



Farm-to-Consumer Legal Defense Fund®

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FOR IMMEDIATE RELEASE

California: Herdshare Dairy and Goat Owners File Suit Against CDFA

Falls Church, Virginia (August 9, 2011)--The Farm-to-Consumer Legal Defense Fund on behalf of its California members, San Jose goat farmers Mike and Jane Hulme and San Jose goat owners Ian Gerbode, Sara-Jane Skiwski and Sarah Sullivan, has filed a lawsuit against the California Department of Food and Agriculture (CDFA) and the County of Santa Clara. The suit, filed July 22 in the Superior Court of Santa Clara County, asks for a declaration by the court that Gerbode, Skiwski and Sullivan have the inalienable right to purchase, own, possess and use a goat, that they have the inalienable right to consume the raw milk produced by their goat and a declaration that they have the inalienable right to contract with the Hulmes to board, care for and milk their goats. The suit asks for a permanent injunction against the State of California and Santa Clara County preventing Defendants from commencing or continuing any enforcement action against Plaintiffs "or against anyone else in California who wishes to engage in the conduct engaged in by Plaintiffs."

On May 18 the District Attorney's Office of Santa Clara County sent a letter to the Hulmes accusing the farmers of illegally manufacturing and selling dairy products at Evergreen Acres. The letter informed the Hulmes that "the unlicensed manufacturing or processing for resale of any milk or milk product is a crime, punishable by a fine of up to \$10,000 and/or imprisonment of up to one year in the county jail."

In a subsequent meeting at the Santa Clara County District Attorney's Office, an official from CDFA informed the Hulmes that while it was legal for goat owners to board their goats at the farm and to have the Hulmes milk the goats, the owners could only drink the milk from their goats at the Hulmes' farm; once they left the farm with the milk, Evergreen Acres had become a dairy processing plant and was violating the law since it did not have a license. The official did not explain to the Hulmes the public health reason for this distinction.

In commenting on the action threatened by the District Attorney's Office, Milk Hulme said, "It is still incomprehensible to me that a District Attorney would 'overlook' the rights of citizens in the pursuit of regulation of a private farm over milk from a goat that was clearly for private consumption by the goat owner only and not for resale. It is a sign that clearly says there is no recognition for privacy, contract law or the vast evidence that raw milk is by its nature a safer product than pasteurized milk." As for evidence of the safety of the milk produced at Evergreen Acres, a recent standard plate count test of Evergreen Acres' milk [a test to determine viable bacteria in dairy products] was below 50—California law allows a standard plate count of up to 15,000 for raw milk sold at retail.

Hulme pointed out, "There is no injury here; no one has become sick from milk produced at the farm. There have been no complaints from either the goat owners or officials in the City of San Jose. The only conclusion I can draw is that this is a politically motivated action by the district attorney and CDFA to effectively put a small family farm out of business."

With the August 3 raid against the Rawesome Food Club in Venice, California by federal, state and local government agents, the lawsuit takes on greater importance. The police state tactics used in the raid should not stand nor should government interference with the rights of individuals to obtain

the foods of their choice through private contracts and associations. This is particularly so when the individual has ownership in the animal from which the food is produced.

CDFA and Santa Clara County have until August 29 to respond to the complaint. For more information on the lawsuit, contact the Farm-to-Consumer Legal Defense Fund.

The Farm-to-Consumer Legal Defense Fund defends the rights and broadens the freedoms of family farms and protects consumer access to raw milk and nutrient-dense foods. Concerned citizens can support the FTCLDF, a U.S. based 501(c)(4) nonprofit, by joining or donating online at www.farmtoconsumer.org or by calling 703-208-FARM (3276).

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