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 Representatives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE.

This Act may be cited as the “Codifying Useful Regulatory Definitions Act” or the “CURD Act”.

SEC. 2. FINDINGS.

Congress finds as follows:

(1) There is a need to define the term “natural cheese” in order to maintain transparency and consistency for consumers so that they may differentiate “natural cheese” from “process cheese”.

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

SEC. 3. DEFINITION OF NATURAL CHEESE.

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

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

“(A) by—

“(i) coagulating wholly or partly the protein of milk, skimmed milk, partly skimmed milk, cream, whey cream, or buttermilk, or any combination of such ingredients, through the action of rennet or other suitable coagulating agents, and by partially draining the whey re-
resulting from the coagulation, while respecting
the principle that cheese-making results in a
concentration of milk protein (in particular, the
casein portion), and that consequently, the pro-
tein content of the cheese will be distinctly
higher than the protein level of the blend of the
above milk materials from which the cheese was
made; or

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

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

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

“(2) Such term does not include—
“(A) pasteurized process cheeses as defined in section 133.169, 133.170, or 133.171 of title 21, Code of Federal Regulations (or any successor regulations);

“(B) pasteurized process cheese foods as defined in section 133.173 or 133.174 of title 21, Code of Federal Regulations (or any successor regulations);

“(C) pasteurized cheese spreads as defined in section 133.175, 133.176, or 133.178 of title 21, Code of Federal Regulations (or any successor regulations);

“(D) pasteurized process cheese spreads as defined in section 133.179 or 133.180 of title 21, Code of Federal Regulations (or any successor regulations);

“(E) pasteurized blended cheeses as defined in section 133.167 or 133.168 of title 21, Code of Federal Regulations (or any successor regulations);

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

“(G) cold pack cheeses as defined in section 133.123, 133.124, or 133.125 title 21, Code of Federal Regulations (or any successor regulations);
“(H) grated American cheese food as defined in section 133.147 of title 21, Code of Federal Regulations (or any successor regulations); or
“(I) any other product the Secretary may designate as a process cheese.
“(3) For purposes of this paragraph, the term ‘milk’ has the meaning given such term in section 133.3 of title 21, Code of Federal Regulations (or any successor regulations) and includes the lacteal secretions from animals other than cows.”.

(b) LABELING.—Section 403 of the Federal Food Drug and Cosmetic Act (21 U.S.C. 343) is amended by adding at the end the following:
“(z) If its label or labeling includes the term ‘natural cheese’ as a factual descriptor of a category of cheese unless the food meets the definition of natural cheese under section 201(ss), except that nothing in this paragraph shall prohibit the use of the term ‘natural’ or ‘all-natural’, or a similar claim or statement with respect to a food in a manner that is consistent with regulations, guidance, or policy statements issued by the Secretary.”.

(c) NATIONAL UNIFORMITY.—Section 403A(a)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C.
1 343–1(a)(2)) is amended by striking “or 403(w)” and insert-
2 ing “403(w), or 403(z)”.

Passed the Senate December 13, 2018.

Attest:

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