIN B-38, VITAMIN B-39, VITAMIN B-40, VITAMIN B-41, VITAMIN B-42, VITAMIN B-43, VITAMIN B-44, VITAMIN B-45, VITAMIN B-46, VITAMIN B-47, VITAMIN B-48, VITAMIN B-49, VITAMIN B-50, VITAMIN B-51, VITAMIN B-52, VITAMIN B-53, VITAMIN B-54, VITAMIN B-55, VITAMIN B-56, VITAMIN B-57, VITAMIN B-58, VITAMIN B-59, VITAMIN B-60, VITAMIN B-61, VITAMIN B-62, VITAMIN B-63, VITAMIN B-64, VITAMIN B-65, VITAMIN B-66, VITAMIN B-67, VITAMIN B-68, VITAMIN B-69, VITAMIN B-70, VITAMIN B-71, VITAMIN B-72, VITAMIN B-73, VITAMIN B-74, VITAMIN B-75, VITAMIN B-76, VITAMIN B-77, VITAMIN B-78, VITAMIN B-79, VITAMIN B-80, VITAMIN B-81, VITAMIN B-82, VITAMIN B-83, VITAMIN B-84, VITAMIN B-85, VITAMIN B-86, VITAMIN B-87, VITAMIN B-88, VITAMIN B-89, VITAMIN B-90, VITAMIN B-91, VITAMIN B-92, VITAMIN B-93, VITAMIN B-94, VITAMIN B-95, VITAMIN B-96, VITAMIN B-97, VITAMIN B-98, VITAMIN B-99, VITAMIN B-100.



VEGAN - MADE FROM PEA PROTEIN

10g

10g PROTEIN vs 1g IN ALMOND MILK*



50% MORE CALCIUM THAN DAIRY MILK**



0 71464 01940 2

- * NO PRESERVATIVES ADDED
- * NO ARTIFICIAL COLORS OR FLAVORS
- * NON-BPA PACKAGING

CALORIUM



Attachment: Photos of Bolthouse Farms plant-based beverages at retail (product photographed at Publix in Fort Lauderdale, FL on January 14, 2018).



Attachment: Photos of Bolthouse Farms plant-based beverages at retail (product photographed at Giant grocery store in Hummelstown, PA on March 1, 2018).

