

The Right to Raw Milk

Consumers Fuel Legal Challenges to FDA Attacks

Acres U.S.A. Interview: Mark McAfee

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The story of Mark McAfee's rise into the national limelight was the subject of an Acres U.S.A. report in May 2004 ("Reinventing Dairy: Organics & Innovation Give Consumers Real Milk"). Recently Organic Pastures Dairy became the target of a cabal forever dedicated to the proposition that confinement dairy cows, ineffective pasteurization and debilitating results of contaminated milk be protected by law. The milk story is well known to Acres U.S.A. readers. In a world where the sound-bite TV mantra has become the arbiter of "settled" science, a steadily growing number of consumers have set aside the edicts of FDA and opted for fresh, unprocessed milk, and in doing so have defeated many of the syndromes that torment children and adults alike — lower bowel disorders, lactose intolerance, digestive upset and allergies, to mention a few.

The fact is that consumers are on the march, and the absconders of our most precious heritage have a hard time serving their sub-rosa masters while staying within the law.

Mark McAfee has managed the 600-acre McAfee family farm since the early 1980s. In 1998 he was awarded "Best of the West" for innovations in food safety and was also featured on 20/20 with Lynn Sherr for his food safety and organic innovations. In 2000, he initiated the dairy and became an innovator in that sector — among Mark's inventions is the nation's first Grade A Certified, 20-station mobile milk barn, which "brings the barn to the cows."

In this interview he states the case for fresh, raw milk and announces that the fighting spirit of at least a few of agriculture's leaders is not dead.

ACRES U.S.A. Fresh or raw milk producers are having problems just about everywhere, such as in Michigan, where they pulled over a guy and destroyed his product and raided his house and took the records — and similar things have happened in state after state. I'd like to have your take on all this, especially how it has impacted your operation recently.

MARK McAFEE. That's a big discussion because there are massive interests — the pharmaceutical interests, doctors, the current medical practitioners' associations, all the politics of creameries, the national branded organic dairies as well as national branded conventional dairies, the mega-dairies, the FDA, the USDA — that are completely in alignment against short-shelf-life, high-value-added products. They are interested in long-shelf-life, low-liability products, and they want to control that market segment entirely. Raw milk represents a kind of interloper to them — it's something that keeps them from having complete control of the markets. It also has some incredible healing properties that would ultimately ruin the pharmaceutical industry as well as the current paradigm of sick health care versus preventive health care. People make lots of money on sick people — they don't make a lot of money on people who prevent disease and illness.

ACRES U.S.A. It seems to us that sound-bite slogans are being taken as the arbiter of settled science.

McAFEE. It's not settled science at all — this is unsettled science. You have 200,000 people a year dying from medications that are approved by the FDA — these are due to errors made by doctors and people who prescribe medications.

ACRES U.S.A. Taking medicines as directed?

McAFEE. Correct — 200,000 people a year! That's CDC information. In addition, 100,000 or more people are dying each year from infections they contract in the hospital — they didn't have these infections when they were admitted.

ACRES U.S.A. What do they call it?

McAFEE. It's called iatrogenic illness — conditions brought on by physicians and by conditions at the hospital. We have antibiotic resistance in epidemic proportions right now, where antibiotics just don't work anymore. You have things such as E. coli 0157, which is now surfacing in a variant that can't be killed by modern medicine — and if you do try to kill it with a modern medicine such as antibiotics, it releases its shigella toxin, which is extremely lethal.

ACRES U.S.A. The intelligence we have is that a high percentage of the confinement dairy herds have para-T or Johne's disease.

McAFEE. From what I understand, that's correct.

ACRES U.S.A. And that the Johne's disease organism passes right past the pasteurization process and ends up creating lower-bowel disturbances as well as Crohn's disease. Is that what you're finding?

McAFEE. That is correct. In fact, I just got a Veterinary Review article this morning that confirmed that paratuberculosis is not heat sensitive and will live right through pasteurization.

ACRES U.S.A. So much for pasteurization. How about homogenization?

McAFEE. Homogenization, I understand, has some affect, but I'm not a scientist and I don't know all the data around that.

