



TENNESSEE FARM BUREAU FEDERATION

April 24, 2023

Robert M. Califf, M.D.,
Commissioner, U.S. Food and Drug Administration
10903 New Hampshire Ave.
Silver Spring, MD 20993-0002

Re. Docket No. FDA-2023-D-0451

Dear Commissioner Califf,

The Tennessee Farm Bureau Federation (TFBF) appreciates the opportunity to provide comments regarding the Food and Drug Administration's (FDA) draft guidance titled *Labeling of Plant-Based Milk Alternatives and Voluntary Nutrient Statements: Guidance for Industry*. TFBF asks FDA to consider these comments and the comments submitted by the American Farm Bureau Federation. A consumer's ability to make informed purchasing decisions about their food is paramount. FDA must be vigilant in ensuring food labels accurately reflect the products by establishing precise labeling requirements signifying the difference between plant-based milk alternatives and milk.

TFBF represents a diverse combination of farmers with a mission to develop, foster, promote, and protect farm people in the state of Tennessee. TFBF farmer members annually participate in an extensive process to develop resolutions to guide the organization on policy issues. TFBF's 2023 Resolutions specifically address labeling imitation food products such as plant-based milk alternatives. The resolution states:

"New food products should enter the market with accurate content labels and face the quality competition with real dairy products. Our competitors try to take advantage of the good name of dairy products. Imitation or artificial dairy products must be prominently labeled "imitation"."

Tennessee dairymen provide wholesome, nutritious milk products for consumers. Through efficient production practices and superior genetic selection, dairy cows across the United States produce high-quality, nutritional, safe, and exceptional tasting milk. However, due to dietary restrictions or lifestyle choices, plant-based milk alternatives have increased in popularity in recent years. While TFBF supports consumers' freedom to make purchasing decisions, we believe products imitating milk should have different label requirements.

Since the 1970s, FDA has defined milk as "the lacteal secretion, practically free from colostrum, obtained by the complete milking of one or more healthy cows". The draft guidance explains how any product which "purports to be or is represented as milk" must adhere to the definition and standard of milk. Furthermore, the guidance concludes plant-based milk alternatives are not milk. It claims these products do NOT purport to be or represent milk, therefore exempting them from adhering to higher standards. They state:

“Although many plant-based milk alternatives are labeled with names that bear the term ‘milk’ (e.g., ‘soy milk’), they do not purport to be nor are they represented as milk.”

TFBF urges FDA to explain how a product which is sold on shelves next to milk, uses the term “milk” on its labels, and uses milk-related imagery on its packaging does not purport to be or is not represented as milk and doesn’t have to follow the same guidelines as milk?

Furthermore, FDA cites studies claiming consumers understand the difference between milk and plant-based milk alternatives when defending why these alternative products can utilize the term “milk” on their labels. However, as found on page 12 of the guidance under Section F titled *Nutritional Differences between Plant-based Milk Alternatives and Milk*, FDA contradicts this by saying:

“[C]onsumer studies indicate that, in general, while consumers do not understand the nutritional differences between plant-based milk alternatives and milk, they believe plant-based milk alternatives are healthier than milk and expect that products labeled with the term ‘milk’ in the name are comparable in nutrition to milk.”

FDA’s stated goal is to ensure plant-based milk alternative labels are “clear” and “enable consumers to quickly ascertain the attributes of products they are purchasing for themselves and their families.” Given the above statement detailing the confusion among consumers regarding nutritional differences between the two, allowing the term “milk” to be on labels of plant-based milk alternatives directly contradicts this goal.

Section F also acknowledges recognition of nutritional deficiencies in plant-based milk alternatives in comparison to milk by the Dietary Guidelines. If Dietary Guidelines note the difference in nutritional content between these products, TFBF believes the labeling of these products should also reflect these differences.

As consumption of plant-based milk alternatives continues to increase, Tennessee Farm Bureau Federation believes these products should follow current labeling laws. Given consumers’ misunderstandings about the differences between these products and milk, labels must convey clear and accurate information to make informed purchasing decisions. Allowing plant-based milk alternatives to abide by lesser standards than milk allows other imitation products to follow suit, thus delegitimizing FDA labeling regulations. We appreciated the opportunity to comment on this issue and look forward to working with FDA to ensure plant-based milk alternatives are appropriately labeled and do not take advantage of milk’s good name.

Sincerely,

A handwritten signature in cursive script that reads "Eric Mayberry". The signature is written in black ink and is positioned below the word "Sincerely,".

Eric Mayberry
President