



## Elaborations on 11 Great Thoughts: #1 – Just Say No to the FDA

by Steve Bemis, Esq. – August 2, 2010

This is the first of an occasional series (one of eleven, actually) elaborating on my "11 Great Thoughts". First posted as a comment on The Complete Patient, they were most recently summarized in a slimmed-down version for the Fund in June.

Thought #1 urges that the FDA get out of the business of prohibiting interstate raw milk for individual consumption. A 'citizen petition' (the prescribed "legal" step) was submitted by Mark McAfee to the Federal Food and Drug Administration (FDA) but it remains unanswered more than a year later (FDA was supposed to answer within 180 days). The Fund has now sued FDA, and that case is pending in federal district court in Iowa. Additional action in that case will take time, but developments are likely to occur within the next several weeks.

Why should the FDA ditch its interstate ban? There are many reasons, but chief among them is that there is no proper role for government to interfere in individual choices concerning food. As well, there are 50 different states, each with different laws concerning raw milk. Simply put, each state is in the best position to be responsive to its citizens. There are many other reasons, detailed in the complaint filed by FTCLDF. Not mentioned there, is that FDA's attempt to prohibit interstate raw milk is simply ineffective. People are intent on accessing raw milk, and the agency's attempts to prohibit it are doomed to failure for lack of resources, higher priorities, and many other reasons.

What is needed is an enlightened national approach to raw milk. That is certainly not to suggest that it's the FDA's job to regulate (as opposed to prohibit) raw milk. National voluntary standards are the most viable approach, both to enhance safety and to foster the growth of the raw milk supply. The government isn't good at "voluntary," and so FDA should step aside.

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*This article is intended for educational and informational purposes only and is not intended to be nor should it be construed as either a legal opinion or as legal advice. The opinions expressed in this article are those of the author and do not necessarily represent the views or the position of the Farm-to-Consumer Legal Defense Fund.*

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### **HYPERLINKS for PDF version:**

**11 Great Thoughts** - Steve Bemis, "11 Great Thoughts", reprint of 30 October 2009 comment = <http://www.farmtoconsumer.org/news/news-11-Great-Thoughts.html>

**The Complete Patient** – David Gumpert's blog = <http://www.thecompletepatient.com>

**for the Fund in June** – Steve Bemis, "What Is Life Without Risk?", 16 June 2010 = <http://www.farmtoconsumer.org/life-without-risk-bemis.htm>

**Fund has now sued FDA** - webpage, Litigation- FDA Interstate Raw Milk Shipment Ban = <http://www.farmtoconsumer.org/litigation-FDA.htm>

**complaint filed by FTCLDF** – "Plaintiffs' Complaint for Declaratory, Preliminary and other Injunctive Relief", filed 19 February 2010 = [http://www.farmtoconsumer.org/litigation/filed\\_100219--complaint\\_final\\_02\\_01\\_10.pdf](http://www.farmtoconsumer.org/litigation/filed_100219--complaint_final_02_01_10.pdf)