ACRES U.S.A. Well, you have some interesting little biological/scientific takes on your answering machine message — would you explain one or two of those?

McAFEE. Sure. When you have probiotic diversity in milk — when you have many, many different organisms, all the enzymes, and it's a whole food, not partial, it hasn't been processed in any way — then it has a high propensity, a very good affect on limiting pathogen growth. As soon as you get things out of balance, however, you start having problems with things such as pathogens, Johne's and so forth. If you leave things in natural balance, the good organisms tend to take care of the bad organisms. In other words, there are many, many different kinds of E. coli. Ninety-five percent of them are all beneficial. Without them you wouldn't have vitamin K, you wouldn't have vitamin B1, B2, B6, B12. E. coli is essential to life on earth and is an indispensable group of organisms in your intestines. If we start getting rid of those organisms, we also get rid of natural colicin, naturally occurring antibiotic-like substances which inhibit the pathogenic forms of E. coli, such as the O157:H7 strain. This whole bacteria paranoia we have in this country is beyond out of control.

ACRES U.S.A. They've substituted bad food for food containing living entities, and as we understand it, dead plus dead equals dead.

McAFEE. That's exactly right! Living foods provide the elements that are the building blocks to heal the human body and other organisms.

ACRES U.S.A. You have mentioned elsewhere that these children who have lactose intolerance are excused from that problem if they move over to fresh or raw milk.

McAFEE. That's correct.

ACRES U.S.A. What happens? Why is that?

McAFEE. The reason that people have lactose intolerance to begin with is because they do not produce the lactase enzyme in their gut. The organisms in fresh milk actually produce lactate or the lactobacillus bacteria, which is in fact one of the main targets of pasteurization because it causes souring and shortens the shelf life of milk. If you get rid of lactobacillus you get an increased shelf life for milk — but if you leave it in and keep the milk cold, you still have a nice 14-day shelf life — not a problem, really. In any case, the lactobacillus bacteria is responsible for creating lactase enzyme. For those people who don't have lactase enzymes, when lactose

sugar, that's milk sugar, enters the gut, they'll have gas cramps and all kinds of problems — that's called lactose intolerance. But if you drink raw milk, just like Mother Nature created it, it will have lactobacillus bacteria, which will produce lactase, which in turn will digest the lactose sugar. No more lactose intolerance!

ACRES U.S.A. One other question comes to mind. What happens to that E. coli that's excreted by the cow once it hits the turf or is sheet composted?

McAFEE. Here's the thing — cows produce E. coli in their manure all the time, but those are good strains of E. coli. Now, you can create an unhealthy cow that's producing a lot of bad strains — such as O157:H7 — if you give her a lot of grain feed and never grass-feed her and put her in a big feed lot.

ACRES U.S.A. Which is a consequence of confinement operations, or CAFOs.

McAFEE. Right — in a recent study they found that one in five cows in the big confinement dairies — 23 percent, I think — had E. coli O157:H7 shedding.

ACRES U.S.A. This is a consequence of how they're fed?

McAFEE. Precisely. I would say that it's a combination of feeding the grain, not having any grass and then antibiotics — those three things are the killers. Now, you grass-feed a cow, and the statistic drops low — it's a fraction of one percent, if anything. Some herds don't have it all. Our herd doesn't have it at all. They've never found pathogens in our cows, ever, but we're religious grass-feeders here.

ACRES U.S.A. You just have the garden variety E. coli, and when it hits the ground, why, the microorganisms in the soil take care of it.

McAFEE. Exactly. And there's plenty of the good strains of E. coli in the soil as well. That's the background — good bacteria that actually inhibit the pathogenic forms of bacteria. The more diverse your soil, the healthier your soil. The more diversity you have in your gut, the healthier your gut.

ACRES U.S.A. All these things stated — you have an absolutely impeccable record and reputation. Why would the authorities pick on you?

