



United Egg Producers

Leadership by Egg Farmers for Egg Farmers

UEP OFFICERS

Craig Giroux
Chairman

April 14, 2023

Chad Gregory
President and CEO

Mike West
Vice Chairman

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

J.T. Dean
Treasurer

Sherman Miller
Secretary

Re: Docket No. FDA-2023-D-0451

Dear Sir or Madam:

UEP STAFF

Chad Gregory
President and CEO

United Egg Producers (UEP) respectfully submits these comments on the document entitled [Labeling of Plant-Based Milk Alternatives and Voluntary Nutrient Statements: Guidance for Industry](#). UEP is a farmer-owned cooperative whose members independently market approximately 90 percent of all eggs produced in the United States.

Tabitha McCoy
Director of Finance

UEP realizes that the draft guidance is specific to the labeling of plant-based beverages that compete with real dairy milk (plant-based milk alternatives or “PBMA”). However, FDA has publicly [stated](#) that another draft guidance document, entitled “Labeling of Plant-Based Alternatives to Animal-Derived Foods; Draft Guidance for Industry,” is a priority for issuance during 2023. It is logical to assume that the agency will likely analyze these alternative products using many of the same principles and perspectives that were brought to bear on the present milk guidance document. For this reason, UEP believes the current document is relevant to our members’ interest in preventing the false and misleading labeling of products that imitate eggs and processed egg products.

Oscar Garrison
Sr. VP, Food Safety

Dr. Larry Sadler
Sr. VP, Animal Welfare

DC Offices

Louie Perry
Cornerstone Govt
Affairs

UEP is in broad agreement with public statements by the National Milk Producers Federation (NMPF), which represents dairy farmers and which has welcomed FDA’s discussion of disclosure statements to indicate nutrient inadequacy, but has also stated that plant-based products should not use the word “milk” without a modifier such as “imitation.”

Randy Green
Watson Green LLC



Council Representative

United Egg Producers
6455 E. Johns Crossing, Ste. 410
Johns Creek, Georgia 30097
770-360-9220
www.unitedegg.com

Government Relations Office
Cornerstone Government Affairs
300 Independence Avenue, SE
Washington, DC 20003
(202) 448-9500

Government Relations Office
Watson Green LLC
1010 Wisconsin Ave. NW, Ste. 350
Washington, DC 20007
(202) 384-1840



Similarly, UEP offers three basic comments on the draft guidance:

- **Plant-based foods should not use the name of the animal-based food they imitate without a qualifier.** Ideally, the qualifier should include the word “imitation” if the plant-based foods are deficient in nutrients supplied by the animal-based food, as is consistent with longstanding FDA regulations. At a minimum, the plant source should be indicated, as FDA has recommended in its draft guidance. Thus, a beverage made from almonds should at minimum be called “almond milk.” Similarly, future guidance should instruct makers of imitation eggs made from, for example, mung beans to label the product “mung bean eggs.”
- **UEP supports the use of disclosure statements as recommended by FDA.** However, UEP believes that such disclosures should cover not only beneficial nutrients that may be lacking in plant-based imitators, but also nutrients of concern for over-consumption that may occur at much higher levels in imitation products. For example, a number of commercially available imitation eggs are high in sodium, whereas real eggs are not. Consumers should be made aware of this difference; labeling would appear to be misleading if they are not so informed. The products also frequently lack choline, whereas eggs are an excellent source of this nutrient, which plays a critical role in neurocognitive development. Especially for pregnant or nursing mothers, being misled about the nutrient content of imitation products carries serious risks. Therefore, UEP recommends that FDA modify the draft guidance on PBMA to include disclosure for excessive amounts of avoidance nutrients as well as deficient amounts of beneficial nutrients, and carry this principle forward into future guidance on plant-based imitators of animal-based foods.
- **FDA’s proposed changes to the criteria for “healthy” nutrient content claims should inform the development of guidance for imitators.** Under the proposed rule, eggs could be labeled a healthy food, consistent with the 2020-2025 *Dietary Guidelines for Americans*. However, egg imitators may not meet the new criteria for a “healthy” claim (many would not simply due to sodium content). As more consumers are exposed to on-carton statements that eggs are “healthy,” the potential for confusion increases, since some consumers may assume that egg imitators are also “healthy.” To avoid this confusion, FDA should recommend a labeling statement in cases where dairy foods (e.g., low-fat milk) may be labeled “healthy” under the proposed rule. Such a statement would simply inform consumers that while real low-fat milk (or, under future guidance, eggs) qualifies for a “healthy” claim, the product they are buying does not. (Of course, we do not advocate such a statement if in fact the imitation product *would* qualify for “healthy” claims under the proposed rule.)



UEP believes that the draft guidance is, ultimately, no substitute for more active enforcement of standards of identity (or, in the case of shell eggs, similar requirements with respect to common or usual names). The most positive aspects of the draft guidance on PBMA are FDA's recognition that imitation "milk" is frequently not nutritionally equivalent to real milk, and the related acknowledgment by the agency that consumers may be confused as to the nutritional quality of PBMA.

The dairy industry has submitted ample documentation, in the form of consumer surveys, that consumers are indeed confused and misinformed about the nutritional quality of imitations, frequently (and falsely) believing that they are actually more nutritious than real milk. UEP would submit that since imitation eggs and egg products have been in the marketplace only a few years, whereas PBMA have been in grocery stores for decades, it is likely there is even more consumer confusion over products that imitate eggs than over milk imitators. Such confusion is not harmless but can carry real risks.

Thank you for your consideration of UEP's views.

Sincerely

Chad Gregory
President/CEO