

Dairy Labeling

FDA Comment Deadline January 25, 2019

For too long dairy producers have watched terms associated with nutritious dairy products be hijacked by nutritionally inferior plant-based products. Store shelves abound with “milks” and “yogurts” and “cheeses” that do not contain a shred of real dairy and, to the detriment of

consumers, do not come close to equaling the nutritional value of their dairy counterparts. After years of neglecting this issue, the Food and Drug Administration (FDA) in late September opened a public comment period seeking detailed input on the extent to which plant-based foods using dairy terms are misinforming consumers. The comment period ends January 25, 2019 and gives every producer the opportunity to have a voice in promoting the superiority of nature’s most nearly perfect food.

Milk provides consumers nine essential nutrients, calcium, potassium, phosphorus,

protein, vitamins A, D and B12, riboflavin and niacin. Table 1 shows side-by-side nutrient comparisons between milk and two of its plant-based competitor beverages. The plant-based beverages show a range of values for numerous nutrients because these beverages are

manufactured. The level of nutrient in the beverage is at the discretion of the manufacturer. However, milk consistently outperforms the average plant-based beverages.

Most consumers care about the nutrition for themselves and their families. And consumers have access to the nutrition panels printed on food packaging. However, consumers are also in a hurry, and their decisions are

influenced by product packaging. The market research and consulting firm IPSOS conducted a survey commissioned by Dairy Management Inc. The resulting data show the confusion being created by allowing plant-based products to be labeled as milk.

Table 1. Nutrient content of lowfat (1%) milk and two plant-based beverages.			
Product	Lowfat Milk (1%)	Almond	Soy
Number of ingredients	3	3-18	2-18
Calories	102	25-270	70-140
Total Fat (g)	2.4	2-14	0-6
Total Carbohydrates (g)	12	1-32	3-17
Protein (g)	8	1-8	6-12
Sodium (mg)	107	100-260	5-160
Potassium (mg)	366	0-190	30-460
<i>Vitamins and Minerals (% Daily Value)</i>			
Vitamin A (% DV)	5	0-10	0-15
Calcium (% DV)	28	2-50	0-45
Vitamin D (% DV)	24	0-25	25-30
Riboflavin (% DV)	26	2-30	6-30
Phosphorus (% DV)	22	2-4	8-25
Magnesium (% DV)	6	4	6-15
Vitamin B12 (% DV)	18	0-25	20-50
Niacin (eq) (% DV)	10	ns	4
<i>Note: The percent Daily Value (%DV) provides nutrient information based on a caloric intake of 2,000 calories for adults and children four or more years of age.</i>			
Source: National Milk Producers Federation, 2017			

- 73 percent of consumers believed that almond-based drinks had as much or more protein per serving as milk, even though milk has up to eight times as much protein.
- 53 percent responded they believed plant-based food manufacturers labeled their products “milk” because their nutritional value is similar. They don’t, and the manufacturers know it.
- 68 percent of respondents who purchase only plant-based beverages “strongly or somewhat agreed” that those drinks have the same nutritional content as dairy milk.

Unfortunately, the misappropriation of milk’s “health halo” may have devastating consequences to children’s health. According to media reports, vegan diets in which dairy products are substituted with less-healthy alternatives have increased the number of malnourished children in the U.S.

The actions of the plant-based food and beverage industry are contrary to the national goal of a healthy population and to FDA’s mission to promote transparency and fairness. As the federal dietary guidelines state: Plant-based products “are not included as part of the dairy group because their overall nutritional content is not similar to dairy milk.” In effect, the plant-based beverages are nutritionally inadequate, highly-processed water.

Consumers have the right to choose the beverages they prefer, but current labeling practices create false impressions that prompt decisions they might not otherwise make. The obvious factor is the name. People see ‘almond’ or ‘rice’ before the word ‘milk’ and think it must be like a dairy product even when their nutrition and production differ.

This is the situation into which FDA must intervene, for the benefit of consumers and transparency in the marketplace. FDA should be commended for finally tackling this longstanding and growing problem.

To submit your comments to the FDA:

- Go to the web site <https://www.regulations.gov>.
- In the search box enter, “Docket FDA-2018-N-3522-0001”.
- The blue box in the upper right, “Comment Now,” allows you to either copy and paste your comments into the field provided, or upload a document using the “Choose Files” option below the comment field.
- Fill out the other information fields and select your “Category” type, which is “Food Industry,” then click “Continue.”
- On the next page confirm all information is correct, then check the box below your information indicating that you have read and understood the public disclosure statement, then click “Submit Comment.”
- You should be directed to a confirmation page, where you will be provided a confirmation number for your submission.
- Your comments will be posted to the main docket for consideration within a few days.

For several years the dairy industry has repeatedly requested the FDA to end the practice of allowing dairy terms to be associated with plant-based products. At long last the agency is considering the industry’s request. Every producer is urged to take advantage of this comment period to let the FDA know that it is time to take enforcement action against mislabeled, imitation dairy products.