



Farm-to-Consumer  
Legal Defense Fund®

## Elaborations on 11 Great Thoughts: #2 – Just Label It

by Steve Bemis, Esq. – September 22, 2010

*This is the second of eleven in a series elaborating on my "11 Great Thoughts". First posted as a comment on The Complete Patient, they were most recently summarized in a slimmed-down version for the Fund in June.*

Thought #2 states there should be some kind of consistent identification of raw milk and raw milk products coupled with standard warning language, whether basic such as current restaurant-style warnings, or more elaborate such as current California warnings.

In this, I agree with many commentators that raw milk containers should have a clear description of their content. As much as I believe that individuals should have the freedom to choose raw milk, there should be equal freedom for those who wish not to, so as to allow them to avoid drinking raw milk if that is their wish (or fear).

Further, your guests should be advised what milk you serve (the raw milk enthusiast must resist the temptation to have an uninformed "taste test," hoping for the exclamation "how wonderful this milk tastes - where did you get it anyway?"). Similarly, a parent's consent should be obtained before you feed her child raw milk, even if the child is a guest in your home and raw milk is what your kids drink all the time.

Labeling is one of the simplest and cheapest forms of legal defense. Every restaurant I've entered in the last ten or more years has the standard menu warning about the consumption of raw or undercooked foods increasing the risk for food borne illness, and expressing special concern for those who are young, old, sick or otherwise immune-compromised.

Ideally, such warnings would be qualified by limiting the warning to raw milk that has been contaminated; however, since it is impossible for most consumers to evaluate whether raw milk (or sushi, or steak tartare, or raw eggs) has been contaminated, I think it's best not to attempt the qualification.

Even if your view as a consumer is that such warnings are more appropriate for the chronic effects of processed industrial foods--or that raw milk can actually help some of those immune-compromised, or that it's unfair where raw milk is "singled out"--still the warnings can be legally beneficial to the farmer in the rare case in which milk has suffered a contamination and makes someone sick.

In fairness, if we look back to the basic labeling of raw milk as described above, if a guest in your home is considering whether to try it, they should be advised what the risks are, even if the risk is as remote as being struck by lightning. Nothing, including warnings, is guaranteed in this life; but think back to your first drink of raw milk--it was likely (as was mine) carefully considered and researched.

Everyone should have the choice of becoming informed how their health and enjoyment of this natural food can be achieved, in balance with the risks as they may be perceived. Only with informed choice will we all be able to move forward in the pursuit of healthy foods such as raw milk.

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Page 2 of 2

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### HYPERLINKS for PDF version:

**11 Great Thoughts** - Steve Bemis, "11 Great Thoughts", reprint of 30 October 2009 comment =  
<http://www.farmtoconsumer.org/news/news-11-Great-Thoughts.html>

**The Complete Patient** – David Gumpert's blog = <http://www.thecompletepatient.com>

**for the Fund in June** – Steve Bemis, "What Is Life Without Risk?", 16 June 2010 =  
<http://www.farmtoconsumer.org/life-without-risk-bemis.htm>