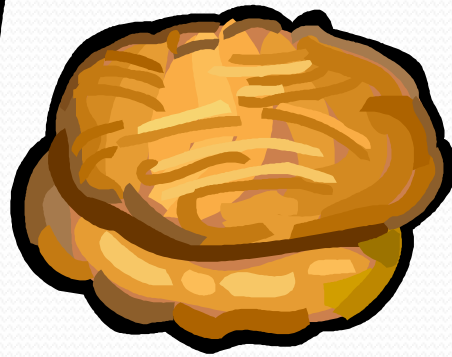


Raw Milk Law

A presentation for the Iowa Environmental
Health Association 2010 Fall Conference
October 20, 2010

By Mark E. Truesdell
Legal Counsel, Iowa Dairy Foods Assn.

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Current Law: Interstate Sales: Food, Drug, Cosmetic Act and FDA Rules

- 21 CFR 1240.61: Mandatory pasteurization for all milk and milk products in final package form intended for direct human consumption.
- (a) No person shall cause to be delivered into interstate commerce or shall sell, otherwise distribute, or hold for sale or other distribution after shipment in interstate commerce any milk or milk product in final package form for direct human consumption **unless the product has been pasteurized or is made from dairy ingredients (milk or milk products) that have all been pasteurized**, except where alternative procedures to pasteurization are provided for by regulation, such as in part 133 of this chapter for curing of certain cheese varieties.

FDA Standard of Identity for Milk

- 21 CFR Subpart B_Requirements for Specific Standardized Milk and Cream
- Sec. 131.110 Milk. (a) Description. Milk is the lacteal secretion, practically free from colostrum, obtained by the complete milking of one or more healthy cows. **Milk that is in final package form for beverage use shall have been *pasteurized or ultrapasteurized*, and shall contain not less than $8\frac{1}{4}$ percent milk solids not fat and not less than $3\frac{1}{4}$ percent milkfat.**

Current Iowa Law

- 192.103 Sale of grade "A" milk to final consumer - impoundment of adulterated or misbranded milk.
- **Only grade "A" pasteurized milk and milk products shall be sold to the final consumer**, or to restaurants, soda fountains, grocery stores, or similar establishments; except in an emergency, the sale of pasteurized milk and milk products which have not been graded, or the grade of which is unknown, may be authorized by the secretary, in which case, such products shall be labeled "ungraded".

Evolution of the Iowa pasteurization requirement

- 1946 Iowa Code: Only the cream or milk from which ice cream or buttermilk is derived, must be pasteurized.
 - Except no pasteurization required if from cows annually tested TB-free
- 1950 Iowa Code: Double standard:
 - All milk or cream sold at retail must be pasteurized;
 - Except for Grade “A” raw milk = $\leq 50,000/\text{ml}$ SPC
- 1967: the P.M.O. is drafted into Iowa Code;
 - “From and after July 1, 1968, only Grade A pasteurized milk and milk products shall be sold to the final consumer...”

Current Iowa Law

- I.C. 192.103 (2009 Code):
“Only grade “A” pasteurized milk and milk products shall be sold to the final consumer...”

Law in other 49 States

- According to Bill Marler survey 8/13/2010,
 - 33 States permit raw milk sales of some type at some locations.
 - *Inter alia*: Minnesota, Nebraska, South Dakota, Kansas, Missouri, Illinois, and Wisconsin
 - 17 States totally prohibit any sale of raw milk to the public.

According to the Weston A. Price Foundation it's

39-11: <http://www.realmilk.com/happening.html>

- Retail sales are legal in 10 states
 - On-farm sales are legal in 15 states
 - Herd shares are legal in 4 states
 - There is no law on herd shares in 6 states
 - Pet food sales are legal in 4 states (implying that human consumption is feasible)
 - Thus, it is possible to purchase raw milk or obtain it from your own animal/herd (herd shares) in 39 out of 50 states.
- Our goal: Raw milk available to consumers in all 50 states and throughout the world!** Write to your government leaders and let your voice be heard.



