



IDFA

**International
Dairy Foods Association**

Dairy Practices Council Annual Conference November 2020



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What I'll cover today:

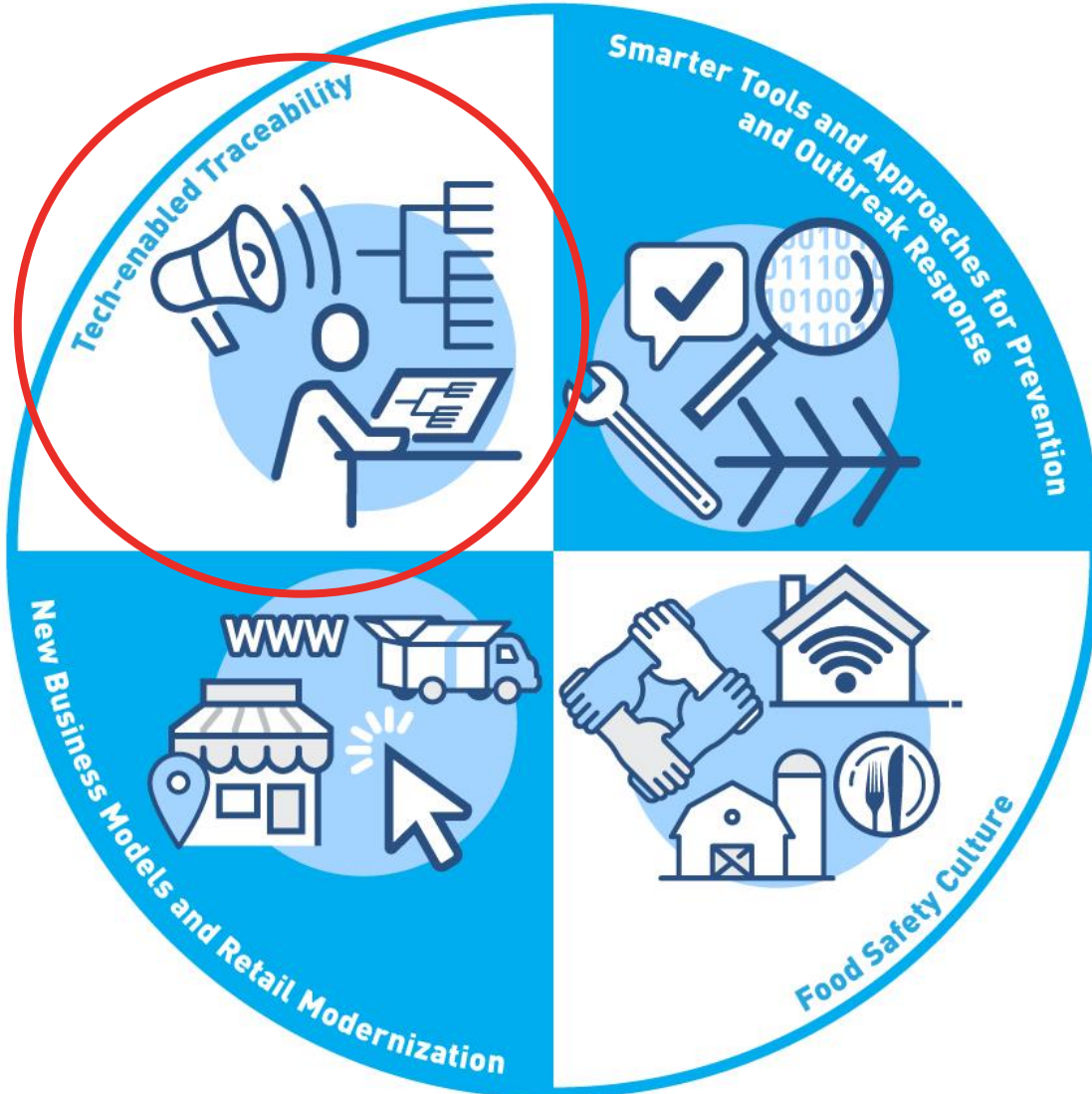
- NESFS
- SOI
- NCIMS
- DGA
- Litigation



To Infinity
and
Beyond!

