

115TH CONGRESS
2D SESSION

S. 2322

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

IN THE SENATE OF THE UNITED STATES

JANUARY 18, 2018

Mr. JOHNSON (for himself, Mr. WYDEN, Mr. RISCH, and Ms. BALDWIN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. FINDINGS.**

7 Congress finds as follows:

8 (1) There is a need to define the term “natural
9 cheese” in order to maintain transparency and con-

1 sistency for consumers so that they may differen-
2 tiate “natural cheese” from “process cheese”.

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

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

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

10 “(ss)(1) The term ‘natural cheese’ means cheese
11 that—

12 “(A) is produced from the milk of lactating ani-
13 mals or from other dairy ingredients; and

14 “(B) is produced in accordance with—

15 “(i) natural cheese standards of identity
16 under part 133 or section 130.10 of title 21,
17 Code of Federal Regulations (or any successor
18 regulations);

19 “(ii) natural cheese standards of identity
20 under applicable State law, if any; or

21 “(iii) natural cheese practices that are not
22 established in any law or regulation.

23 “(2) Such term does not include—

24 “(A) pasteurized process cheeses as defined in
25 section 133.169, 133.170, or 133.171 of title 21,

1 Code of Federal Regulations (or any successor regu-
2 lations);

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

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

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

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

18 “(F) any products comparable to any product
19 described in any of subparagraphs (A) through (E);
20 or

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

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

4 “(z) If its label or labeling includes the term ‘natural
5 cheese’, unless the food meets the definition of natural
6 cheese under section 201(ss), except that nothing in this
7 paragraph shall prohibit the use of the term ‘natural’, ‘all-
8 natural’, or a similar claim or statement with respect to
9 a food in a manner that is consistent with regulations,
10 guidance, or policy statements issued by the Secretary.”.

11 (c) NATIONAL UNIFORMITY.—Section 403A(a)(2) of
12 the Federal Food, Drug, and Cosmetic Act (21 U.S.C.
13 343–1(a)(2)) is amended by striking “or 403(w)” and in-
14 serting “403(w), or 403(z)”.

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