NMPF
NATIONAL MILK
PRODUCERS FEDERATION

October 23, 2025

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

Re: Ultra-Processed Foods; Request for Information (FDA-2025-N-1793)

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 to the request for information on defining ultra-processed foods (UPFs). As we are all aware, the health of the American people needs to be improved. As referenced in the Make America Healthy Again Commission report, poor diet is one of the drivers of the rise in childhood chronic disease that we face in this country. NMPF supports efforts to improve our diets and agrees that much of the "ultra-processed food" on the market would be considered by most people to be "junk" food with little to no nutritional value. However, processing is necessary and important for food safety, accessibility and affordability. With these comments, NMPF urges the Food and Drug Administration (FDA) and the Department of Agriculture (USDA) to develop a UPF definition that recognizes the differences between foods that are processed and nutrient-rich, on the one hand, and foods that are nutrient-poor, on the other. Further, we believe any definition should be flexible, recognizing the nuances of different foods and levels of processing. While NMPF supports initiatives to help Americans eat healthier, we believe that condemning foods based on ingredients or processing techniques alone will be a disservice to the American people.

Summary:

- NMPF urges USDA and FDA to use caution when developing any definition of UPFs.
- The UPF classification systems currently available have failed to account for nutrient density and affordability, which if not taken in to account can drive consumers away from healthful food choices.

- If the Administration moves forward with developing a definition, it must be developed carefully to avoid misclassification of nutrient dense foods and recognize that not all foods being processed are equal.
- We urge the Administration to exempt all dairy foods from any classification as ultra-processed based on decades of research supporting their health benefits in the diet.

Dairy Products Fulfill Nutrient Needs

Dairy products (milk, cheese and yogurt) have been recommended by the Dietary Guidelines for Americans (DGA) for over four decades. That is because dairy's nutrient package, regardless of processing level, are associated with many beneficial outcomes, such as reducing the risk of heart disease, type 2 diabetes, obesity and certain types of cancer. Dairy foods contribute significantly to calcium, vitamin D, potassium and protein intakes. While the average American falls short of the recommended three servings of dairy a day, current consumption levels of nutrient-dense dairy foods still provide 52% of calcium, 51% of vitamin D, 14% of potassium, 17% of protein and at least 25% of vitamin A, vitamin B12 and phosphorus intakes in the U.S.[1, 2] Additionally, milk (flavored or unflavored) is the top source of protein, vitamin D, calcium and potassium in children ages 2-18, with the latter three nutrients having been named nutrients of public health concern in several successive editions of the DGA.[3] Dairy products are also a key part of multiple federal nutrition assistance programs, including the National School Lunch Program (NSLP), the School Breakfast Program (SBP), the Child and Adult Care Food Program (CACFP), and the Special Supplemental Nutrition Program for Women, Infants and Children (WIC) because of their nutrient density and affordability.

In response to the questions posed in the RFI, NMPF offers the following perspectives:

Question 1: What, if any, existing classification systems or policies should we consider in defining UPFs? What are the advantages and challenges in applying these systems (or aspects of them) to classify a food as ultra-processed? What are characteristics that would or would not make a given system (or aspect of the system) particularly suitable for the U.S. food supply? Please provide supporting data and explain your rationale in your response.

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[1] National Dairy Council (NDC). NHANES 2015-2018. Data Source: Centers for Disease Control and Prevention, National Center for Health Statistics, National Health and Nutrition Examination Survey Data. Hyattsville, MD: U.S. Department of Health and Human Services. https://www.cdc.gov/nchs/nhanes/index.html

[2] Fulgoni K, Fulgoni VL 3rd, Agarwal S, Ricklefs-Johnson K, Pikosky MA, Cifelli CJ. Current Contribution to Energy and Nutrient Intake from Dairy Foods in Children and Adults Using NHANES, 2015-2018. J Nutr. 2025;155(7):2333-2354. doi:10.1016/j.tjnut.2025.05.025

[3] National Dairy Council. NHANES 2015-2018. Data Source: Centers for Disease control and Prevention, National Center for Health Statistics, National Health and Nutrition Examination Survey Data. Hyattsville, MD: U.S. Department of Health and Human Services. http://www.cdc.gov/nchs/nhanes.htm.