Raw Milk Activism

Legislation and Litigation

Sunday DM Register 2/28/2010
p.3B

T 4/80.205
gen.

Raw milk debate pours into courts, state legislatures

Associated Press

Debate about the health attributes and risks of raw milk is flowing into statehouses and courtrooms in Iowa and elsewhere as proponents of unpasteurized dairy products push to make them easier to buy.

Supporters of the raw milk cause say pasteurization, the process of heating milk to destroy bacteria and extend shelf life, destroys important nutrients and enzymes.

"We have new science today that shows raw milk contains ... enzymes that kill pathogens and strengthens the immune system," said Sally Fallon Morell, president of the Washington, D.C.-based Weston A. Price Foundation, a nonprofit group pushing for increased access to raw milk.

Enzymes and other nutrients are "greatly reduced in pasteurized milk," she said.

Public health officials dis-

agree, saying raw milk carries an increased risk for bacterial contamination that can lead to illness and even death.

More than 1,500 people became ill from drinking raw milk between 1993 and 2006, the most recent data available from the Centers for Disease Control and Prevention. Of those, 185 were hospitalized and two died.

The disease center said not all foodborne illnesses are reported, meaning the actual number is likely higher.

Fallon Morell said there also have been illnesses and deaths related to pasteurized products and that linking illnesses to raw milk is not an accurate assessment of the nutritional benefits of drinking unpasteurized milk.

The sale of raw milk is prohibited in 23 states, although seven of them let people get milk through herdshare programs, in



ASSOCIATED PRESS FILE PHOTO

Proponents of unpasteurized dairy products are pushing to make it easier for people to buy them, sparking debate about the products' health benefits and risks. Supporters say that when milk is heated during pasteurization, key nutrients and enzymes are destroyed.

which customers can buy ownership in a cow in return for raw milk from the animal.

Retail sales of raw milk is allowed in nine states, and 18 allow the sale of raw milk from a farm directly to an individual.

Lawmakers in seven states, including Iowa, have introduced measures this year seeking to change laws governing raw milk. The Farmer to Consumer Legal Defense Fund of Falls Church, Va., also has filed lawsuits in five states, including Iowa, challenging aspects of state laws regarding raw milk.

The Iowa lawsuit filed last month challenged the state's ban on herdshare agreements.

Pete Kennedy, president of the Farmer to Consumer group said the state's law contradicts common sense.

"The farmer can drink milk from cows at the farm, so why can't someone with an ownership or interest in that cow drink milk from those animals?" Kennedy said.

The Iowa legislation, which died in committee, would have allowed the sale of raw milk from farmers directly to customers.

T 4/80 . 206

Maryland

HOUSE BILL 1015

J1

9lr1865

By: Delegates Jennings, Boteler, Dwyer, Ivey, Kipke, and Shank

Introduced and read first time: February 13, 2009

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Health General - Milk Products - Direct-to-Consumer Sale of Raw Milk**

