

Congress of the United States
Washington, DC 20515

December 16, 2016

The Honorable Robert M. Califf, M.D.
Commissioner
Food and Drug Administration
10903 New Hampshire Avenue
Silver Spring, MD 20993

Dear Commissioner Califf:

We strongly believe that the use of the term “milk” by manufacturers of plant-based products is misleading to consumers, harmful to the dairy industry, and a violation of milk’s standard of identity. We request that the Food and Drug Administration (FDA) exercise its legal authority to investigate and take appropriate action against the manufacturers of these misbranded products.

As you know, dairy farmers are facing a serious financial crisis. These hard working Americans have experienced deep cuts in income as milk prices have plunged 40 percent since 2014. While the Administration has taken steps to address this crisis, market forecasts predict that the dairy industry will continue to face depressed prices in the immediate future. Unless more is done, many more farmers will be forced to sell their herds.

It is against this backdrop that we write concerning the mislabeling of imitation “milk” products. In recent years, there has been tremendous growth in the sale of plant-based products often labeled as “milk”. A recent Neilson survey revealed that in the past five years, sales of certain plant-based grew 250 percent to more than \$894.6 million. By contrast, sales of milk fell 7 percent in 2015.

While consumers are entitled to choose imitation products, it is misleading and illegal for manufacturers of these items to profit from the “milk” name. These products should be allowed on the market only when accurately labeled. We urge FDA to enforce this matter by requiring plant-based products to adopt a more appropriate name that does not include the word “milk”.

As you are aware, milk has a clear standard of identity defined as “the lacteal secretion, practically free from colostrum, obtained by the complete milking of one or more healthy cows” (21 CFR 131.110). Milk, produced by the mammary gland, also has a unique nutritional value, providing an excellent source of protein and a wide array of vitamins and minerals, including calcium, vitamins A and D, and potassium. Plant-based products clearly fail to meet this standard of identity. They are unable to match the nutritional makeup of the product they mimic, yet they continue to be marketed as milk.

While addressing this serious issue will not solve all the challenges confronting dairy farmers, it is an important part of the solution that will also provide consumers with the accurate information they expect. We urge you to initiate a thorough investigation and appropriate enforcement action.

Thank you for your consideration of this request. We look forward to your timely response.

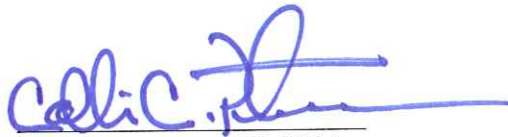
Sincerely,



PETER WELCH
Member of Congress



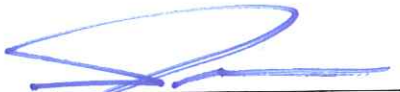
MIKE SIMPSON
Member of Congress



COLLIN C. PETERSON
Member of Congress



DAVID G. VALADAO
Member of Congress



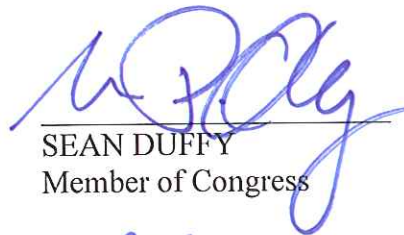
TOM REED
Member of Congress



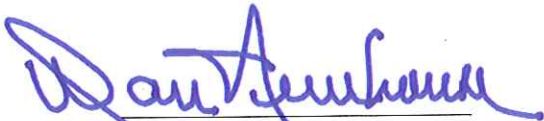
JOE COURTNEY
Member of Congress



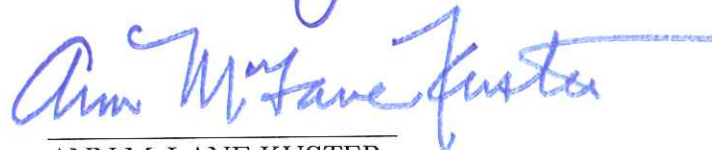
SUZAN DELBENE
Member of Congress



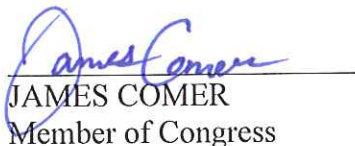
SEAN DUFFY
Member of Congress



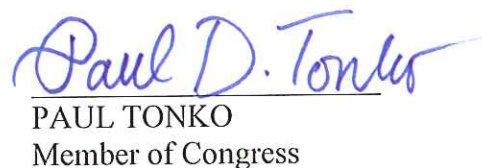
DAN NEWHOUSE
Member of Congress



ANN McLANE KUSTER
Member of Congress



JAMES COMER
Member of Congress



PAUL TONKO
Member of Congress



GLENN GROTHMAN
Member of Congress



STEVE PEARCE
Member of Congress



KURT SCHRADER
Member of Congress



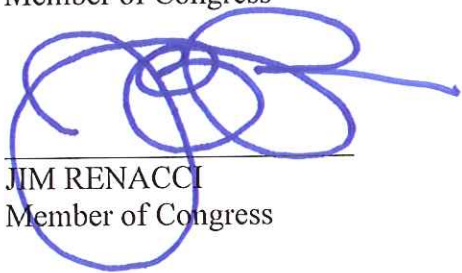
RICK LARSEN
Member of Congress



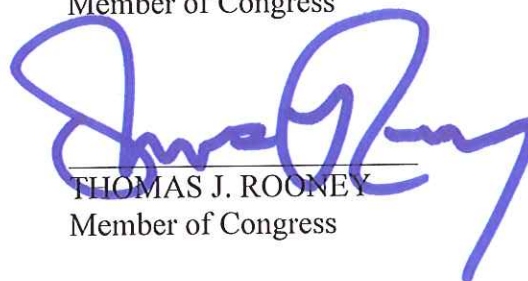
RON KIND
Member of Congress



MARK POCAN
Member of Congress



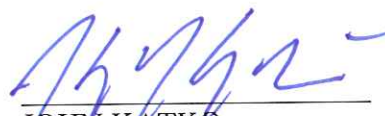
JIM RENACCI
Member of Congress



THOMAS J. ROONEY
Member of Congress



GLENN 'GT' THOMPSON
Member of Congress



JOHN KATKO
Member of Congress



TOM EMMER
Member of Congress



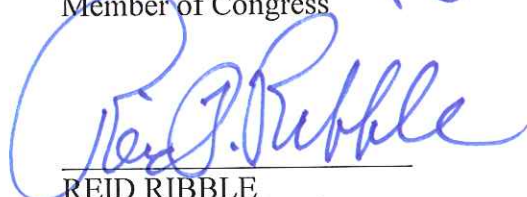
TOM MARINO
Member of Congress



ELIZABETH H. ESTY
Member of Congress



RICHARD HANNA
Member of Congress



REID RIBBLE
Member of Congress



DEVIN NUNES
Member of Congress



JOHN MOOLENAAR
Member of Congress



BOB GIBBS
Member of Congress



ELISE M. STEFANIK
Member of Congress



F. JAMES SENSENBRENNER, JR.
Member of Congress