Out of the handful of well-known classification systems for UPFs, none are entirely comprehensive, and current systems may not account for nutritional value or acknowledge food group contributions at specific life stages.

The Nova system is the most widely cited in research, classifying UPFs by the extent and purpose of processing. However, the Nova system fails to account for the nutritional value of foods, an essential element in developing a system that could lead to foods being deemed healthy or unhealthy. Most recently, the American Heart Association (AHA) published a science advisory that calls out the Nova system's failure to account for nutritional quality, which can lead to healthful products like yogurt and even infant formula (which is essential for non-breast-fed infant nutrition) being misclassified.[4] Of most concern, many studies based on the Nova system classified yogurt and other dairy-based foods as UPF when there are decades of science supporting the benefits of including dairy foods in the diet. One study found that "despite its wide usage, Nova is not useful for determining the healthfulness of either individual foods or dietary patterns when current DGA recommendations are used as context to indicate healthfulness."[5] The Nova system lacks standardization and allows for too much interpretation to implement effective and smart policy. We urge FDA and USDA not to use the Nova system or any of the other available classification systems unless they are significantly modified when developing a UPF definition. Additionally, NMPF opposes the use of any definition or classification that classifies foods based solely on "processing" and fails to take into account their nutritional value.

Questions 2 and 3

NMPF does not believe a single ingredient or processing technique should automatically be used to deem a food "ultra-processed." The processing of dairy products is integral to increasing their safety, quality, and shelf-life. Below are just a few examples of the different processing techniques key for healthful, nutritious dairy products:

- Pasteurization (both high-temperature, short-time [HTST} and ultra-high temperature [UHT] methods) is a proven processing technique that kills harmful pathogens and bacteria in dairy products.
- Fermentation in yogurt and cheese and the addition of probiotics to yogurt supports gut health and leads to a product that has been granted a qualified health claim for reducing the risk of type II diabetes.[6]

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[4] Maya K. Vadiveloo, PhD, RD, FAHA, Chair, Christopher D. Gardner, PhD, FAHA, Vice Chair, Sara N. Bleich, PhD, Neha Khandpur, ScD, Alice H. Lichtenstein, DSc, FAHA, Jennifer J. Otten, PhD, RD, Casey M. Rebholz, PhD, MS, MPH, FAHA, Chelsea R. Singleton, PhD, MPH, Miriam B. Vos, MD, MSPH, FAHA, Selina Wang, PhD, on behalf of the American Heart Association Council on Lifestyle and Cardiometabolic Health; Council on Cardiovascular and Stroke Nursing; Council on Clinical Cardiology; Council on Genomic and Precision Medicine; and Stroke Council

[5] Julie M. Hess, Madeline E. Comeau, Shanon Casperson, Joanne L. Slavin, Guy H. Johnson, Mark Messina, Susan Raatz, Angela J. Scheett, Anne Bodensteiner, Daniel G. Palmer,
Dietary Guidelines Meet NOVA: Developing a Menu for A Healthy Dietary Pattern Using Ultra-Processed Foods, The Journal of Nutrition, Volume 153, Issue 8, 2023, Pages 2472-2481, ISSN 0022-3166, https://doi.org/10.1016/j.tjnut.2023.06.028.

[6] FDA Announces Qualified Health Claim for Yogurt and Reduced Risk of Type 2 Diabetes. 2024. https://www.fda.gov/food/hfp-constituent-updates/fda-announces-qualified-health-claim-yogurt-and-reduced-risk-type-2-diabetes

- Fortification of milk with vitamin D increases the efficiency of calcium absorption and provides a nutrient of public health concern.
- UItra-filtration is used for higher-protein, reduced-lactose dairy options, addressing the needs of individuals who are lactose-intolerant. [7]

An exclusive focus on specific ingredients or processes dismisses the nutritional value that many foods bring to the American diet in affordable, accessible packages.

