To: Pennsylvania Dairy Processors

From: Pennsylvania Department of Agriculture, Bureau of Food Safety

Subject: Milk Labeling Flexibility

The Pennsylvania Department of Agriculture is committed to strengthening the state’s dairy economy, and dairy processors play an essential role in ensuring that safe, high-quality fluid milk and value-added products reach consumers. Labeling provides processors an avenue to develop a brand, and the Department is providing guidance on whole milk labeling to ensure transparency and consistency with Federal and state labeling requirements, as processors consider their marketing strategies.

Milk labeling laws and regulations are established by the Food and Drug Administration (FDA). The FDA defines whole milk as milk containing a minimum of 3.25%. Milk can have a milkfat ranging up to 18% milkfat, at which point it is defined as cream.

Milk measured at 3.5% natural milkfat could be labeled as Whole Milk, or 3.5% Fat Whole Milk for example. Federal law requires accuracy, and those who label milk with a specific fat % would need to evaluate their milkfat percentage closely for compliance. The FDA only permits % Fat Free claims to be included on a label when the Fat content of a food meets the definition of a low-fat food, or in the case of Milk, only on 1% Low Fat Milk, or Skim Milk.

Processors must determine what labeling works best for their business and market strategy. The Department is not suggesting a change in whole milk labeling, but rather displaying transparency so processors can determine which labeling options work best with their business plan.

Any processors interested in making labeling changes should contact the Bureau of Food Safety & Laboratory Services to make sure potential changes are not in conflict with federal labeling regulations. The Bureau of Food Safety & Laboratory Services is actively reviewing the federal labeling regulations to determine options for interested processors related to labeling.