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April 20, 2015

The Honorable Jim Houston, Undersecretary
California Department of Food & Agriculture
1220 N Street
Sacramento, CA 95814

Re: Temporary Standard for Fairlife Reduced Fat Ultra-Filtered Milk

Dear Undersecretary Houston:

Fairlife LLC submits this petition to the California Department of Food and Agriculture ("CDFA") to obtain temporary standards for two new milk products called "reduced fat ultra-filtered milk" and "flavored reduced fat ultra-filtered milk." Fairlife submits this petition pursuant to Food & Agricultural Code section 36632, seeking temporary standards for "reduced fat ultra-filtered milk" and "flavored reduced fat ultra-filtered milk" for an initial period of one year. Fairlife may seek further extensions of these temporary standards if needed.

There are currently no standards for "reduced fat ultra-filtered milk" or "flavored reduced fat ultra-filtered milk." Food & Agricultural Code section 38211 provides a standard for "reduced fat milk." However, "reduced fat ultra-filtered milk" is a different product and does not fall within the standard set forth in Food & Agricultural Code section 38211 because it does not contain 10% or more of milk solids not fat and because it goes through a unique fractionation and recombination process that separates milk into its component parts and then recombines those components in different proportions that results in a milk product with less lactose and more protein than standard reduced fat milk.

Likewise, Food & Agricultural Code section 38653 provides a standard for "flavored lowfat milk". However, "flavored reduced fat ultra-filtered milk" is a different product and does not fall within the standards set forth in Food & Agricultural Code sections 38653, 38651 and 38211 because it does not contain 10% or more milk solids not fat and because it goes through a unique fractionation and recombination process that separates milk into its component parts and then recombines those components in different proportions that results in a flavored milk product with less lactose and more protein and fat than standard flavored lowfat milk.

A. Fairlife proposes the following definition and standard for "reduced fat ultra-filtered milk":

> Reduced fat ultra-filtered milk is produced by the fractionation and filtration of fluid raw milk into fat, proteins, lactose, minerals, and water. The different

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fractions of fluid raw milk are then recombined to obtain reduced fat ultra-filtered milk that contains not less than 1.9 percent milkfat, not more than 2.1 percent milkfat, not less than 3.7 percent protein, not less than 0.11 percent calcium, not less than 0.7 percent ash, and not more than 3.85 percent lactose. The lactose may be hydrolyzed.

The name of this product is "reduced fat ultra-filtered milk."

Each of the ingredients used in this product shall be declared on the label. The product shall be pasteurized, ultra-pasteurized, or aseptically processed.

Attached to this petition as Exhibit A is a copy of the label for "reduced fat ultra-filtered milk" that fairlife proposes to use for this product. Upon approval of a temporary standard of identity by the Director in accordance with Section 36632, fairlife will be able to bring this product to market in California.

B. Fairlife proposes the following definition and standard for "flavored reduced fat ultra-filtered milk":

Flavored reduced fat ultra-filtered milk is produced by the fractionation and filtration of fluid raw milk into fat, proteins, lactose, minerals and water. The different fractions of fluid raw milk are then recombined to obtain reduced fat ultra-filtered milk that contains not less than 1.9 percent milkfat, not more than 2.1 percent milkfat, not less than 3.7 percent protein, not less than 0.11 percent calcium, not less than 0.7 percent ash, and not more than 3.85 percent lactose. The lactose may be hydrolyzed. Characterizing flavoring ingredients are then added.

The name of this product is "flavored reduced fat ultra-filtered milk." The word, "flavored" in the name of the food shall be replaced by a word describing the principal flavoring as required in section 38651.

Each of the ingredients used in this product shall be declared on the label. The product shall be pasteurized, ultra-pasteurized, or aseptically processed.

Attached to this petition as Exhibit B is a copy of the label for "flavored reduced fat ultra-filtered milk" that fairlife proposes to use for this product. Upon approval of a temporary standard of identity by the Director in accordance with Section 36632, fairlife will be able to bring this product to market in California.

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The below table reveals the comparative compositional differences between the proposed temporary standard, California reduced fat milk, and federal standard reduced fat milk.

	Temporary SOI Reduced Fat Ultra-Filtered Milk	California Reduced Fat Milk	Federal Reduced Fat Milk
% Fat	1.9 – 2.1%	1.9 – 2.1%	1.9 – 2.1%
% Lactose	< 3.85%	NA, ~ 5.5%	NA, ~ 4.8%
% Protein	> 3.7%	NA, ~ 3.5%	NA, ~ 3.1%
% Ash	> 0.7%	NA, ~ 0.8%	NA, ~ 0.7%
% Calcium	> 0.11%	NA, ~ 0.13%	NA, ~ 0.11%
% SNF	NA	10%	> 8.25%

These proposed definitions and standards for "reduced fat ultra-filtered milk" and "flavored reduced fat ultra-filtered milk" were not contained in any bill that was considered but not enacted by the California Legislature during the preceding legislative session. Fairlife believes that it has met all of the requirements for issuance of temporary standards of identity under Section 36632, however, if CDFA needs any additional information in considering this petition, please let me know.

Sincerely,

Tim Doelman, Senior Vice President, Operations and Product Development

Cc Dale Stern, Downey Brand
Dennis Albiani, California Advocates