

U.S. Sen. Baldwin: Introduces bipartisan Dairy Pride Act to combat mislabeling of non-dairy products

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WASHINGTON, D.C. – Following the U.S. Food and Drug Administration’s proposed guidance last week allowing nut, oat, soy, and other non-dairy products to use the name “milk,” Senators Tammy Baldwin (D-WI), Jim Risch (R-ID), Susan Collins (R-ME), and Peter Welch (D-VT) today introduced bipartisan legislation to combat the unfair practice of mislabeling non-dairy products using dairy names. *The Defending Against Imitations and Replacements of Yogurt, milk, and cheese to Promote Regular Intake of Dairy Everyday Act (DAIRY PRIDE Act) of 2023* would require non-dairy products made from nuts, seeds, plants, and algae to no longer be mislabeled with dairy terms such as milk, yogurt or cheese.

“Wisconsin’s dairy farmers produce second-to-none products with the highest nutritional value and imitation products have gotten away with using dairy’s good name without meeting those standards,” **said Senator Baldwin.** “The Biden Administration’s guidance that allows non-dairy products to use dairy names is just wrong, and I’m proud to take a stand for Wisconsin farmers and the quality products they make. Our bipartisan *DAIRY PRIDE Act* will protect our dairy farmers and ensure consumers know the nutritional value of what they are purchasing.”

“For too long, plant-based products with completely different nutritional values have wrongly masqueraded as dairy,” **said Senator Risch.** “This dishonest branding is misleading to consumers and a disservice to the dairy farmers who have committed their lives to making milk, cheese, yogurt, ice cream, and more nutritious products Idahoans enjoy every day. It is past time that the Food and Drug Administration enforce its own definitions for dairy terminology, prevent imitation products from deceiving consumers, and start advocating for the farmers who feed

us.”

“Our dairy farms are the heart of Vermont’s economy, our history, and our communities. The work they do should be protected and supported. That’s why I’m proud to join Senator Baldwin in introducing the bipartisan *DAIRY PRIDE Act*,” **said Senator Welch**. “This bill will give our farmers much needed support and correct FDA’s misguided efforts to allow non-dairy products to use dairy names—giving dairy farmers the protections they need to thrive.”

“As an Aroostook County native, I know how essential the dairy industry is to our state’s economy, and I know how hard Maine’s dairy farmers work to produce nutritious milk, yogurt, cheese, and other products. It is unfair for other industries to capitalize on milk’s nutritious brand,” **said Senator Collins**. “This bipartisan legislation would help protect our dairy farmers and the quality of their goods by requiring non-dairy producers to accurately label their products.”

Current Food and Drug Administration (FDA) regulations define dairy products as being from dairy animals, however, last week the FDA released ill-advised draft guidance allowing plant-based products to continue to use dairy terms despite not containing dairy, nor having the nutritional value of dairy products.

The FDA’s anti-dairy draft guidance contradicts their own regulation and definitions, allowing non-dairy products to use dairy names, violating the Administrative Procedure Act, and hurting dairy farmers and producers, who work tirelessly to ensure their Made in Wisconsin dairy products meet FDA standards and provide the public with nutritious food. It has also led to the proliferation of mislabeled alternative products that contain a range of ingredients and nutrients that are often not equivalent to the nutritional content of dairy products.

The *DAIRY PRIDE Act* would require the FDA to issue guidance for nationwide enforcement of mislabeled imitation dairy products within 90 days and require the FDA to report to Congress two years after enactment to hold the agency accountable for this update in their enforcement obligations. The legislation would also nullify any guidance that is not consistent with dairy standards of identity, including the one released last week.

“Wisconsin dairy farmers produce the best, most nutritious milk on the market while plant-based products are allowed to coop the label for their own benefit. The FDA cannot choose which regulation to enforce and which it will ignore. In this case,

federal regulations are clear and FDA still chose to issue guidance in conflict with their own definitions, hurting Wisconsin farmers in the process,” **said Kevin Krentz, President of the Wisconsin Farm Bureau Federation.** “If federal agencies are going to ignore their own regulations, Congress must act to force compliance and protect farmers. Wisconsin Farm Bureau is in full support of Senator Tammy Baldwin’s introduction of the *DAIRY PRIDE Act*, which would force the FDA to abide by their own definitions.”

“When consumers buy products labeled as milk or cheese, they’re expecting delicious, nutritious foods made with the goodness of real dairy, not nuts, peas, or beans,” **said John Umhoefer, Executive Director of the Wisconsin Cheese Makers Association.** “The Food & Drug Administration’s disappointing draft guidance, allowing imitation products to co-opt dairy’s reputation for their own sales benefit, will result in more consumer confusion – and we applaud Senator Tammy Baldwin and the bipartisan Congressional coalition behind the *DAIRY PRIDE Act*, fighting for clear, accurate food labeling so Americans can make well-informed choices at the grocery store.”

“Misleading labeling has run amok in the American food industry, confusing consumers and putting dairy farmers at a disadvantage,” **said Darin Von Ruden, President of Wisconsin Farmers Union.** “It is time we clear up the confusion around food labels by recognizing that ‘milk’ originates from mammals and items masquerading as such are often not nutritionally interchangeable. Akin to the misleading labeling of ‘Product of the USA’ stamped on imported beef repackaged in the United States and the growing misuse of the ‘organic’ label, this squandering of the term ‘milk’ sours consumers’ ability to make informed nutrition decisions at the grocery store.”

“Dairy farmers work hard to earn the trust of America’s families by producing healthy affordable products,” **said Zippy Duvall, President of the American Farm Bureau Federation.** “The *DAIRY PRIDE Act* is a positive step toward ensuring labels at the supermarket accurately represent the items consumers decide to put on their tables. Families deserve to be fully informed on the products they purchase.”

“FDA’s unwillingness to enforce dairy standards of identity is harming public health and violates the entire purpose of the standards in the first place, protecting Americans. FDA’s last three Senate-confirmed commissioners from both parties

have each acknowledged the problem caused by imitation beverages that use dairy terms, and medical groups, including the American Academy of Pediatrics, agree with this concern. NMPF thanks Senators Tammy Baldwin and Jim Risch for their dedication to ensuring FDA does its job to protect Americans, a responsibility that Congress must fulfill by passing the *DAIRY PRIDE Act*,” **said Jim Mulhern, President and CEO of National Milk Producers Federation.** “We applaud Senators Baldwin and Risch for moving quickly with the reintroduction of the *DAIRY PRIDE Act* to make clear to FDA that its recent guidance on labeling imitator beverages is unacceptable and will not stand. NMPF looks forward to continuing to work with Senators Baldwin as well as House champions on this issue to ensure FDA does its job and enforces dairy standards of identity.”

“We are excited to see the reintroduction of the *DAIRY PRIDE Act* today,” **said Brody Stapel, President of Edge Dairy Farmer Cooperative.** “Our nation’s dairy farmers deserve to have their products treated fairly in the marketplace. In light of FDA’s recent guidance disregarding the established standard of identity for milk, we need this legislation now more than ever. We appreciate Senator Baldwin’s unwavering support on this issue and look forward to working with her to move it across the finish line.”

The bipartisan legislation is also cosponsored by Senators Mike Crapo (R-ID), Angus King (I-ME), Ben Ray Lujan (D-NM), Roger Marshall (R-KS) and Tina Smith (D-MN).

Full text of this legislation can be found [here](#).

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