



Pasteurized Milk Mustache

by Pete Kennedy, Esq. – August 2, 2010

Most people have heard of the "Got Milk?" and milk mustache advertising campaigns that are designed to promote the sale and consumption of milk and milk products in the United States. The advertising and promotion of dairy products is overseen by the National Dairy Promotion and Research Board (National Dairy Board - NDB), an organization that is a part of the Agricultural Marketing Services (AMS); AMS is a division of the United States Department of Agriculture (USDA) and administers programs that help market U.S. agricultural products.

According to AMS's website, "The Dairy Production Stabilization Act of 1983" (Dairy Act) authorized a national producer program for dairy product promotion, research and nutrition education to increase human consumption of milk and dairy products and reduce milk surpluses" [1]. The Dairy Research and Promotion Program (DRPP) is funded by a 15-cents per hundredweight charge "on all milk produced in the contiguous 48 states and marketed commercially by dairy farmers." Failure to pay the assessment can result in fines of up to \$1,000 per violation under the Dairy Act.

The money the DRPP has spent on advertising has gone toward promoting the consumption of pasteurized milk. The next time the NDB promotes the consumption of raw milk will be the first. If the NDB has ever undertaken any research projects on raw milk for human consumption, the research has not been made public.

It is therefore surprising that the NDB is now trying to collect the 15-cents assessment from farmers selling retail raw milk. In the past year or so, the NDB has tried to collect from Grade A dairies that also have a license to sell retail raw milk, from at least one non-Grade A dairy that only has a license to sell retail raw milk, and even from one unlicensed dairy that was operating a herdshare program. The NDB is categorizing those selling raw milk for human consumption as 'producer handlers' who market milk from their own dairy herd, and is informing them that they "must report and remit to NDB this assessment on that portion of their production that they marketed as milk or dairy products."

So a department that discourages the consumption of raw milk is trying to extract money from those it would put out of business.

A search of the USDA's website indicates that not only does the department fail to show any support for raw milk, but it discourages consumers from drinking raw milk! Typifying USDA's position on raw milk is a January 12, 2005 press release from the department announcing the publication of "Dietary Guidelines for Americans 2005" [2]. In the release, USDA recommends that in order to avoid microbial foodborne illness, consumers should "avoid raw (unpasteurized) milk or any products made from unpasteurized milk..."

In addition, a number of press releases announcing the recall of food products contaminated with *Listeria monocytogenes* can be found on USDA's website. *Listeria monocytogenes* is a bacteria responsible for a number of cases of foodborne illness due to listeriosis each year. It is found frequently in deli meats. However, according to the Centers for Disease Control (CDC), there has not been a case of listeriosis in the U.S. caused by the consumption of raw milk going back to at least 1972 and possibly never [3]. Nonetheless, any USDA press release on the recall of food products contaminated with *Listeria monocytogenes* is accompanied by a warning that those at risk for listeriosis should not consume raw milk.



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So a department that discourages the consumption of raw milk is trying to extract money from those it would put out of business. In the words of one producer pressured by NDB to pay the assessment, "It's like requiring a black person to make a donation to the Ku Klux Klan."

Raw milk produced for pasteurization and raw milk produced for human consumption are two different products. NDB is only promoting pasteurized milk; they should not be trying to collect money from those producing raw milk for retail sale

Endnotes:

1. USDA's Agricultural Marketing Service website, "**Dairy Research and Promotion Program**", 17 June 2010. [Navigate, "Research and Promotion Programs - Dairy Products"]. Accessed 29 July 2010 at [link](#)

"The Dairy Production Stabilization Act of 1983 (7 U.S.C. 4501-4514)" as [amended through May 7, 2010](#); accessed 29 July 2010 at <http://www.ams.usda.gov/AMSV1.0/getfile?dDocName=STELDEV3021892>
2. U.S. Department of Health and Human Services and U.S. Department of Agriculture. **Dietary Guidelines for Americans, 2005**. 6th Edition, Washington, DC: U.S. Government Printing Office, January 2005. Accessed 29 July 2010
<http://www.health.gov/dietaryguidelines/dga2005/document/default.htm>
3. Centers for Disease Control (CDC), Letter from Enteric Diseases Epidemiology Branch, 8 May 2007. Certified copy of **response to FOIA 06-0819** including "Foodborne outbreaks associated with unpasteurized milk reported to CDC's National Foodborne Outbreak Surveillance System, 1973-2005 (N=87)"; posted at <http://www.farmtoconsumer.org/cdc-foodborne-illness-report-1973-2005.pdf>

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### HYPERLINKS for PDF version:

**The Dairy Production Stabilization Act of 1983** – File: Dairy-Production-Stabilization-Act-1983-amended\_7May2010--npsDB53.pdf =  
[http://www.farmtoconsumer.org/swarms/Dairy-Production-Stabilization-Act-1983-amended\\_7May2010--np.pdf](http://www.farmtoconsumer.org/swarms/Dairy-Production-Stabilization-Act-1983-amended_7May2010--np.pdf)



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**Dietary Guidelines for Americans 2005** – File: Dietary-Guidelines-for-Americans-2005--npsC0D9.pdf.pdf =  
<http://www.farmtoconsumer.org/swarms/Dietary-Guidelines-for-Americans-2005--npsC0D9.PDF>

**Dairy Research and Promotion Program** -- USDA-AMS website, Home/Dairy Producer Checkoff Programs =  
<http://www.ams.usda.gov/AMSV1.0/ams.fetchTemplateData.do?template=TemplateN&navID=IndustryMarketingandPromotion&leftNav=IndustryMarketingandPromotion&page=DairyProducerCheckoffPrograms&description=Dairy+Producer+Checkoff+Programs>

**link** - USDA-AMS website, Home/Dairy Producer Checkoff Programs =  
<http://www.ams.usda.gov/AMSV1.0/ams.fetchTemplateData.do?template=TemplateN&navID=IndustryMarketingandPromotion&leftNav=IndustryMarketingandPromotion&page=DairyProducerCheckoffPrograms&description=Dairy+Producer+Checkoff+Programs>

**amended through May 7, 2010** - File: Dairy-Production-Stabilization-Act-1983-amended\_7May2010--npsDB53.pdf =  
[http://www.ftclfd.org/swarms/Dairy-Production-Stabilization-Act-1983-amended\\_7May2010--np.pdf](http://www.ftclfd.org/swarms/Dairy-Production-Stabilization-Act-1983-amended_7May2010--np.pdf)

<http://www.ams.usda.gov/AMSV1.0/getfile?dDocName=STELDEV3021892> – USDA-AMS website, PDF version of “The Dairy Production Stabilization Act of 1983 (7 U.S.C. 4501-4514)” [version may differ from reference if AMS updates website]

**Dietary Guidelines for Americans 2005** – File: Dietary-Guidelines-for-Americans-2005--npsC0D9.pdf.pdf =  
<http://www.health.gov/dietaryguidelines/dga2005/document/default.htm>

<http://www.health.gov/dietaryguidelines/dga2005/document/default.htm> - Health and Human Services website, links to PDFs of the “Dietary Guidelines for Americans 2005” for both the whole document and individual sections

**Dairy Research and Promotion Program** =  
<http://www.ams.usda.gov/AMSV1.0/ams.fetchTemplateData.do?template=TemplateN&navID=IndustryMarketingandPromotion&leftNav=IndustryMarketingandPromotion&page=DairyProducerCheckoffPrograms&description=Dairy+Producer+Checkoff+Programs>

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