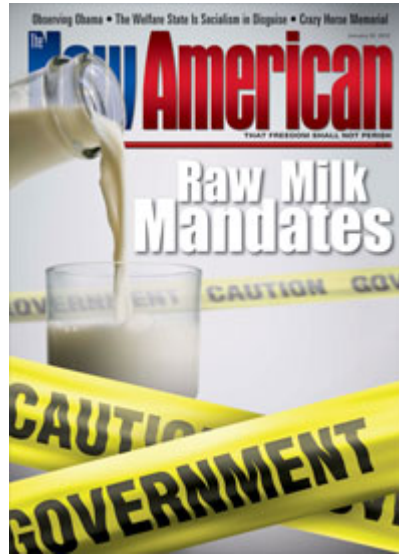




Raw Milk Mandates

On the morning of August 3, 2011, armed agents of the U.S. government and the Los Angeles County Sheriff's Office conducted a raid on a small private club in southern California, seizing the substances being sold therein and arresting three individuals on felony charges. It was the second raid on the club in two years and the culmination of a yearlong investigation by 10 local, state, and federal agencies that, according to the Los Angeles Times, "used high-tech video equipment hidden on a utility pole for round-the-clock surveillance and undercover agents to make covert buys."



In what nefarious substances was the club trafficking? Marijuana? Cocaine? Heroin? No, the members of Rawesome Foods of Venice, California, were accused of the heinous crime of consuming milk and other dairy products that had not been pasteurized — products that the Food and Drug Administration and other government agencies insist are so dangerous that individuals must not be permitted to ingest them.

Advocates of unpasteurized ("raw") milk consumption beg to differ. They argue that raw milk is nearly as safe as pasteurized milk and that its benefits outweigh its slightly increased risks. Many go to great lengths to obtain raw milk, joining private food clubs like Rawesome, entering into agreements whereby they purchase shares in cows and in turn receive the cows' milk (called "herd sharing"), and, in some cases, openly defying the FDA's ban on interstate raw milk sales.

Farmers take even greater risks in supplying raw milk to their willing customers. Two of the "Rawesome Three," as the arrestees are popularly known, were suppliers. (The third was the club's owner.) Other farmers across the country have been raided and threatened with prosecution.

It all adds up to a war on raw milk, pitting proponents of natural, unprocessed foods against nanny-state bureaucrats who declare, as the FDA did in response to a lawsuit challenging the interstate raw milk ban, that individuals "do not have a fundamental right to obtain any food they wish." Instead, they may consume only those foods that government has approved.

Ratcheting Up Regulations

How did we get to the point where raw milk became illegal? After all, for thousands of years prior to Louis Pasteur's innovation, humans consumed unpasteurized milk from various animals, and in many parts of the world — including Europe, where raw milk not only is legal in most countries but is even sold in vending machines — it is still commonplace. If raw milk were really as unsafe as the government would have us believe, surely the human race would have been wiped out millennia ago.

In the United States, the initial wave of mandatory pasteurization laws came about as a result of urbanization combined with carelessness and ignorance, according to David Gumpert, author of *The Raw Milk Revolution: Behind America's Emerging Battle Over Food Rights*. As Americans moved into



Written by [Michael Tennant](#) on January 11, 2012

the cities in the late 19th century, cows were brought in to supply them with milk, Gumpert explained in an interview with *The New American*. The cows, he said, were “being raised in really miserable conditions in cities, fed the leftovers from distilleries, and they produced a terrible quality milk.” Moreover, he added, “the workers who milked them often had diseases of their own. So you had this combination of circumstances that really lent themselves to the spread of diseases ... and you had these terrible outbreaks among children especially. And lots of that’s because we didn’t have any ways of treating those illnesses.... There wasn’t any understanding of the importance of sanitation, refrigeration, those kinds of things.”

Pasteurization, then, was a godsend under such circumstances, and mandating its use undoubtedly saved many lives. New York and Philadelphia led the way, with other cities soon following their lead; but, said Gumpert, “that was about the extent of it.” Other researchers have found that raw milk continued to be sold and consumed widely outside these cities without leading to any major outbreaks of illness. Even some urban milk producers cleaned up their acts and were able to sell safe raw milk again.

