



January 28, 2019

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

Re: Docket No. FDA-2018-N-3522

To Whom It May Concern:

The American Cheese Society (ACS) supports the definitions of milk, milk products, and cheese, which clearly express the unique qualities of dairy and dairy products¹. These terms reflect longstanding 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 U.S. Food and Drug Administration (FDA) should enforce its labeling rules and end the application of the term "milk" or "cheese" to nutritionally and compositionally different non-dairy products².

ACS commends the FDA for addressing this issue and feels the FDA can aid consumers by supporting this change – one consistent with already 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 this October³.

Further 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 foods⁴.

There are nearly 1,000 artisan, farmstead and specialty cheesemakers operating in the United States, according to the newly published ACS State of the U.S. Artisan/Specialty Cheese Industry Survey Key Findings Report⁵. According to the USDA Economic Research Service, per capita cheese consumption in the U.S. has steadily risen since 1970. In 2015, consumption was estimated to be 35 pounds per person. According to Euromonitor International, U.S. sales of processed cheese were projected to drop 1.6% for

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.000000000000284>.

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.

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/>.

2018 as millennials seek cheeses with fewer preservatives. The number of U.S. cheese factories increased by 40% between 2000 and 2017, and production increased with the greater number of facilities⁶.

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.

Submitted by,



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ABOUT ACS

The American Cheese Society (ACS) is the leading organization supporting the understanding, appreciation, and promotion of artisan, farmstead, and specialty cheeses produced in the Americas. Over 2,400 members strong, ACS provides advocacy, education, business development, and networking opportunities for cheesemakers, retailers, enthusiasts, and the extended industry. ACS strives to continually raise the quality and availability of cheese in the Americas. Since its founding in 1983, ACS proudly hosts North America's foremost annual educational conference and world-renowned cheese judging and competition. For more information, visit www.cheesesociety.org.

⁶ Mulvany, L., & Patton, L., "Millennials Kill Again. The Latest Victim? American Cheese." *Bloomberg*, October 10, 2018, <https://www.bloomberg.com/news/articles/2018-10-10/american-cheese-is-no-longer-america-s-big-cheese>.