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Bob Troyer
Director of Operations
Bunker Hill Cheese Co., Inc.
6005 CR 77
Millersburg, Ohio 44654

Re: Docket No. 03P-0041/CP 1

Dear Mr. Troyer:

This letter is in response to your citizen petition, dated January 27, 2003, requesting the Food and Drug Administration to grant an exemption to section 403(i)(1) of the Federal Food, Drug, and Cosmetic Act to Bunker Hill Cheese Co., Inc., for the use of the common or usual name "Yogurt Cheese" on a semisoft part-skim cheese that is manufactured using live and active cultures characteristic of yogurt. You proposed to use the term "yogurt cheese" following "semisoft part-skim" consistent with the provision in Title 21 Code of Federal Regulations (CFR) 133.188(e)(1).

In accordance with 21 CFR 10.30(e)(2), this letter is to advise you that we have not been able to reach a decision on your petition within the first 180 days of its receipt. We are currently at the height of rulemaking in response to the Public Health Security and Bioterrorism Preparedness and Response Act of 2002. Because of this and other agency priorities and the limited availability of resources, we have not been able to respond to your petition. We hope to be able to complete the review of your petition and respond to your request in the near future.

Should you have additional questions, do not hesitate to contact us.

Sincerely yours,

Christine L. Taylor, Ph.D.
Director
Office of Nutritional Products, Labeling
and Dietary Supplements
Center for Food Safety
and Applied Nutrition

Copy to:
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Millersburg, Ohio 44654

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