October 11, 2018

Dockets Management Staff (HFA-305)
Food and Drug Administration
5630 Fishers Lane, Room 1061
Rockville, MD 20852

Re: Docket No. FDA-2018-N-2381; The Food and Drug Administration's Comprehensive, Multi-Year Nutrition Innovation Strategy; Public Meeting; Request for Comments.

Edge Dairy Farmer Cooperative (Edge) and its nearly 800 Midwestern dairy farms appreciate the opportunity to comment on FDA's Comprehensive, Multi-year Nutrition Innovation Strategy to modernize standards of identity. Through this strategy FDA should ensure consumers are given accurate information to make healthy purchasing decisions. FDA can and should begin doing that by immediately enforcing existing standards of identity starting with milk.

Giving consumers the best information starts by accurately labeling food products. FDA should ensure food products meet the standards of identity reflected by the product's name. This has not been the case for the products labeled milk. The FDA's inaction to enforce standards of identity for milk and dairy products is in direct conflict with promoting "honesty and fair dealing in the interests of consumers" under the Federal Food, Drug, and Cosmetic Act.[1]

Milk is very clearly defined as: "the lacteal secretion, practically free from colostrum, obtained by the complete milking of one or more healthy cows."[2] Imitation products that do not meet this definition should not be allowed to be labeled using "milk" for identification and likeliness. Those products do not fit what consumers have come to expect when purchasing dairy products. FDA should enforce the standard of identity for milk by enforcing against all current violators and deter future standard of identity infringements.

This is a labeling practice that has gone on far too long. The dairy community has repeatedly voiced concerns, but the FDA has failed to act. Imitation dairy started off as nut- and plant-based beverages taking advantage of milk's nutritious reputation and now this problem has spread throughout the dairy case. Consumers are exposed to many different products being sold as cheese, yogurt, and ice cream without meeting the requisite standard of identity definition. According to a 2018 National Tracking Poll, that is not what consumers want. By over a 2 to 1 ratio, consumers said "milk" should not be used to market non-dairy beverages.[3] Consumers want and need honest and accurate information. They deserve it to make healthy and nutritionally sound food purchasing decisions for their families.

While Edge believes that existing standards of identify should be protected, we also recognize that there is room for flexibility within certain standards of identity to allow for innovation for inputs of dairy products. A current example that should be resolved by the FDA in this process is the use of ultrafiltered and microfiltered milk in cheesemaking. In August 2017, the FDA recognized the use of ultrafiltered milk

[1] 21 U.S.C. § 341.
[2] 21 U.S.C. § 131.110
[3] https://morningconsult.com/wp-content/uploads/2018/07/180736_crosstabs_POLITICO_v1_DK.pdf

in the making of standardized cheeses on the premise that the basic nature and essential nutritional characteristics of the food are unchanged while other positive externalities are realized.[4]

A natural extension of that premise would be recognizing the opportunity to use microfiltered milk in cheesemaking. Already common in other countries, using microfiltered milk in cheesemaking allows a processing plant to produce more cheese without adding on to or reinvesting in processing capabilities. Like ultrafiltration, microfiltration ultimately results in an end food product that meets existing requirements within the applicable individual standards of identity and meet consumers nutritional and quality expectations.[5] The FDA should codify the use of ultrafiltered and microfiltered milk in the definition of Milk in CFR Title 21, Part 133, Cheese and related cheese products.

Consistent with the support of encouraging innovation in producing dairy products, Edge believes there is a need to encourage innovation within the dairy case. Innovation and differentiation of dairy products is important to provide options to customers that help ensure proper nutrition while also meeting their evolving tastes and preferences. The 2015-2020 Dietary Guidelines for Americans tell us that most Americans underconsume dairy and therefore miss out on access to nutrients of concern, such as vitamin D, calcium and potassium. The dairy community must have flexibility within standards of identity to develop new, nutritious food and beverage products that can compete in the marketplace and meet customers' expectations to fulfil this shortcoming. Edge is striving to do our part to facilitate and identify opportunities for new and exciting dairy products that customers will both enjoy and find nutritionally satisfying.

Modernizing standards of identity in the Nutrition Innovation Strategy is an opportunity to move forward to encourage innovation to meet consumers demands and health needs as identified above. However, we cannot step backwards through this process. It would inappropriate and misguided to expand the standards of identity for milk and dairy products to include current nut- and plant-based imitators.

Edge Dairy Farmer Cooperative is thankful for the opportunity to voice our concerns on this important matter. Edge is encouraged by Commissioner Gottlieb's recognition of nut- and plant-based products do not fit within current standards of identity for milk and his intention to resolve this matter. Edge hopes to remain engaged and involved throughout this important discussion.

Sincerely,

Aaron Stauffacher
Associate director of government affairs

[4] https://www.fda.gov/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/ucm571090.htm
[5] Effects of microfiltered milk with different casein: true protein ratios on the quality of Cheddar Cheese, E.M. Reale, Lucey J.A., R. Govindasamy-Lucey, M.E. Johnson, J. Jaeggi, Y. Lu, and M.M. Molitor, University of Wisconsin-Madison, Center for Dairy Research (presented at American Dairy Science Association, June 2018).