Toward the end of World War II, however, a concerted effort to require pasteurization got under way. Beginning in 1944, a series of fraudulent “news” articles helped frighten the public into submitting to yet another intrusion on its liberties. As Ron Schmid, N.D., recounted in *Green Living Journal*:

Ladies’ Home Journal began the campaign with the article “Undulant Fever,” claiming — without any accurate documentation — that tens of thousands of people in the US were suffered [sic] from fever and illness because of exposure to raw milk. The next year, *Coronet* magazine followed up with “Raw Milk Can Kill You,” by Robert Harris, MD. The outright lies in this article were then repeated in similar articles that appeared in *The Progressive* and *The Reader’s Digest* the following year.

Harris later admitted that his article was fictitious, but by then the damage had been done. “The undulant fever epidemic lies and many others like them were repeated in subsequent magazine articles read by tens of millions of people, as well as in countless newspaper articles in the ensuing years,” Schmid lamented. Soon many states, beginning with Michigan in 1948, began passing laws mandating milk pasteurization. Today, said Gumpert, “you have about 20 states that don’t allow the sale of raw milk, you have about 20 states that do allow the sale of raw milk, mostly from the farm, then you have 10 states that allow the sale of raw milk at retail.” Some of the states which prohibit raw milk sales do, however, permit private arrangements such as herd sharing.

The feds got into the act in 1987 with an FDA regulation banning the interstate sale of raw milk — a rule that went mostly unheeded for nearly 20 years. But with increasing interest in natural foods, including raw milk, has come increasing scrutiny from both state and federal authorities.

Milk Militancy

The first prominent crackdown in recent years occurred in Michigan in 2006. Following an undercover investigation of a farming cooperative in Ann Arbor, authorities pulled over Richard Hebron and confiscated about \$7,000 worth of food, including 453 gallons of raw milk, that he was delivering to the co-op. They also searched his home office and seized his computer. “When they tested the milk, they couldn’t find any problems with it,” Hebron told *Time* magazine. “It seems like they’re just looking for some way to shut us down.” Six months after the incident, following an enormous amount of public protest, the state settled with Hebron on relatively favorable terms.



Written by [Michael Tennant](#) on January 11, 2012

Significantly, the settlement with Hebron “approv[ed] in principle the validity of cow share agreements,” Gumpert wrote on his blog the day the settlement was announced. Thus, Michiganders now have official legal cover for obtaining raw milk in that manner.

Hebron’s milk supplier, Amish farmer David Hochstetler of Middlebury, Indiana, was visited by the FDA shortly after Hebron’s cargo was seized. He came to the government’s attention again in 2010 when 25 people were sickened by *Campylobacter*, a foodborne pathogen that can cause diarrhea or dysentery, that public health officials claimed had come from milk supplied by Hochstetler’s dairy. Extensive testing of the milk by both Hochstetler and the state of Michigan found no evidence of *Campylobacter*. Nevertheless, he was graced with the presence of more FDA agents, who tried to get him to sign an agreement stating that he would no longer ship milk out of state. Hochstetler declined.

Now Hebron and Hochstetler are again in the feds’ sights. In November each received a subpoena to appear before a federal grand jury in Detroit in connection with a federal criminal investigation. The investigation appears to be part of a concerted effort on the part of the FDA and state officials to — pardon the pun — cow producers of raw milk into submission. Raw milk advocate Max Kane obtained an e-mail summarizing a 2009 conference call about raw milk that included officials from the FDA, Wisconsin, Michigan, Indiana, and Illinois. The e-mail clearly shows that these officials wanted to crack down on raw milk sales. “They prefer to address one person or group at a time,” the e-mail said, “and want to start with” Hebron and Hochstetler.

The government seems hesitant to pursue its investigation, however. Hochstetler — perhaps thanks to his county sheriff, who threatened to arrest any federal agents trying to search Hochstetler’s property without a warrant from a local judge — was released from his subpoena. Hebron’s appearance before the grand jury was cancelled, but as of this writing, he has not been fully released.

Pennsylvania Amish farmer Dan Allgyer was the target of another high-profile FDA operation. The agency suspected Allgyer of selling raw milk to individuals in Maryland, a state that prohibits the sale of raw milk, through a private food-buying club. To prove its case, the FDA sent agents to join the club pseudonymously. These agents placed orders for raw milk and then picked up their milk, supplied by Allgyer, at private residences. They had the milk analyzed to prove it was unpasteurized (and found it was also perfectly safe to drink). Then, evidence in hand, armed agents conducted a pre-dawn raid on Allgyer’s farm in April 2010, locating coolers that were marked for delivery to various Maryland locations. The FDA is now trying to obtain a permanent injunction against Allgyer prohibiting him from selling his milk in Maryland.

