Tuesday, March 19, 2019

As previously reported on this blog, U.S. Senator Tammy Baldwin’s (D-WI) introduction of the Dairy Pride Act in 2017 was met with controversy. On March 14, 2019, Sen. Baldwin, along with Sens. Jim Risch (R-ID) and Mike Crapo (R-ID), reintroduced The Defending Against Imitations and Replacements of Yogurt, milk, and cheese to Promote Regular Intake of Dairy Everyday Act (DAIRY PRIDE Act). The legislation is cosponsored by Sens. Patrick Leahy (D-VT), Debbie Stabenow (D-MI), and Angus King (I-ME), and has been introduced in the House by Representatives Peter Welch (D-VT) and Mike Simpson (R-ID).

The DAIRY PRIDE Act would prohibit non-dairy products made from nuts, seeds, plants, and algae from being labeled with dairy terms like milk, yogurt, and cheese. It also would require the U.S. Food and Drug Administration (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. A press release from Baldwin’s office about the Act, explains that FDA has not enforced regulations that define dairy products as being from dairy animals and that has “led to the proliferation of mislabeled alternative products that contain a range of ingredients and nutrients that are often not equivalent to the nutrition content of dairy products.”

Last year, FDA published in the Federal Register a solicitation for public comment regarding the use of the names of dairy foods in the labeling of plant-based products (for more details see our blog on FDA’s request for comments). The comment period, originally scheduled to end on November 27, 2018, was extended to January 28, 2019. Noting that the comment period has ended, Sens. Baldwin and Risch, Crapo, King, and Leahy wrote a letter to FDA Commissioner Scott Gottlieb and Deputy Commissioner for Food and Policy Response Frank Yiannas on March 14 encouraging them to move forward quickly to begin enforcing FDA’s Standards of Identity for dairy products.

As previously reported on this blog, FDA’s solicitation for comments on the use of dairy terms in labeling plant-based product resulted in more than 13,000 comments, with strong opinions on both sides. We will continue to report on this strongly debated issue.

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