

Dec. 26, 2005

Re: Docket No. 2003P-0132

To whom it may concern,

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Family Farm Defenders, a national grassroots organization with over 2500 members in all 50 states, wishes to express its opposition to the recent petition to change the federal definition of ice cream submitted by the International Ice Cream Association (IICA) and formally published in the Sept. 27, 2005 issue of the Federal Register.

In particular, we are concerned that the proposed changes, if approved by the FDA, will mislead consumers and pose a grave threat to human health. Given that many of our members are family dairy farmers, we also have a very strong interest in maintaining consumer trust in the quality of our nation's dairy products and the public reputation of the industry itself – a stance clearly not shared by the IICA, which is apparently more interested in making the cheapest ice cream possible.

We are alarmed that the IICA petition would seek to downgrade the federal ice cream definition to allow “any safe and suitable milk-derived ingredients.” Given the current trend in the dairy industry to rely on milk protein concentrate (MPC) and other dubious imported dairy byproducts as a least cost alternative to domestic milk, this bottom of the barrel definition would end up permitting dried yak, sheep, goat, and/or water buffalo milk in a product that consumers now associate with being made from cow milk.

Worse yet, there has been no official FDA determination that MPC meets GRAS status nor does MPC have any federal standard of identity, yet it is already being used quite blatantly (and illegally) by corporate processors in a wide range of food products such as processed cheeses, snack foods, coffee creamers, candies, nutritional drinks, and snack foods. This petition would basically expand and legitimize the use of MPC in ice cream and other frozen desserts, as well.

Before allowing ANY use of MPC in ANY food item – including ice cream - the FDA should conduct legitimate GRAS testing, as required under the 1958 Food Additives Amendment to the federal Food, Drug, and Cosmetics Act. There is a reason why industrial grade MPC from nations such as Balarus, India, and Ukraine contaminated with radioactive isotopes, dried bacteria, heavy metals, dioxins, and organochlorides is being “dumped” in the U.S dairy market, and that is because of lax enforcement of food safety rules that are now endangering human health.

Once again, Family Farm Defenders urges the FDA to reject this misguided petition from the IICA that would undermine the federal definition of ice cream, open the floodgates to more illegal use of imported MPC, and ultimately threaten consumer health. We look forward to your response and responsible decision upholding the public interest.

Sincerely,



John E. Peck, executive director

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