Question 4: Is the term "ultra-processed" the best term to use, or is there other terminology that would better capture the concerns associated with these products? If there is another term to consider, please name and define that term and provide specific scenarios and citations (if available) to support its use.

NMPF does not believe that "ultra-processed" is the best term to use. The definition of "ultra-processed" has become convoluted with classification systems, health organizations, states, and media all saying different things. If a definition is deemed necessary for policymakers and consumers, a new term that is tied to a clear definition would be the most impactful.

Question 5a: In considering nutritional attributes (such as information presented on the Nutrition Facts label), to what extent, if any, and how, should nutritional composition or the presence of certain nutrients be incorporated in a definition of UPFs?

NMPF believes that nutritional composition and density should be incorporated into the definition of UPFs, whether this is determined by a food meeting a certain level of a nutrient or by an exemption for foods that are recognized as healthy. As stated above, classifying foods as healthy or unhealthy solely based on their level of processing can lead to consumers avoiding healthful foods like dairy products, which could be detrimental to their health. As noted in the AHA science advisory, "identifying high-risk UPF subgroups is essential to balancing nutritional goals with the need for accessible and appealing food options."[8]

An example of an exemption for nutrient-dense foods already exists: Health Canada's front-of-pack (FOP) nutrition labeling regulation. In their FOP scheme, Canada exempts foods that have a recognized health protection benefit and foods that are important sources of nutrients that are not readily available or that the population is not consuming at the needed levels.[9] For dairy foods, milk is exempt based on its health protection benefits, and

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[7] Processing Powers Nutrient-Dense Dairy that plays a Key Role in Healthy Dietary Patterns. U.S. Dairy Export Council.

[8] Maya K. Vadiveloo, PhD, RD, FAHA, Chair, Christopher D. Gardner, PhD, FAHA, Vice Chair, Sara N. Bleich, PhD, Neha Khandpur, ScD, Alice H. Lichtenstein, DSc, FAHA, Jennifer J. Otten, PhD, RD, Casey M. Rebholz, PhD, MS, MPH, FAHA, Chelsea R. Singleton, PhD, MPH, Miriam B. Vos, MD, MSPH, FAHA, Selina Wang, PhD, on behalf of the American Heart Association Council on Lifestyle and Cardiometabolic Health; Council on Cardiovascular and Stroke Nursing; Council on Clinical Cardiology; Council on Genomic and Precision Medicine; and Stroke Council

[9] Front-of-package nutrition symbol labelling guide for industry. Version 2. Health Canada. May 2023. https://www.canada.ca/content/dam/hc-sc/documents/services/foodnutrition/legislationguidelines/guidance-documents/front-package-nutrition symbol-labelling-

cheese, yogurt, kefir and buttermilk are exempt based on if they provide a certain amount of the daily value of calcium. This approach takes in to account the scientific support and nutrient density of dairy foods, recognizing that a blanket policy would have been detrimental to consumers.

NMPF believes this approach could be applicable to defining UPFs — foods that are nutrient dense and have been shown to have positive health impacts would be exempt. Examples of such foods could be milk, cheese and yogurt, which have decades of scientific research supporting the nutritional benefits they offer. Nearly 88% of Americans fail to meet the three recommended servings of dairy per day as it is, even though dairy is a top source of three of the four nutrients of public health concern — calcium, vitamin D and potassium. Additionally, both flavored and unflavored milk and yogurt have been shown to help Americans, particularly children, meet their nutrient recommendations when included in balanced dietary patterns.[10,,11,12] NMPF believes taking the approach of exempting nutrient-rich or -dense foods from any adverse definition would prevent confusion among consumers that could steer them away from nutritious foods.

Question 6: And what considerations should be taken into account in incorporating such a classification in food and nutrition policies and programs?

