



July 20, 2020

Division of Dockets Management (HFA-305)  
Food and Drug Administration  
5630 Fishers Lane, Room 1061  
Rockville, MD 20852  
(Submitted electronically: [www.regulations.gov](http://www.regulations.gov))

**Re: Docket No.** FDA-1995-N-0062-0016

To Whom It May Concern:

The American Cheese Society (ACS) appreciates the opportunity to participate in the Food and U.S. Food and Drug Administration's (FDA) request for comments, and for the extension from April until July as we navigated the initial impact of the pandemic. ACS is inspired by innovation, and we want to foster innovation that works alongside and does not undercut traditional products. We appreciate the invitation to be involved in this conversation, and look forward to providing additional input as FDA considers their direction.

The FDA listed in the February 21, 2020 Federal Register Notice that reopened the comment period some of the stated goals of modernizing food standards in a manner consistent with its Nutrition Innovation Strategy include:

- (1) protect consumers from economic adulteration;*
- (2) maintain the basic nature, essential characteristics, and nutritional integrity of food; and*
- (3) promote industry innovation and provide flexibility to encourage manufacturers to produce more healthful foods.*

The FDA has requested comments "both on the general principles and on how to best implement them" and looking in particular at "the usefulness of the general principles for evaluating petitions for new food standards and for revising or eliminating existing food standards" as well as how to enhance the usefulness of the principles as a guide to for evaluating and preparing petitions to establish, revise, or eliminate food standards.

We are happy to provide additional context and considerations to help support the evolution of FDA's approach to the modernization of the Standards of Identity. ACS supports the definitions of milk, milk products, and cheese, which clearly express the unique qualities of dairy and dairy products<sup>1</sup>. These terms reflect long-standing traditions in dairy farming and cheesemaking as well as current regulatory and labeling requirements. It is ACS's position that these products, and the terms used to define them, must be protected and that they should always be used accurately in the interest of transparency for consumers. ACS believes that the FDA should enforce its labeling rules and end the application of the term "milk" or "cheese" to nutritionally and compositionally different non-dairy products<sup>2</sup>.

ACS commends the FDA for addressing this issue and feels the FDA can aid consumers by taking a science-based approach that is consistent with existing policy and international

practices. Using “milk” as a descriptor for non-milk products blurs the lines between consumer perceptions of these products’ nutritional content, as well as their usefulness as a cooking ingredient, appropriateness as a source of protein, and other considerations in which an average consumer may be misled – one of the key findings of the consumer study conducted by ISPOS on behalf of DMI<sup>3</sup>.

Evidence of this can be found in the data from research conducted on behalf of The Wisconsin Cheese Makers Association and Edge Cooperative and Dairy Farmers of Wisconsin. This commissioned research, conducted by the consumer research firm Ravel, indicates a lack of clarity among consumers about how traditional cheese names apply to plant-based foods<sup>4</sup>.

There are nearly 1,000 artisan, farmstead and specialty cheesemakers operating in the United States, according to the ACS State of the U.S. Artisan/Specialty Cheese Industry Survey Key Findings Report<sup>5</sup>. Although artisan, farmstead, and specialty cheesemakers contribute a relatively small percentage of total cheese production in the U.S., analysts believe the growth in U.S. cheese production and consumption is largely due to artisan and specialty cheesemakers. In order to continue the expansion of this sector and support the producers and consumers seeking these products, it is essential that there is clarity about what differentiates these value-added dairy products from non-dairy products in the marketplace.

Thank you for considering our comment on this issue that is of great importance to our membership.

Submitted by,

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President  
American Cheese Society

Karen Lundquist  
Executive Director  
American Cheese Society

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[1] “Cheese Definitions and Categories,” American Cheese Society, accessed January 25, 2019  
<https://www.cheesesociety.org/events-education/cheese-definitions/>.

[2] Schuster, Margaret J., Xinyue Wang, Tiffany Hawkins, and James E. Painter. “Comparison of the Nutrient Content of Cow’s Milk and Nondairy Milk Alternatives: What’s the Difference?” *Nutrition Today*, 53 no. 4 (July 2018): 153-159.  
<https://doi.org/10.1097/NT.0000000000000284>.

[3] Dairy Management, Inc., “Consumer Perceptions Dairy and Plant-Based Milk Alternatives,” October 24, 2018,  
<https://www.usdairy.com/~media/usd/public/dairy-and-plant-based-beverages-research.pdf>.

[4] Ravel, “Study on Dairy Cheese and Plant-based Foods That Mimic Cheese,” January 2019.

[https://cdn.ymaws.com/www.voiceofmilk.com/resource/resmgr/docs/alerts/plant-based\\_cheese\\_report\\_su.pdf](https://cdn.ymaws.com/www.voiceofmilk.com/resource/resmgr/docs/alerts/plant-based_cheese_report_su.pdf).

[5] American Cheese Society, “U.S. State of the Artisan/Specialty Cheese Industry: Report of Key Finding,” January 2019, <https://www.cheesesociety.org/events-education/state-of-the-industry/>.