FDA New Era of Smarter Food Safety

FDA New Era of Smarter Food Safety



- **Proposed Rule: Enhanced traceability for “high risk” foods**
 - Includes: soft/semi-soft cheese plus certain foods used as ingredients in dairy foods (peanut butter)--*but impact will be much broader*
 - Expanding the type of entities required to keep certain records;
 - Standardizing the information that must be maintained and sent across the supply chain;
 - Mandating linking information for incoming and outgoing products;
 - Requiring covered entities to explain their traceability systems and records; and
 - Encouraging a transition from paper-based to electronic records.
- **IDFA Food Safety Committee**
 - Working group developing comments on proposed rule
 - Setting IDFA priorities/positions across NESFS focus areas

Standards of Identity

SOI – why so important for dairy?

Federal Dairy SOI

• Grade A	18
• Evap. & Sweetened Condensed	2
• Cheese	72
• Frozen Dessert	6
• Butter	5
• Whey	1
• Total	102

36%

<u>Total Federal SOI</u>	280
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SOI: Current Landscape

- Nearly all standards are at least 30 years old
- In the last 25 years, only four changes have been made
- Only one additional new standard (white chocolate)
- Extremely regimented process for changing
- Very difficult and time consuming to change
- Inflexible, limiting ability of industry to address new consumer preferences
 - Outdated technologies and ingredients
- Inconsistent with international standards



- Permits specific categories of flexibility across all food standards (versus updating each individual food standard)
 - Would address many of the pending requested changes in petitions
 - Avoids the enormous resource demands for separate rulemakings
 - Based on the precedent in 21 CFR 130.10, allowing for variations to make nutrient content claims and provide healthier products to consumers
- Encourage agency to review 2006 petition by GMA and many other trade associations that is intended to provide a “menu” of areas of flexibility

Specific categories of flexibility:

- Addition of ingredients for technical, non-distinctive effects (e.g., emulsifiers, stabilizers, or anti-mycotic agents)
- Use of alternate safe/suitable flavors/enhancers and other ingredients, such as salt substitutes, sweeteners, and veg fats/oils
- Use of advanced/more efficient technologies to produce ingredients
- Use of “alternate make” procedures

- Change in the basic shape, form, size or similar features in the appearance of a product
- Improvement in nutritional properties that do not rise to the level of a defined nutrient content claim
- Expand the use of milk-derived ingredients permitted in standardized dairy foods to allow “any milk, or milk-derived ingredient”
- Revisit 21 C.F.R. § 130.10 to identify additional opportunities to provide flexibility in this standard, which has historically been interpreted fairly narrowly

Labeling Litigation

Labeling Litigation

- Thousands of class action lawsuits challenging food & beverage labels as misleading and false advertising
- Utilize state consumer protection and false advertising laws
- Target terms lacking clear FDA definition, e.g. “natural”, “real”, or controversial terms, e.g., “GMO-free”
- Target flavor labeling of common ingredients, e.g. vanilla, chocolate, maple and lemon
- Class actions seek quick financial settlements, sometimes a label change



National Conference on Interstate Milk Shipments

Yogurt Parfaits & Sour Cream-Based Products

- ✓ NCIMS study committee developing proposed change to PMO allowing yogurt parfaits and sour cream dips to continue being produced in non-IMS-listed facilities and not considered Grade “A”



FDA Dual-Grade Inspection Pilot

Coordinate an approach to non-Grade “A” Preventive Controls inspections and Grade “A” check ratings to:

- maximize Federal-State resources
- minimize the burden of inspections in IMS-listed facilities
- assure protection of public health

FDA will pilot two approaches:

