



Innovative Dairy & Cheese Ingredients

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December 21, 2005

Division of Dockets Management (HFA-305)
Food and Drug Administration
5630 Fishers Lane
Room 1061
Rockville, MD 20852

RE: Docket No. 2000P-1491 (formerly 00P-1491)
Notice of Proposed Rulemaking
Citizen Petition to Amend the Standard of Identity for Parmesan Cheese
21 CFR Section 133.165

The undersigned, DairiConcepts, L.P., submits the following comments on the actions proposed in the aforementioned citizen petition to amend the standard of identity for Parmesan cheese for the purpose of promoting honesty and fair dealing in the interest of consumers.

- We support the petition by Kraft Foods to amend the current standard of identity for Parmesan cheese to reduce the curing requirement from 10 months to 6 months.
- We agree there is a substantial economic benefit to reducing the curing time and this change will reduce cost barriers to entry into the marketplace. Shortening the overall time from production to consumption makes the market both more effective and more efficient, and this benefits both producers and consumers.
- We agree it is now possible to produce Parmesan cheese with equivalent physical and chemical (and organoleptic) characteristics as conventionally manufactured Parmesan cheese by curing it for only 6 months. This achievement is due to combined advances in enzyme, starter, cheese making and packaging technology.

However,

- The proposed amendment assumes all manufacturers will keep pace with or choose to adopt these advancements in technology, which is not necessarily true. Therefore, the proposed amendment has the potential to allow product quality standards to erode.

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- Those manufacturers who, for whatever reason, do not make use of the available technological advancements could now legitimately sell the same Parmesan cheese they have always made but only aged for 6 months. This product would likely have a less intense flavor profile.

We endorse an earlier suggestion made by Kraft Foods in their request for an extension of their Temporary Marketing Permit that it would actually make more sense to move the curing requirement from paragraph (a) identity requirement to paragraph (b) make procedure.

“While the form of the petition is simply to request that the minimum curing time be reduced from 10 months to 6 months, it occurred to us that it may make more sense from an industry perspective, as well as from the Agency’s desire to minimize time spent on updating standards of identity, to move the curing requirement from a paragraph (a) identity requirement to paragraph (b) make procedure. This may be preferable since it is certain that the industry will continue to refine the process to further reduce the required curing time to produce typical Parmesan cheese. It is therefore likely that the agency will again be petitioned to further reduce the curing time within the foreseeable future.”

Application for Extension of Temporary Permit, Docket No, 98P-1121. August 28, 2000. Kraft Foods, Inc.

Paragraph (b) sentence, which now reads,

“The cheese is cured in a cool, ventilated room”

could be revised to read,

“The cheese is cured in a cool, ventilated room for 10 months to develop the characteristics of Parmesan cheese”.

Paragraph (a) could be revised to include the statement,

“If the dairy ingredients used are not pasteurized, the cheese is cured at a temperature of not less than 35 °F for at least 60 days”.

These changes would make the Parmesan cheese standard consistent with other ripened cheese standards, such as Brick cheese (21 CFR Section 133.108), which recognizes the need for curing but does not prescribe a minimum curing time.

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In addition to the argument presented by Kraft Foods that moving the curing requirement from paragraph (a) identity requirement to paragraph (b) make procedure would prevent the need for continual standard revision, we wish to make the following points:

- This amendment would protect consumers from the risk of a gradual downward drift in product quality standards over time, as described earlier.
- Manufacturers would still be able to employ curing times less than 10 months under the existing alternate make clause, provided they could adequately demonstrate the physical and chemical (and organoleptic) equivalence of the products they have manufactured in this way. As an active participant in the cheese making industry, we can conceive multiple technological avenues that could be taken to lower the curing time below the 6 months currently under consideration without compromising the characteristics of Parmesan cheese. We are currently seeking to further investigate one such option through the Temporary Marketing Permit process.
- There is a sound technical argument why the curing process should be considered part of the overall manufacturing process:

Fundamentally, in ripened cheeses such as Parmesan, the cheese making process isn't complete when the cheese is first formed. The characteristic flavor and texture of the cheese develop as a result of ongoing microbiological activity and enzymatic reactions within the cheese over time and the steps carried out before the cheese is formed largely dictate what happens subsequently during the curing process. They determine what microorganisms and enzymes are there and the conditions they will work under. They also determine the nature of the substrate these agents will act on. The only variable that can be manipulated once the cheese is formed is the curing temperature. The amount of curing required and the curing temperature that can be used are largely determined by the conditions built into the product during the earlier manufacturing steps. Therefore, in our view, it is logical to think of the curing process as an integral component of the make procedure.

- This amendment is consistent with FDA's stated desire to harmonize the CFR standards.

We appreciate the opportunity to comment on the petition and remain prepared to respond to additional questions or requests for information.

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Respectfully submitted,
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A handwritten signature in black ink, appearing to read "Kris Clements", with a long horizontal line extending to the right.

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