



State of Wisconsin
Governor Scott Walker

Department of Agriculture, Trade and Consumer Protection
Sheila E. Harsdorf, Secretary

July 17, 2018

Dr. Scott Gottlieb, Commissioner
U.S. Food and Drug Administration
10903 New Hampshire Avenue
Silver Spring, MD 20993

Dear Dr. Gottlieb,

I write today in regards to the FDA's enforcement of food labeling. The FDA serves a very important role in many issues that directly impact farmers, businesses and consumers. As you know, the agriculture industry is not only a significant contributor to our national and state economies, but it also meets our food, fuel and fiber needs here and around the world. As consumers become more interested with knowing what they are consuming, upholding standards of identity is critical for consumers as well as those producing our food.

It is concerning that in recent years the FDA has allowed plant-based products to be labeled as milk. As you know, 21 CFR Part 131.110 describes milk as "lacteal secretion, practically free from colostrum, obtained by the complete milking of one or more healthy cows." Unfortunately, alternative beverages derived from plant sources are now utilizing the term milk. This is clearly in violation of the FDA's rules.

It is of the utmost importance that the FDA act now to enforce their own existing standards regarding the definition of milk. Milk is nutritious, with more naturally occurring vitamins and minerals than its most common drink alternative competitors. While milk has a consistent composition as stated in the standards of identity, plant-based alternatives vary widely by source and brand. If the FDA continues to fail to enforce their own standards, there appears to be no limit to what can be labeled as milk.

It is worth noting that regulators in other countries, including Canada, recognize the difference between milk and plant-based beverage products and do not allow them to be labeled and marketed as milk. U.S. dairy farmers deserve the same level playing field as producers in other countries.

Earlier this year, the omnibus spending bill, passed by Congress and signed by the President, directed the FDA to enforce labeling standards affecting dairy. The law allows the FDA 180 days to issue guidance for how dairy standards will be implemented and enforced. Without prompt action and enforcement by the FDA, we will continue to see more and more mislabeling of products that do not meet the FDA's own definition of milk. Based on the agency's rules, the labeling of milk should be reserved for secretions from milking animals, not beverages made from plants.

In addition to the issues surrounding labeling of milk and dairy products, I know that you issued a statement in June declaring jurisdiction over lab-grown meat and plans to hold a public meeting. As food innovations continue to emerge, it is essential that standards of identity and labeling requirements are clear and enforced to maintain the integrity of the agricultural industry and clarity in the marketplace for consumers.

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As a nation, we need honesty and accuracy in the labeling of food products and consistency in enforcement of existing standards. Your prompt attention to this matter will be greatly appreciated. Thank you for the opportunity to provide input on this important issue.

Sincerely,

A handwritten signature in blue ink that reads "Sheila Harsdorf". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Sheila E. Harsdorf
Secretary

Cc: Nick Alexander, Director of Intergovernmental Affairs