



December 22, 2005

CONGRESSMAN ROB SIMMONS
HOUSE OF REPRESENTATIVES
SECOND DISTRICT, CONNECTICUT

Dr. Andrew von Eschenbach
Acting Commissioner
Food and Drug Administration
5600 Fishers Lane
Rockville, MD 20857

Dear Dr. von Eschenbach:

I understand that the Food and Drug Administration is considering changing the standards of identity for ice cream, frozen desserts, and certain cheeses (Docket numbers ~~2003P-0132~~ and 2000P-1491). Changing the standards of identity not only compromises the quality of these products, but also will encourage more dairy product imports that displace domestically produced milk.

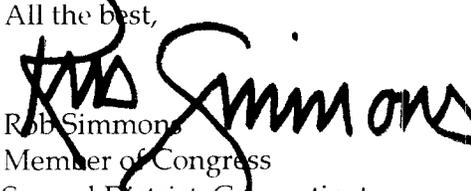
Already, dairy imports, especially milk protein derivatives such as MPC, are affecting milk prices received by our dairy producers. As you know, dry MPC is not domestically-produced. It is produced solely overseas, frequently in countries that generously subsidize their dairy production. Further, MPC enters our country virtually tariff-free and with no volume quotas - making imported MPC an unfair alternative to domestic milk.

A standard of identity should not be viewed merely as a compositional endpoint to be achieved through whatever combination of ingredients will meet the product's chemical definition. A standard of identity should preserve the integrity of that product by delivering the attributes the consumer associates with the name of the food each and every time the product is purchased. For many years, the U.S. has been the world's leader in per capita production of ice cream largely due to the on-going commitment to product quality and adherence by the industry to a standard of identity that reinforces that commitment.

In order to ensure the integrity and quality of ice cream, frozen desserts, and cheese, current standards provide important limitations as to how much substitution of milk, cream, and nonfat dry milk can occur. The proposed changes to these products will only serve the interests of the manufacturing sector and not consumers or dairy producers. I urge the FDA to preserve the current dairy ingredient structure.

Thank you for your consideration. Should you have any questions or concerns regarding this issue, please do not hesitate to contact me or my staffer Leigh Hightower at 202-225-2076.

All the best,


Rob Simmons
Member of Congress
Second District, Connecticut

03P-0132

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