34933) to revise the United States Standards for Grades of Colby Cheese. The public comment period closed August 30, 1993. Comments were received from two colby cheese manufacturers.

Discussion of Comments

1. Both commenters were concerned that their markets would be negatively affected by allowing the assignment of U.S. grade to colby cheese that does not exhibit numerous mechanical openings.

United States grade standards assist the orderly marketing of dairy products by establishing requirements to describe quality in colby cheese. To be of greatest value, these standards must accurately describe quality in colby cheese available in the market. Changes in manufacturing procedures have resulted in colby cheese that does not exhibit the numerous mechanical openings found in colby cheese produced according to traditional manufacturing procedures. Cheese without numerous mechanical openings is currently available and consumer acceptance is evident by its increasing availability. Changes in the U.S. grade standards will more accurately define quality in consumeracceptable product and permit the assignment of U.S. grade to more cheese currently available in the market.

2. Both commenters felt that by permitting the assignment of U.S. grade to colby cheese with less than numerous mechanical openings the standards would allow high-moisture cheddar cheese to be substituted for colby cheese.

The compositional requirements for standardized cheeses are provided in the Food and Drug Administration's (FDA) standards of identity. FDA standards define moisture ranges for colby and cheddar cheese whose moisture content must fall within the range specified. The U.S. grade standards include a reference to the FDA standards of identity and do not establish moisture requirements that differ from the FDA standards. U.S. grade can only be assigned to colby cheese that meets the compositional requirements of the FDA standards of identity.

3. One commenter felt that the standards should require that colby cheese only be made using traditional manufacturing procedure.

United States grade standards define quality in the manufactured dairy products and do not detail the procedures used to produce the product. No changes were made to require that traditional manufacturing procedures be used to produce colby cheese eligible for U.S. grade assignment. This action does not preclude U.S. grade assignment to colby cheese produced using traditional manufacturing procedures.

4. One commenter felt that changes in the standards would mislead the consumer because of similarities with colby and cheddar cheeses.

Colby and cheddar cheeses are very similar in composition and salient characteristics. However, compositional differences do exist and are identified in the FDA standards of identity. Accurate labeling of cheese provides the information necessary for the consumer to differentiate between the varieties of cheese. Federal and State regulations exist that require truthful labeling of foods. The U.S. grade standards do not contain labeling requirements. Changes in the standards will not affect the composition or labeling of products available to the consumer.

List of Subjects in 7 CFR Part 58

Dairy products, Food grades and standards, Food labeling, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR Part 58, is amended as follows:

PART 58—[AMENDED]

1. The authority citation for 7 CFR part 58 continues to read as follows:

Authority: 7 U.S.C. 1621–1627, unless otherwise noted.

2. Subpart J—United States Standards for Grades of Colby Cheese is revised to read as follows:

Subpart J—United States Standards for Grades of Colby Cheese

Definitions

Sec.

58.2475 Colby cheese.58.2476 Types of surface protection.

U.S. Grades

58.2477 Nomenclature of U.S. grades. 58.2478 Basis for determination of U.S. grade.

58.2479 Specifications for U.S. grades. 58.2480 U.S. grade not assignable.

Explanation of Terms

58.2481 Explanation of terms.

Subpart J—United States Standards for Grades of Colby Cheese ¹

Definitions

§58.2475 Colby cheese.

Colby cheese is cheese made by the colby process or by any other procedure which produces a finished cheese

having the same organoleptic, physical, and chemical properties as the cheese produced by the colby process. The cheese is made from cow's milk with or without the addition of artificial coloring. It contains added common salt and more than 40 percent moisture, its total solids content is not less than 50 percent milkfat, and it conforms to the applicable provisions of 21 CFR 133.118, "Cheeses and Related Cheese Products," as issued by the Food and Drug Administration.

§ 58.2476 Types of surface protection.

The following are the types of surface protection for colby cheese:

(a) Rinded and paraffin-dipped.

The cheese that has formed a rind is dipped in a refined paraffin, amorphous wax, microcrystalline wax, or other suitable substance. Such coating is a continuous, unbroken, and uniform film adhering tightly to the entire surface of the cheese rind.

(b) Rindless.

(1) Wrapped. The cheese is properly enveloped in a tight-fitting wrapper or other protective covering, which is sealed with sufficient overlap or satisfactory closure. The wrapper or covering shall not impart color or objectionable taste or odor to the cheese. The wrapper or covering shall be of sufficiently low permeability to air so as to prevent the formation of a rind.

(2) Paraffin-dipped. The cheese is dipped in a refined paraffin, amorphous wax, microcrystalline wax, or other suitable substance. The paraffin shall be applied so that it is continuous, unbroken, and uniformly adheres tightly to the entire surface. If a wrapper or coating is applied to the cheese prior to paraffin dipping, it shall completely envelop the cheese and not impart color or objectionable taste or odor to the cheese.

U.S. Grades

§58.2477 Nomenclature of U.S. grades.

The nomenclature of U.S. grades is as follows:

- (a) U.S. Grade AA.
- (b) U.S. Grade A.
- (c) U.S. Grade B.

§ 58.2478 Basis for determination of U.S. grade.

(a) The cheese shall be graded no sooner than 10 days of age.

(b) The rating of each quality factor shall be established on the basis of characteristics present in any vat of cheese.

(c) The U.S. grades of colby cheese are determined on the basis of rating the following quality factors:

(1) Flavor.

¹ Compliance with these standards does not excuse failure to comply with the provisions of the Federal Food, Drug and Cosmetic Act.