



# Farm-to-Consumer Legal Defense Fund<sup>®</sup>

Legal Representation ♦ Political Action ♦ Education

**FOR IMMEDIATE RELEASE**

## **FTCLDF Answers FDA's Motion to Dismiss *Challenge to Interstate Prohibition on Raw Milk for Human Consumption***

**Falls Church, Virginia (June 15, 2010)** - On June 14, the Farm-to-Consumer Legal Defense Fund (FTCLDF) filed its brief in resistance to the April 26 motion by the U.S. Food and Drug Administration (FDA) to dismiss the lawsuit brought by the Fund earlier this year. Aiming to overturn the federal ban that prohibits raw milk for human consumption in interstate commerce, the lawsuit claims that the federal regulations (21 *CFR* 1240.61 and 21 *CFR* 131.110) are unconstitutional and outside of FDA's statutory authority as applied to FTCLDF's members and the individual plaintiffs named in the suit.

"FDA made some pretty incredible arguments in their motion to dismiss," said Fund President Pete Kennedy. "Our research shows that this nation has a long history of consuming raw dairy products and that FDA's prohibition against taking raw dairy for human consumption across state lines runs counter to that national history," stated Kennedy.

Contrary to FDA's claims, the Fund argues in its brief that everybody has the right to travel across state lines with raw dairy products in their possession, that everybody has the right to consume the foods of their choice, that parents have the right to feed their children the foods of their choice, and that everybody has the right to be responsible for their own health.

"We believe we are breaking new ground in this case," said the Fund's General Counsel Gary Cox, "yet in a way, we are really asking the Court to expressly recognize what our Founding Fathers implied in the *Declaration of Independence* and in the Constitution."

FDA has the option of filing a reply brief within seven days. Further details about the lawsuit are posted at [www.farmtoconsumer.org/litigation-FDA.htm](http://www.farmtoconsumer.org/litigation-FDA.htm)

**About The Farm-to-Consumer Legal Defense Fund:** The Fund, a 501(c)(4) nonprofit, seeks to defend the rights and broaden the freedoms of sustainable farmers, and protect consumer access to local, nutrient-dense foods. Concerned citizens can support the Fund by calling 703-208-FARM (3276) or by joining the Fund at [www.farmtoconsumer.org](http://www.farmtoconsumer.org). The Fund's sister organization, the 501(c)(3) Farm-to-Consumer Foundation ([www.farmtoconsumerfoundation.org](http://www.farmtoconsumerfoundation.org)), works to promote consumer access to local, nutrient-dense food and support farmers engaged in sustainable farm stewardship.

**For more information call 703-208-3276 or email [president@farmtoconsumer.org](mailto:president@farmtoconsumer.org)**