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Food and Drug Administration
Minneapolis District
240 Hennepin Avenue
Minneapolis MN 55401-1999
Telephone: 612-334-4100

January 22, 2001

WARNING LETTER

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Refer to MIN 01 - 28

Donald F. Menzner
Chief Executive Officer
Marathon Cheese Corp.
304 East Street
Marathon, Wisconsin 54448

Dear Mr. Menzner:

Between October 27 and November 7, 2000, investigators from the Food and Drug Administration (FDA) conducted an inspection at your cheese manufacturing plant in Marathon, WI. That inspection found that you manufactured and sold cheese products in violation of Section 403(g) of the Federal Food, Drug, and Cosmetic Act (the Act).

Your firm has been substituting, labeling, and selling Muenster cheese as Monterey Jack or Mozzarella cheese. This practice is not permitted because Monterey Jack and Mozzarella cheeses must meet the requirements for specific standardized cheese products in Title 21, Code of Federal Regulations, Part 133.153 (21 CFR 133.153), Monterey Jack, and 21 CFR 133.155, Mozzarella. When you substitute and label Muenster cheese as Monterey Jack or Mozzarella, those standardized cheese requirements are not met and the product is misbranded under Section 403(g) of the Act.

The above is not intended to be an all-inclusive list of violations. As a food manufacturer you are responsible for ensuring that your operations are in compliance with the law.

You should take prompt action to correct the above violations and to establish procedures whereby such violations do not occur. Failure to do so may result in regulatory action (such as seizure or injunction) without further notice to you.

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Donald F. Menzner
January 22, 2001

You should notify this office in writing within 15 working days of the steps you have taken to bring your operations into compliance with the law. Your response should include each step that has been taken or will be taken to correct the violations and prevent their recurrence. If corrective action cannot be completed within 15 working days, state the reason for the delay and the time frame within which the corrections will be completed. Please include copies of any available documentation that corrections have been made.

Your reply should be directed to Compliance Officer Timothy G. Philips at the address indicated on the letterhead. If you have questions regarding this matter please contact Mr. Philips at (612) 334-4100 ext. 192.

Sincerely,



James A. Rahto
Director
Minneapolis District

TGP/ccl

ccy

xc: Mr. LaVern Stencil
President
Marathon Cheese Corp.
304 East Street
Marathon, WI 54448