



Industry Ads Attack Raw Milk

By Judith McGeary, Esq. - February 5, 2011

The Big Dairy opposition to raw milk took a new turn recently when an industry group began running radio ads, across the state of Texas, warning the public away from raw milk. Not only did the ads include false and misleading information, but the campaign was being funded with farmers' dollars, including fees levied on raw milk farmers.

For those unfamiliar with the industry, there are many government mandated programs referred to as the "Checkoffs." Advertising campaigns for "Beef: It's What's For Dinner" or "Pork: The Other White Meat" are among the many developed by Checkoff programs. Under federal law, every person who sells a cow must pay money to the Beef Checkoff; every person who sells a hog must pay money to the Pork Checkoff; and every person who sells milk must pay money to the Dairy Checkoff.

In many cases, small-scale producers fly under the radar of these Checkoff programs. But in the last couple of years, the National Dairy Council – the industry organization that runs the Dairy Checkoff – has started sending letters to raw milk producers threatening to pursue fines and penalties unless they pay into the Dairy Checkoff [read "[Pasteurized Milk Mustache](#)"]. Moreover, farmers who sell through co-ops (as many raw milk farmers do for part of their production) pay into the Checkoff through the co-op. The Farm-to-Consumer Legal Defense Fund has written letters challenging the applicability of the law to raw milk farmers, but it is an uphill battle because the U.S. Supreme Court has already ruled that these programs are constitutional.

Using the Checkoff funds to promote industry-supplied milk is bad enough. But the latest move – using the Checkoff funds to attack raw milk – took the fight to a new level. The radio ads were being run by a regional Dairy Checkoff organization, called DairyMax.

Notably, the Texas Legislature recently convened for its 2011 session and will soon be considering a bill to allow greater access to raw milk in Texas. While DairyMax claimed that the ads were intended as "public service announcements" because of the many questions they had received about raw milk, the timing is highly suspicious.

The Farm and Ranch Freedom Alliance (FARFA) immediately challenged the legality of these ads, writing a letter demanding DairyMax halt them; see excerpts of FARFA's letter below. FARFA also contacted the USDA official in charge of the Dairy Checkoff. The ads have stopped and DairyMax has taken down its "raw milk" information page, but it has kept an online pdf file with many of the same inaccurate and misleading statements about raw milk. DairyMax's Executive Director claims that the "pro-pasteurization" campaign is an appropriate use of Checkoff funds. FARFA is continuing to challenge this position and will post updates as the situation develops.

In the meantime, the good news is that the Texas raw milk bill has already gained bipartisan support in the Texas Legislature. Representative Dan Flynn (Rep-2), who introduced the bill ([HB 75](#)), has been joined by Representatives Dennis Bonnen (Rep-25), Eddie Rodriguez (Dem-51), and David Simpson (Rep-7) as authors. And Senator Bob Deuell (Rep-2) has filed the companion bill, [SB 237](#), in the Senate.

You can stay informed on the progress of the Texas raw milk bill – and help the fight for it – by signing up for email alerts at www.TexasRealMilk.org

Texas Real Milk is a project of the Farm and Ranch Freedom Alliance P.O. Box 809, Cameron, Texas 76520. Phone: 254-697-2661. Website: www.FarmAndRanchFreedom.org



Industry Ads Attack Raw Milk

By Judith McGeary, Esq. - February 5, 2011

Excerpts from FARFA's Demand Letter to DairyMax

Below are some excerpts from the letter FARFA sent to DairyMax demanding that they halt their ads attacking raw milk. The full letter is available at: <http://texasrealmilk.org/trmf/ltr-re-dairy-ads-110106.pdf>

"The statements on DairyMax's website are clearly intended to prevent people from drinking raw milk, even though the sale of raw milk by licensed dairies is legal in Texas."

...

"DairyMax's website materials and radio ads ... are clearly intended to decrease consumption of a specific segment of the milk industry, namely the raw milk industry. There is no legal basis for doing so, particularly given that raw milk is legal for sale in Texas. There are dozens of licensed raw milk dairies in Texas whose businesses are being harmed by DairyMax's actions."