McAFEE. We are the poster child for how to do raw milk in the United States. If they can destroy the poster child, they'll destroy the entire paradigm. They'll destroy the entire movement and destroy the source of raw milk because it's our integrity that's under attack. I believe they think if they can get rid of Mark McAfee and Organic Pastures Dairy, they'll have no leadership in the industry — so why not go after us? The problem they had was that they shot first and asked questions later — and they forgot something. They forgot who Mark McAfee was. I was a paramedic for 16 years, and I am very, very familiar with taking medical histories. I'm also very, very familiar with going into hospitals and becoming friends with nurses. So I went in and basically cozied up to all these ICU nurses and doctors and talked to the patients themselves, talked to the parents of the children that they said were sickened by our milk, and I found out that the truth was completely different from the claims of the authorities. In fact, there weren't four children, there were only two children who were sick, and of those two children, one was officially on the spinach list and

admitted to having spinach from Watsonville; the other came out on national TV and said it had nothing to do with the milk.

ACRES U.S.A. But every time a case or two turns up in any health division and there's somebody selling raw milk, immediately they blame raw milk — they don't look any further.

McAFEE. That's what happened down in Oklahoma a few weeks ago as well. A child got sick, really sick — for six weeks. The mother said that the child had a spinach smoothie — four of her five children had the spinach smoothie, and those four children became sick with E. coli O157:H7. One was hospitalized, the rest recovered quickly.

ACRES U.S.A. The intelligence I've had from some of the field producers of spinach in Florida and in California is that too often the spinach is grown very near a confinement feeding operation, and it could travel or migrate by way of polluted water, too.

McAFEE. That is correct — but what I'm getting at with the Oklahoma family was this: four of the five children had the spinach smoothie. The fifth child did not have the spinach smoothie and didn't get sick. They all drank raw milk, all the time, but the only child that got really, really sick was the one who went to the hospital and got the antibiotics. This is a really important part of the story, by the way, you need to get this out — if a child has E. coli O157:H7, do not give antibiotics. It can be a death sentence.

ACRES U.S.A. There's an article out of Canada on E. coli by Dr. Glen Armstrong that makes the same case.

McAFEE. The medical literature is very clear. Don't give antibiotics to antibiotic-resistant bacteria, because what it does is it kills off all the good E. coli and you're left with only the bad strains, and the toxins they emit just tear up your kidneys, destroy them. The kids who don't receive antibiotics actually experience a quicker recovery— for example, two down in San Diego, who the authorities claimed got sick from our product, went to the pediatrician rather than the hospital, then went home and recovered in three days. One of the kids never even said they had raw milk — they said they had something else. The other kid said they had some of our colostrum, but there were other things they ate as well. We don't know whether it was our milk or not, but we do know this — the story is not as it was told in the press.

ACRES U.S.A. Since the topic has come up, let's take your recent case step by step, just what happened.

McAFEE. The California Department of Food and Agriculture came in and announced to the world through a press release — at 4:30 on a Thursday afternoon — that we were under recall quarantine and had made four kids sick. They came and told me 35 minutes later, so I didn't even have a chance to respond. I threatened them with a \$100 million lawsuit because I thought it was brand defamation — there was no evidence whatsoever, and they had no bacteria count whatsoever on any of our products. There was no link between our products and the kids — they just said that four kids were ill. I asked who these kids were. They said, "We can't tell you." I said,

" Show me the fecal exam." "We don't have it back yet." It was entirely preemptive and precautionary.

ACRES U.S.A. What were you able to find out?

McAFEE. I went down and visited the families two days later — I actually had a physical visit at Loma Linda Hospital, and the story quickly unfolded. In fact the illnesses had nothing to do with our milk — we were just easy opportunity targets because we were raw milk, but when you've got 50,000 people a week drinking your milk in Southern California, you're going to have overlap. And you know they didn't even find the same strains in all the fecal exams — they weren't the same, there were two different strains! I've learned that researchers are finding there's a second strain of pathogen in the contaminated spinach, even though the CDC says there's only one strain. There are a bunch of families out there right now that are bewildered because they had spinach and got sick and have E. coli, but have a different strain. There's kind of official denial of that. In any case, within a week of this whole quarantine happening, I threatened to hold a press conference to tell all about what I had discovered. The state was begging me not to do so because they wanted more time to get their tests completed. I basically had them over the barrel because I'd caught them in a lie and consumers were irate, they were writing letters and calling their congressmen and everything — we had 8,000 e-mails come in. We had people ready to march on to Sacramento because they wanted raw milk. So the state capitulated within seven days.

