

## OPPOSE H.R. 4487 - THE CURD ACT

February 24, 2020

Dear House Energy and Commerce Committee Member:

As the House Energy and Commerce Committee considers its upcoming legislative agenda, we write to urge you to oppose H.R. 4487 - The Codifying Useful Regulatory Definitions (CURD) Act. This legislation would result in the misleading labeling of cheese products that is inconsistent with consumers' understanding of the term "natural."

Specifically, the bill would amend the Federal Food, Drug, and Cosmetic Act to set a definition of "natural cheese" and prohibit food from being labeled as natural unless it meets the definition. While the ostensible purpose of the bill is to differentiate "process cheese" from "natural cheese," the bill actually would allow cheese to be labeled "natural" even if it includes artificial ingredients or synthetic substances, such as food dye. Also, cheese still could be labeled natural even if it were produced using chemical pesticides that consumers do not consider natural.

According to Consumer Reports' nationally representative 2018 survey of 1,014 U.S. residents, most Americans think "natural" should mean that: (1) no artificial ingredients were used (81%); (2) no added hormones were used during food production (81%); and (3) no chemical pesticides were used during food production (79%).

Under the CURD Act, the "natural cheese" label would be affixed to products that include any of the characteristics outlined in the survey, potentially confusing and misleading consumers.

As the Center for Science in the Public Interest (CSPI) testified before the Health Subcommittee on January 29, 2020, "process cheese" is already labeled as such and there is no evidence that manufacturers are currently misrepresenting such products as "natural." Instead of protecting consumer interests, the CURD Act would protect manufacturers from litigation by consumers alleging they were misled by "natural" claims on cheese that contains artificial ingredients.

In addition to misleading consumers, The CURD Act would undermine ongoing work at the Food and Drug Administration (FDA) to define "natural" through a process that prioritizes the public interest and involves the input of all stakeholders. This effort intends to define the term "natural" based on consumer understanding and in a way that would apply to all foods and not be misleading. The CURD Act would short-circuit this important effort by establishing a contrived definition of "natural cheese" in order to protect industry interests.

The House Energy and Commerce Committee should support a clear, consistent, and accountable food marketplace for consumers. The CURD Act would undermine this goal by promoting the interests of cheese producers at the expense of consumers. Therefore, we urge you to oppose the CURD Act.

Sincerely,

