



AUG 20 2019

James Mulhern
President & CEO
National Milk Producers Federation
2107 Wilson Blvd., Suite 600
Arlington, VA 22201

Re: Docket No. FDA-2019-P-0777

Dear Mr. Mulhern:

This letter is in response to your petition (FDA-2019-P-0777), filed on February 21, 2019, requesting that the Food and Drug Administration (FDA) take certain actions to: (1) enforce existing "imitation" labeling requirements against nutritionally inferior non-dairy substitutes for standardized dairy foods that are named and positioned as forms of "milk," "yogurt," "cheese," "ice cream," or "butter," yet fail to provide the "imitation" disclosure statement that is required under the Act and FDA implementing regulations; and (2) amend section 101.3(e) of FDA regulations to codify in more detailed form longstanding FDA policies that permit the name of a standardized dairy food (e.g., "milk," "yogurt," "cheese," "ice cream," "butter") to be used in the statement of identity of a non-dairy substitute for the standardized food only under limited and defined conditions.

In accordance with Title 21 Code of Federal Regulations (21 CFR) Section 10.30(e)(2), this letter is to advise you that we were not able to reach a decision on your petition within the first 180 days of its receipt because of other agency priorities. We will complete our review of your petition and consider any amendments to our regulations as warranted and in the context of other program priorities within FDA's Center for Food Safety and Applied Nutrition.

If you have any questions, please contact us.

Sincerely yours,

Douglas A. Balentine, Ph.D.
Director
Office of Nutrition
and Food Labeling
Center for Food Safety
and Applied Nutrition