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June 5, 2003

The Honorable Lester M. Crawford, D.V.M., Ph.D.  
Deputy Commissioner  
Food and Drug Administration  
Department of Health and Human Services  
Rockville, MD 20857

Dear Dr. Crawford:

In support of America's dairy farmers and on behalf of U.S. cheese makers and the many associated businesses in our communities, we write to express our adamant opposition to changing the definition of milk. This change was outlined in petitions submitted to the Food and Drug Administration on behalf of the National Cheese Institute, the Grocery Manufacturers of America, Inc., the National Food Processors Association, and the American Dairy Products Institute, requesting the amendment of 21CFR 133.3, to permit the use of fluid filtered milk as an ingredient in standardized cheeses and related cheese products.

We object to the petitions for the following reasons:

1. Dairy farmers have worked to develop an identity of milk and dairy products made from milk as pure and wholesome in the eye of their ultimate user – the American consumer. The change of definition would allow the use of fluid ultra-filtered milk to be used in the manufacture of cheese and other dairy products. Over 70 different cheeses covered by the FDA's standard of identity regulations (21CFR, PART 133 SUBPART B) do not allow fluid ultra-filtered milk as an approved ingredient. Therefore, these cheeses are expected by the consumers to be of uncompromised quality. Changing the standard by yielding to "special interests", which value profits over quality, would betray consumers and their trust in nature's most perfect food. According to a 2001 GAO report on Ultra-Filtered Milk, the separation by filtration results in highly concentrated ultra-filtered milk that is not nutritionally equivalent to fluid milk. The study cites that during the filtration process, most of the vitamins, minerals, enzymes, and lactose are removed. Another study conducted by the University of Illinois at Urbana-Champaign reports the main minerals, calcium and phosphorous that are found in milk, are soluble and therefore some would be removed during the ultra-filtration process.
2. Allowing the use of fluid ultra-filtered milk, but not dried ultra-filtered milk, would result in a breach of World Trade Organization commitments according to Allan Burton, president of New Zealand Milk Products USA. Also as noted by the Irish Dairy Board's estimate, "a change in U.S. regulation aimed at allowing liquid milk protein concentrates but not dried milk proteins would result in injury claims under Uruguay Round trade rules that would cost the U.S. \$447 million."

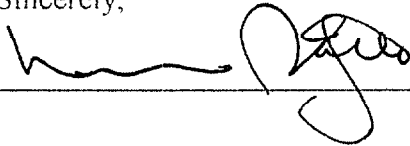
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3. The definition of milk means *the lacteal secretion, free from colostrum, obtained by the complete milking of one or more healthy cows*. We cannot allow one of the most wholesome and basic foods to be adulterated. Dairy products made from fluid ultra filtered milk that is changed in composition should be labeled to distinguish them from products made with unadulterated milk. When the "Real Seal" is used, it means "real" domestic milk. Changing this standard violates "Real Seal" integrity.
4. Regardless if milk is used for fluid consumption or as an ingredient in standardized cheeses and related cheese products, the definition of milk is in fact the same. Consumers deserve this assurance.

We urge you to deny all petitions. Thank you for your attention to this fundamentally important issue to America's dairy producers.

Sincerely,



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Michael D Gallo  
Joseph Farms cheese

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