

GOT RAW MILK?



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Raw Milk Statutes

- ⦿ Allowed at Retail
 - Raw milk is allowed to be sold at retail
 - Typically have strict quality/public health standards and requirements associated with the sale
- ⦿ Allowed in limited circumstances
 - On the farm only
 - Cow shares
 - Pet food
- ⦿ Not allowed

Challenge #1: But it's pet food!

- MN has pet food regulations
- MN Commercial Feed License
- Develop formulation – all ingredients must be FDA approved
- Have product analyzed by lab (guaranteed analysis)
- Develop a product label according to regulatory standards – submit labels for review
- Pay inspection or product listing fee

Challenge #2: I own that cow!

- ◎ Cow share agreements/boarding agreements/herd management agreements
- ◎ Recent WI court case
 - Without sharing the risks and benefits of the operation and using the dairy license for its intended purpose it's a sham contract
- ◎ Dependent on statutory interpretations (ie. definition of sale) and contractual language

Challenge #3: Speedy Delivery!

- Agency agreements
- Buyers clubs
- Contractual agreements for delivery of product
- Dependent on statutory interpretations (ie. definition of sale) and contractual language
- Unlawful purpose = void contract?

Challenge #4: I'm exempt!

- MN has a constitutional licensing exemption for sale of products of the farm or garden
- Supreme Court case – even if you are exempt from licensing you have to comply with sanitation requirements
- Multi-source products aren't exempt
- Challenge to find and monitor firm sanitation

Dabblers v. Diehards

- ⦿ Compliance Surveillance
 - Raw milk website listings
 - Craigslist
 - Complaints
 - Inspection observations
 - Outbreak Investigations
 - Directed investigations

Dabblers v. Diehards

- ◎ Strategies for getting compliance?
 - Liability! Liability! Liability!
 - Anecdotal: Milk cooperatives contractually prohibiting the sale of raw milk to consumer?
 - Potential enforcement actions
 - Letter of Information/Warning Letter
 - Administrative Penalties
 - Criminal prosecution
 - Injunctive Relief (TRO, civil or criminal injunctions)
 - License Suspension/Revocation

Investigation Safety

- On-site investigations
 - PLAN WELL!
 - ICS system
 - Clear objectives/communication/decision making
 - Enough staff (limit time on premises)
 - Have police back-up if necessary
 - Prepared media responses
 - Consider potential harassment of staff
 - Youtube, blog posts, harassing phone calls, derogatory comments to staff

Food for thought

- <http://realrawmilkfacts.com>
- <http://www.fda.gov/Food/ResourcesForYou/Consumers/ucm079516.htm>
- <http://www.fda.gov/Food/FoodSafety/Product-SpecificInformation/MilkSafety/ucm122062.htm>
- <http://www.farmtoconsumer.org/index.html>
- <http://www.farmtoconsumer.org/>
- <http://www.westonaprice.org/>
- <http://realmilk.com/>
- <http://www.thecompletepatient.com/>
- <http://www.colbertnation.com/the-colbert-report-videos/361307/october-06-2010/rawesome-foods-raid>
- <http://www.letslegalizeit.com/>

Questions



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