3 FOR the purpose of excluding certain sales of raw milk from certain State regulation
4 of milk products; creating an exception to the prohibition against the sale of raw
5 milk; authorizing the sale of raw milk directly to the consumer in accordance
6 with certain requirements; restricting the authorization to sell raw milk directly
7 to the consumer to certain persons; requiring a milk producer that sells raw
8 milk directly to the consumer to register with the Department of Health and
9 Mental Hygiene and the Department of Agriculture; prohibiting the sale of raw
10 milk unless a certain contract is executed; requiring certain disclosures in the
11 contract; prohibiting certain sales of raw milk unless certain labeling
12 requirements are satisfied; prohibiting the sale of abnormal raw milk; requiring
13 certain testing of certain animals; prohibiting certain animals from being a part
14 of a herd under certain circumstances; requiring certain raw milk samples to be
15 taken; requiring certain testing of raw milk samples; requiring the results of the
16 raw milk sample testing to be reported to certain departments; prohibiting the
17 sale of raw milk when certain tests exceed certain levels; requiring the
18 Department of Health and Mental Hygiene to adopt certain regulations for raw
19 milk sample testing; requiring a certain milk producer to record certain testing
20 information; requiring a raw milk producer to milk certain animals last or with
21 separate equipment; requiring a raw milk producer to discard certain raw milk;
22 establishing certain sanitary requirements for raw milk production; requiring a
23 raw milk producer to keep a dairy farm and its immediate surroundings in a
24 clean and sanitary condition; requiring milking to be done in a certain
25 environment; requiring the brushing of animals to occur before milking;
26 prohibiting wet-hand milking; requiring certain individuals to wear certain
27 clothes while milking animals; requiring a certain individual's hands to be
28 washed at certain times during the milking process; prohibiting certain
29 individuals from participating in certain raw milk production tasks; requiring
30 certain equipment to be cleaned and sanitized; requiring raw milk to be stored
31 in a certain manner; requiring raw milk to be stored at certain temperatures;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Wisconsin 2010 Legislation

- SB434 Date of enactment:
2009 Senate Bill 434 Date of publication*:
- **AN ACT** to create 97.24 (2g) and (2r) of the statutes; relating to: the sale of unpasteurized milk, granting rule-making authority, providing an exemption from emergency rule procedures, and extending the time limit for emergency rules. The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SB434, s. 1

Section 1. 97.24 (2g) and (2r) of the statutes are created to read:

SB434, s. 1 - continued

97.24 (2g) **INTERIM REGISTRATION FOR SALE OF UNPASTEURIZED MILK FOR HUMAN CONSUMPTION.** (a) A milk producer may register with the department to sell unpasteurized milk for the purposes of par. (b) if the milk producer holds a grade A dairy farm permit under s. 97.22 (3).



JIM DOYLE
GOVERNOR
STATE OF WISCONSIN

May 19, 2010

TO THE HONORABLE MEMBERS OF THE SENATE:

I am vetoing 2009 Wisconsin Senate Bill 434 in its entirety. I commend the Legislature for their thoughtful consideration of this issue, but the public health community has been nearly unanimous in their opposition to this proposal. I cannot ignore the potential harmful health effects of consuming unpasteurized milk that have been raised by many groups, including: the Wisconsin Chapter of the American Academy of Pediatrics, the Wisconsin Public Health Association, the Wisconsin Association of Local Health Departments and Boards, the Wisconsin Academy of Family Physicians, the Wisconsin Medical Society, Marshfield Clinic, Gundersen Lutheran and the Wisconsin Veterinary Medical Association.

The sale of unpasteurized milk has become an increasingly contentious issue in Wisconsin and around the country. I recognize that there are strong feelings on both sides of this matter, but I must side with public health and the safety of the dairy industry. Therefore, I am vetoing this bill.

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So the FTCLDF is suing the Wisconsin Dept. of Agriculture

June 17, 2010 Agri-News

Lawsuit will determine fate of raw milk ban in Wisconsin

Associated Press

MADISON, Wis. — Wisconsin dairy farmers who believe they have found a way to legally sell raw milk in the state will make their case in court this week.

The operators of Grassway Organic Farm in Calumet County allege in a case before a Dane County judge that the state has no right to stop them from selling milk to customers who have become part-owners of the farm.

"The case isn't a direct challenge to Wisconsin's ban on raw milk sales, but if Kay and Wayne Craig prevail, it would open up a loophole large enough to drive a herd of dairy cows through.

"Our entire system of licensing would be in jeopardy," said Cheryl Daniels, the food safety division attorney with the Wisconsin Department of Agriculture, Trade and Consumer Protection.

The Craigs' lawsuit is one of two in the court system

related to the state law banning all but incidental sales of raw milk. Another one, involving Walworth County farm Nourished by Nature, was transferred last week to Dane County and may ultimately be combined with the Craig lawsuit.

