

115TH CONGRESS  
2D SESSION

# S. 2322

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## AN ACT

To amend the Federal Food, Drug, and Cosmetic Act to  
define the term natural cheese.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Codifying Useful Regu-  
3 latory Definitions Act” or the “CURD Act”.

4 **SEC. 2. FINDINGS.**

5 Congress finds as follows:

6 (1) There is a need to define the term “natural  
7 cheese” in order to maintain transparency and con-  
8 sistency for consumers so that they may differen-  
9 tiate “natural cheese” from “process cheese”.

10 (2) The term “natural cheese” has been used  
11 within the cheese making industry for more than 50  
12 years and is well-established.

13 **SEC. 3. DEFINITION OF NATURAL CHEESE.**

14 (a) DEFINITION.—Section 201 of the Federal Food,  
15 Drug, and Cosmetic Act (21 U.S.C. 321) is amended by  
16 adding at the end the following:

17 “(ss)(1) The term ‘natural cheese’ means cheese that  
18 is a ripened or unripened soft, semi-soft, or hard product,  
19 which may be coated, that is produced—

20 “(A) by—

21 “(i) coagulating wholly or partly the pro-  
22 tein of milk, skimmed milk, partly skimmed  
23 milk, cream, whey cream, or buttermilk, or any  
24 combination of such ingredients, through the  
25 action of rennet or other suitable coagulating  
26 agents, and by partially draining the whey re-

1 sulting from the coagulation, while respecting  
2 the principle that cheese-making results in a  
3 concentration of milk protein (in particular, the  
4 casein portion), and that consequently, the pro-  
5 tein content of the cheese will be distinctly  
6 higher than the protein level of the blend of the  
7 above milk materials from which the cheese was  
8 made; or

9 “(ii) processing techniques involving coagu-  
10 lation of the protein of milk or products ob-  
11 tained from milk to produce an end-product  
12 with similar physical, chemical, and  
13 organoleptic characteristics as the product de-  
14 scribed in subclause (i); and

15 “(iii) including the addition of safe and  
16 suitable non-milk derived ingredients of the  
17 type permitted in the standards of identity de-  
18 scribed in clause (B) as natural cheese; or

19 “(B) in accordance with standards of identity  
20 under part 133 of title 21, Code of Federal Regula-  
21 tions (or any successor regulations), other than the  
22 standards described in subparagraph (2) or any fu-  
23 ture standards adopted by the Secretary in accord-  
24 ance with subparagraph (2)(I).

25 “(2) Such term does not include—

1           “(A) pasteurized process cheeses as defined in  
2           section 133.169, 133.170, or 133.171 of title 21,  
3           Code of Federal Regulations (or any successor regu-  
4           lations);

5           “(B) pasteurized process cheese foods as de-  
6           fined in section 133.173 or 133.174 of title 21, Code  
7           of Federal Regulations (or any successor regula-  
8           tions);

9           “(C) pasteurized cheese spreads as defined in  
10          section 133.175, 133.176, or 133.178 of title 21,  
11          Code of Federal Regulations (or any successor regu-  
12          lations);

13          “(D) pasteurized process cheese spreads as de-  
14          fined in section 133.179 or 133.180 of title 21, Code  
15          of Federal Regulations (or any successor regula-  
16          tions);

17          “(E) pasteurized blended cheeses as defined in  
18          section 133.167 or 133.168 of title 21, Code of Fed-  
19          eral Regulations (or any successor regulations);

20          “(F) any products comparable to any product  
21          described in any of clauses (A) through (E); or

22          “(G) cold pack cheeses as defined in section  
23          133.123, 133.124, or 133.125 title 21, Code of Fed-  
24          eral Regulations (or any successor regulations);

1           “(H) grated American cheese food as defined in  
2           section 133.147 of title 21, Code of Federal Regula-  
3           tions (or any successor regulations); or

4           “(I) any other product the Secretary may des-  
5           ignate as a process cheese.

6           “(3) For purposes of this paragraph, the term ‘milk’  
7           has the meaning given such term in section 133.3 of title  
8           21, Code of Federal Regulations (or any successor regula-  
9           tions) and includes the lacteal secretions from animals  
10          other than cows.”.

11          (b) LABELING.—Section 403 of the Federal Food  
12          Drug and Cosmetic Act (21 U.S.C. 343) is amended by  
13          adding at the end the following:

14          “(z) If its label or labeling includes the term ‘natural  
15          cheese’ as a factual descriptor of a category of cheese un-  
16          less the food meets the definition of natural cheese under  
17          section 201(ss), except that nothing in this paragraph  
18          shall prohibit the use of the term ‘natural’ or ‘all-natural’,  
19          or a similar claim or statement with respect to a food in  
20          a manner that is consistent with regulations, guidance, or  
21          policy statements issued by the Secretary.”.

22          (c) NATIONAL UNIFORMITY.—Section 403A(a)(2) of  
23          the Federal Food, Drug, and Cosmetic Act (21 U.S.C.

1 343–1(a)(2)) is amended by striking “or 403(w)” and in-  
2 serting “403(w), or 403(z)”.

Passed the Senate December 13, 2018.

Attest:

*Secretary.*



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