



Written by [Daniel Sayani](#) on June 15, 2011

The Federal Government's War Against Raw Milk

The federal government, in using its illegitimate and unconstitutional authority to regulate various industries — such as food, pharmaceuticals, textiles, and other commodities — has raised the ire of producers and advocates of raw milk consumption, including Amish communities throughout the American heartland.

Raw milk — that which is unpasteurized and unhomogenized — was the only kind consumed by humans until Louis Pasteur invented the pasteurization process in 1864. When the [Progressive Movement](#) of the 1920s intruded into food production, the federal government outlawed all raw milk under the guise that the government has the innate responsibility to promote public health. Ever since, the federal agents have enforced laws advocating mandatory pasteurization, allegedly to ensure that milk is free of listeria, salmonella, and e. coli. Other U.S. health agencies — including the Department of Health and Human Services and the Centers for Disease Control and Prevention — have strongly recommended that the public not consume raw milk or raw milk products.

In 1987, interstate commerce of unpasteurized dairy products was limited via federal legislation, and under the Obama administration, the FDA has also begun a policy of using federal taxpayer funds to finance anti-raw milk campaigns throughout various states.

Constitutionalists oppose any federal regulation of food products, believing that individuals should have the choice to consume whatever products they wish, free of governmental penalties, retaliation, and coercion. To quote [Karen DeCoster](#), blogging on [lewrockwell.com](#):

The government's war on raw milk is not only a war on freedom, but it is also a jihad against that old-fashioned (and very obsolete) notion that your health is your responsibility. The state does not want its subjects to be self-sufficient, self-educated, and gaining power through knowledge. Because knowledge is power — the power to question conventional wisdom and reject conformity is a blessed thing for individuals and society, but it is a menace to the authoritarians and conformists.

The federal crackdown on raw milk also fails to consider alternative views on matters of food science and health. Advocates of raw milk consumption point to evidence that the FDA's campaign against





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these products is motivated by the enormous lobbying power and influence of various American dairy industry lobbyists, who, in the interest of profit margins, generally produce pasteurized milk, and seek to damage the integrity of the free market by weakening their competition. Those who choose to consume raw milk have every constitutional right to sell, consume, and purchase their products of choice, and they argue that raw milk is not only perfectly safe — due to modern, hygienic means of production — but has comparatively greater nutritive benefits, such as the presence of acidophilus, “good” bacteria found to be beneficial for digestive health. And of course, many people prefer the flavor of raw dairy products, as is their constitutional right.

Notwithstanding these arguments, the federal government has of late been increasingly draconian in its law enforcement tactics against raw milk farmers and producers. Most recently, in April, a year-long sting operation came to fruition when federal investigators targeted the Amish-run Rainbow Acres Farm in Pennsylvania. FDA attorneys filed a 10-page complaint against the farm in federal court, alleging that it was in violation of the 1987 interstate commerce legislation forbidding raw milk from being sold across state lines. Acting on those conclusions, the FDA has used its regulatory powers over food safety to ban interstate sales of raw milk, and has warned several farms to change their practices.

According to the complaint the FDA filed in court, the agency began to look into Rainbow Acres in late 2009, when an FDA investigator in the Baltimore office used aliases to sign up with a Yahoo user group for Rainbow Acres’ customers, and began to place orders for unpasteurized milk under the assumed names. The orders were delivered to private residences in Maryland, where the investigator, whose name was not disclosed in the documents, would pick them up. By crossing state lines, the milk became part of interstate commerce, thus subject to the FDA’s ban on interstate sales of raw milk. The court papers noted that the jugs of milk were not labeled — another violation of FDA regulations.

Armed with that information, investigators visited the farm last February, but were turned away by the owners. They returned two months later with a warrant, U.S. marshals, and a state police trooper, arriving at 5 a.m. for what the farm’s backers called a “raid,” but the FDA said was a lawful inspection. The investigators said they saw coolers containing what appeared to be dairy products, labeled with Maryland town names. The inspection led to an April 20 letter from the FDA ordering the farm to stop selling across state lines.

“I look at this as the FDA [being] in cahoots with the large milk producers,” said [Karin Edgett](#), a D.C. resident who buys directly from Rainbow Acres. “I don’t want the FDA and my tax dollars to go to shut down a farm that hasn’t had any complaints against it. They’re producing good food, and the consumers are extremely happy with it.”

One defense group indicates that there are as many as 10 million raw-milk consumers in the country. Sales are perfectly legal in 10 states but illegal in 11 states and the District of Columbia, with the other states having varying restrictions on purchase and consumption. Pete Kennedy, president of the Farm-to-Consumer Legal Defense Fund, noted that undercover stings are not unheard of. “It happens quite a bit,” he said. “It’s almost like they treat raw milk as crack. It’s happened in a number of states, and at the federal level.” Kennedy’s organization has sued in an attempt to halt FDA enforcement, and the case is pending in an Iowa federal court.

The federal government’s war against raw milk bears numerous similarities to its war against drugs. Both the Food and Drug Administration and the Drug Enforcement Agency (DEA) engage in extraordinary displays and abuses of police power to crack down on those suspected of acting in violation of federal laws, and often subject citizens to violent tactics. As a result of these heavy-handed



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regulations, members of religious groups such as the Amish (known for their devotion to traditional values, nonviolence, and asceticism) have been reduced to the status of “smugglers,” acting in constant fear of prosecution under federal law for maintaining traditions that are both benign and of interest to a broader epicurean and health-conscious audience.

Anti-regulatory champions such as Rep. Ron Paul (R-Texas) have come to the defense of the Amish; he has introduced [legislation](#) that would reverse the 1987 ban on interstate commerce of raw milk, and fellow GOP presidential hopeful Jon Huntsman has also appealed to freedom, when, as Governor of Utah, he lifted the raw milk ban in his state in 2007.

Whether one believes that raw milk is a toxic brew of pathogens ready to attack, or a natural, wholesome, and salubrious tonic does not constitute the crux of this debate. Rather, this is a fundamental debate about freedom, and whether individuals can retain their corporeal autonomy without governmental interference. John Locke, in his *Second Treatise on Government*, argues that government exists to preserve the people’s right to life, liberty, and property, and the most fundamental “property” a person can own is his own bodily self. The individual — not the government — is endowed with the right to make decisions about what to do with his own body. According to natural law theory, the government cannot inhibit the individual’s right to consume whatever substances he wishes.

Attacking this fundamental truth through mass arrests of raw milk producers and consumers will accomplish nothing but the further erosion of the natural rights of American citizens, and will create an even broader chasm of disconnect between the people and their government.



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