FDA Commissioner to Issue New Non-Dairy Milk Guidelines

For those of us who have been confused as to whether or not almond milk contains actual milk, the Food and Drug Administration under Trump's leadership is here to help. According to the FDA commissioner, Scott Gottlieb, the agency is planning on announcing a new guidance on the proper use of the term milk. In his own words,

> *If you look at our standard of identity—there is a reference somewhere in the standard of identity to a lactating animal…And, you know, an almond doesn't lactate, I will confess."*

If only all confessions were obtained so easily!

Standard of Identity

So what is standard of identity? These are regulations set by the FDA that dictate what a food is, may be called, and the ingredients that must be used, may be used, or must be listed on the label. Standards of identity don't actually have anything to do with the quality of a product, though they do help protect against fraudulent versions of a product.

A great example of the standard of identity laws at work is Kraft Singles. These marvels of engineering are legally not allowed to be called cheese, as they are not made with at least 51 percent real cheese. Until 2002, Kraft Foods labeled them as Kraft Singles Pasteurized Prepared Cheese Food until that name also ran afoul of the FDA standard of identity for cheese food due to the inclusion of milk protein isolates. They are now sold under the name Pasteurized Prepared Cheese Product.

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Vegan Disruptions

There is a benefit to being able to set standards for what a product is. No one wants to bring home a package labeled cheese and open it to find Kraft Singles (cheap shot…sorry). But the way we eat has evolved rapidly, and what seemed ridiculous twenty years ago is now a worldwide phenomenon followed by more than a million people in the United States. When the FDA set into place the standards of identity, they did not forsee veganism.

The most notable disruption of these standards as of writing this occurred in 2014. Scrappy startup Hampton Creek, makers of popular vegan mayo Just Mayo, was reprimanded by the FDA for violating the mayonnaise standard of identity. Those circumstances are markedly different than these, as the FDA has not singled out a single specific company (likely because large businesses like Unilever haven't complained this time).

There is still an important parallel between the two cases. Both of these products, vegan mayonnaise and non-dairy milk, threaten animal product industries struggling to cope with modern societies desire for plant-based foods and the fallout from their own unsustainable practices. In 2014, Just Mayo inadvertently capitalized on an egg industry reeling from an avian flu season that claimed nearly 40 million chickens. Meanwhile, a dairy industry in decline has been complaining about the use of the word milk since 2017, going so far as to recruit thirty-two members of Congress to advocate for them. In both of these cases, it appears that business is asking the government to step in and deal with this disruption for them.

Well Established Relationships

Based on the folksy, vaguely patronizing soundbite from the

commissioner, it seems likely the FDA will come down on the side of the dairy industry. This is to be expected, though. The Trump Administration has proven itself to be extremely friendly to big business.

Gottlieb has been publically approving of big business friendly moves in the past. When the USDA moved its branch of the Codex Alimentarius Commission, a collaboration of more than 180 countries responsible for international food safety standards, he was among those to publically congratulate USDA head Sonny Perdue. While it might sound like a great idea to have the U.S. Codex Office housed at the USDA, that move leaves the national positions on food safety open to manipulation by big food producers. Internationally, this causes the rest of the world to become increasingly mistrustful of our science and safety regulations as well as our ractopamine-laced pigs and chlorine-washed chickens.

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International Agreement

But international food governing bodies are in agreement with the dairy farmers here. In fact, the EU ruled that items labeled milk, butter, cheese, cream, and yogurt must contain animal milk. A label clarifying the products plant-based origins will no longer suffice. Except for coconut milk…and almond milk…and cream filled sweets. There is also room for exceptions to the rules.

It feels almost like a punishment for soy and vegetable products clearly labeled tofu butter and veggie cheese. Will the person purchasing these products be disappointed there is no milk or butter? They clearly don’t mind the tofu or veggie part.

Related: *Hellmann's Vs. Just Mayo – The Very Interesting Battle Within the Mayo* Industry

At the same time, not everyone is informed when it comes to non-dairy alternatives. Soy milk and vegetable cheese are also fundamentally different from dairy milk and cheese, and that separation could have unintended benefits for vegan and non-dairy products. The EU no longer accepts certain animal products from the U.S. due to our lax animal welfare standards. Perhaps the FDA, in their desire to appease the dairy board and catch up with other worldwide legislation, are doing vegan companies an early favor.

Who Is Confused Here?

Vegan alternatives are everywhere. Removing the word milk from non-dairy alternatives won't change the growing demand for them.

Here's the biggest question. How are these products supposed to be labeled, and should their non-vegan counterparts be anywhere near that decision?

The real problem here is not the label.

Sources:

- *"An almond doesn't lactate:" FDA to crack down on use of the word "milk"* – Ars Technica
- *Standards of identity for food* –Science Direct
- *Kraft American Cheese Singles Have Been Labeled A Health Food By Professional Nutritionists (Not As A Joke)* – Huffington Post
- *Hellmann's Vs. Just Mayo – The Very Interesting Battle Within the Mayo Industry* – Organic Lifestyle Magazine
- *A Food Fight Has Broken Out Between The USDA And FDA* – Five Thirty Eight
- *EU court bans dairy-style names for soya and tofu* – BBC