The Farm-to-Consumer Legal Defense Fund, which is based in Virginia and advocates for raw milk sales nationally, is defending the farmers in both cases.

"There's still tremendous political pressure to not allow raw milk sales," said Kay Craig, who runs the organic farm about 70 miles north of Milwaukee in New Holstein with her husband Wayne. "We feel we're right and we feel that this is something we have to do. We're not hiding what we're doing."

Wisconsin's dairy industry joined forces with the Wisconsin Medical Society and other farm and health groups to oppose a bill in the Legislature to legalize on-farm raw milk sales for a

little over a year.

Despite their opposition, the Legislature overwhelmingly passed it after hundreds of people came out in support at a massive public hearing in Eau Claire. Gov. Jim Doyle vetoed the bill, citing the concerns of opponents about the dangers of consuming unpasteurized milk and what harm an outbreak could cause the state's \$26 billion dairy industry.

Nineteen states allow direct sales of raw milk from dairy farmers to individuals. Another nine states allow retail sales.

The Craigs filed their lawsuit in December, before the issue caught fire in the Legislature. They were motivated by DATCP's refusal to renew their license for operating the on-farm store selling the sales of raw milk. The Walworth County lawsuit was brought in February.

Wisconsin law allows only incidental sales of raw milk that are not part of a farm's

regular business and are not advertised.

The Craigs argue in the lawsuit that the state can't stop them from selling raw milk to customers who are part-members of their farm. It costs \$10 to belong and the Craigs have about 300 members. They charge \$6 per gallon of raw milk and sell about 280 gallons a week, Kay Craig said. That equates to more than \$81,000 a year in raw milk sales alone.

Without those sales, which are made out of a bulk tank elsewhere on the farm, the store that offers other meat and dairy items would likely have to shut down, Kay Craig said.

"The raw milk sales really do drive the store," she said.

The state argues that it interprets state law to mean all raw milk sales are

Officials tracking raw milk illnesses

GIBBON, Minn. — Minnesota health officials have identified 11 more additional cases of E. coli O157:H7 illnesses linked to consumption of raw milk or other dairy products from a farm near Gibbon.

Since May 26, a total of eight cases in seven different homes have been linked to products from the Hermann Dairy Farm.

Two of the new cases occurred in school-aged children who consumed milk from the farm.

Health officials said last week that 28 environmental and animal samples obtained by the Minnesota Department of Health from the farm have tested positive for E. coli O157:H7. Twenty-six samples have the same DNA fingerprint as the outbreak strain.

Health officials say consumption of raw milk and other raw dairy products has been associated with outbreaks in Minnesota and in other states.

banned, except for incidental sales. And regular sales to hundreds of members goes far beyond incidental, the state contends.

"We believe that this idea of this members-only organization that can be outside the regulations is simply not available under Wisconsin law," said Daniels, the DATCP attorney.

The Craigs filed the

lawsuit seeking a ruling that they are not breaking the law by offering raw milk to the part-owners of their farm and that they can continue to do so. They are also seeking an injunction stopping the state from taking any enforcement action against them. The state is seeking dismissal of the lawsuit, which Dane County Judge Patrick Fiedler has scheduled to rule this week.

2010 Iowa Legislation

- **House File 2044** -HOUSE FILE BY SCHULTZ A BILL FOR An Act relating to persons who operate dairy farms where milk or milk products are produced for sale to individuals.
- b. A person who operates a dairy farm may sell milk or a milk product regardless of whether the milk or milk product is unpasteurized or ungraded, if it is produced by that dairy farm and sold to an individual. The person operating the dairy farm may deliver or cause to be delivered such milk or milk product to a location specified by the individual.
- Sec. 4. NEW SECTION. 192.108A Permit and inspection requirements == exception for dairy farms. A person who operates a dairy farm is not required to be issued a permit or be inspected as otherwise provided in this chapter, if any of the following applies: 1. The person does not sell milk or a milk product. 2. The person only sells milk or a milk product to an individual.

