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Cumberland Dairy

P.O. BOX 206
LANDIS & KENYON AVENUES
ROSENHAYN, NEW JERSEY 08352
858/451-1300

March 9, 2000

Dr. Christine Lewis
Acting Director
Office of Nutritional Products
Labeling, and Dietary Supplements

Ms. Virginia Wilkening
Director
Division of Standards and Labeling Regulations
Food and Drug Administration
Washington, DC

Dear Dr Lewis and Ms. Wilkening:

I am writing to you today to voice an dairy industry opinion regarding the National Milk Producers Federation's (NMPF) petition to the FDA regarding their objection to the use of the term 'Soy milk'.

Our company is celebrating our 67th year in the dairy business. In light of the recent consolidation in our industry, we are some unique in that we are a third generation family owned and operated business . We are the last independently held dairy company producing fluid milk in New Jersey. Our business currently consists of producing fluid milk, milk products, and creams, ice cream mixes and other dairy and non-dairy based products. These are sold to supermarkets, quick service restaurants, other dairy companies, convenience stores , food service distributors and the like. Our products are currently distributed in over 20 states.

We believe that the term "Soy milk" is one that accurately describes the product that is being produced. It is widely recognized in our industry as the commonly used name for natural beverages made out of soybeans, water and other vegetable based ingredients for a number of years.

We have not found this term to be misleading to anyone in our industry or our customers in the distribution and retail supermarket trades. To date we



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Dr. Christine Lewis
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have not received any complaints or comments from our customers and consumers regarding this issue.

It industry discussion with suppliers, packaging companies, marketing firms, etc, Soymilk is the generic term used for this product.

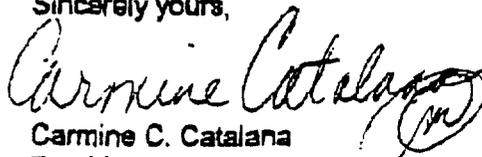
We currently produce both dairy and non-dairy products including soymilk. In our opinion, the use of the terms soymilk is not misleading at all to the consumer. In fact, we believe that accurately represents that the product that is being sold.

We disagree with the NMPF and their opinion on the use of soymilk and do not feel that this opinion represents the entire dairy industry. Only a portion of the supply chain is represented by NMPF. AS a processor and marketing of these products, we see things differently than the milk producers on this topic.

On behalf of our family and our company, I appreciate your time in considering our opinion as you decide the merits of this petition and other regarding soymilk.

If you have any question or would like additional information, please do not hesitate to contact me. I can be reached at 856-451-1300 ext. 3316 or on e-mail at ccatalana@cumberlanddairy.com.

Sincerely yours,



Carmine C. Catalana
President
Cumberland Dairy, Inc.

CCC:mpm

Western Quality Food Products, LC.

Extended Freshness Through Technology

TO:

Dr. Christine Lewis

Acting Director of the Office of Nutritional Products, Labeling, and Dietary Supplements

Virginia Wilkerson

Director of the Division of Standards and Labeling Regulations

From:

John H. Warner Jr

Western Quality Foods, LC.

St. George, UT

Re: 'National Milk Producers Federation' Objection to Use of the Term Soymilk**Date:** March 8, 2000

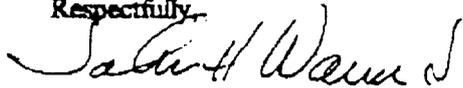
I would like to voice an industry opinion regarding the NMPF's petition to the FDA regarding objection to the use of the term 'Soymilk'.

As a dairy foods processor I would like to state that the term 'soymilk' has been widely recognized in our industry as the commonly used name for natural beverages made out of soybeans, water and other vegetable based ingredients for a number of years. We recognize this term to be accurately descriptive, meaningful and widely understood as the term used for natural, non-dairy products made from soybeans. We have not found this term to be misleading to ourselves or to our customers in the distribution and retail supermarket trades. We have not received any complaints from customers or consumers regarding this issue. In fact, when discussed the term 'soymilk' is most often if not always the generic term used in conversation or written reference to this product category.

We are not in agreement with the NMPF's objection to the use of this term.

I appreciate your consideration of this statement in evaluating the merit of the petition in front of the FDA.

Respectfully,



John H. Warner Jr.

President



DEAN FOODS COMPANY

March 8, 2000

Dr. Christine Lewis
Acting Director of the Office of Nutritional
Products, Labeling & Dietary Supplements

Virginia Wilkening
Director of the Division of Standards &
Labeling Regulations

RE: 'National Milk Producers Federation' Objection to Use of the Term Soymilk

I would like to voice an industry opinion regarding the NMPF's petition to the FDA regarding objection to the use of the term 'Soymilk'.

As a dairy foods processor, Dean Foods Company would like to state that the term 'soymilk' has been widely recognized in our industry as the commonly used name for natural beverages made out of soybeans, water and other vegetable based ingredients for a number of years. We recognize this term to be accurately descriptive, meaningful and widely understood as the term used for natural, non-dairy products made from soybeans. We have not found this term to be misleading to ourselves or our customers in the distribution and retail supermarket trades. We have not received any complaints from customers or consumers regarding this issue. In fact when discussed, the term 'soymilk' is most often if not always the generic term used in conversation or written reference to this product category.

We are not in agreement with the NMPF's objection to the use of this term.

I appreciate your consideration of this statement in evaluating the merit of the petition in front of the FDA.

Respectfully,

George Muck, Ph.D.
Vice President, Research & Development
DEAN FOODS COMPANY

GM/jlh

cc: D. Purcell