

United States Senate

WASHINGTON, DC 20510

January 22, 2020

Dr. Stephen Hahn
Commissioner
Food and Drug Administration
10903 New Hampshire Avenue
Silver Spring, MD 20993-0002

Dear Commissioner Hahn:

As you begin your service as Commissioner of the Food and Drug Administration, we look forward to partnering with you in advancing important public health and food policies.

We lead a bipartisan, bicameral effort in Congress to combat the misuse of dairy terms on non-dairy products. Dairy farmers across our nation work hard to ensure their products are healthy, nutrient-dense, and in compliance with FDA regulations regarding the use of dairy terms. However, there are many non-dairy imitation products in the marketplace using dairy terms. This represents a clear violation of existing FDA rules. When non-dairy alternatives use dairy terms to describe their imitation products, the imitators are often assumed to have the same health benefits and nutrient levels as real dairy products. This is both unfair to our hardworking dairy farmers and problematic for consumers, making it harder for Americans to make educated decisions regarding what they feed themselves and their families.

During your recent confirmation hearing in the Senate Committee on Health, Education, Labor, and Pensions, you were asked about the mislabeling of non-dairy products with dairy terms. We were pleased to hear you speak about this issue as a public health and nutrition matter, since dairy terms convey specific information to consumers on nutritional content and ingredient performance.

Under former Commissioner Gottlieb, the FDA began a process of reviewing how to enforce regulations defining what may be labeled a dairy product. That process included a public comment period that has concluded. Dairy farmers are now waiting for action from FDA. We encourage you to move swiftly to address this unfairness and ensure that dairy terms may only be used to describe products that include dairy. Imposter products should no longer be able to get away with violating law and taking advantage of dairy's good name.

We look forward to working with you on this critical issue and appreciate your prompt attention to this matter.

Sincerely,



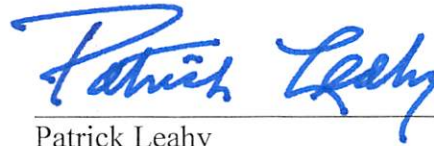
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