Raw Milk Battle Reveals FDA Abandonment of Basic Human Right to Choose Your Food
By Mike Adams, Editor of NaturalNews.com – May 10, 2010

The Farm-to-Consumer Legal Defense Fund (FTCLDF), an organization whose mission includes "defending the rights and broadening the freedoms of family farms and protecting consumer access to raw milk and nutrient dense foods", recently filed a lawsuit against the FDA for its ban on interstate sales of raw milk. The suit alleges that such a restriction is a direct violation of the United States Constitution. Nevertheless, the suit led to a surprisingly cold response from the FDA about its views on food freedom (and freedoms in general).

In a dismissal notice issued to the Iowa District Court where the suit was filed, the FDA officially made public its views on health and food freedom. These views will shock you, but they reveal the true evil intent of the FDA and why it is truly a rogue federal agency.

The FDA essentially believes that nobody has the right to choose what to eat or drink. You are only "allowed" to eat or drink what the FDA gives you permission to. There is no inherent right or God-given right to consume any foods from nature without the FDA's consent. This is no exaggeration. It's exactly what the FDA said in its own words.

You have no natural right to food

The FTCLDF highlighted a few of the key phrases from the FDA's response document in a recent email to its supporters. They include the following two statements from the FDA:

"There is no 'deeply rooted' historical tradition of unfettered access to foods of all kinds." [p. 26]

"Plaintiffs' assertion of a 'fundamental right to their own bodily and physical health, which includes what foods they do and do not choose to consume for themselves and their families' is similarly unavailing because plaintiffs do not have a fundamental right to obtain any food they wish." [p.26]

There's a lot more in the document, which primarily addresses the raw milk issue, but these statements alone clearly reveal how the FDA views the concept of health freedom. Essentially, the FDA does not believe in health freedom at all. It believes that it is the only entity granted the authority to decide for you what you are able to eat and drink.

The State, in other words, may override your food decisions and deny you free access to the foods and beverages you wish to consume. And the State may do this for completely unscientific reasons – even just political reasons – all at their whim.

This has all emerged from the debate over whether raw milk sales should be legal. But the commonsense answer seems obvious: Of course raw milk should be legal! Since when did the government have any right to criminalize a farmer milking his cow and selling the raw, unpasteurized milk to his neighbor at a mutually-agreeable price?

The U.S. government's secret agenda to eliminate raw milk

Raw milk has been in the spotlight recently as defenders of the food are constantly battling with state and federal authorities over the freedom to buy and sell it. At the national level, the FDA has been on a ruthless crusade to eliminate all sales of raw milk everywhere. Lately, the agency seems to have shifted its tactics from attacking raw milk dairy farmers directly to going after raw milk "buying clubs" and "cow-share" programs, which effectively bypass the draconian laws in many states by establishing private contracts between individuals.
In a cow-share program, you buy a share of the cow's produced milk, and you pay a cost of the cow's upkeep. It's sort of like CSA shares for farm veggies, but with cow's milk instead of veggies. This arrangement drives the FDA absolutely batty because it bypasses their authority and allows free people to engage in the free sales of raw dairy products produced on small family farms.

But why is the FDA hell-bent on stopping raw milk from being sold in the first place? Think about it: What is it about this particular whole food that has regulators working overtime to make sure you don't drink it?

It certainly has nothing to do with food safety, as the FDA commonly claims is its reason for opposing it. Raw milk's track record of safety is phenomenal, and all legitimate studies indicate that it's actually less prone to harbor harmful bacteria than the pasteurized stuff (which is all dead, modified milk anyway).

According to a Weston A. Price Foundation (WAPF) report, between 1980 and 2005, there were ten times more illnesses from pasteurized milk than there were from raw milk. And most of the reports that link illness outbreaks with raw milk provide little or no evidence that raw milk was even the culprit.

But apparently the facts don't really matter to the FDA (is anyone surprised?) because the agency continues to repeat false talking points about how raw milk is inherently dangerous and that drinking it is "like play Russian Roulette with your health".

**Big Dairy behind push to eliminate raw milk**

The real reason why the FDA opposes raw milk is because Big Dairy opposes raw milk. Just like Big Pharma, Big Dairy has worked very hard behind the scenes to steer FDA policy in its favor. And according to some recent reports, Big Dairy is one of the primary forces trying to eliminate raw milk because it threatens the commercial milk business.

