

United States Senate

WASHINGTON, DC 20510

September 12, 2023

The Honorable Robert M. Califf, M.D.
Commissioner
Food and Drug Administration
10903 New Hampshire Avenue
Silver Spring, MD 20993-0002

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.¹ 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,

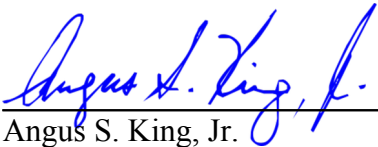
¹ For example, American Academy of Pediatrics and North American Society for Pediatric Gastroenterology, Hepatology, and Nutrition both filed public comments with FDA raising this concern and making strong recommendations that dairy standards of identity be enforced to protect public health (filed under Docket No. FDA-2018-N-3522 – “Use of the Names of Dairy Foods in the Labeling of Plant-Based Products”).



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