

Dairy Farmers
of Canada



Les Producteurs laitiers
du Canada

December 9, 2003

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

Re: Advance notice of proposed rulemaking: Petition to revoke standards for lowfat yogurt and nonfat yogurt and to amend standards for yogurt and cultured milk (Docket No. 00P-0685)

The following comments are being submitted on behalf of Dairy Farmers of Canada, the organization representing the interests of all 18,000 Canadian dairy farmers operating in the 10 provinces. Dairy producers are supplying milk to yogurt processors and are interested in maintaining the integrity of the regulations as far as limiting the list of ingredients used in the manufacture of yogurt to milk and cream.

Dairy Farmers of Canada is proposing to the Canadian Food Inspection Agency to amend the dairy regulations under the Canada Agricultural Products Act and under the Food and Drug Act in order to develop standards of identity for dairy products which are prescriptive and equivalent to the regulations for standardized dairy products listed in United States Code of Federal Regulations. Dairy Farmers of Canada is requesting that dairy ingredients used in standardized dairy products are limited to milk, cream and milk in dry or concentrated form.

Dairy Farmers of Canada considers that the consumers need to be informed when ingredients such as whey protein concentrate are used in the manufacturing of yogurt and that yogurt made using whey protein concentrate is a yogurt deviating from the standard of identity for yogurt. The quality of whey protein concentrate varies from one exporting country to another and our consumers deserve to be informed about the presence of ingredients added before and/or after fermentation that may affect the safety of yogurt.

Canada is a net importer of yogurt from United States. Dairy Farmers of Canada is concerned that the amendment proposed to the standard of identity for yogurt will lower the quality of yogurt produced in United States and consequently of products imported in Canada.

00P-0685

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Les producteurs laitiers de chez nous
Commanditaire officiel de l'équipe
olympique canadienne

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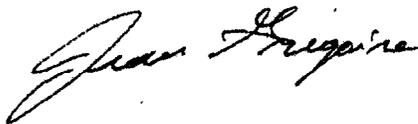
Dairy Farmers of Canada is concerned that amending the standard of identity of yogurt by allowing the use of whey protein concentrate will lower the quality of the product and will affect negatively the Canadian regulations for dairy products which are presently being amended. Dairy Farmers of Canada is supporting composition standards like to one listed in your Code of Federal Regulations that are restrictive in the list of ingredients and that are defining a clear process for the manufacture of standardized dairy products.

The present Québec regulation is defining yogurt as a dairy product made from the fermentation of milk, partially skimmed milk and skim milk using lactic bacteria *Lactobacillus bulgaricus* and *Streptococcus thermophilus* in association other lactic bacteria and *bifidobacterium*. The nature of the yogurt is determined by the fermentation of dairy ingredients of reliable quality such milk as produced by Canadian dairy producers.

Further processing of the yogurt by the addition of fruits and other permitted ingredients along with treatment such as heat treatment before and after fermentation should ensure that the original quality of the yogurt is maintained and that yogurt has a longer shelf life.

The purpose of labelling is to inform the consumers about the nature of the food. Any deviations from the standard of identity for yogurt should be clearly indicated on the main display panel. It is our request that the standard of identity include only milk and cream as dairy ingredients. When other ingredients such as whey protein concentrate are used in the manufacturing of yogurt, a qualifier must be used and the ingredients that are not listed in the standard of identity should be indicated on the main display panel using characters of the same font, height and colour as the common name of the food.

Sincerely,

A handwritten signature in black ink, appearing to read "Jean Grégoire". The signature is fluid and cursive, written in a professional style.

Jean Grégoire
President