

December 19, 2018

Dear Member,

The Center for Science in the Public Interest writes to urge you to oppose the CURD Act (H.R. 4828, S. 2322). This misguided bill would define “natural cheese” in a way that actually muddles, rather than clarifies, the term. For example, it would allow the use of artificial colors and additives in “natural cheese” and would also make labeling for cheese inconsistent with U. S. Department of Agriculture (USDA) labeling requirements and possibly also with the Food and Drug Administration’s (FDA’s) labeling requirements for other “natural” foods. The bill could also prevent the term “natural” from being used on non-dairy cheese alternatives that may otherwise rightly be considered natural by consumers.

The stated purpose of the bill is to draw a clear line for consumers between “natural cheese” and processed cheese. Yet we have seen no evidence that consumers are confusing processed cheese with natural cheese in the marketplace. The FDA’s current standards of identity for processed cheese types already require that these cheeses include a specific statement of identity on the label indicating that they are “process cheese.” And there are currently strong incentives for the manufacturers of process cheese to avoid “natural” claims, as this could expose cheesemakers to liability.

Rather than protecting consumers, the bill would confuse them by permitting misleading “natural” claims on products that most Americans would not consider natural. For example, a nationally representative telephone survey conducted in May 2018 by Consumer Reports found that more than 80 percent of consumers say “natural” should mean no artificial ingredients were used.¹ Yet the CURD Act allows for the use of synthetic food dye, artificial flavors, and other artificial additives in so-called “natural cheese.” Similarly, an overwhelming majority of Americans surveyed felt that use of the term “natural” should be reserved for foods that deploy natural agricultural practices to produce the food’s ingredients, including by limiting the use of hormones, pesticides, and antibiotics.² In contrast, the bill would allow the term “natural cheese” to appear irrespective of the agricultural practices used to produce the cheese’s ingredients.

The bill would also make labeling for “natural cheese” inconsistent with USDA and with likely future FDA requirements for “natural” on food labels in general. The USDA currently permits the use of the term “natural” on products that contain no artificial ingredient or added color and which are only minimally processed. In addition, understanding that “natural” can have many meanings, the USDA requires a brief statement of meaning on labels to avoid confusion, stating

¹ Natural and Antibiotic Labels Survey. Consumer Reports. May 1, 2018.

<https://advocacy.consumerreports.org/wp-content/uploads/2018/10/2018-Natural-and-Antibiotics-Labels-Survey-Public-Report-1.pdf>

² *Id.*

that the food is “*no more than minimally processed and contains no artificial ingredients.” The FDA is also currently considering adopting a definition of “natural” and may create similar requirements based on comments in its public docket on the issue. Yet the bill would authorize the claim “natural cheese” to be used on cheese in a manner that fails to align with either the USDA’s current rules or prospective FDA requirements, leading to inconsistency and confusion across the marketplace.

Finally, the bill defines “natural cheese” in a manner that could be interpreted to prohibit use of the term on non-dairy alternatives intended for consumers who are vegan, lactose intolerant, or who otherwise wish to avoid dairy cheeses. Use of the term “natural” should not be prohibited on these products, provided the products otherwise meet consumer expectations for use of this term.

The FDA is currently working on a definition of “natural” that would be non-misleading, based on consumer understanding, and apply uniformly to all FDA-regulated foods, including cheese. Congress should not act prematurely to carve out a definition for “natural cheese” before the agency has taken action to define “natural” for other products.

For these reasons, we urge you to vote “no” on the CURD Act.

Sincerely,

A handwritten signature in blue ink, appearing to read 'S. Sorscher', is positioned above the typed name.

Sarah Sorscher
Deputy Director of Regulatory Affairs
Center for Science in the Public Interest