



News Release

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

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NMPF Encouraged by FDA Commissioner's Desire to Enforce Dairy Labeling Regulations

ARLINGTON, VA – U.S. Food and Drug Administration (FDA) Commissioner Scott Gottlieb told an audience at a *Politico* Pro Summit on Tuesday in Washington that his agency will soon begin enforcing regulations that define milk as an animal product, not a plant-based food – an indication that the National Milk Producers Federation's (NMPF) requests for action by the agency are being heard. After acknowledging that "an almond doesn't lactate," Dr. Gottlieb [said the agency](#) soon will seek public input as a prelude to enforcing existing regulations on dairy labeling standards.

NMPF welcomed Gottlieb's recognition today that the labeling practices of many plant-based dairy imitators violate long-standing federal standards. Gottlieb said that going forward, "he intends to enforce" those standards.

"After years of inaction in response to our complaints about these labeling violations, Dr. Gottlieb's announcement that the agency is intending to act on this issue is very encouraging," said Jim Mulhern, president and CEO of NMPF. "The marketing of non-dairy imitators must comply with federal standards of identity, and consumers should not be misled that these products have the same nutrition as real milk, yogurt, cheese and other actual dairy products."

NMPF [wrote to Gottlieb](#) last year to complain that the agency has not been enforcing labeling standards, pointing out that FDA's lack of action "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, adding that in addition to fake "milks," there also are a proliferation of products calling themselves "yogurt," "cheese," "ice cream" and "butter."

The enforcement issue is not just an arcane dispute, but has significant public health implications because dairy imitators lack any consistent nutritional profile, while real milk always has the same nutritional package, varying only by standardized fat content, NMPF said.

"Consumers who purchase these imitations are not receiving the same level of nutrients found in cow's milk, and that contributes to Americans falling short of the recommended amount of vitamins and

minerals for a healthy diet,” said Mulhern. “FDA must act on this matter or else see the further decline of proper nourishment of our children and families.”

Gottlieb’s comments today are similar to testimony [he presented this spring](#) to the Senate, when he acknowledged that the agency has “exercised enforcement discretion” in not holding food marketers to federal standards limiting the use of standardized food terms.

Mulhern said he hopes the agency will rapidly move to take enforcement action, adding that “this issue can be quickly resolved. Once FDA acts to provide guidance to industry on enforcement of existing standards of identity, manufacturers currently playing fast and loose by using standardized dairy terms on products containing no dairy will know the jig is up. Their products have every right to be in the marketplace, but they will have to be properly identified to comply with FDA standards.”

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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.