

# U.S. Sen. Baldwin, Risch: Slam FDA's anti-dairy guidance

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WASHINGTON, D.C. – Today, U.S. Senators Tammy Baldwin (D-WI) and Jim Risch (R-ID) slammed the Food and Drug Administration (FDA) for their ill-advised guidance on the unfair use of dairy terms to mislabel plant-based products. The FDA's draft guidance, "Labeling of Plant-based Milk Alternatives and Voluntary Nutrient Statement," allows plant-based products to continue to use dairy terms despite not containing dairy, nor having the nutritional value of dairy products.

"America's dairy farmers work hard to produce second-to-none products with the highest nutritional value, and plant-based products should not be getting away with using their good name," **said the Senators.** "This misguided rule will hurt America's dairy farmers and our rural communities. Since the FDA is failing to enforce its own definitions for dairy terminology and stop imitation products from deceiving consumers, we will be reintroducing our DAIRY PRIDE Act to stand up for America's dairy farmers and the quality products they make."

Current FDA regulations define dairy products as being from dairy animals. Although existing federal regulations are clear, the FDA has not enforced these labeling regulations and the mislabeling of plant-based products as 'milk,' 'yogurt,' and 'cheese' has increased rapidly. Instead, the FDA today issued draft guidance that contradicts their own regulation and definitions, allowing non-dairy products to use dairy names, violating the Administrative Procedure Act, and hurting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.

The bipartisan *Defending Against Imitations and Replacements of Yogurt, milk, and cheese to Promote Regular Intake of Dairy Everyday Act* (DAIRY PRIDE Act) would require the FDA to issue guidance for nationwide enforcement of mislabeled plant-based 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 today.

An online version of this release is available [here](#).