Recently in Massachusetts, for example, the state's Department of Agricultural Resources (MDAR) has been targeting raw milk buying clubs that purchase raw milk from rural dairy farms and have it delivered to urban drop-off points where many of the customers live. Raw milk sales are legal in Massachusetts as long as they are done at the farm, and the state has long tolerated buying clubs, which are convenient for customers and technically perfectly legal.

But this situation now seems to have changed. MDAR recently sent cease-and-desist letters to four buying clubs even though there is no Massachusetts law that prohibits their existence. When club members challenged the legitimacy of the warnings, MDAR decided to propose a new regulation to specifically outlaw buying clubs. (They just can't stand the fact that people are buying raw milk, can they?)

Get this: Scott Soares, a Massachusetts legislator who is friends with the MDAR commissioner, held a preliminary meeting in advance of the May 10th proposal hearing to discuss the matter with interested parties. Fifteen educated and passionate consumers and farmers of raw milk showed up to challenge Soares, who ended up revealing to them that "large dairy producers" had contacted him to push for raw milk restrictions.

To make matters worse, it was revealed that Soares failed to follow proper protocol by not opening a docket to keep a record of all interactions relating to the proposal. So not only did Soares reveal that he's basically bowing to political pressure from Big Dairy by supporting the restrictions, but he's also violating proper legislative procedure in the process.
So what we have here is a classic case of a large and powerful industry pushing government regulators to outlaw competing products so that it can monopolize the market. It's the same thing that Big Pharma does in getting the FDA to destroy nutritional supplement companies. But now it's happening with raw milk, too.

What's next? Will all farmer's markets be outlawed because the veggies haven't all been irradiated or pasteurized?

As usual, it's all about the money, and as you follow the money trail all the way up to the federal level, you find the same thing happening everywhere: At the FDA, USDA, FTC and so on. U.S. government regulators have become monopoly market enforcers for Big Business, and they won't let anything get in their way... not even personal health freedoms or just basic access to food.

I'm sensing a Ghandi moment coming on here. Somebody is going to have a powerful public demonstration against tyranny by drinking raw milk in the same way that Ghandi led his followers to harvesting salt. People have a natural-born right to real food, and the FDA is violating human rights by attacking producers of raw milk.

**Unconstitutional position of the FDA**

It's not really news to the folks in the natural health community that the FDA opposes personal health freedoms, but according to the FTCLDF, the FDA's recent response to its lawsuit is one of the agency's boldest statements yet about how it views health freedom in America. It practically turns the FDA into a dictatorial Gestapo-like agency whose mission is to destroy the U.S. Constitution and deprive people of their natural rights.

Not only does the FDA think it has the power to regulate interstate trade; it also thinks it can regulate intrastate trade (which means buying and selling within state borders). In fact, the agency made this very clear on page 6 of its dismissal when it wrote, "It is within HHS's authority... to institute an intrastate ban [on unpasteurized milk] as well."

This is the FDA trying to run rampant over States' rights. The federal government, after all, isn't satisfied to exercise control over the limited powers granted to it by the U.S. Constitution – it wants to overthrow the tenth Amendment and dictate rules, regulations and laws that the states are being forced to follow.

This is blatantly unconstitutional. The Tenth Amendment to the U.S. Constitution forbids the federal government from intruding on the laws of individual states, and is only allowed to wield powers expressly granted to it by the Constitution (powers granted by the People, in other words).

There is no power granted to the federal government to ban the sales of raw milk. I've read the U.S. Constitution and the Bill of Rights, and I never saw it mentioned in there. The very idea, by the way, would have seemed bizarre (and downright stupid) by our nation's founders, many of whom actually operated farms and drank raw milk themselves.

According to the FTCLDF suit, the FDA is clearly operating outside Constitutional authority by forbidding raw milk from being transported across state lines from states where it is legal to sell it. And for the FDA to arrogantly announce that it has the authority to ban intrastate raw milk sales shows just how tyrannical and oppressive the agency has now become.

The FDA, bluntly states, has become an enemy of the People. It is taking away the rights that your forefathers helped protect (often with their lives). The FDA is destroying what your fathers and grandfathers fought for in World War II. It is attempting to terrorize the raw milk producers of America
and run them out of business through a campaign of threats and intimidation. This is the agency that's supposed to be working for the People? Give me a break...

**Even private contracts aren't a fundamental right, according to the FDA**

But it gets even worse. On page 27 of the dismissal, the FDA also states that Americans do not have a fundamental right to enter into private contractual agreements with one another, either.

Huh? Are you kidding me?

