

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

HOUSE RESOLUTION

No. 222 Session of  
2019

---

INTRODUCED BY LAWRENCE, CAUSER, PASHINSKI, BERNSTINE,  
CALTAGIRONE, DeLUCA, FEE, GREGORY, HEFFLEY, HERSHEY,  
HICKERNELL, KAUFFMAN, LONGIETTI, MASSER, MILLARD, B. MILLER,  
MOUL, OWLETT, PICKETT, RYAN, SNYDER, TOPPER AND ZIMMERMAN,  
APRIL 17, 2019

---

REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,  
APRIL 17, 2019

---

A RESOLUTION

1 Urging the Congress of the United States and the United States  
2 Food and Drug Administration to take immediate action to  
3 defend this nation's dairy farmers by enforcing a standard of  
4 identity for the term "milk."

5 WHEREAS, Pennsylvania ranks second in the nation in the  
6 number of dairy farms statewide, with 525,000 cows producing  
7 more than 10.8 billion pounds of milk annually; and

8 WHEREAS, This Commonwealth's dairy farms generate an  
9 estimated 52,000 jobs and \$14.7 billion in economic activity;  
10 and

11 WHEREAS, Prices paid to this Commonwealth's dairy farmers are  
12 at an unsustainably low level, with national and international  
13 market forces creating undue pressure on wholesale prices; and

14 WHEREAS, A 2017 survey of nearly 1,000 Pennsylvania dairy  
15 producers by the Center for Dairy Excellence indicates that 14%  
16 anticipate exiting the industry in the next five years; and

17 WHEREAS, The United States Food and Drug Administration

1 oversees standards of identity for food products sold across the  
2 United States to ensure uniformity and to prevent confusion in  
3 the marketplace, and enforces specific standards for a variety  
4 of terms, including, but not limited to, "whiskey," "macaroni,"  
5 "marshmallow" and "egg white"; and

6 WHEREAS, The marketplace has seen a dramatic increase in the  
7 prevalence of plant-based drinks labeled as milk, including soy  
8 milk, almond milk, walnut milk, cashew milk, hemp milk and oat  
9 milk, with many arguing that these plant-based, so-called milks  
10 are harming dairy producers by generating confusion in the  
11 marketplace as to what exactly constitutes milk; and

12 WHEREAS, A clear definition of what constitutes milk will  
13 benefit both consumers and dairy farmers by ensuring a  
14 consistent understanding of what is and is not milk; and

15 WHEREAS, Significant bipartisan support to address this issue  
16 exists within the Congress of the United States, as demonstrated  
17 by a December 2016 letter to the United States Food and Drug  
18 Administration signed by more than 30 members of Congress from  
19 both political parties that states, in part, "the use of the  
20 term 'milk' by manufacturers of plant-based products is  
21 misleading to consumers, harmful to the dairy industry, and a  
22 violation of milk's standard identity."; and

23 WHEREAS, Legislation introduced by Wisconsin Senator Tammy  
24 Baldwin, known as the Defending Against Imitations and  
25 Replacements of Yogurt, milk, and cheese to Promote Regular  
26 Intake of Dairy Everyday Act, or the DAIRY PRIDE Act, states in  
27 part:

28 [i]mitation dairy products, such as plant-based products  
29 derived from rice, nuts, soybeans, hemp, coconut, algae, and  
30 other foods that imitate milk, yogurt and cheese, often do

1 not provide the same nutrition content as real milk, cheese,  
2 and yogurt derived from dairy cows . . . [p]lant-based  
3 products labeled as milk are misleading to consumers . . .  
4 [t]he Food and Drug Administration has regulations that  
5 define milk . . . [g]iven the proliferation of plant-based  
6 products in the marketplace that are mislabeled as milk  
7 despite the standard of identity defined for this substance,  
8 enforcement by the Food and Drug Administration against these  
9 practices should be improved to avoid misleading consumers;  
10 and

11 WHEREAS, The Pennsylvania House of Representatives stands in  
12 strong support of Pennsylvania dairy farmers and reasonable  
13 actions that can be taken to promote and support the overall  
14 financial health of farmers while ensuring a reliable and cost  
15 effective supply of food products for the residents of this  
16 Commonwealth; therefore be it

17 RESOLVED, That the House of Representatives urge the Congress  
18 of the United States and the United States Food and Drug  
19 Administration to take immediate action to defend this nation's  
20 dairy farmers by enforcing a standard of identity for the term  
21 "milk"; and be it further

22 RESOLVED, That the House of Representatives urge the Congress  
23 of the United States to take all necessary steps to protect  
24 dairy farmers by ensuring the well-defined and proper use of the  
25 term "milk" in the commercial trade of this nation; and be it  
26 further

27 RESOLVED, That the House of Representatives urge the United  
28 States Food and Drug Administration to take all necessary steps  
29 to update and enforce the standard of identity as it relates to  
30 the term "milk" with regard to ensuring clarity in the

1 marketplace and to reinforce the traditional standard definition  
2 of "milk" versus plant-based, so-called milks; and be it further  
3       RESOLVED, That a copy of this resolution be transmitted to  
4 the president pro tempore of the United States Senate, the  
5 Speaker of the United States House of Representatives, the  
6 Secretary of the United States Department of Health and Human  
7 Services, the Commissioner of the United States Food and Drug  
8 Administration and each member of Congress from Pennsylvania.