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Minnesota: Hartmann Farm Press Release

Gary K. Wood | May 29, 2010

The Minnesota Departments of Health and Agriculture along with the media have all blamed raw milk from the Hartmann Dairy for being responsible for several cases of foodborne illness without producing any evidence to support their accusation. Here is the press release the Hartmanns have issued in response to these accusations.

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To the Media:

For Immediate Release:

May 29, 2010

What follows is a statement on behalf of Michael Hartmann, owner of Hartmann Dairy Farm, and his family in response to a number of news reports that milk from the farm has made people ill. If you have any questions, please contact Gary K. Wood at 612-384-9250, or garykwood@msn.com.

Michael Hartmann and his family have taken great care for more than 15 years to provide wholesome and nutritious products to private individuals who choose to consume his farm natural foods, produced without dependence upon pesticides, herbicides, antibiotics, or genetically modified grains.

The family had not received any information from any consumer about concerns, or allegations of *E. coli* contamination of any food product until the farm was subjected to the execution of a search warrant by the Minnesota Departments of Agriculture and Health. Aided by the Sibley County Sheriff and eight armed deputies, the department officials seized samples of milk, cleaning water, waste barrel contents, and manure, along with copies of records of customers, phone numbers, and delivery sites.

No results of sample testing, which generally take 15 hours, have been released. When the results are made available, everyone will be better able to understand the identification of any bacteria and its source.

The Hartmann family is seriously concerned for the health and welfare of the individuals who became ill. The family would be surprised to be found the source point for these illnesses and look forward to the opportunity to review any evidence the State may have. While the family received a copy of the search warrant, it has been unable to obtain a copy of any affidavit or testimony provided to the Judge to support the issuance of that search warrant. The family has only been able to contact two of the individuals reportedly diagnosed with *E. coli* illnesses. Of these two, one is not a customer, and the other has denied consumption of raw milk product. The family is continuing its efforts to identify the remaining consumers who became ill. Of course, this task would be easier if the State disclosed the names of the complainants or the content of reports of product consumption.

The Hartmann family requests that its farm not be pre-judged by the media. Please be aware that organic producers, and particularly those who engage in the private sale of raw milk



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to individuals who make that choice , have been the subject of intense investigations and enforcement actions in a number of states, including Wisconsin, Michigan, Pennsylvania, and New York.

Reference:

Anyone interested in the science and politics of raw milk should read *The Raw Milk Revolution* by David Gumpert, or *The Untold Story of Milk* by Ron Schmid. Last week, the Governor of Wisconsin (The Dairy State) vetoed a bill adopted by that state's legislature to authorize the sale of raw milk. In Minnesota, the sale of raw milk by farmers direct to consumers is legal.

Minnesota's Constitution, Article 13, section 7 provides: "Any person may sell or peddle the products of the farm or garden occupied and cultivated by him without obtaining a license therefor". Michael Hartmann was the Plaintiff in the 2005 decision by the Minnesota Supreme Court that reaffirmed the validity of this Constitutional provision. The Court divided, however, on the issue of whether the licensing or permitting was a matter of health and safety, or if it restricted product marketing. Justice Barry Anderson filed a separate opinion that the record was insufficient to determine whether the statute in question was the result of a concern for public health and safety or a marketing restriction. The entire opinion is available at <http://caselaw.findlaw.com/mn-supreme-court/1081314.html>; but the majority stated: "We hold that article XIII, section 7, grants farmers the right to sell products of the farm or garden that they are not otherwise legally prohibited from selling, without obtaining a license. The language of article XIII, section 7, is broad and clear. Defining 'products of the farm' to include any farmer's product for which a license may issue gives effect to the 'clear, explicit, unambiguous and ordinary meaning of the language' and honors the intent of the Minnesota voters who ratified Minn. Const. art. XIII, § 7. Therefore, the Hartmanns may not be prosecuted for failure to obtain a license to sell meat products of their farm."

The many of us who regularly consume raw milk do so with the knowledge that raw milk is not unsafe to drink as stated by Heidi Kassenborg, the Minnesota Department of Agriculture director of dairy and food inspection. It does not appear that Ms. Kassenborg's bias is based on science or experience, but upon the arbitrary conclusion of a chief regulator. Regardless of the manner in which this matter is resolved, one has to be concerned about the intentions of state regulators who choose to conduct their prosecution of milk producers through the media.

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<http://caselaw.findlaw.com/mn-supreme-court/1081314.html> =

Opinion issued by the Supreme Court of Minnesota in the case STATE v. HARTMANN (STATE of Minnesota, Respondent, v. Diane Marcella HARTMANN, et al., Appellants. No. A03-1674. -- July 28, 2005)