



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.

September 15, 2025

Dockets Management Staff (HFA-305)
Food and Drug Administration
5630 Fishers Lane, Rm. 1061
Rockville, MD 20852

RE: Docket No. FDA-2025-N-1225, Proposal to Revoke 18 Standards of Identity for Dairy Products

Dear Sir/Madam:

NMPF's 24 member cooperatives represent 20,000 U.S. dairy producers, who collectively produce two-thirds 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 appreciates the opportunity to provide comments on FDA's proposal to revoke the standards of identity (SOI) for 18 dairy products. While we recognize that dairy standards of identity are subject to formal rulemaking, with respect to these 18 dairy standards, NMPF will not seek an administrative hearing. That said, we reserve the right to seek a formal administrative hearing for any proposed future revision or revocation of dairy standards. In this case, we believe that FDA reasoning for the revocation is valid for 13 of the 18 standards that FDA is seeking to revoke. In four cases, we feel strongly that FDA should retain the SOIs — Acidified Sour Cream; Cream Cheese with Other Foods; Pasteurized Blended Cheese with Fruits, Vegetables, or Meats; and Pasteurized Process Cheese with Fruit, Vegetables, or Meats. We are uncertain with respect to Acidified Milk, as we heard from one member that the product is still being made but we are unable to find any evidence to support that assertion.

As FDA has noted, Standards of Identity for milk and other foods were authorized by the [Federal Food, Drug, and Cosmetic Act](#) of 1938 to prevent economic adulteration and ensure fair trade practices by establishing mandatory ingredient lists, compositional requirements, and production methods for standardized foods. Established by the [FDA](#) starting in 1939, SOIs protect consumers by ensuring that foods labeled with a specific name, such as "milk," meet certain expectations of ingredients, characteristics, and processing. Standards of Identity are as important today, if not more important, as they were when they were created. As FDA is aware, there is a plethora of ultra-processed nutritionally inferior plant-based imitation dairy products in the

marketplace that are deceiving consumers which has resulted in public health harm. NMPF has brought this fact to FDA's attention numerous times, and we will continue to do so. Consumers need to be treated fairly, and they need to know they are getting the nutritious high-quality products they want when they go shopping without having to bring a food scientist or nutritionist with them. Enforcement of proper and lawful labeling is essential to not only ensure consumers understand what they are buying but to also hold companies accountable for the product they are making.

In general, we agree that if a standardized product is no longer being made or sold in the U.S., it is acceptable to terminate that SOI. We also agree that Category 2: Standardized Food That Would Be Covered by 21 CFR 130.10 in the Absence of its Standard of Identity, basis for elimination makes sense. FDA has identified two SOI's that are within the scope of Category 2: Low Sodium Cheddar Cheese and Low Sodium Colby Cheese. While we support the elimination of these SOI's (Low Sodium Cheddar Cheese and Low Sodium Colby Cheese) because they are redundant, we do disagree with FDA that those products are no longer being made — they are still in production.

With respect to 131.162, Acidified Sour Cream - this product is very much in production and use. Sour cream served in many Mexican and/or Tex-Mex restaurants is acidified sour cream. In fact, according to information we have gleaned, the sour cream used by Taco Bell is acidified sour cream. Acidified sour cream can commonly be purchased in many Hispanic-oriented grocery stores. This Standard of Identity is in wide use and therefore should be maintained.

With respect to 133.134, Cream Cheese with Other Foods, we strongly urge FDA to retain this standard. A bagel with cream cheese is a staple and/or a treat that many consumers enjoy. A bagel with cream cheese and chives or cream cheese with garden vegetables is even better. If FDA revokes this SOI, it is our understanding that Cream Cheese with Other Foods can be made with anything anyone wants to use to create it, from wallpaper paste to some indescribable ultra-processed plant-based concoction. While it is unlikely that cream cheese made from wallpaper paste would exist for very long in the marketplace, there are likely many versions of fake non-standardized Cream Cheese with Other Foods that the ultra-processed food manufacturers will put forth using the cheapest of ingredients. This simply is not acceptable. We need to be transparent to consumers and provide food manufacturers with an avenue to convey that information – standards of identity are that means.

Further and more importantly, most Cream Cheese with Other Foods sold in grocery stores is not a standardized product - they are cream cheese **spreads** with other foods. However, if one shops at higher end grocery stores, for example, Wegmans or Whole Foods, you will find Cream Cheese with Other Foods that do meet FDA's standard of identity. Given the rampant promiscuity in the marketplace when it comes to food formulations and labeling, it would be nice to preserve a marker for high quality foods that continue to meet the standard of identity for Cream Cheese with Other Foods – erasing any ambiguity about what the product is really made from. That is, assuming FDA enforces its rules and the standards of identity. Preserving 133.134 will do no harm and it will not force any manufacturer to make changes as they already have the option of making

non-standardized spreads. It will simply allow a food manufacturer who cares enough to produce a high-quality standardized product to continue to do so while signaling to erudite consumers that they are buying a quality product. Obviously, Wegmans and Whole Foods and likely many others have consumers who care about and want to purchase the standardized version. FDA should not deprive them of that opportunity.

Lastly, Bongards' Creameries, a member of NMPF, submitted comments raising concerns regarding the revocation of 21 CFR 133.168 Pasteurized Blended Cheese with Fruits, Vegetables, or Meats, and 21 CFR 133.170 Pasteurized Process Cheese with Fruit, Vegetables, or Meats. In comments they filed separately they stated:

Bongards (and other process cheese manufacturers) produce millions of pounds of Pasteurized Process Pepper Jack Cheese for both retail and food service applications that fall under 133.170 that would be impacted by revoking of the standard. In addition, Bongards produces Pasteurized Blended Pepper Jack for a number of our food service customers. Our customers rely on standardized cheese products for a supply of cheese products that maintain chemical, organoleptic, and nutritional consistency, and we feel the best way to do this is by maintaining these dairy product standards rather than by taking these products out of stand as "products".

For the reasons stated in the comments Bongards' Creameries has filed, NMPF strongly supports the retention of the two standards they have identified.

Given the foregoing, NMPF consents to the elimination of 14 dairy SOIs but strongly encourages FDA to retain 21 CFR 133.162 Acidified Sour Cream, 21 CFR 133.134, Cream Cheese with Other Foods, 21 CFR 133.168 Pasteurized Blended Cheese with Fruits, Vegetables, or Meats, and 21 CFR 133.170 Pasteurized Process Cheese with Fruit, Vegetables, or Meats.

If NMPF can answer any additional questions regarding our concerns, please contact us at 703-294-4355 or cdetlefsen@nmpf.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Clay Detlefsen".

Clay Detlefsen, Esq.
Senior Vice President & Staff Counsel