



Written by [Michael Tennant](#) on May 20, 2011

## FDA Raw: Ron Paul v. Milk Police

“If we are not even free anymore to decide something as basic as what we wish to eat or drink, how much freedom do we really have left?” asked Rep. Ron Paul (R-Texas) in his May 16 Texas Straight Talk. Paul was referring to the Food and Drug Administration’s ban on the interstate sale of raw milk — milk that has not been pasteurized. The FDA believes raw milk is unsafe because it “can carry dangerous bacteria such as Salmonella, E. coli, and Listeria, which are responsible for causing numerous foodborne illnesses.” The agency also claims that raw milk is no more healthful than pasteurized milk.



Many experts disagree. Dr. Joseph Mercola, for instance, [argues](#) that

Raw (unpasteurized) milk contains enzymes and bacteria [that] have been shown to strengthen your immune system, develop healthy bacteria in your intestines and reduce the risks of everything from respiratory disease to obesity. Pasteurization destroys both good and bad bacteria.

[A Daily Finance article](#) cited by Mercola addresses the issue of safety:

On occasion, people do get sick from raw milk. But the number of people sickened by raw milk compared to other foods does not seem to warrant the FDA’s focused, expensive campaign....

No government regulations of interstate commerce in peanuts, kale, or cantaloupes have been suggested, despite the much greater number of people sickened by consuming these foods.

The FDA instituted the interstate milk sales ban in 1987 but didn’t really begin enforcing it seriously until 2006. Then, in typical ham-handed government fashion, it went overboard, not merely issuing warnings or levying fines (which would have been bad enough) but engaging in sting operations and armed raids of dairy farmers and their willing customers.

Last year, for example, Los Angeles police officers, FBI agents, FDA agents, and even one Canadian bureaucrat, guns at the ready, raided Rawesome Foods in Venice, California. The store’s crime: selling raw milk, which might contain dangerous bacteria, to people who knew full well what they were purchasing. If the enemy is bacteria, then “why,” asked one Rawesome member, “do you need guns?”

Congressman Paul recounted a similar 2011 incident:

On April 20th, after a year-long undercover sting operation, armed federal agents acting on behalf of the Food and Drug Administration (FDA) raided the business of Pennsylvanian Amish farmer Dan Allgyer to prevent him from selling his unpasteurized milk to willing, fully-informed customers in Maryland. Federal agents wasted a whole year and who knows how many of our tax dollars posing as customers in order to catch Allgyer committing the “crime” of selling his milk. He was not tricking people into buying it, he was not forcing people to purchase it, and there had



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been no complaints about his product. These were completely voluntary transactions, but ones that our nanny-state federal government did not approve of, and so they shut down his business. The arrogance of the FDA and so many other federal agencies is simply appalling. These types of police state raids on peaceful businessmen, so reminiscent of our tyrannical federal drug war, have no place in a free society.

He's right, of course, but the FDA doesn't see things that way. In fact, in direct contrast to Paul's rhetorical question about the freedom to choose what one wishes to eat or drink, the agency has flatly [asserted](#) that individuals "do not have a fundamental right to obtain any food they wish."

Even if the FDA were correct in its assertions about the dangers of raw milk, its prohibition on interstate raw milk sales would still be, as Paul termed it, "an unconstitutional misapplication of the commerce clause for legislative ends. As we have seen, if the executive branch feels hamstrung by the fact that our framers placed lawmaking authority in the Legislative Branch, they simply make their own laws and call them 'regulations.'" That is, only Congress has the constitutional authority to regulate interstate commerce and thereby to ban interstate raw milk sales; the FDA does not possess such power.

Saying he is "outraged" by the FDA's raids on peaceful dairy farmers and their customers, Paul has introduced legislation ([H.R. 1830](#)) "to allow the shipment and distribution of unpasteurized milk and milk products for human consumption across state lines," in effect reversing the FDA's unconstitutional ban on such sales.

"Many Americans," Paul explained, "have done their own research and come to the conclusion that unpasteurized milk is healthier than pasteurized milk. These Americans have the right to consume these products without having the federal government second-guess their judgment or thwart their wishes. If there are legitimate concerns about the safety of unpasteurized milk, those concerns should be addressed at the state and local level."

Should his legislation progress to the point where hearings concerning it are held, Paul might want to call former FDA official David Acheson as an expert witness. Acheson, too, has argued that the FDA's ban on interstate raw milk sales should be ended, though not because he is convinced that raw milk is necessarily better than pasteurized nor because he has concerns about the regulation's constitutionality, but because he recognizes the dangers inherent in prohibiting any substance: "Let us accept that raw milk consumption is here to stay — legislating against it will drive it underground and thus magnify any dangers associated with consuming that commodity." It's better, he says, to concentrate on "setting agreed standards for raw milk production," primarily at the state level, which could "actually make the product less of a public health hazard."

Whether raw milk is safe or unsafe, brimming with health blessings or no more beneficial than the pasteurized kind, having the option of consuming it without Washington's interference is, as Paul said, a matter of "individual rights, the original intent of the Constitution, and federalism." Every American should be able to hoist a tall glass of his favorite variety of moo juice (or non-dairy equivalent) to that.



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