The FDA’s sting operation on the club and its raid on Allgyer’s farm generated such outrage among club members and other natural-foods enthusiasts that they staged a “Rally for Food and Farm Freedom” on Capitol Hill in May 2011. In addition to the usual protest signs and speakers, including Gumpert, organizers actually trucked in a cow and served up glasses of moo juice straight from the udder, “playfully daring one another to drink what, if sold across state lines, would be considered contraband product,” the *Washington Times* reported.

The rally, which drew over 400 people, also highlighted the disagreements between raw milk enthusiasts and “the non-dairy creamer people,” as speaker Sally Fallon Morell labeled the bureaucrats at the FDA and the Department of Agriculture.

Wondering About Warm Milk?

“The FDA and USDA promulgate two falsehoods,” Morell, president of the Weston A. Price Foundation,



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a natural-foods activist group, said. "One is that there is no nutritional difference between raw and pasteurized milk."

Indeed, a "Food Facts" page on the FDA's website specifically states: "Research shows no meaningful difference in the nutritional values of pasteurized and unpasteurized milk." But is this true? Apparently it depends on one's definition of "meaningful."

"There is approximately a 10% loss of vitamins B1, B6, B12 and folate and a 25% loss of vitamin C" when milk is pasteurized, according to a 1997 paper by Dr. B. M. Pickard of the Department of Animal Physiology and Nutrition at the University of Leeds. Furthermore, wrote Pickard: "Pasteurization destroys the ability of certain proteins in milk to bind the important vitamin folate and hence help its absorption. Heat treatment might also cause a similar inactivation of other protein carriers, for example those for zinc and vitamin B12."

To the FDA such differences may not qualify as "meaningful," but to anyone not part of the nanny-state apparatus, they appear quite significant indeed.

Perhaps even more harmful than the loss of vitamins, which can be obtained through supplements or other foods, is the loss of bacteria. Pasteurization kills pathogens in milk by heating it to 71.7°C (161°F) for 15 to 20 seconds. Unfortunately, it also destroys beneficial bacteria, and with them milk's disease-fighting properties.

"Untreated milk contains varying amounts of anti-microbial proteins and other anti-infective agents which are designed to protect the young animal from infectious disease," Pickard observed. "It is not only newborn animals which may benefit from this protection. Studies have shown that consumption of untreated milk by various tribes favored the suppression of infection." In other words, raw milk can help strengthen the human immune system; pasteurized milk, owing to its lack of (good) bacteria, cannot.

Recent studies from Europe have also found that raw milk consumption is a significant factor in preventing allergies and asthma.

"I have seen so many of my patients recover their health with raw milk that I perceive this as one of the most profoundly healthy foods you can consume," alternative-medicine expert Dr. Joseph Mercola told *Time*.

"The other lie [from the government] is that raw milk is inherently dangerous," Morell said at the rally. "We know that raw milk is inherently safe. There are numerous components in raw milk that kill pathogens. You cannot get pathogens to grow in raw milk."

The FDA demurs, saying that "raw, unpasteurized milk can carry dangerous bacteria such as Salmonella, E. coli, and Listeria" and arguing with as much fervor as Morell that "raw milk DOES NOT kill dangerous pathogens by itself."

Both sides are employing a bit of hyperbole. "There is no such thing" as "a risk-free food," Gumpert told *TNA*. "All foods can potentially make you sick," he added, including both pasteurized and unpasteurized milk. The question is whether raw milk is significantly more likely to cause illness than pasteurized milk.

Based on CDC data, Gumpert estimated that "there are between 50 and 150 reported illnesses from raw milk each year." Meanwhile, there are 20,000 to 25,000 foodborne illnesses reported annually, which means raw milk accounts for no more than 0.5 percent of all foodborne illnesses. In 2007, the CDC



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conducted a survey which found that 3 to 3.5 percent of Americans were consuming raw milk — a percentage that has probably increased since. “So you’re talking about one half percent or less of the illnesses, foodborne illnesses, for three to three-and-a-half percent of the population consuming the product,” Gumpert said. “I don’t see any evidence that raw milk is a serious public health hazard.”

Pickard, too, found that unpasteurized dairy products accounted for an exceedingly small fraction of the total foodborne illnesses in any given year, noting: “Over the 31 years from 1951-1982 only 6 deaths were attributed to infections from untreated milk. Yet in one year alone, 1982, there were 67 deaths from other types of bacterial food poisoning.”