Raw Milk Proponent Arguments

- 1. Limited Scope Argument. These sales would be limited to individual customers who have a personal relationship with the dairy operator.
 - - Sales at farmer's markets and similar public venues will not be permitted, as that consumer would not personally know the dairy operator; but
 - - Deliveries will be permitted from the dairy operator to the consumer, either by the dairy operator personally or by a third party.
- 2. Personal Inspection Argument. These are knowledgeable, responsible consumers. These people will go out and look at the farms before they buy any raw milk. Their personal inspection will be as meaningful as any government inspector.

Proponent Arguments, cont'd

- 3. No Significant Public Health Impact. The risk of infection is being assumed only by the individual customer and his or her immediate household. If illness results, it will impact only this small number of people. There are no further public health implications.
- 4. Education Will Improve. The consumer will learn more from the producer. The producer will learn more about his market. This will benefit both.
 - - There is a strong, viable Local Food movement all over the state. These are strong, responsible, knowledgeable people

Proponent Arguments, Cont'd

- 5. Conform to laws in surrounding states.

All states surrounding Iowa permit the sale of raw milk. This will put Iowa in line with all surrounding states.

6. Pasteurization is a cover-up for low-quality milk. . The modern milk system is a lowest-common-denominator system. Because the milk from four or five producers is all comingled in one milk tanker, it only takes one low-quality producer to degrade the quality of the milk from the other producers in that tank. Pasteurization “covers up” the lower milk quality. It is the panacea for this system,

Proponent Arguments, Cont'd

- 7. Individual accountability will guarantee food safety. Individual raw milk sales will instead be directly from the dairy operator to his consumer. This direct relationship will inject direct, immediate accountability into the equation. This will improve dairy sanitation on Iowa dairy farms.
- 8. Lactose Intolerance. Pasteurization changes the milk to either cause or aggravate lactose intolerance. But lactose intolerant consumers can drink raw milk with no problem. This increases milk consumption overall.

Proponent Arguments, Cont'd

- 9. Pasteurization:
Historically Required by the Industry. It was the dairy industry that required pasteurization in this country, because it is self-serving
- 10. Improve the General Immunity of Iowans.
Many, many Iowans grew up on raw milk. If Iowans in general consumed more raw milk, they would build up more immunities to the pathogens carried in milk. This will improve Iowa's public health in general.

Proponent Arguments, Cont'd

- 9. Decrease Food Allergies. Processed foods cause increased food allergies. Raw milk cuts down on these processed-food-induced food allergies. We've moved away from the foods that God created naturally.
- 10. Current Iowa Law is Immoral. Raw milk sales are happening all over the state right now. Some people say their raw milk is being sold for "pet food." Others are utilizing cow shares or owning one whole cow in a herd. Some are calling the transaction "jar rent," renting a jar/container from the dairy producer and it just happens to be filled with raw milk; others ruses are employed. It is immoral to make criminals out of otherwise honest Iowa citizens. This type of legislation is a blow for freedom of choice, giving the consumers what they want.


Proponent Arguments, Cont'd

- 11. The Dairy Industry Itself is Guilty of Publicizing Raw Milk Incidents. It is the dairy industry itself that is publicizing these incidents.
-
- 12. Raw Milk is no More Dangerous to the Public Health than Fruits and Vegetables. Salmonella, E. coli and other harmful pathogens can just as easily be found on lettuce, tomatoes, and all manner of fruits and vegetables. Milk is no more of a concern to public health than vegetables.
-
-

A Campaign for Real Milk is a project of The Weston A. Price Foundation.

A Campaign for
Real Milk
PASTURE-FED UNPROCESSED FULL-FAT

Americans!
Go for the
Real Thing!
Boycott counterfeits!
Vote with your
pocketbooks!
Join A Campaign for
Real Milk



Enter here
to find out
more about
Real Milk

A Campaign for Real Milk is a project of The Weston A. Price Foundation.
For sources of Real Milk visit our WHERE pages.