Buying clubs, cooperatives and community supported agriculture programs (CSAs) all rely on private contractual agreements in order to operate. People contract with each other to obtain clean, healthy food from the sources of their choice without government intrusion. But now the FDA is saying that people don't actually have this right. To enter into such a private contract to purchase food, milk or even water is a violation of federal law, the FDA now claims.

You are just a subject of the King, you see, and you have no rights. You must eat and drink what you are told. You must behave in a way that is allowed by your King. You have no rights, no protections and no freedoms. You are a slave, Neo.

The "substantive due process" clause of the Fifth Amendment to the U.S. Constitution, however, assures people of this right when it states that no person shall "be deprived of life, liberty or property, without due process of law." And being able to make personal food choices without having to obtain permission from Big Brother is definitely included under this clause.

But the FDA – aw, heck, all of Washington for that matter – doesn't honor the U.S. Constitution in any way, shape or form. The document is little more than a tattered piece of American history according to the Nazi nut jobs running federal agencies today. They are no more likely to respect the Constitution as they are to leap from their desk job chairs and magically transform into flying elephants.

But all hope is not lost... there are things you can do to fight for your freedoms.

**What you can do to protect food freedom**

According to David Gumpert from The Complete Patient, raw milk is a proxy issue that really addresses food freedom at large. Whatever is decided about raw milk will set a precedent for everything else.

That's why it's so important to support raw milk freedom whether you drink milk or not (I don't drink milk, but I support raw milk freedoms nevertheless). Not only is legalized raw milk beneficial to small, family farmers who are able to maintain livelihoods because of it, it also supports the local food economy. It's also, by the way, a whole lot healthier than pasteurized milk!

On January 28, 2009, Congressman Ron Paul (R-TX) introduced HR 778, a bill that would end all federal restrictions on interstate traffic of raw milk. It's along the same lines as the current lawsuit which challenges the constitutionality of such restrictions in the first place. You can read the entire bill at the following link: (http://www.ftcldf.org/docs/HR_778_Interstate_Traffic_of_unpast_milk_012809.pdf)

The FTCLDF has a petition page where you can contact your Congressmen and urge support for HR 778. You can even ask your Senators to cosponsor it. Please support this effort by signing this online petition.
Even more urgent than this is the need to express your opposition to a "food safety" bill going before the U.S. Senate called the "FDA Food Safety Modernization Act". Also known as S. 510, this bill, if passed, will drastically increase the FDA's power over food and make it very difficult to obtain natural, unprocessed foods of any kind. It would give the FDA completely power to irradiate, fumigate, pasteurize or otherwise destroy every item you consume, from fruits and vegetables to dairy products.

Remember how I said that the FDA (wrongly) thinks it has the power to regulate intrastate trade? Well S. 510 would specifically grant the agency this power. The FDA would then have the power to destroy all small, local farming, gardening or dairy operations in your home town, even if your state expressly defends your rights to engage in such activity.

Can you imagine a SWAT team of FDA agents showing up at your door because you grew organic broccoli and sold some at the weekend farmer's market without fumigating it with poisons first? That's what's coming to your home town, everywhere across America.

S. 510 is the final version of H.R. 2749, which was passed last summer by the House of Representatives. There's still time to stop it, but we need your help. So please sign the petition linked above.

I know sometimes it seems like the politicians aren't listening, and for the most part that's true, but a massive outcry against this attempted takeover of food is sure to get their attention and may even force them to back down.

You can read all about both bills at the following link:

You can also contact your Senators by visiting this link:
(http://www.opencongress.org/people/senators)

About the author: Mike Adams is an award-winning natural health author with a strong interest in personal health, the environment and the power of nature to help us all heal. He has authored and published thousands of articles, interviews, consumers guides, and books on topics like health and the environment, reaching millions of readers with information that is saving lives and improving personal health around the world. Adams is a trusted, independent journalist who receives no money or promotional fees whatsoever to write about other companies' products. He has created over 100 CounterThink cartoons and produced several popular hip-hop songs on socially-conscious topics. He's also a noted technology pioneer and founded a software company in 1993 that developed the HTML email newsletter software currently powering the NaturalNews subscriptions. Adams is currently the executive director of the Consumer Wellness Center, a 501(c)3 non-profit, and pursues hobbies such as Pilates, Capoeira, nature macrophotography and organic gardening. Known on the 'net as 'the Health Ranger,' Adams shares his ethics, mission statements and personal health statistics at www.HealthRanger.org

http://www.naturalnews.com/028757_raw_milk_FDA.html