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FOREIGN AFFAIRS & TRADE
Manatū Aorere

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FDA Signals Changes to US Plant-Based Milks Labels

A MARKET INTELLIGENCE REPORT

Summary

- Plant-based alternative milks sold in the United States will likely soon display additional labeling information for consumers if marketed as “milk”.
- US dairy industry groups have welcomed the recommendation to make it clearer for US consumers as to the nutritional differences of plant-based alternatives versus traditional dairy counterparts.
- Think-tank the Good Food Institute has rejected claims that consumers are confused as the key nutrients are already displayed.
- On the other hand, the draft US Food and Drug Administration guidance does not go far enough for some who argue that plant-based products should not be able to use the term “milk” altogether.

Report

The US Food and Drug Administration (FDA) looks set to recommend more nutritional information be placed on plant-based milk products sold in the United States, but will likely stop short of aligning with the European Union and preventing the use of the term “milk”.

The agency published draft guidance in February which includes the recommendation that plant-based milk producers disclose more nutritional information on their packaging. Companies that choose to continue using the term “milk” to describe their plant-based product should include additional nutrient information, such as “contains lower amounts of protein, potassium and magnesium than milk” or “50% more calcium than milk”.

The FDA issued the guidance after concluding that current labeling guidelines “suggest a potential public health concern related to the substitution of milk with plant-based milk alternatives that contain lower amounts of certain nutrients than found in milk”. This follows a 2018 request for public comments on labeling for plant-based milk alternatives which generated 13,000 comments.

The draft guidance is open for new comments until 24 April 2023. The final guidance will not be legally binding, but industry typically follows FDA recommendations.

Some in the US dairy industry welcomed the labeling news. National Milk Producers Federation President Jim Mulhern called it “a step toward labeling integrity” and praised the FDA’s acknowledgement of the nutritional differences between dairy milk and plant-based alternatives. “As the agency entrusted with protecting consumers from mislabeled products, FDA’s action here takes a step in that direction,” Mulhern said in a statement. But he lamented that it had taken “more than four decades of efforts that have often fallen on deaf ears” for the agency to act on such a “critical issue of nutrition and agency integrity”.

The International Dairy Food Association also praised the decision. IDFA senior vice president of regulatory and scientific affairs Joseph Scimeca said: “As FDA’s consumer research demonstrates, consumers lack clarity as to the nutritional differences of plant-based alternatives versus traditional dairy counterparts and the agency must promulgate guidance that not only adheres to its own standards of truthful and not misleading but also advances the nutrition security of Americans”.

The US plant-based industry was more critical of the FDA's move. Good Food Institute senior regulatory attorney Madeline Cohen said that the draft guidance is premised on the idea that US consumers are somehow confused by plant-based milks' nutrition. She notes that the FDA already requires key nutrients to be included on the Nutrition Facts panel. "Despite acknowledging consumers' familiarity with plant-based milks, the guidance misguidedly admonishes companies to make a direct comparison between their plant-based milks and cow's milk," Cohen added.

The Good Food Institute did welcome that companies would be able to continue to use the term "milk" as long as it is qualified and the labels are clear and accurate. Cohen said that plant-based beverages have functional similarities with dairy milk, and the term thus provides consumers with clarity in a similar way that noodles made with wheat flour and eggs and those made with rice both use the term noodles. "We applaud FDA's recognition that consumers understand the difference between plant-based milk and cow's milk and that they choose to purchase plant-based milk specifically because it is not cow's milk."

However, Democratic Senator Tammy Baldwin (D-Wisconsin) and Republican Senator Jim Risch (R-Idaho) called the FDA's draft guidance around use of the term "milk" both "anti-dairy" and "misguided". In response, they said they plan to reintroduce the DAIRY PRIDE Act. The Act would nullify any guidance that is not consistent with dairy standards of identity and require the FDA to issue guidance for nationwide enforcement of mislabeled imitation dairy products within 90 days.

Plant-based milk alternatives make up 16 percent of the total sales by value in the milk category in the United States. In 2021, plant-based milk sales in the US totaled US \$2.6 billion, according to an industry report. Since 2018, the industry saw a 33 percent growth in dollar sales despite overall fluid milk consumption being on the decline.

External links

The following links may provide useful information to businesses:

- [US Food and Drug Administration – Draft Guidance](#)
- [National Milk Producers Federation – FDA Guidance on Plant-Based Beverages](#)
- [Senator Tammy Baldwin – DAIRY PRIDE Act](#)

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