- **Option A: Federal-State Partnership**
 - State Regulatory Agency
 - Grade “A” Inspection AND Non-Grade “A” Preventive Controls Inspection
 - FDA Milk Specialist
 - Audit of Appendix T (PC req’ts in PMO) AND Non-Grade “A” Audit
- **Option B: Milk Specialist Covers Full Facility:** Appendix T /Limited Scope PC Inspection
 - FDA Milk Specialist
 - Appendix T Audit AND Activity to count as Limited Scope PC Inspection of Non-Grade “A”

Timeline for Launch:

- FDA has suspended most routine inspections, and thus the launch of pilot, due to COVID-19 pandemic
- NCIMS Liaison Committee working with FDA to finalize details
- Launch pending FDA and participating states' ability to reinstate regular inspections



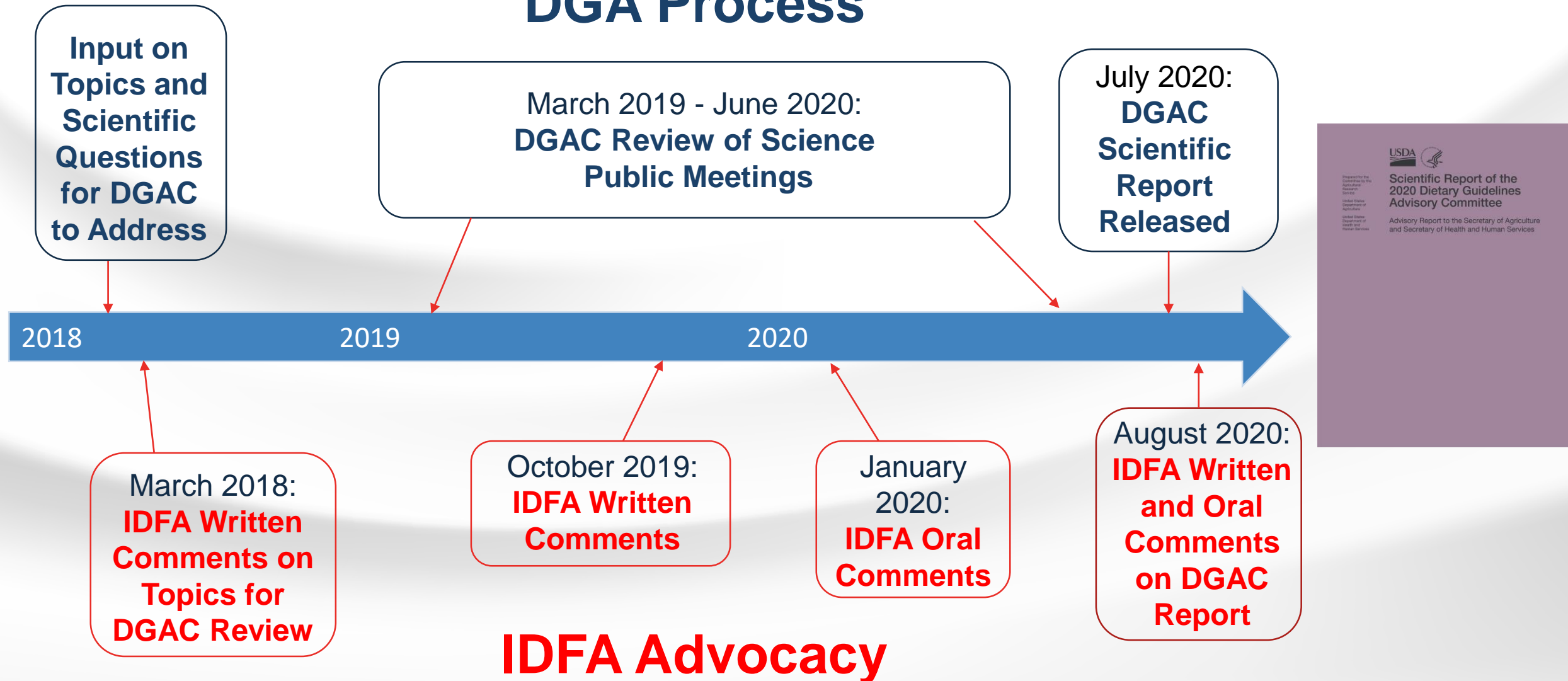


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Dietary Guidelines for Americans

