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FDA Delays Decision on Plant-Based Milk Labeling Petition

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As previously reported on this [blog](#), there is an ongoing debate on whether the use of the term “milk” by manufacturers of plant-based products—such as soy milk and almond milk—is a violation of milk’s standard of identity. On one side of the debate, the dairy industry has called on FDA to crack down on the use of dairy-related terms for plant-based products. In January 2017, Senator Tammy Baldwin (D-WI) introduced the DAIRY PRIDE Act, which would have required non-dairy products made from nuts, seeds, plants and algae to no longer be mislabeled with dairy terms such as milk, yogurt or cheese (for more details see our [January 31, 2017 blog](#)); but no action was taken on the bill before the end of the 2016/17 Congressional session.

On the other side of the debate, the Good Food Institute (GFI) submitted a [petition](#) to FDA in March 2017 requesting that the Agency issue a regulation clarifying that “new foods may be named by reference to other ‘traditional’ foods in a manner that makes clear to consumers their distinct origins or properties.” The group specifically mentioned in the petition that a significant and growing group of consumers has sought to reduce or eliminate dairy product from their diet and that plant-based alternatives to traditional dairy products are becoming more common.

In a [letter](#) dated August 29, 2017, FDA told GFI that it had not reached a decision on the petition within the first 180 days of its receipt due to other competing priorities. The Agency added, “We will complete our review of your petition and consider any amendments to our regulations as warranted in the context of other program priorities within the Center.”

Despite requests from both sides for FDA to weigh in on the plant-based milk labeling controversy, the recent letter to GFI does not give any indication of when FDA will address this issue.

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