



## FDA Shows Its True Colors

by Gene' Walls - May 30, 2010

Confirming what we have long suspected: Health and Human Services and its agency, the Food and Drug Administration (FDA), have no regard for our rights as individuals to choose the foods we eat nor the health interventions we seek. This was made crystal clear in the government's response to the lawsuit filed by the Farm-to-Consumer Legal Defense Fund in February 2010 over the federal ban on the interstate commerce of unpasteurized milk packaged for direct human consumption (no farm fresh milk may cross State lines).

I'm amazed that FDA brazenly claimed:

**"There is no absolute right to consume or feed children any particular food."** [p. 25]

I can agree with not consuming children...

**"Plaintiffs' assertion of a 'fundamental right to their own bodily and physical health, which includes what foods they do and do not choose to consume for themselves and their families' is similarly unavailing because plaintiffs do not have a fundamental right to obtain any food they wish."** [p. 26]

Excuse me, could you say that again?

**"...even if such a right did exist, it would not render FDA's regulations unconstitutional because prohibiting the interstate sale and distribution of unpasteurized milk promotes bodily and physical health."** [p. 27]

That's what I thought you said.

If you can't believe this, take a look at the April 26, 2010 document for yourself titled, "Brief in Support of United States' Motion to Dismiss Plaintiff's Amended Complaint" posted at <http://www.farmtoconsumer.org/litigation-FDA.htm>

Now we can begin to understand how the FDA can unleash food additives like Saccharin (e.g., Sweet'n'Low) and Aspartame (e.g., NutriSweet) and allow manufacturers to still label foods containing these sweeteners as "healthy". This is the same agency that gave free reign to use of genetically-modified organisms (GMOs) to tamper with Mother Earth's flora and create havoc-wreaking crops--GMO seeds have contaminated organic and heirloom crop fields, decimated native-variety corn fields in Mexico, and driven cotton farmers in India to suicide because of the death-trap financial burden of buying new seeds for each planting and the necessity of using specially-formulated herbicide/pesticide chemicals. Yes, surf the web and you can read all about it.

FDA is the agency that wants to irradiate our greens, steam pasteurize our almonds, and allow our food to contain carcinogenic/neurotoxic additives. Yep, these folks are the ones commissioned to monitor the quality of imported foods but who, instead of reinforcing the prohibition of melamine, have set a standard of acceptability in infant formula (never mind the infant deaths in China). Who but FDA failed for years to inspect Peanut Corporation of America (PCA) and made it possible for third-party inspectors to let PCA continue distributing salmonella-laden peanut paste?

Yes, this is the agency that our elected representatives want to endow with even more power in the name of 'food safety' to protect public health. Take a look at the provisions of federal bills HR 2749 and S 510.

I was astounded at the breadth of jurisdiction coupled with the failure to focus the FDA on the real sources of problems in our food supply. Even the illustrious FDA Commissioner, Margaret Hamburg testified before a Senate committee that FDA would prefer to leave the inspection of imported foods to "accredited third-party inspectors" and foreign governments--until caught squarely in the cross-hairs,

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China was content to allow its producers to export products with melamine; one would think that a 'red flag' would have gone up before over a quarter million babies in China became ill after drinking tainted milk [[Telegraph](#)]*--no pun intended, I guess red flags are so common that no one noticed.*

The local food movement and personal rights activists are seeking to reclaim our country and take it back from the dietary dictocrats and food fascists that have hijacked the American food supply. "The Diet Dictocrats", as coined by Sally Fallon Morell (author of [Nourishing Traditions](#)), "are strangely silent about the ever increasing trend toward food processing and the devitalization of America's rich agricultural bounty" [p.3]. Even the lovers of the organic label are starting to forsake "industrial organic" in pursuit of "pastoral organic", as Michael Pollan differentiated the two in [The Omnivore's Dilemma](#). Just this past week, a rally was held in Chicago to demand the right to choose whether or not to receive vaccination; parents are speaking out about the untold damage inflicted upon their children in the wake of the relentless push by FDA and state health agencies to demand vaccinations. Pete Kennedy of the Farm-to-Consumer Legal Defense Fund rightly pegged it when he observed that FDA is essentially working in the best interest of the biotechnology and pharmaceutical industries and not in the interest of public health. Read his analysis, "[Food Safety: Can FDA Be Trusted?](#)"

David Gumpert, author of [The Raw Milk Revolution: Behind America's Emerging Battle over Food Rights](#), states: "**raw milk is a proxy issue; it is symbolic of other issues.**" As such, borrowing the raw milk metaphor, this is my inaugural piece for the "Raw Milk Myth Busters Blog"*--sort of a reverberating RMMBB (kind of like R&B, only different--that's "Rhythm and Blues" music for the uninitiated).*

It so happens that June is "**National Dairy Month**"! It also happens to be the month of a myriad things [just take a look at <http://www.brownielocks.com/june.html>]. June is also "**Alternative Dairy Month**"--hmm, equal time for the other prime!?! I guess "Dairy Month" shall be my proxy declaration for, "Let me have access to the foods of my choice for me and my family without government interference!"