2020-2025 Dietary Guidelines for Americans

DGA Process



IDFA Goals

Maintain Dairy as a Food Group



Continue Messages of Three Servings A Day



Include Dairy in Recommended Dietary Patterns



Keep 2015 DGA Recommendation of 10% of calories from Added Sugar

Recommend Dairy at all Fat Levels

 = *Included in DGAC Recommendations*

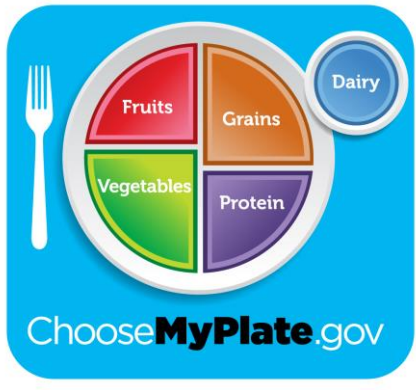
- Direct Advocacy to USDA and HHS Leadership
 - IDFA outreach and communication to USDA leadership
 - IDFA members send form letters USDA via IDFA Campaign Center
 - IDFA members submit individual comments to USDA and HHS
- Letters from Members of Congress to USDA and HHS Leadership
- IDFA & NMPF Produce a Dairy Farmer Appeal Video to Secretary Perdue & President Trump
- Letter from Nutritionists to USDA and HHS



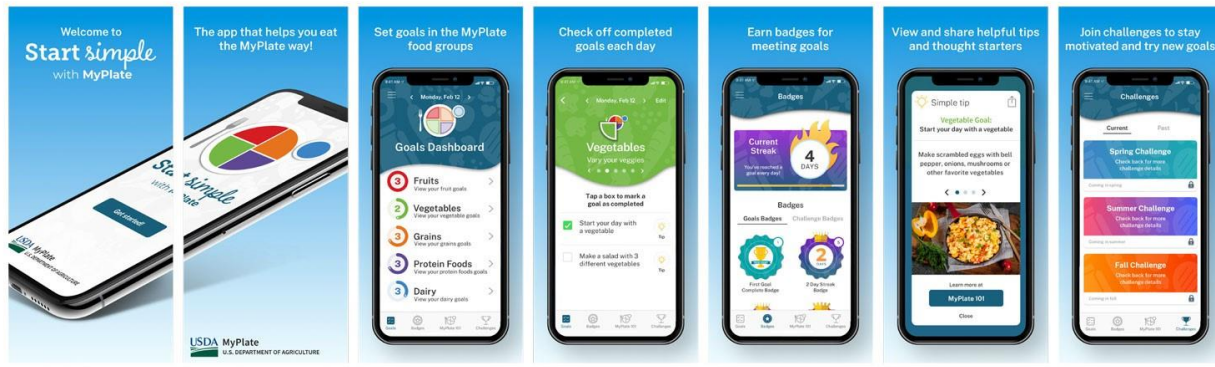


2020-2025 Dietary Guidelines for Americans

Importance of Dietary Guidelines for Americans



- Nutrition Education Messages to Public
- Nutrition Standards in Federal Nutrition Programs, such as School Meals
- Nutrition Recommendations through Federal Programs, such as SNAP-Ed
- Potential Effect on Regulations and/or Legislation: food labeling, sodium guidelines



DAIRY FORUM 2021



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January 25-28, 2021

DAIRY EVOLVED



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Thank You!

Questions ?