

Ref. 7



OCT 21 1999

Food and Drug Administration  
Washington DC 20204

Mr. F. Tracy Schonrock  
Chief, Dairy Grading Branch  
USDA, AMS, Dairy Division  
P.O. Box 96456  
Washington, DC 20090-6456

Dear Mr. Schonrock:

This letter is in response to your correspondence, dated June 17, 1997, to Ms. Elizabeth J. Campbell, and your follow-up letters of March 1, and June 17, 1999, to Mr. John Foret, regarding the use of ultrafiltered (UF) milk in the production of certain standardized cheeses. This also responds to issues raised during our meetings with you and the International Dairy Foods Association (IDFA) on March 24, June 23, and July 22, 1999.

In our discussion at the June 23, 1999, meeting we stated that IDFA had recently submitted information addressing industry's position on the use of UF milk in cheese making that we had not fully evaluated. Also at that meeting, IDFA committed to providing FDA with additional information and documentation justifying their position that ultrafiltered milk is permitted under the standards of identity for certain cheese products. The following issues, previously raised by USDA and IDFA, were also addressed:

1. The use of ultrafiltered raw and pasteurized milk products as an ingredient in the manufacture of products covered by a US food standard of identity in 21 CFR Part 133 in which the ultrafiltered products are not listed as one of the optional ingredients.
2. Whether the use of UF milk in standardized cheeses is limited to a specific site such as the original Bongards Creamery Co. location.
3. Whether UF milk products are limited to only the manufacture of nonstandardized cheeses.
4. The appropriate name of the Saputo cheese product.

We have fully reviewed and considered the material, including the Federal Register documents, submitted by the IDFA dated March 12, June 7, and July 16, 1999, and the discussions in our meetings with yourself and IDFA on June 23, 1999, and USDA on July 22, 1999. Based on our review of the available information and on our interpretation that the standards for cheeses, as written, do not allow for the use of UF milk, we conclude that the use of UF milk in standard cheeses cannot be accommodated outside of

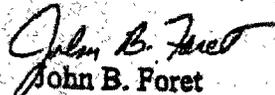
rulemaking. We will consider amending the regulations in response to a citizen petition requesting that the standards for cheeses in 21 CFR 133 be changed to accommodate the use of ultrafiltered milk.

In an informal telephone conversation with Cary Frye, IDFA, following the July 22 meeting, we shared our determination that the existing regulations would not accommodate the use of UF milk in standard cheeses. We suggested that the industry consider submitting a citizen petition requesting action on this issue. Ms. Frye informed us that the group had discussed this issue and had concluded that a formal request for action via a citizen petition would be the most appropriate route to take. However, we were not given a time frame in which to expect the petition. Further, on the expectation that a citizen petition would be immediately forthcoming, we informed Ms. Frye that we would take no further action on this issue until we received a petition.

Therefore, pending receipt of a petition or for six months from the date of this letter, FDA will not object to the experimental use of UF milk when limited to the manufacture of standardized mozzarella and cheddar cheeses in accordance with §§133.113, 133.114, 133.116, 133.155, 133.156, 133.157, and 133.158.

If you have any questions, please do not hesitate to contact me.

Sincerely yours,

  
John B. Foret  
Director  
Division of Programs  
and Enforcement Policy  
Office of Food Labeling  
Center for Food Safety  
and Applied Nutrition