Equally fitting for this inaugural blog is that this is **Memorial Day weekend** when we honor the many who have fought and given life and limb to secure our nation and protect the freedoms we all hold dear. Bless the souls who sacrificed their own sovereignty that I may enjoy the right as preserved by the **Fifth Amendment to the United States Constitution** (not only the right not to incriminate myself): no person shall "be deprived of life, liberty, or property, without due process of law." The price of freedom is eternal vigilance.

**No person shall be** held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be **deprived of life, liberty, or property, without due process of law**; nor shall private property be taken for public use, without just compensation.

So in exercise of the **First Amendment**

**Congress shall make no law** respecting an establishment of religion, or prohibiting the free exercise thereof; or **abridging the freedom of speech, or of the press**; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

[My thanks goes to <http://www.usconstitution.net/> for being such a handy site to view the Bill of Rights.]

After doing my 'due diligence' (performing a *Google* search), I herewith dub this blog,

**"Raw Milk Myth Busters"!**



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### HYPERLINKS for PDF version:

**response to the lawsuit** – HHS/FDA, "Brief in Support of United States' Motion to Dismiss Plaintiff's Amended Complaint", 26 April 2010 =  
<http://www.ftcldf.org/litigation/ey100426--ds%20mtd%20memo%20in%20support.pdf>

<http://www.farmtoconsumer.org/litigation-FDA.htm> - FDA Lawsuit litigation reference page, scroll down to click on *Apr 26, 2010 - "Brief in Support of United States' Motion to Dismiss Plaintiff's Amended Complaint"*

**free reign to use of genetically-modified organisms (GMOs)** - FDA, "Statement of Policy: Foods Derived from New Plant Varieties", 29 May 1992, 57 FR 22984 =  
<http://www.ftcldf.org/news/57-fr-22984-wl-new-plant-varieties.pdf>

**federal bills HR 2749 and S 510** - Pete Kennedy, "Food Safety: The Worst of Both Bills (HR 2749 & S 510)", 6 May 2010 = <http://www.ftcldf.org/news/news-foodsafety.htm>

**Margaret Hamburg testified** - Margaret Hamburg, "Keeping America's Families Safe: Reforming the Food Safety System", 22 October 2009 [see pages 5-6] (Source:  
<http://www.fda.gov/NewsEvents/Testimony/ucm187566.htm>) =  
[http://www.ftcldf.org/news/testimonyhamburg\\_102209-food\\_safety.pdf](http://www.ftcldf.org/news/testimonyhamburg_102209-food_safety.pdf)

**Telegraph** – Richard Spencer, "The Poisoning of China's Babies", 24 September 2008  
<http://www.telegraph.co.uk/news/worldnews/asia/china/3070567/The-poisoning-of-Chinas-babies.html>

**Nourishing Traditions** – written by Sally Fallon with Mary Enig, published by New Trends Publishing, webpage October 2000 edition = <http://www.newtrendspublishing.com/SallyFallon/index.html>

**The Omnivore's Dilemma** – written by Michael Pollan, published by Penguin Group; also available as audio book = <http://www.michaelpollan.com/omnivore.php>

**"Food Safety: Can FDA Be Trusted?"** = [http://www.ftcldf.org/news/news-29jan2010-food\\_safety.html](http://www.ftcldf.org/news/news-29jan2010-food_safety.html)

**The Raw Milk Revolution: Behind America's Emerging Battle over Food Rights** – written by David Gumpert, published by Chelsea Green, "The Raw Milk Revolution: Now Available", 29 October 2009; view video clip =  
<http://www.chelseagreen.com/content/watch-choosing-between-raw-milk-and-a-dead-white-liquid/>

<http://www.brownielocks.com/june.html>

<http://www.usconstitution.net/>

**Raw Milk Myth Busters** = <http://hands4healinghands.webs.com/apps/blog/>