



State of Wisconsin
Governor Tony Evers

Department of Agriculture, Trade and Consumer Protection
Bradley M. Pfaff, Secretary

January 28, 2019

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

Dear Dr. Gottlieb,

I write today regarding the U.S. Food and Drug Administration's (FDA) request for information on the use of the names of standardized dairy foods in the labeling of plant-based products. As the Secretary of Agriculture in a leading dairy state, I sincerely appreciate the opportunity to provide comment and your willingness to invite public and expert input on this important matter. As you consider developing the requirements for the labeling of plant-based products that may serve as substitutes for standardized dairy foods, I urge you to consider the following key recommendations.

As the primary regulatory authority for food safety on the federal level, it is important that the FDA properly enforces the standing regulations concerning standards of identity for milk and other dairy products. Under the Food, Drug & Cosmetic Act, pursuant to 21 USC § 341, the FDA has explicit statutory authority to promulgate regulations to standardize a food under a common or usual name. Specifically, this regulatory framework works to ensure that our nation's agricultural products are properly labeled and marketed in a manner that promotes consistency and provides accurate information for consumers to fully understand the nutritional content and ingredients of products. This information allows consumers to better engage in healthy dietary decision making.

As alternatives or substitutes for standardized dairy products enter the marketplace, it is critical that the FDA continues to engage on this matter and modernize regulations to fairly acknowledge and foster the innovation of our agricultural and food industries. The non-standardized status of plant-based products, often marketed as substitutes for traditional and standardized dairy foods, allows for these products to bear the traditional and common labeling terms such as "milk." Clarity and distinction between dairy foods and plant-based products are important to avoid confusion and misunderstanding of the actual characteristics and nutritional content of each type of product. I respectfully encourage you to explore effective ways to provide clear and useful information to consumers within a straightforward and actionable regulatory framework. It is important to safeguard the message that dairy products can provide unique nutritional benefits for Americans in pursuit of healthy lifestyles.

I commend the efforts of your administration to solicit additional information on this important topic and your commitment to better understanding the emergence of plant-based products labeled with names of traditional dairy foods and their subsequent impact on consumers and industry. I look forward to working with you and for continued opportunities to advance industry innovation, consumer protection, and advocacy for healthy communities in our great state of Wisconsin.

Sincerely,

Bradley M. Pfaff, Secretary

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