

To: All Legislators

From: Senator Marklein

Representatives Tranel

Date: January 25, 2021

Re: Co-sponsorship of LRB 0749/1 and LRB 1278/1 relating to: labeling a product as a type of milk and granting rule-making authority

**Deadline: Wednesday, February 3rd @ Noon**

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Ask any dairy farmer in Wisconsin and they will tell you that milk comes from a cow. This seems like common sense, but Wisconsin's current labeling laws allow plant-based milk alternatives to be labeled as "milk". Walk into most grocery stores and you will see "2% Milk" right next to "Soy Milk" and "Almond Milk". This is not right.



Dairy farmers are frustrated that these mislabeled beverages continue to appear in stores and misuse dairy names. Research suggests that more than half of consumers who purchase milk alternatives purchase these alternative beverages thinking that they have more nutritional value than milk. This is simply not true. Plant-based milk alternatives do not have the same nutritional value as milk.

To help Wisconsin's dairy farmers and alleviate consumer confusion, LRB 0749 creates a truth-in-labeling law for milk. This legislation will ensure that the only products that can be labeled as "milk" come from a cow or other hooved or camelid mammal, such as a goat. Plant-based products will be required to be labeled as "drink" or "beverage".

This legislation is modeled after similar legislation in North Carolina and Maryland, both of which have passed milk labeling laws in the last two years. To alleviate interstate commerce concerns and align with the North Carolina and Maryland laws, LRB 0749, if passed, would only

go into effect after at least 10 out of a group of 15 states pass similar legislation by June 30, 2031.

LRB 0749 is supported by the Dairy Business Association, the Wisconsin Farm Bureau, and the Wisconsin Cheese Makers Association.

To cosponsor LRB 0749/1 and LRB 1278/1, please contact Vince in Sen. Marklein's office (6-0703) or Jeff in Rep. Tranel's office (6-1170). Cosponsors will automatically be signed onto both bills.

### ***Analysis by the Legislative Reference Bureau***

Under this bill, no person may label a food product as, or sell or offer for sale a food product that is labeled as, any type of milk unless the food product is cow's milk or hooved or camelid mammal's milk or a type of milk that meets certain specifications under federal law. The bill also requires the Department of Agriculture, Trade and Consumer Protection to promulgate rules to implement the prohibition in the bill.

The prohibition in the bill applies only if at least 10 states out of a group of 15 states listed in the bill enact a prohibition similar to this bill by June 30, 2031; otherwise the prohibition in the bill does not apply.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.