...

"DairyMax's actions are particularly disturbing given that several raw milk farmers have paid the \$.15 per hundredweight Checkoff fee for many years, and the National Dairy Council has recently sent letters to other raw dairy farmers demanding that they too pay the Checkoff fees. Pursuant to the regulations, DairyMax should be using a portion of the Checkoff to promote and conduct research on raw milk, not to attack it."

...

"In addition, several of the statements on the DairyMax website are false and misleading:

"...When combined with the (false) CDC data about illnesses from raw milk, the section about the safety of pasteurized milk misleads consumers to believe that no illnesses have occurred from pasteurized milk. As you know from reviewing the same database you cite on raw milk, pasteurized milk and milk products have been associated with well over two thousand illnesses and three deaths between 1998 and 2008. Of course, to put both pasteurized and raw milk in context, the CDC recently released estimates that 47.8 million illnesses, 127,839 hospitalizations and 3,037 deaths are attributed to foodborne illnesses every year. Foods associated with foodborne diseases include hot dogs, strawberries, potato salad, alfalfa sprouts, tomatoes, spinach, grilled chicken, lettuce-based salads, lasagna, shrimp dishes, eggs, bean dip, doughnuts, pears, etc. It is unreasonable to suggest that a food be banned because it "can" be harmful, when the facts show that any food can be harmful.

"...It is misleading to say that pasteurization does not affect the taste or nutritional value of milk and dairy product. Cooking a food, of course, changes its taste and nutritional value. Ask anyone if they think a cooked strawberry tastes the same as a fresh strawberry, or cooked lettuce the same as fresh lettuce. Consumers of raw milk consume it because they taste the difference and, based on their own research and informed view, believe it is nutritionally superior.

"...The statement that "No scientific evidence finds that drinking raw milk prevents or cures any diseases or illnesses. ...There are no health benefits from drinking raw milk that cannot be obtained from drinking pasteurized milk that is free of disease-causing bacteria" is also false. Studies in Europe have found that drinking raw milk protects against asthma and allergies. See Riedler, J. et al. 2001. ..."



Industry Ads Attack Raw Milk

By Judith McGeary, Esq. - February 5, 2011

=====

HYPERLINKS for PDF version:

Pasteurized Milk Mustache – article by Pete Kennedy August 2, 2010) =
<http://www.farmtoconsumer.org/swarms/pasteurized-milk-kennedy.htm>

excerpts of FARFA's letter – links to excerpts from the January 6, 2011 letter to DairyMax posted at
<http://texasrealmilk.org/trmf/ltr-re-dairy-ads-110106.pdf> =
<http://www.farmtoconsumer.org/industry-ads-attack-raw-milk-mcgeary.htm#FARFA>

Texas raw milk bill – links to the text of HB 75 as introduced November 8, 2010 by Rep. Flynn; posted at
<http://www.capitol.state.tx.us/tlodocs/82R/billtext/html/HB00075I.htm> =
<http://www.farmtoconsumer.org/industry-ads-attack-raw-milk-mcgeary.htm#Texas>

HB 75 – Legislative history and internet tabs for Texas House bill HB 75 =
<http://www.capitol.state.tx.us/BillLookup/History.aspx?LegSess=82R&Bill=HB75>

SB 237– Legislative history and internet tabs for Texas Senate bill SB 237 =
<http://www.capitol.state.tx.us/BillLookup/History.aspx?LegSess=82R&Bill=SB237>

www.TexasRealMilk.org – website for Texas Real Milk, a project of FARFA

www.FarmAndRanchFreedom.org – website for Farm and Ranch Freedom Alliance (FARFA)

letter FARFA sent to DairyMax – January 6, 2011 letter =
<http://www.ftcldf.org/news/farfa-ltr-to-dairy-max-ads-20110106.pdf>

Click here for printable version – PDF =
<http://farmtoconsumer.org/docs/Industry-Ads-Attack-Raw-Milk-020511.pdf>