



Agri-Mark, Inc.

Associated Milk  
Producers Inc.

Bongards' Creameries

California Dairies, Inc.

Cayuga Marketing

Cooperative Milk  
Producers Association

Dairy Farmers  
of America, Inc.

Ellsworth  
Cooperative Creamery

First District Association

Foremost Farms USA

Lanco Pennland

Land O'Lakes, Inc.

Lone Star Milk Producers

Maola Local Dairies

Michigan Milk  
Producers Association

Mount Joy Farmers  
Cooperative Association

Northwest Dairy  
Association

Oneida-Madison Milk  
Producers Cooperative  
Association

Prairie Farms Dairy, Inc.

Scioto Cooperative Milk  
Producers' Association

Southeast Milk, Inc.

Tillamook County  
Creamery Association

United Dairymen  
of Arizona

Upstate Niagara  
Cooperative, Inc.

July 11, 2025

**Docket No. AHRQ-2025-0001: Request for Information (RFI): Ensuring Lawful Regulation and Unleashing Innovation To Make American Healthy Again**

**Dear Sir or Madam:**

The National Milk Producers Federation (NMPF) 24 member cooperatives represent 20,000 U.S. dairy producers, who collectively produce most of the nation's milk supply. Since our founding in 1916, NMPF has been dedicated to representing dairy farmers and their cooperatives in national policy discussions that affect the future of U.S. agriculture and public health.

NMPF offers these comments in response to the request for information entitled "**Ensuring Lawful Regulation and Unleashing Innovation to Make American Healthy Again**," published in the Federal Register on May 14, 2025.

NMPF strongly supports efforts to improve Americans' diets and increase transparency in food labeling. However, we are concerned that the Food Labeling: Front-of-Package Nutrition Information [Docket No. FDA-2024-N-2910] proposed rule published on January 16, 2025, which mandates a new "Nutrition Info" or FOPNL box on the front of most packaged foods will fail to achieve FDA's stated goals. More critically, the rule threatens to mislead consumers, distort public understanding of healthful eating, and impose significant burdens on food manufacturers without sufficient justification. For these reasons and the reasons set forth below, NMPF requests the rule be revoked in its entirety.

Specifically, we believe this proposed rule is unlawful and meets several of the criteria identified in the RFI that warrant repeal. The proposed rule is:

- An unconstitutional regulation that raises serious constitutional difficulties, in that it is unlawful compelled commercial speech and violates the 1st Amendment.
- A regulation that is based on unlawful delegations of legislative power.
- A regulation that imposes significant costs upon private parties that are not outweighed by public benefits.

Below are several key concerns with the proposed rule:

The proposed FOPNL—focused exclusively on saturated fat, sodium, and added sugars—presents a distorted picture of a food’s overall nutritional quality. By isolating these three “nutrients to limit,” the rule implicitly suggests that these alone determine a food’s healthfulness. This approach ignores the substantial contributions of beneficial nutrients that many Americans under-consume, such as calcium, potassium, vitamin D, protein, and dietary fiber. Dairy products, for example, provide thirteen essential nutrients, including three of the four “nutrients of public health concern” identified by the Dietary Guidelines for Americans. Yet, under this proposed labeling scheme, nutrient-rich dairy foods could be penalized in the consumer’s eye based on a simplistic system without regard to the food’s total nutrient profile or net contribution to dietary quality.

This reductionist approach not only misrepresents foods like milk, yogurt, and cheese but runs counter to the FDA’s own guidance encouraging nutrient-dense dietary patterns. The Nutrition Facts Panel (NFP) has long served as the FDA’s primary tool for transparent, science-based nutrition labeling. According to FDA’s own data, 87% of consumers report using the NFP and 80% rely on it regularly. The proposed “Nutrition Info” box undermines this trusted tool by replacing quantitative information with vague qualitative descriptors—“Low,” “Med,” and “High”—for only three nutrients. Far from helping consumers, this risks oversimplifying food choice decisions and shifting attention away from broader nutrient intake goals. The FDA is effectively trading a comprehensive nutrition disclosure system for a soundbite—one that may deter consumers from reading the full label or making well-rounded dietary decisions.

The proposed rule raises serious First Amendment issues under the framework established by *Central Hudson Gas & Electric Corp. v. Public Service Comm’n* and *American Meat Institute v. USDA*. While certain compelled commercial disclosures may be permissible, the government must show that: a) the compelled speech is purely factual and uncontroversial; b) it is not unduly burdensome and c) it is reasonably related to a substantial governmental interest. FDA has not met these requirements. The proposed Nutrition Info box compels food manufacturers to carry a subjective, government-endorsed message that elevates three nutrients above all others, despite disagreement among nutrition experts and evolving science showing the importance of the complete food, especially in dairy products. We believe that compelling this messaging violates the commercial speech protections under the First Amendment. The

speech is not purely factual, is highly controversial, and is not narrowly tailored to achieve the stated goal of improving public health.

NMPF is deeply concerned that the proposed rule continues to rely on outdated nutrition models that demonize saturated fat in isolation. The latest dietary science underscores the importance of the full nutrient matrix of foods, particularly in dairy. For instance, the saturated fat found in milk, cheese, and yogurt is part of a complex structure that affects digestion and metabolism in unique ways. Recent peer-reviewed studies show that full-fat dairy is not associated with increased risk of cardiovascular disease, obesity, or diabetes. On the contrary, several studies have found protective effects of dairy consumption against chronic diseases. The rule's focus on isolated nutrients disregards this growing evidence base and may discourage consumption of foods that offer significant net health benefits.

Label redesigns are not simple. Food companies manage thousands of SKUs, each with unique packaging and printing infrastructure. Mandating widespread changes for a new FOP label—particularly for information that is already present on the back of the package—will require new plates, artwork, regulatory review, and inventory control systems. These are not minor adjustments. They represent major cost burdens, especially for small and mid-sized food manufacturers. Those costs will inevitably be passed to consumers—at a time when food affordability is already a growing national concern. A costly regulatory requirement with no proven net consumer benefit is not in the public's best interest.

We acknowledge the FDA's efforts to conduct consumer research, including experimental studies of different FOPNL formats. However, the finding that consumers made faster decisions based on "high/med/low" descriptors is not sufficient to justify mandating such a system across the entire food industry.

The rule's justification relies on behavioral research rather than health outcome data, and on the assumption that simplified nutrient warnings will lead to healthier diets overall. But without evidence that this labeling approach improves actual nutritional intake or health outcomes, the government lacks a compelling interest in overriding commercial speech protections.

NMPF further provided comments to FDA on this proposed rule the day after it was published in the Federal Register. Those comments provide clear insight into why this rule must be withdrawn and have been attached to these comments for your convenience as Attachment 1.

For these reasons, NMPF respectfully urges the FDA to withdraw the proposed rule in its entirety. The FOPNL box does not improve consumer understanding; it risks misleading the public, oversimplifies complex science, and imposes undue costs on food producers. A one-size-fits-all FOPNL scheme that promotes only “nutrients to avoid” while ignoring “nutrients to encourage” is inconsistent with the goals of the Dietary Guidelines and fails to empower informed food choices. We appreciate the opportunity to submit these comments. If NMPF can provide further information or clarification, please contact me at 703-294-4355 or [cdetlefsen@nmpf.org](mailto:cdetlefsen@nmpf.org).

Sincerely,

A handwritten signature in black ink, appearing to read "Clay Detlefsen". The signature is stylized with a large, looped "C" and a long, sweeping horizontal stroke at the end.

Clay Detlefsen, Esq.  
Senior Vice President & Staff Counsel