ACRES U.S.A. How many days were you down?

McAFEE. We were out 14 days altogether.

ACRES U.S.A. That's quite a blow to an operation like yours, isn't it?

McAFEE. We figure about \$110,000 a week, so close to a quarter of a million dollars.

ACRES U.S.A. Can you recover any of it?

McAFEE. Here's the shame of it all. Without having proven anything, they made us destroy all the milk we had in inventory, all the milk from that period of time. All we could make was cheese. What was really sad about it was all that milk during the quarantine had been tested, and it all tested perfectly fine. For us it was tragic; it was like sticking the bayonet in and then twisting it, you know? We had to throw away perfectly good milk.

ACRES U.S.A. They can run these phony deals past you though and eventually break you just for defending yourself, can't they?

McAFEE. That's true, but in our case, we stood our ground and called a big press conference and basically pushed the state to capitulate in the face of a public uprising.

ACRES U.S.A. Tell me about the demonstrations.

McAFEE. We had 200 people or so here in a rally at the farm on the Friday, September 29, when the quarantine was lifted. The quarantine had actually been lifted 24 hours earlier, but they asked me please not to tell anybody because they wanted to have some time to get their act together. Anyway, we lifted the quarantine on national TV — I think there were like 15 television and radio reporters; everybody was here. There would have been 1,000 people at the rally if it had been on a Saturday, but on a Friday, many supporters were at work or school. The people who did make it were passionate, and the consumers got to talk to the media and tell them about their asthma or osteoporosis or Crohn's disease going away. Crohn's, by the way, is resolved by raw milk — the pathogen is actually invigorated by pasteurization of milk.

ACRES U.S.A. Absolutely. That's the point we made a little earlier.

McAFEE. If you talk to Jordan Rubin, the guy who wrote *The Maker's Diet*, he nearly died of Crohn's disease back in 1996 and 1997. He drank raw milk and kefir and recovered fully from it.

ACRES U.S.A. Just from raw milk and kefir?

McAFEE. That's right. That was his treatment.

ACRES U.S.A. Well, in your case the state finally capitulated. What did that do to other dairies?

McAFEE. Here's the thing. The California Milk Advisory Board is an extremely strong, well-funded pseudo- political entity — it's actually pseudo- governmental entity of the private milk industry in California. They promote pasteurized milk in California with the "Got Milk?" commercials and the milk mustaches. They absolutely want to get rid of any message that flies in the face of what they do — so we're a thorn in their side.

ACRES U.S.A. Are you the only thorn in California?

McAFEE. There's a little one named Claravale Dairy in Watsonville — they've only got 25 cows, and they've been around since 1927.

ACRES U.S.A. Are you going to try to recover any of your damages?

McAFEE. We sent a bill to them and they agreed to pay for the milk product loss itself. They wouldn't pay any other damages or costs, but they would pay for our milk product loss, \$109,000 of just basic product loss.

ACRES U.S.A. \$109,000 a day or a week?

McAFEE. No, that was for everything. We figured we had about a \$500,000 loss in terms of our attorney's fees and lost product and brand damage and so on.

ACRES U.S.A. Where's this going, this raw milk movement — are we going to prevail and finally back them down? Take the Food and Drug Administration, they certainly know what we're talking about, about this damaging E. coli out of feedlot

cattle that are turned into ruminant hogs — they can't be ignorant of that, and yet they insist on propounding these points.

McAFEE. The FDA knows about it, all right. They also know that hand cleaners are causing problems with cleanser-resistant bacteria. They know that. Their own publications are saying "stop killing bacteria because they're becoming resistant." So the smarter of them understand this whole probiotic versus antibiotic thing and know that we're already in a car wreck heading toward a worse car wreck with the whole hospitalization issue and the sterilization issue and all that stuff.

ACRES U.S.A. And the food issue.

McAFEE. Yes, the sterilized food.

ACRES U.S.A. Where are we going with the GMOs for instance? Where are we going with cloned meat protein?

McAFEE. We have a real problem on our hands, don't we? We have a real challenge. The beauty of it is that consumers love us and we can jump through the entire food chain without having any of this other stuff in the way. But that's the saving grace of raw milk production — consumers love us.

