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U.S. Sen. Baldwin: Pushes FDA to crack down on lab-grown imitation dairy products

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WASHINGTON, D.C. – Today, U.S. Senators Tammy Baldwin (D-WI) and Jim Risch (R-ID) led a bipartisan group of colleagues in standing up for American dairy farmers and calling out the Food and Drug Administration (FDA) for letting non-dairy lab-grown products illegally label their products with dairy terms. The bipartisan group highlighted the proliferation of imitation products, specifically the new cell-based, lab-grown imitators that are using dairy terms like milk, cheese, and yogurt.

"For decades FDA has allowed non-dairy products to illegally use dairy terms to label their imitation products, most of which are nutritionally inferior to the real dairy foods they purport to emulate," **wrote the Senators in a letter to FDA Commissioner Robert Califf.** "Public health is now facing a new, additional perpetrator – Cell-based dairy imitation products. These are synthetically created options posing as natural foods, many of which are nutritionally inferior to the dairy products they imitate."

Current FDA regulations define dairy products as being from dairy animals, however, the FDA has failed to enforce these regulations, allowing non-dairy products to use dairy names, leading to the rapid growth of mislabeled alternative products that contain a range of ingredients and nutrients that are often not equivalent to the nutritional content of dairy products – including cell-based, synthetic dairy imitation products. By using dairy names like milk, these synthetic products are posing as natural foods, clearly violating the FDA's standards of identity, which requires the food product be made from milk from an animal.

"It is critical that FDA intervene to prevent this new violation committed by cell-

based foods from compounding the harm Americans are already experiencing from FDA's decades of inaction on plant-based mislabeling," **wrote the Senators.** "New developments in food science should advance new and innovative products, not cause deeper injury to public health. It is FDA's job to ensure a stable and transparent marketplace to support safe innovation while protecting Americans."

Senator Baldwin has been leading the charge for years to get the FDA to properly enforce their own guidance on dairy labeling, introducing the bipartisan DAIRY PRIDE Act again this year – bipartisan legislation to combat the unfair practice of mislabeling non-dairy products using dairy names. In May, she sent a letter to the FDA slamming the Biden Administration's misguided draft guidance that allows non-dairy product imitators to use dairy names, like milk, when labeling their products.

In addition to Senators Baldwin and Risch, the letter was co-signed by Senators Angus King (I-ME), Kirsten Gillibrand (D-NY), Tina Smith (D-MN), Susan Collins (R-ME), Roger Marshall (R-KS), and Mike Crapo (R-ID).

"The National Milk Producers Federation thanks Senators Baldwin and Risch for their leadership in imploring FDA to enforce its own existing standards of identity. After decades of FDA failing to enforce, the misinformation and confusion around the nutrient content of dairy imitators is harming public health, as health and medical organizations have told FDA," **said Jim Mulhern, President and CEO of National Milk Producers Federation.** "Americans need FDA to do its job to ensure consumers have food labeling that helps them make informed choices about what they feed themselves and their families. Americans need marketplace transparency, integrity, and protection now more than ever, as new products and processes are transforming what consumers find on the grocery shelves at an increasingly rapid rate."

The full letter is available here and below. An online version of this release is available here.

Dear Commissioner Califf,

We share with you a dedication to ensuring a safe and honest marketplace that furthers the health and well-being of all Americans. From this shared commitment, we write today to again voice our strong concerns over the Food and Drug Administration's lack of enforcement of dairy standards of identity and bring to your attention the emergence of cell-based imitation products to market.

For decades FDA has allowed non-dairy products to illegally use dairy terms to label their imitation products, most of which are nutritionally inferior to the real dairy foods they purport to emulate. Americans rely on FDA for marketplace safety and transparency, both of which are vital for Americans to make informed decisions about their health and the health of their families. After decades of FDA allowing this blatant mislabeling, demonstrated confusion over the nutritional content of dairy imitators has medical and health professionals documenting the real harm and public health concerns of FDA continuing to fail to enforce. FDA's lack of enforcement is failing the American public.

Public health is now facing a new, additional perpetrator – Cell-based dairy imitation products. These are synthetically created options posing as natural foods, many of which are nutritionally inferior to the dairy products they imitate. Their use of dairy terms is another clear violation of FDA's standards of identity, which requires the food product be made from milk from an animal. It is critical that FDA intervene to prevent this new violation committed by cell-based foods from compounding the harm Americans are already experiencing from FDA's decades of inaction on plant-based mislabeling.

New developments in food science should advance new and innovative products, not cause deeper injury to public health. It is FDA's job to ensure a stable and transparent marketplace to support safe innovation while protecting Americans, and Congress has ensured FDA has the resources to do so. We strongly urge you, as FDA Commissioner, to enforce dairy standards of identity and stop synthetic imitation products from using dairy terms.

Sincerely,