

I. IDFA and NMPF Petition

[The International Dairy Foods Association and National Milk Producers Federation jointly submitted a citizen petition \(Ref. 1\), requesting that FDA amend the standard of identity in part 131 \(21 CFR part 131\) for milk \(§ 131.110\). Specifically, the petition requests that FDA amend § 131.110\(c\)\(2\) to allow the use of “any safe and suitable” sweetener in optional characterizing flavoring ingredients used in milk.](#)

The petition also requests that FDA similarly amend the standards of identity for 17 other milk and cream products.

Those standards (hereinafter referred to as the “additional dairy standards”) are as follows:

Acidified milk
cultured milk
sweetened condensed milk
nonfat dry milk
nonfat dry milk fortified with vitamins A and D
evaporated milk
dry cream
heavy cream
light cream
light whipping cream
sour cream (§ 131.160),
acidified sour cream
eggnog
half-and-half
yogurt
lowfat yogurt
nonfat yogurt

The petition asks that the standards of identity for these products be amended to provide for the use of any safe and suitable sweetener in the optional ingredients.

2.

IDFA and NMPF request their proposed amendments to the milk standard of identity to allow optional characterizing flavoring ingredients used in milk (e.g., chocolate flavoring added to milk) to be sweetened with any “safe and suitable sweetener”—including non-nutritive sweeteners such as aspartame.

IDFA and NMPF state that the proposed amendments would promote more healthful eating practices and reduce childhood obesity by providing for lower-calorie flavored milk products.

They state that lower- calorie flavored milk would particularly benefit school children who, according to IDFA and NMPF, are more inclined to drink flavored milk than unflavored milk at school. As further support for the petition, IDFA and NMPF state that the proposed amendments would assist in meeting several initiatives aimed at improving the nutrition and health profile of food served in the nation's schools.

Those initiatives include state-level programs designed to limit the quantity of sugar served to children during the school day.

Finally, IDFA and NMPF argue that the proposed amendments to the milk standard of identity would promote honesty and fair dealing in the marketplace and are therefore appropriate under section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341)