ACRES U.S.A. Yes, but you've got to fight the battle one state at a time, apparently.

McAFEE. That's correct, and that's why it was so imperative to win in California decisively, so that we wouldn't be harassed for the duration and used as a "bad example."

ACRES U.S.A. Do you associate a nationwide outbreak of enforcement activity with what happened to you?

McAFEE. We have seen it.

ACRES U.S.A. Across the whole country?

McAFEE. Yes. I'm not sure if it's concerted or whether it was something that happened just because of timing. I have a feeling, though, that there was directive that came down from the FDA — hey, clamp down on this raw milk thing.

ACRES U.S.A. Well, it's like the old politician says, nothing happens by accident.

McAFEE. No, I don't think so. I think you're right.

ACRES U.S.A. So, where do you go from here? Does this in the long run hurt your business, or are you going to pick up customers?

McAFEE. Our sales are 30 percent higher now that we're back in production. We cannot keep product on the shelf. It has been the greatest thing that's ever happened to our market.

ACRES U.S.A. So in terms of getting the message out, once in a while you do penetrate the mainstream media's "iron curtain?"

McAFEE. Yes — for example, the Los Angeles Times ran a feature article about Organic Pastures Dairy and raw milk and our consumers in the first week of December.

ACRES U.S.A. Of course people who read this interview can access the mother lode on your operation by visiting your website on the Internet.

McAFEE. Yes, it's at www.organicpastures.com, and it receives thousands and thousands of hits a day.

ACRES U.S.A. As you probably know, there are producers around the country in various states who are literally being forced to bootleg their milk.

McAFEE. Yes — the Weston Price Foundation right now is initiating some lawsuits based on the constitutional right to possess personal property, because when you have a cow share program, you're not legally "selling" milk.

ACRES U.S.A. But the problem is, the cop who pulls the guy over apparently feels he's arresting officer, prosecutor, judge, jury and fine assessor.

McAFEE. That's the issue. That officer needs to be put in jail because he is falsely accusing someone of something who has done nothing wrong. That's why the officer has to be sued, as well as the governmental agencies with a class-action lawsuit, and that's what the Weston Price Foundation is actually involved with right now.

ACRES U.S.A. That's with Sally Fallon?

McAFEE. Correct. As I said, when you have a cow share, that milk is not being sold. It is already owned by the shareholders, and they are simply taking possession of and drinking their own milk. It is a crime against the Constitution of this United States that these people are being deprived of access to their own property.

ACRES U.S.A. They're being deprived of the right to contract, too.

McAFEE. That's correct. There's all kinds of violations, Bill of Rights and everything else. I think you're going to see a landslide victory in some level of a court that shows that a cow share program is completely legitimate and legal, and you can take that milk anywhere you want because it's your milk. I think we're also going to see some capitulation where enforcers back off, and I think cow shares will become more and more prevalent in this country. You'll start seeing stories in the media, and it will get to Oprah Winfrey in the next couple years. Stories from the milk consumers themselves will come out about how their autism is better, how ADD was resolved and lactose intolerance and asthma and Crohn's disease — and they're saying it's all about Mother Nature's raw milk. There's another thing going on — the technology to verify and test pathogens is becoming very inexpensive and extremely rapid. So the ability not only to feed the cows on green grass but also to verify and test their milk is becoming excellent. There is a very good thing going on here.

ACRES U.S.A. Are we talking about a federal legal action or is this still at a state level?

McAFEE. It'll be state, initially. I don't know where Sally is taking it as far as federal is concerned, but there could be some federal action as well. We'll see.

ACRES U.S.A. In your case at least, the story had a positive outcome.

McAFEE. Our consumers are elated — very, very excited. And the state had to retract their statements and admit that there was no link whatsoever between our milk and any illnesses in California. Of course, that was printed on the back page in small print, after the front page screamed that we made four kids sick.

ACRES U.S.A. The press keeps repeating the official mantra that you've got to have pasteurization because dairy is inherently a filthy business and so on. But you've proved otherwise.

McAFEE. And the whole movement is rapidly picking up momentum. The press can't ignore it for much longer.

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