

## SUMMARY

### **Citizen's Petition for Exemption of Raw Milk Interstate Transportation Ban when the Milk is Labeled as Indicated**

Advocates for direct farm-to-consumer food rights, the Real Food Consumer Coalition (RFCC), have filed a petition with the US Food and Drug Administration (FDA). This petition, when accepted by the FDA, would eliminate an important layer of FDA regulatory enforcement against raw milk farmers—the agency's ban on interstate transportation or sale of raw milk. Farmers would be exempt from enforcement of this regulation if they provide warning labels and a recipe for pasteurization on raw milk products.

The warning labels are similar to labels currently required in many states. The recipe for pasteurization is included so that individual consumers can make their own choices about how to best handle the milk.

This petition asks the FDA to accept such labeling for raw milk products, as an alternative to its draconian prosecution of Amish farmers and others who for centuries have produced and consumed raw milk products.

Emord and Associates, a Washington DC law firm with extensive experience in food regulation, filed the citizen's petition with the FDA on April 26, 2017. The FDA legally has 180 days to respond.

While we await the answer to the petition, attorneys for any farmers cited (now or during this waiting time) for non-compliance with CFR1240.61 can file a motion of stay for their clients pending the response to this petition.

During the 180-day period, advocates for consumer choice will work with Congressional representatives to push for a legislative and more permanent repeal of the regulation in conjunction with the request in the petition.

Please support our efforts here: [www.RealFoodCC.com](http://www.RealFoodCC.com)

### **CFR1240.61 Explained**

§1240.61 Mandatory pasteurization for all milk and milk products in final package form intended for direct human consumption.

(a) No person shall cause to be delivered into interstate commerce or shall sell, otherwise distribute, or hold for sale or other distribution after shipment in interstate commerce any milk or milk product in final package form for direct human consumption unless the product has been pasteurized or is made from dairy ingredients (milk or milk products) that have all been pasteurized, except where alternative procedures to pasteurization are provided for by regulation, such as in part 133 of this chapter for curing of certain cheese varieties.