Arguments of Weston A. Price Foundation

- New science shows raw milk contains...enzymes that kill pathogens and strengthens the immune system.
- Enzymes and other nutrients are “greatly reduced in pasteurized milk”
- Pasteurization destroys enzymes, diminishes vitamin content, denatures fragile milk proteins, destroys vitamins C, B12 and B6, kills beneficial bacteria, promotes pathogens and is associated with allergies, increased tooth decay, colic in infants, growth problems in children, osteoporosis, arthritis, heart disease and cancer.

More Weston A. Price Foundation arguments

- Pasteurization was instituted in the 1920s to combat TB, infant diarrhea, undulant fever and other diseases caused by poor animal nutrition and dirty production methods.
- But times have changed and modern stainless steel tanks, milking machines, refrigerated trucks and inspection methods make pasteurization absolutely unnecessary for public protection
- **Demand access in all states to clean, raw milk.
Boycott processed milk!**



Litigation

Freitag v. Northey

26 JAN 25 11 30

IN THE IOWA DISTRICT COURT FOR LINN COUNTY

Charles Freitag 3405 Monarch Avenue Marion, Iowa 52302	:	Case No. EQCV6786J
Plaintiff	:	Judge
and	:	
Mindy Slippy 1650 11t Street NW Cedar Rapids, Iowa 52405	:	
Plaintiff	:	
v.	:	
Bill Northey, Secretary Iowa Department of Agriculture and Land Stewardship 502 E. Ninth Street Des Moines, Iowa 50319	:	
Defendant	:	

**PLAINTIFFS' PETITION FOR DECLARATORY JUDGMENT AND OTHER
INJUNCTIVE RELIEF**

Pursuant to I.C.A. Rules 1.1101 *et seq.*, 1.1501 *et seq.*, 1.1601 and I.C.A.
17A.19, Plaintiffs hereby file their Complaint seeking declaratory judgment and other
injunctive relief. Plaintiffs allege as follows:

• Freitag seeks Declaratory Judgment that Iowa statutory pasteurization requirement is unconstitutional; that plaintiffs have an inalienable right to purchase and own a cow and to consume the raw milk from that cow.

- Advances the “Agister” argument; i.e.
 - Freitag, who lives in Marion, owns a cow.
 - Freitag keeps that cow at a farm outside the city.
 - Contract with farmer for care, feeding, milking.
 - Milk from his cow is Freitag’s.
 - Freitag has legal right to drink milk from his own cow.

Farm-to-Consumer Legal Defense Fund. V. Sibelius and the FDA

BEFORE THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF IOWA
WESTERN DIVISION

Farm-to-Consumer	:	Case No. 5:10-cv-04018
Legal Defense Fund, et al.	:	
	:	
Plaintiffs	:	Judge Mark W. Bennett
	:	
v.	:	
	:	
Kathleen Sebelius, et al.	:	
	:	
Defendants	:	

PLAINTIFFS' FIRST AMENDED COMPLAINT FOR DECLARATORY, PRELIMINARY AND OTHER INJUNCTIVE RELIEF

Pursuant to Fed. Rule Civ. P. 57 and 65(a), Plaintiffs hereby file their Complaint seeking declaratory, preliminary and other injunctive relief. Plaintiffs allege as follows:

GENERAL ALLEGATIONS

Nature of the Action


1. This is an action brought by Plaintiffs Farm-to-Consumer Legal Defense Fund (the "Fund" or "FTCLDF") and several of its members under, in part, the Constitutional Right to Travel; the Constitutional Right of Privacy; the substantive due process clause of the Fifth Amendment of the United States Constitution; Article 1, Section 1 of the United States Constitution (the Separation of Powers/Non-delegation doctrine); and the Administrative Procedure Act ("APA"), 5 U.S.C. 701, *et seq.*

Crackdown on Supply Chain

In 2009 a milk-buying club carpooled from Georgia to South Carolina and filled their van with several coolers of raw milk. Little did they know, they were being followed. As soon as they crossed the state line, agents from the Georgia Department of Agriculture and an agent from the FDA pulled them over and forced them to dump 110 gallons on the side of the road.


