

Jmy Bddi
Baldwin S. 4974
Amendment #1

AMENDMENT NO. _____ Calendar No. _____

Purpose: To define the term natural cheese.

IN THE SENATE OF THE UNITED STATES—119th Cong., 2d Sess.

S. _____

To amend the Federal Food, Drug, and Cosmetic Act with
respect to food safety.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Ms. BALDWIN

Viz:

1 At the appropriate place, insert the following:

2 **SEC. ____ . DEFINITION OF NATURAL CHEESE.**

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

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

9 “(A) by—

10 “(i) coagulating wholly or partly the pro-
11 tein of milk, skimmed milk, partly skimmed
12 milk, cream, whey cream, or buttermilk, or any
13 combination of such ingredients, through the

1 action of rennet or other suitable coagulating
2 agents, and by partially draining the whey re-
3 sulting from the coagulation, while respecting
4 the principle that cheese-making results in a
5 concentration of milk protein (in particular, the
6 casein portion), and that consequently, the pro-
7 tein content of the cheese will be distinctly
8 higher than the protein level of the blend of the
9 above milk materials from which the cheese was
10 made; or

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

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

21 “(B) in accordance with standards of identity
22 under part 133 of title 21, Code of Federal Regula-
23 tions (or any successor regulations), other than the
24 standards described in subparagraph (2) or any fu-

1 ture standards adopted by the Secretary in accord-
2 ance with subparagraph (2)(I).

3 “(2) Such term does not include—

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

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

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

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

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

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

1 “(G) cold pack cheeses as defined in section
2 133.123, 133.124, or 133.125 title 21, Code of Fed-
3 eral Regulations (or any successor regulations);

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

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

9 “(3) For purposes of this paragraph, the term ‘milk’
10 has the meaning given such term in section 133.3 of title
11 21, Code of Federal Regulations (or any successor regula-
12 tions) and includes the lacteal secretions from animals
13 other than cows.”.

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

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

1 (c) NATIONAL UNIFORMITY.—Section 403A(a)(2) of
2 the Federal Food, Drug, and Cosmetic Act (21 U.S.C.
3 343–1(a)(2)) is amended by striking “or 403(x)” and in-
4 serting “403(x), or 403(z)”.