

**Congress of the United States**  
**Washington, DC 20515**

February 18, 2020

Dr. Stephen Hahn  
Commissioner  
Food and Drug Administration  
10903 New Hampshire Avenue  
Silver Spring, MD 20993-0002

Dear Commissioner Hahn:

As you start your work as Commissioner of the Food and Drug Administration, we write to bring your attention to an important public health matter.

We have long urged FDA to combat the misuse of dairy terms on non-dairy products. The solution is simple, and it is long past time for action. FDA can and should simply enforce existing law and uphold existing standards of identity for dairy products. Standards of identity were established to promote honesty and fair dealing in the interest of consumers by promulgating reasonable definitions for food products. These terms have come to carry meaning in the minds of consumers.

Dairy farmers across our nation work hard to ensure their products are healthy, nutrient-dense, and in compliance with the standards required by FDA to use dairy terms. When non-dairy alternatives use dairy terms to describe their imitation products, consumers often mistakenly believe that the imitators have the same or very similar health benefits and nutrient levels as real dairy products. For instance, a 2018 survey found that 73% of consumers surveyed believe that almond-based beverages contain as much or more protein per serving than milk. In reality, milk has up to eight times as much protein. The deception caused by mislabeling of imitation products is both unfair to our hardworking dairy farmers and problematic for consumers, making it harder for Americans to make educated decisions about what they feed themselves and their families.

Numerous public health organizations have given voice to this concern. Last fall, the American Academy of Pediatrics, the American Heart Association, the Academy of Nutrition and Dietetics, and the American Academy of Pediatric Dentistry issued a joint report urging that young children not be fed most plant-based imitation products in place of cow's milk, as their nutrition profiles are largely not equivalent to real milk. The American Academy of Pediatrics has further noted that pediatricians have reported that using the term "milk" on imitation products has caused parental confusion and led parents to purchase imitation products for their children under the mistaken belief that they contain similar nutritional components to dairy. In turn this has caused nutritional deficiencies in their children.

We were pleased that under former Commissioner Gottlieb, the FDA began a process of reviewing how to enforce regulations defining what may be labeled a dairy product. That process did not reach a conclusion under his tenure, but we noted your comments during your Senate confirmation hearing and appreciated your view of this topic as a public health and nutrition matter.

We believe that action is long overdue. In that context, the House Energy & Commerce Subcommittee on Health recently held a legislative hearing on a bipartisan bill many of us support to compel FDA to uphold the law and enforce standards of identity for dairy products. This was an important step in the legislative process to highlight the widespread, bipartisan support for action on dairy mislabeling.

We thank you for your consideration of this urgent request and we look forward to working with you on this critical issue.

Sincerely,



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Member of Congress



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Member of Congress



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Member of Congress



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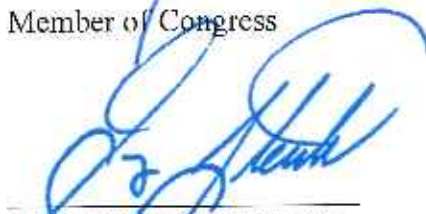
  
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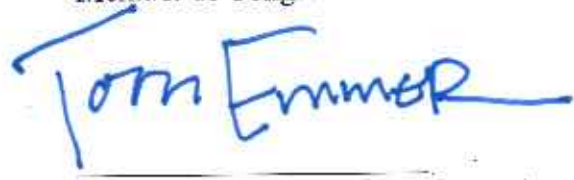
  
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