



# O-AT-KA Milk Products Cooperative, Inc.

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11303 6 January 9, 2006

Division of Dockets Management (HFA-305)  
Food and Drug Administration  
5630 Fishers Lane, rm 1061  
Rockville, MD 20852

**RE: ANPR to Amend the Standards of Identity for Ice Cream and Frozen Custard, Sherbet and Water Ices.(Docket 2000P-1491)**

Dear Sir/Madam,

O-AT-KA Milk Products Cooperative Inc. (O-AT-KA) is writing in response to this ANPR to express opposition to several aspects of the petition proposed by the IICA.

O-AT-KA is owned by three producer-owned dairy cooperatives: Upstate Farms Cooperatives, Niagara Milk Cooperative and Dairy Farmers of America. O-AT-KA produces a wide range of dairy products including dairy ingredients such as nonfat dry milk and ultrafiltered milk ingredients. Thus O-AT-KA has a significant interest in this proposal and significant concern for the negative impact to dairy farmers and consumers by the proposals being discussed in the ANPR. O-AT-KA is also a member of National Milk Producers Federation (NMPF) and supports NMPF's comments submitted on this ANPR.

O-AT-KA has specific concerns regarding the following:

- 1) Use of any safe and suitable milk derived ingredients in the manufacture of frozen desserts. O-AT-KA does not agree that standards should be changed in such a radical way at this time that could both negatively impact product quality and hurt markets for dairy ingredients sold by U.S. dairy farmers. In the past FDA has provided for a specific description of accepted ingredients and O-AT-KA believes this is integral to product quality and the consumer expectations of what "ice cream" is. O-AT-KA has significant concern that the proposed approach is equivalent to "no standard," not the "flexibility" of ingredient use that is supported by the petitioners.
- 2) Use of ultrafiltered milk ingredients. O-AT-KA supports use of liquid ultrafiltered milk ingredients but has concerns regarding dry ingredients as without further qualification and study, the basic nature of ice cream could be negatively impacted. FDA should treat the use of liquid ultrafiltered milk in a similar fashion as with the recently proposed cheese standards.
- 3) The use of milk from source animals other than cows in making of ice cream. O-AT-KA does not believe that other animal's milk should be used in ice cream without labeling the product – e.g. Goat's Milk Ice Cream.

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- 4) Use of alternate make procedures. Alternate make procedures have been allowed for as a means to provide for new technologies but not as a means for new ingredients. O-AT-KA supports maintaining this approach as consistent with the recent FDA proposal on cheese.
- 5) Change to protein standard from nonfat solids. O-AT-KA is concerned that the level of any change in standard be equivalent to that found in nonfat dry milk. We would also have concerns with the impact on the quality and nature of the finished products should this not be at an equivalent level.
- 6) Limitation of 25% of whey solids in ice cream and frozen custard. Again the limitation was to maintain the basic nature of ice cream and provide for a greater level of consistency of product quality. Removing this limitation, along with the other changes proposed can damage product integrity and consistency and therefore undercut the purpose of an ice cream standard.
- 7) Establishment of categories of ingredients under common names. O-AT-KA believes the purpose of ingredient labels is to provide important information to the consumer that is specific to the ingredients used. Consumers are tending to want more information not less and certainly grouping vastly different ingredients together under what the consumer may understand is one thing when it is something else, is misleading and O-AT-KA opposes this proposal.

In summary O-AT-KA supports updating standards to keep pace with new technologies and new consumer needs for ingredients. However in the IICA petition, there is in general position to allow ice cream manufacturers the ability to use alternative – least cost sourcing of dairy derived ingredients that may not be equivalent to traditional ingredients used, and at the same time introduce a proposal to label such products and groups of ingredients as if they were the traditional dairy products and ingredients. O-AT-KA believes that this approach is not providing a real standard of identity for ice cream products.

O-AT-KA supports a consistent approach for dairy product standards by FDA – such as the recent cheese standard that is a measured approach to updating the standard without abandoning long standing policy on maintaining the integrity of the standard.

Thank you for this opportunity to comment and O-AT-KA appreciates your consideration of our concerns.

Sincerely,



Craig Alexander  
 Manager of Dairy Ingredient Sales  
 and Regulatory Affairs