

# Congress of the United States

## Washington, DC 20515

April 29, 2022

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

The Honorable Shalanda D. Young  
Director  
Office of Management and Budget  
725 17<sup>th</sup> Street NW  
Washington, D.C. 20503

Commissioner Califf and Director Young:

Congratulations on your respective confirmations as Commissioner of the Food and Drug Administration (FDA) and Director of the Office of Management and Budget (OMB). As you begin your roles, we would like to raise the ongoing issue of the lack of enforcement of dairy standards of identity.

Standards of identity govern what legally constitutes specific products. They serve to protect consumers by promoting transparency, integrity, and fairness in the marketplace. Standards of identity also support a common understanding of what is in a product and its nutrient content. When a consumer purchases milk, they should know they are getting a product that is high in calcium, protein, and vitamin D. Enforcement of these legal standards is crucial for consumers to make informed and meaningful decisions about the foods they purchase.

Unfortunately, for decades FDA has not enforced dairy standards of identity, creating significant consumer confusion. When dairy imitators use dairy terms to describe non-dairy products, consumers tend to correctly understand the product is plant-based while *incorrectly* believing the dairy imitator provides the same health benefits and nutrient profile as the dairy product. A 2018 survey of consumers found 73 percent believed almond-based drinks contain as much or more protein than milk. This is inaccurate, as milk has up to eight times as much protein, and American families are the victims of this confusion.

Americans feel the consequences of this consumer confusion. Medical groups, including the American Academy of Pediatrics, are voicing concerns over misinformed consumers unintentionally choosing less nutritious products for themselves and their families. In 2019, the American Academy of Pediatrics, the American Heart Association, the Academy of Nutrition and Dietetics, and the American Academy of Pediatric Dentistry issued a joint report asserting plant-based imitation products are not nutritionally equivalent to milk and in most cases should not be consumed by young children as a substitute for real dairy products.

U.S. manufacturers of plant-based products already comply with standards of identity regulations when they export their products. We urge you to seize the opportunity presented by the forthcoming guidance to move beyond the current practice of non-enforcement in the U.S. and require everyone to simply follow the law, which requires more than simply adding a plant-based signifier to a dairy term.

Thank you for your attention to this important matter, and we are hopeful FDA's guidance will lead to real enforcement of dairy standards of identity.

Sincerely,



---

Peter Welch  
Member of Congress



---

Michael K. Simpson  
Member of Congress



---

Fred Keller  
Member of Congress



---

Glenn "GT" Thompson  
Member of Congress



---

Ann McLane Kuster  
Member of Congress



---

Fred Upton  
Member of Congress



---

Suzan K. DelBene  
Member of Congress



---

Mark Pocan  
Member of Congress



---

Tom Emmer  
Member of Congress



---

Antonio Delgado  
Member of Congress



---

Elise M. Stefanik  
Member of Congress



---

Dan Newhouse  
Member of Congress



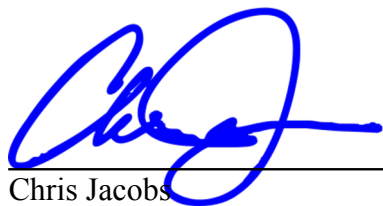
---

Bob Gibbs  
Member of Congress



---

Vicky Hartzler  
Member of Congress



---

Chris Jacobs  
Member of Congress



---

Angie Craig  
Member of Congress



---

John R. Moolenaar  
Member of Congress



---

Glenn Grothman  
Member of Congress



---

W. Gregory Steube  
Member of Congress



---

Ron Kind  
Member of Congress



---

Neal P. Dunn, M.D.  
Member of Congress



---

Russ Fulcher  
Member of Congress



---

Kat Cammack  
Member of Congress



---

Al Lawson  
Member of Congress



---

C. Scott Franklin  
Member of Congress



---

Tom Reed  
Member of Congress



---

John Joyce, M.D.  
Member of Congress



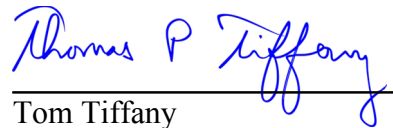
---

Tom O'Halleran  
Member of Congress



---

Michelle Fischbach  
Member of Congress



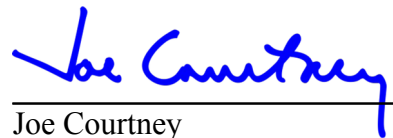
---

Tom Tiffany  
Member of Congress



---

Elissa Slotkin  
Member of Congress



---

Joe Courtney  
Member of Congress



---

Mike Gallagher  
Member of Congress



---

Paul D. Tonko  
Member of Congress



---

Kurt Schrader  
Member of Congress



---

James R. Baird  
Member of Congress