

July 17, 2006

VIA E-MAIL

Hearing Clerk
Stop 9200, Room 1031
U.S. Department of Agriculture
1400 Independence Ave., S.W.
Washington, D.C. 20250-9200

Subject: Comments of Lifeway Foods, Inc., relative to the Proposed Rule; Recommended Decision issued by USDA's Agricultural Marketing Service on Wednesday, May 17, 2006 Docket No. AO-14-A73, et al.; DA-03-10

The Tipton Group, Inc., on behalf of Lifeway Foods, Inc., applauds and support the finding contained in the recommended decision that "kefir is a cultured product, that like drinkable yogurts, contains active cultures" – and – "kefir's similarities to drinkable yogurts provide a reasonable basis to conclude that milk used in kefir products should be classified in the same way as milk used in drinkable yogurt products" – and – "should be exempt from the fluid milk product definition." (71 FR 28602)

Lifeway Foods appreciates the opportunity to participate in the proceeding as well as USDA's willingness to exclude kefir from Class I classification.

On behalf of Lifeway Foods, Inc.,

A handwritten signature in black ink, appearing to read "E. Linwood Tipton", written over a horizontal line.

E. Linwood Tipton
Chairman & CEO
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