Moreover, he pointed out, “Contrary to popular belief, contamination with pathogens can occur in pasteurized milk.” A 1982 outbreak of gastrointestinal infection in the United States from pasteurized milk is thought to have affected about 800 people. Additionally, in 1984-85 there was an incident of food poisoning in pasteurized milk from a plant in Illinois that may have affected nearly 200,000 people. As recently as 2007 three people died from an outbreak from pasteurized milk in Massachusetts.

Contrary to Morell’s claims, raw milk is not “inherently safe.” It can carry pathogens that pasteurized milk is unlikely to carry. However, contra the FDA, raw milk does have “components which inhibit the proliferation of bacteria before it is consumed,” according to Pickard. On the other hand, he stated, pasteurized milk’s “ability to restrict bacterial growth is lost or severely curtailed.... This means that bacteria contaminating milk after pasteurization (e.g., from filling machines, from the air, or even entering under the bottle cap) can grow more rapidly than they would in untreated milk.” In other words, pathogen-free raw milk is likely, though not certain, to remain pathogen-free, while pasteurized milk stands a greater chance of becoming infected.

Singling Out Small Producers

Raw milk partisans are quick to point out that the government’s alleged concerns about food safety seem to be applied selectively. Gumpert recalled: “There are a couple of producers of raw milk cheese that were discovered by the FDA or by the states to have either *Listeria* in the cheese or *Listeria* in the plants.... No one had gotten sick in either of these places, but ... they essentially shut these places down.” Meanwhile, he noted, “*Listeria*’s been found at, say, Kellogg’s or Dole, and those places are not shut down.... [The government gives] them warning letters and they go in and inspect, and they keep giving them another chance to make things right. They don’t do that in cases involving raw dairy.”

Little wonder, then, that fans of raw milk see themselves as Jack trying to fend off the giant corporate interests.

“The laws against raw milk have nothing to do with safety and everything to do with economics, with supporting the pasteurized milk cartel,” Morell asserted. “About 80 to 90 percent of the milk is controlled by four companies, who are very efficient ... at accumulating wealth at the top. And the heads of these companies make millions of dollars a year while their cronies at the FDA go after poor Amish farmers to try to put them out of business.”

There would seem to be something to Morell’s assertion. The National Milk Producers Federation, which represents the big dairy companies, issued a press release on November 1 entitled “NMPF Urges Food and Drug Administration to Defend Laws Against Raw Milk Sales.” The release began: “The nation’s top public health organization needs to stand firm in the face of mounting pressures to further legalize the direct sale to consumers of a potentially dangerous product: raw milk.”

Even mainstream news outlets have figured out who’s behind the war on raw milk. Reporting on the



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Rawesome raid, the *Los Angeles Times* wrote that raw milk “has drawn regulatory scrutiny, largely because the politically powerful dairy industry has pressed the government to act” in the face of increasing “demand for all manner of raw foods.”

In addition to dairy interests, Gumpert suggested two other factors driving the attacks on raw milk. First, “the public health community in particular, as well as the medical community, have just been taught for so long that raw milk is not safe that they can’t accept the possibility that that isn’t true.” Second, “it’s part of an overall movement in our culture ... that involves a combination of ... fearmongering and efforts by the government in particular to exert greater control over the population. And they’re doing it in a number of ways, but I think certainly control of the food supply is a key part of all of it.” Those sentiments were echoed by a Rawesome volunteer who told the *San Jose Mercury News* at the time of the raid, “I guess that’s [the government’s] bone of contention, that they can’t control us.”

With the corporations and the bureaucrats working hand-in-hand, is there any hope for Americans to regain their freedom to consume the foods they desire? “I think the positive sign or the hopeful sign is that consumers are beginning to get involved, and that is going to be essential if this food rights movement is going to have any chance of success,” Gumpert said. “Farmers cannot do this by themselves.” Consumer involvement is especially important “because the regulators and politicians in particular don’t want to deal with the consumers because this is something that could cost politicians votes,” he explained.

One politician who has taken notice of consumers’ desire to choose their own foods is Rep. Ron Paul (R-Texas), who introduced legislation to rescind what he called the FDA’s “unconstitutional misapplication of the commerce clause for legislative ends,” namely its ban on interstate raw milk sales. Paul has even referred to his bill more than once on the presidential campaign trail; one MSNBC reporter remarked that Paul was cheered “like a rock star” after mentioning it in New Hampshire.

With more people drinking raw milk every day, some engaging in civil disobedience, and a popular presidential candidate taking up their cause, the prospects for food freedom just may be improving — something that should make constitutionalists say “cheese.” After all, as Ron Paul inquired, “If we are not even free anymore to decide something as basic as what we wish to eat or drink, how much freedom do we really have left?”

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