



Farm-to-Consumer Legal Defense Fund[®]

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FOR IMMEDIATE RELEASE

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Yesterday the Farm-to-Consumer Legal Defense Fund (FTCLDF) and one of its members, Mark McAfee of Organic Pastures Dairy, filed suit against the U.S. Food and Drug Administration (FDA) in the United States District Court for the District of Columbia. Our lawsuit seeks to force the agency to act on FTCLDF's petition to permit the transportation of raw butter across state lines. The FDA has improperly banned raw butter as part of the agency's (wrongheaded) interstate ban on raw fluid milk.

FTCLDF and McAfee filed a raw-butter petition with the FDA on June 22, 2016. As we detailed in our petition, the FDA lacks the authority to include butter in its interstate raw-milk ban in the first place, since Congress has specifically prohibited the FDA from changing the standard of identity of butter. After the FDA failed to provide any substantive response to our petition—a clear violation of the Administrative Procedure Act, which requires agencies to respond to citizen petitions within six months—we were forced to sue the agency.

Raw (unpasteurized) butter is a nutrient-dense, low-risk food. Many Americans prefer raw butter because of its taste, nutrient density, and easy digestibility. Raw butter is common in Europe. It also has a positive safety record. Studies show pathogenic bacteria do not grow well in raw butter.

The FDA's ban on the interstate transport of raw butter was put in place by the agency following a 1987 court ruling that directed the agency to ban the interstate sale of raw milk and cream.

“We've asked the U.S. District Court to issue a ruling that is consistent with the original FDA regulation,” says Joe Ramagli, FTCLDF's Board President and an Oregon farmer. “This should have been an easy decision for the FDA.”

Farm-to-Consumer Legal Defense Fund, founded in 2007, is the nation's leading 501(c)(4) nonprofit supporting people's right to raise, produce, and consume the foods of their choice. FTCLDF's work includes research, education, advocacy, and legal services. FTCLDF is supported chiefly by our members and grants. To learn more, donate, and join, visit <https://www.farmtoconsumer.org/donate/>.

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