ASSEMBLY RESOLUTION No. 103

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 20, 2020

Sponsored by:
Assemblyman PARKER SPACE
District 24 (Morris, Sussex and Warren)

SYNOPSIS

Urges FDA to prohibit labeling of non-dairy products as milk.

CURRENT VERSION OF TEXT

As introduced.

AN ASSEMBLY RESOLUTION opposing the use of the term "milk" as a label for non-dairy products.

WHEREAS, According to the Dietary Guidelines for Americans (Dietary Guidelines), published jointly by the United States Department of Health and Human Services and the United States Department of Agriculture, dairy is an important part of a healthy diet for both children and adults because of the many benefits dairy products offer, including reducing the risk of diabetes, metabolic syndrome, cardiovascular disease, and obesity, and providing an excellent source of vitamin D, calcium, and potassium; and

WHEREAS, The Dietary Guidelines indicate that, despite the numerous health benefits of dairy, fewer Americans are meeting the daily recommended intake, contributing to a 40 percent drop in milk prices since 2014 that has devastated dairy farmers across the nation; and

WHEREAS, As dairy consumption declines, plant-based imitation dairy products have become more popular, and, despite the frequent use of labels such as "milk," these imitation products do not offer the same nutritional value as dairy - a fact many consumers are unaware of; and

WHEREAS, The United States Food and Drug Administration (FDA) has defined "milk" as the "lacteal secretion, practically free from colostrum, obtained by the complete milking of one or more healthy cows," rendering any use of the term that does not conform to this definition inaccurate, misleading, and potentially illegal; and

WHEREAS, In addition, the long-held and commonly understood and accepted meaning of the word "milk" is that it is a liquid dairy product from a lactating cow, goat, sheep, or other domesticated mammal; and

WHEREAS, Use of the term "milk" by a manufacturer to describe a product that does not conform to the definition established by the FDA or to the long-held and commonly understood and accepted meaning of the word is deceptive to consumers and perpetuates the false belief that imitation "milk" provides the same health benefits as real milk, thereby denying consumers the nutrition they expect from the consumption of milk; and

WHEREAS, Given the increasing popularity of plant-based milk-substitutes and the frequency with which these products are mislabeled as "milk," coupled with the detrimental effects this mislabeling has on dairy farmers and on the health of American consumers, it is imperative that the FDA enforce the definition of milk as prescribed in the Code of Federal Regulations; now, therefore,

BE IT RESOLVED *by the General Assembly of the State of New Jersey:*

1. This House opposes the use of the term “milk” as a label for non-dairy products and respectfully urges the United States Food and Drug Administration to investigate and take appropriate action against any manufacturer found to be offering for sale non-dairy products with the label “milk.”

2. Copies of this resolution, as filed with the Secretary of State, shall be transmitted by the Clerk of the General Assembly to the Commissioner of the United States Food and Drug Administration and to every member of Congress elected from the State of New Jersey.

STATEMENT

This resolution opposes the use of the term “milk” as a label for non-dairy products and respectfully urges the United States Food and Drug Administration (FDA) to investigate and take appropriate action against any manufacturer found to be offering for sale non-dairy products with the label “milk.”

“Milk” is currently defined by the FDA in one of its regulations as the “lacteal secretion, practically free from colostrum, obtained by the complete milking of one or more healthy cows” (21 C.F.R. 131.110). In addition, the long-held and commonly understood and accepted meaning of the word “milk” is that it is a liquid dairy product from a lactating cow, goat, sheep, or other domesticated mammal. Use of the term “milk” to describe plant-based imitation dairy products is inaccurate, misleading to consumers, and harmful to dairy farmers.