Foods typically classified as UPFs are more affordable and accessible, which contributes to their popularity among the general public and partly accounts for their use in some federal nutrition programs. For example, the NSLP and SBP are operated on tight, often inadequate budgets while meeting strict nutrition standards. School meals have made headlines lately for being full of "ultra-processed foods" when studies have found that they are the healthiest, most nutrient-dense meals children receive during the day. Any initiatives stemming from the development of a UPF definition need to be practical and achievable for school nutrition professionals, who are already dealing with constraints on budgets, personnel, paperwork load and procurement. And this caution is especially relevant given that many studies have found that minimally processed diets are more expensive than more UPF-forward diets.

Further Research is Needed

NMPF appreciates the efforts being made to improve the diets of children. However, we caution against defining UPFs before more research is conducted. To date, there is limited research focused specifically on UPFs and in the research that does exist, it is hard to tease

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industry/Frontofpackage%20nutrition%20symbol%20labelling%20guide%20for%20industry_version%203.pdf

[10] Murphy MM, Douglass JS, Johnson RK, Spence LA. Drinking flavored or plain milk is positively associated with nutrient intake and is not associated with adverse effects on weight status in US children and adolescents. J Am Diet Assoc 2008;108(4):631-9. doi:10.1016/j.jada.2008.01.004.

[11] Fayet F, Ridges LA, Wright JK, Petocz P. Australian children who drink milk (plain or flavored) have higher milk and micronutrient intakes but similar body mass index to those who do not drink milk. Nutr Res 2013;33(2):95-102. doi:10.1016/j.nutres.2012.12.005.

[12] Cifelli CJ, Houchins JA, Demmer E, Fulgoni V. The relationship between flavored milk consumption, diet quality, body weight, and BMI z-Score among children and adolescents of different ethnicities. The FASEB Journal [Internet] John Wiley & Sons, Ltd; 2016 [cited 2022 Apr 27];30. Available from: https://onlinelibrary.wiley.com/doi/full/10.1096/fasebj.30.1_supplement.1154.12

out if the foods are unhealthy because of the processing or because many foods deemed "ultra-processed" have poor nutrient profiles. While some studies that have adjusted for diet quality have found that processing does play a role in poorer health outcomes, other studies have found the opposite.[13,]

The food—and more specifically, dairy—matrix is an excellent example of how a food is more than just the sum of its parts. The food matrix can be explained as "the notion that the nutritional and health impacts of a food item extend beyond, in unpredictable ways, the mere sum of its individual nutrients, referred to as the food matrix's health effects."[14] When applying this to dairy, the dairy matrix can explain how different structural levels and interactions can impact nutrient digestion and absorption leading to varied physiological effects. When thinking of this concept in parallel to UPFs, it is the same as recognizing that the benefits a food offers is greater than how it is being processed. More research is needed to establish the strength of the relationship between UPF intakes and health outcomes when accounting for overall diet quality.

In conclusion, NMPF urges USDA and FDA to use caution when developing any definition of UPFs. As noted above, the science has not come to a clear conclusion on the effects of UPFs on health, and the classification systems currently available have failed to account for nutrient density and affordability. If the administration moves forward with developing a definition, it must be developed carefully to avoid misclassification of nutrient dense foods Lastly, we urge the administration to exempt all dairy foods from any classification as ultra-processed based on decades of research supporting their health benefits in the diet.

Thank you for the opportunity to present NMPF's views.

Sincerely,

Miquela L. Hanselman, MPH
Director, Regulatory Affairs

[13] Poti JM, Braga B, Qin B. Ultra-processed food intake and obesity: what really matters for health—processing or nutrient content? *Curr Obes Rep.* 2017 Dec;6(4):420-431. doi: 10.1007/s13679-017-0285-4.

[14] Mulet-Cabero, A.-I., Torres-Gonzalez, M., Geurts, J., Rosales, A., Farhang, B., Marmonier, C., Ulleberg, E. K., Hocking, E., Neiderer, I., Gandolfi, I., Anderson, L., Brader, L., Vermaak, M., Cameron, M., Myrup Christensen, M., Haryono, R., & Peters, S. (2024). The Dairy Matrix: Its Importance, Definition, and Current Application in the Context of Nutrition and Health. *Nutrients*, *16*(17), 2908. https://doi.org/10.3390/nu16172908