

**Statement of Tom Balmer, Executive Vice President  
National Milk Producers Federation  
Before the Food and Drug Administration**

*July 26, 2018*

My name is Tom Balmer and I'm with the National Milk Producers Federation. National Milk represents the nation's dairy farm families and the cooperatives they own.

One focus of today's meeting is modernizing standards of identity. However, we must first address why standards of identity even matter in today's marketplace. They matter because they help safeguard consumers from making purchases of products whose labels are false and misleading.

Food standards help guarantee that consumers' expectations are met both in terms of minimum levels of key ingredients and consistency of key sensory attributes in many everyday foods. Although standards weren't initially developed for reasons of nutrition or public health, there is a direct link between the specified type and amount of characterizing ingredients found in a standardized food and that food's overall nutrient content. For dairy, consumers use short-hand names like milk, cheese, and yogurt to make informed purchasing decisions and expect a certain level of product performance and nutrition in return for their money.

Standards also help maintain honesty in the marketplace. It's through standards that marketers communicate the origin of required ingredients (*such as being derived from lactating mammals*) and an anticipated measure of quality in the end product.

*For far too long*, standardized dairy terms have been co-opted by the marketers of fake milk and other alternative products.

Imposters like "almond milk", "soy cheese" and "rice yogurt" bask in dairy's "halo" by using familiar terms to invoke positive traits - including the significant levels of various nutrients typically associated with real dairy foods. This is a marketing gimmick, and a clever one. Such products not only lack ingredients specified by the standards, they frequently fall short in expected characteristics like mouthfeel, taste and texture, and are nearly always less nutritious. They are marketed and merchandized to resemble real milk and dairy products in all ways possible and many consumers don't realize that they're being shortchanged.

In closing, it seems inconsistent to talk about modernizing standards to improve nutrition and assure accurate information to consumers when FDA has been allowing nutritionally inferior products to use standardized terms like “milk” for so long. FDA might have forgotten about 21 CFR 101.3 (e), but we haven’t.

Commissioner Gottlieb is right: Almonds don’t lactate. So instead of continuing to look the other way, let’s start by enforcing current standards of identity and then talk about potential improvements. And while we’re at it, let’s stop confusing deceitful marketing practices with technological innovation.

America’s dairy farm families are once again asking for FDA to do its job and rein in the current marketplace chaos. And they are not alone. A recent independent poll found that American consumers, by a two to one margin, oppose the use of “milk” as a designation for non-dairy beverages.

The reality is enforcement doesn’t need to take a year or more. It needs to start NOW.

Thank you for this opportunity. We will also be filing written comments.