



Tony Evers

Office of the Governor | State of Wisconsin

March 8, 2023

Robert M. Califf M.D.
Commissioner, U.S. Food and Drug Administration
10903 New Hampshire Ave
Silver Spring, MD 20993-0002

Dear Commissioner Califf:

As governor of the state of Wisconsin, I am writing to request that you reconsider the Food and Drug Administration's (FDA) position on Docket No. FDA-2023-D-0451 for Labeling of Plant-based Milk Alternatives and Voluntary Nutrient Statements.

As America's Dairyland, Wisconsin is known for producing, processing, and consuming dairy products. Over the course of generations, Wisconsin farmers have built a reputation for producing high-quality, nutritious products. Consumers choose Wisconsin milk products because they know that our farmers take pride in producing quality products backed by rigorous industry standards. Inaccurate labeling of imitation products as "milk" not only creates confusion in the marketplace but threatens one of the core industries within Wisconsin's \$104.8 billion agricultural economy.

Current FDA regulations define dairy products as being from dairy animals. The guidance released on February 22, 2023, amends that definition and proposes allowing non-dairy products to be marketed as such. The FDA acknowledges in the guidance that plant-based products have a different nutrient composition than dairy products, and I strongly object to labeling those products as nutritious dairy products when they are fundamentally different than the true dairy products that Wisconsin farmers produce. This mislabeling harms dairy farmers and producers who work to ensure their dairy products meet FDA's standards. I encourage you to maintain the current FDA definition of dairy products to ensure consumers interested in purchasing dairy products are not inadvertently purchasing imitation, plant-based products in the marketplace.

In contrast to the recently proposed FDA rules, I support [S. 549](#), the bipartisan DAIRY PRIDE Act. This bill, led by Wisconsin Senator Tammy Baldwin, would require non-dairy products made from nuts, seeds, plants, and algae to no longer be mislabeled with dairy terms such as milk, yogurt, or cheese. In addition to the FDA guidance and reporting requirements, it would nullify any guidance that is inconsistent with dairy standards of identity, including the one released last week. This will ensure Wisconsin dairy producers have the protection they deserve when marketing their dairy products without unfair competition from non-dairy products claiming to be dairy products.

Sincerely,

A handwritten signature in cursive script that reads "Tony Evers".

Tony Evers
Governor