



**CHEESE IMPORTERS
ASSOCIATION OF AMERICA**

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Dockets Management Staff (HFA-305)
Food and Drug Administration
5630 Fishers Lane, Rm. 1061
Rockville, MD 20852

Re: Docket No. FDA- 2018-N-3522 for "Use of the Names of Dairy Foods in the Labeling of Plant-Based Products."

Dear Sir or Madam:

The Cheese Importers Association of America (CIAA) offers the following comments in response to the Food and Drug Administration's (FDA) September 28, 2018 Federal Register notice (the notice) requesting comments for Docket No. FDA-2018-N-3522, "Use of the Names of Dairy Foods in the Labeling of Plant-Based Products". The CIAA is a trade association representing companies and individuals responsible for the importation of most of the foreign cheeses entering the United States.

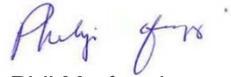
CIAA believes that the use of the names of dairy foods in the labeling of plant-based products is an important issue, and is concerned about vegan products being represented as "cheese" in a fashion we believe to be misleading, and potentially in violation of FDA regulations regarding standards of identity under 21 CFR Part 133, Subpart B, and/or section 403(i)(1) of the Federal Food, Drug, and Cosmetic Act (21 USC 343: Misbranded food).

Your notice explicitly recognizes that "standards of identity are established for cheeses and related cheese products", going on to say that "[e]ach of these standards requires the use of milk or ingredients derived from milk". Many products currently being marketed as vegan "cheese" do not provide consumers with a clear and consistent understanding that they are, in fact, "imitation" or "substitute" products. Instead, a simple internet search finds a variety of products that identify themselves as "non-dairy" or "dairy free":

- Treeline Treenut Cheese (<https://www.treelinecheese.com/products/>) identifies several of its products as "French-Style Soft Cheese".
- Field Roast's Chao Creamery (<https://fieldroast.com/products/chao/>) describes its original product as "dairy-free cheese made from fermented tofu" and other ingredients. The company describes its Chao Slices as "coconut-based, dairy-free cheeses" (<https://fieldroast.com/product-family/chao-slices/>).
- So Delicious says its products are "Dairy Free *Cheese* Shreds" (emphasis added) (http://sodeliciousdairyfree.com/product_groups/dairy-free-shreds)
- MyLife Bio labels its product as "Bio Cheese" (<http://www.mylifebio.net.au/original/>)
- Violife describes its Blue Cheese, Cheddar, Parmesan, and Smoked Provolone Products as "Just Like" while there are specific standards of identity for these cheeses at 21 CFR 133.106, 133.133, 133.165, and 133.181.
- Daiya Foods at least describes its product cheddar and other products as "Style" (<https://daiyafoods.com/>).
- FollowYourHeart describes its products as "vegan cheese" while on their label they at least call the product a "cheese alternative" (<https://followyourheart.com/vegan-cheese/>).

When consumers are currently and routinely asking for accurate information regarding foods offered for sale, CIAA believes it is important that FDA, under existing legislative and regulatory authority, require clear and standardized labeling of these imitation/substitute cheese products. At a minimum we suggest that FDA promulgate a common or usual name regulation in 21 CFR Part 102 providing that no plant-based vegan "so called cheese" have the word *cheese* on the label, and, if in fact the product label would be allowed to say *cheese* the word "Imitation" should precede *cheese* in the same size font. In the interim, we urge FDA to provide "safe-harbor" labeling advice (e.g., "non-dairy" cheese, cheese "alternate"/"substitute"). Consumers must be able to discern easily from the statement of identity on a vegan "cheese" that it is not a traditional dairy-based cheese.

Sincerely,



Phil Marfuggi
President