



DEPARTMENT OF HEALTH AND HUMAN SERVICES

File
Public Health Service

Food and Drug Administration
College Park, MD

FEB 26 2003

6232 '03 SEP 17 A9:37

Warren S. Clark, Jr., Ph.D.
American Dairy Products Institute
300 West Washington Street
Suite 400
Chicago, Illinois 60606-1704

Re: Docket No. 99P-5198/CP1

Dear Dr. Clark:

In accordance with 21 CFR 10.30(e)(3), this letter is to advise you of the action that the Food and Drug Administration (FDA) is taking on your petition filed December 2, 1999, requesting that the FDA amend the definition of "milk," as provided in 21 CFR 133.3(a), to include fluid ultrafiltered milk, thereby permitting the use of fluid ultrafiltered milk in the manufacture of standardized cheese and cheese products specified in Part 133. In your petition, you stated that the requested amendment will improve efficiencies in cheese manufacturing and result in benefits to consumers without alteration of cheese composition, characteristics, or flavor.

On June 13, 2000, we received another citizen petition (docket number 00P-0586/CP2) that addressed the use of filtered milk in standardized cheese and cheese products. This joint petition from the National Cheese Institute, the Grocery Manufacturers of America, Inc., and the National Food Processors Association specifically requested an amendment of 21 CFR Section 133.3 to include filtered milk in the definition of "milk," filtered skim milk in the definition of "nonfat milk," and to define filtered milk as "the liquid milk product produced by a physical separation technique. . ." Petition 00P-0586/CP2 provides specific factual support and data that you did not provide in your petition. While your petition did not present reasonable grounds to support the requested amendment, the issues you have raised in your petition are similar to those in petition 00P-0586/CP2. Therefore, we are closing your petition and converting it to a comment to citizen petition 00P-0586/CP2. Please be assured that we will consider all the issues raised in your petition before making a final decision in any rulemaking related to this issue.

Sincerely yours,

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

00P-0586

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