

118TH CONGRESS
1ST SESSION

S. 981

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

IN THE SENATE OF THE UNITED STATES

MARCH 27, 2023

Mr. JOHNSON (for himself, Mr. WYDEN, Mr. RISCH, Ms. BALDWIN, Mr. CRAPO, Mr. BRAUN, and Mr. WELCH) 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 “(tt)(1) The term ‘natural cheese’ means cheese that
11 is a ripened or unripened soft, semi-soft, or hard product,
12 which may be coated, that is produced—

13 “(A) by—

14 “(i) coagulating wholly or partly the pro-
15 tein of milk, skimmed milk, partly skimmed
16 milk, cream, whey cream, or buttermilk, or any
17 combination of such ingredients, through the
18 action of rennet or other suitable coagulating
19 agents, and by partially draining the whey re-
20 sulting from the coagulation, while respecting
21 the principle that cheese-making results in a
22 concentration of milk protein (in particular, the
23 casein portion), and that consequently, the pro-
24 tein content of the cheese will be distinctly
25 higher than the protein level of the blend of the

1 above milk materials from which the cheese was
2 made; or

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

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

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

19 “(2) Such term does not include—

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

24 “(B) pasteurized process cheese foods as de-
25 fined in section 133.173 or 133.174 of title 21, Code

1 of Federal Regulations (or any successor regula-
2 tions);

3 “(C) pasteurized cheese spreads as defined in
4 section 133.175, 133.176, or 133.178 of title 21,
5 Code of Federal Regulations (or any successor regu-
6 lations);

7 “(D) pasteurized process cheese spreads as de-
8 fined in section 133.179 or 133.180 of title 21, Code
9 of Federal Regulations (or any successor regula-
10 tions);

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

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

16 “(G) cold pack cheeses as defined in section
17 133.123, 133.124, or 133.125 title 21, Code of Fed-
18 eral Regulations (or any successor regulations);

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

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

24 “(3) For purposes of this paragraph, the term ‘milk’
25 has the meaning given such term in section 133.3 of title

1 21, Code of Federal Regulations (or any successor regula-
2 tions) and includes the lacteal secretions from animals
3 other than cows.”.

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

7 “(z) If its label or labeling includes the term ‘natural
8 cheese’ as a factual descriptor of a category of cheese un-
9 less the food meets the definition of natural cheese under
10 section 201(tt), except that nothing in this paragraph
11 shall prohibit the use of the term ‘natural’ or ‘all-natural’,
12 or a similar claim or statement with respect to a food in
13 a manner that is consistent with regulations, guidance, or
14 policy statements issued by the Secretary.”.

15 (c) NATIONAL UNIFORMITY.—Section 403A(a)(2) of
16 the Federal Food, Drug, and Cosmetic Act (21 U.S.C.
17 343–1(a)(2)) is amended by striking “or 403(x)” and in-
18 serting “403(x), or 403(z)”.

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