The Georgia consumers are now plaintiffs—along with consumers from North Carolina, Iowa, and New Jersey—in a lawsuit against the FDA for its interpretation of a federal law that bans the interstate shipment of raw milk.

The plaintiffs say neither they nor the farmers are breaking the law. The milk is sold in a state where it's legal to sell it, and consumed in a state where it's legal to consume it. Pete Kennedy, a lawyer from the Farm to Consumer Legal Defense Fund, said the plaintiffs are waiting to see if a federal court in Iowa will hear the case.



(A) persons who travel from one state, where it is not legal to purchase raw milk, to another state, where it is legal to purchase raw milk, legally purchase raw milk, then return to the original state where they consume the raw milk themselves or give it to their friends or family members; or

(B) a principal and agent who agree that the agent will obtain raw milk out-of-state, where it is legal to do so, and deliver it to the principal in the principal's home state, where sales of raw milk are not permitted, where the principal then consumes the raw milk



(C) a producer of raw milk who sells raw milk in a state where it is legal to do so in an intrastate transaction to persons that he knows are from out of state?

Plaintiff's theories:

FDA's Interstate Commerce ban violates Plaintiffs'

- Constitutional Right to Travel
- Constitutional Right of Privacy
- Constitutional Due Process Rights (Deprived of life, liberty, or property without due process of law)

Arguments in Plaintiff's Brief

- **Fresh, Unprocessed Raw Milk Does Not Present A Threat To A Person's Health.**
- According to statistics from the Centers for Disease Control, 76 million people become ill each year from consuming contaminated foods.
- According to those same CDC statistics for 2007, there were only 32 reported cases of illnesses attributed to fresh, unprocessed, raw milk (0.5%); there were only 2 reported hospitalizations attributed to fresh, unprocessed, raw milk (0.3%); and there were no reported deaths attributed to raw milk.

Plaintiff's arguments in FTCLDF v. Sibelius, cont'd

- According to CDC statistics, 1 out of every 4 people have a foodborne illness every year, yet only 1 out of every 20,000 people who drink fresh, unprocessed, raw milk become sick every year.
- . More people are killed each year from lightning strikes on golf courses than die from milkborne illnesses.
-

Plaintiff's arguments in FTCLDF v. Sibelius, cont'd

- As of July 2009, and based on statistics maintained by the Centers for Disease Control on food borne illnesses and outbreaks, the top ten riskiest foods in the United States that are regulated by the FDA include the following: (1) leafy greens; (2) eggs; (3) tuna; (4) oysters; (5) potatoes; (6) cheese (pasteurized); (7) ice cream (pasteurized); (8) tomatoes; (9) sprouts; and (10) berries.

Pete Kennedy, writing on Weston A. Price
Foundation's "Real Milk" website

<http://www.realmilk.com/fdalawsuit.html>

- “Growing numbers of people in this country are obtaining the foods of their choice through private contractual arrangements, such as buyers’ club agreements and herdshare contracts.in FDA’s view, there is no **fundamental right to enter into a private contract to obtain the foods of choice** from the source of choice. As for the agency’s contention that there is no fundamental right to obtain any food, including raw milk, here is what the “substantive due process” clause of **the Fifth Amendment to the United States Constitution provides: no person shall “be deprived of life, liberty, or property, without due process of law.”** Obtaining the foods of your choice is basic to life, liberty and property; **it is inconceivable that the “right of food choice” would not be protected under the Constitution** but FDA is saying “No.”

“Those who cannot remember the past are condemned to repeat it.”

- George Santayana from his work: Life of Reason; Reason in Common Sense (1905)



<http://www.realrawmilkfacts.com/about-us>





Questions?