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NEWS RELEASE

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Public Hearing to be Held on Controversial Dairy Labeling Rules: Label Claims for Non-rBGH Dairy Products Banned

Whiting, KS. -On December 2, the Kansas State Department of Agriculture (KDA) will hold a public hearing on a proposed rule that would ban milk or dairy products carrying labels such as “rBGH -free”, or “rBST free”, or “no artificial hormones”, and establish rules for labeling such dairy products.

Recombinant bovine growth hormone, known as rBGH or rBST, is a drug developed by Monsanto Corporation to inject into cows to increase milk production. According to industry, a typical increase is 5 to 15%.

However consumer concerns about health and safety of the artificial hormone have led many dairy manufacturers to develop products made with milk from non-treated cows. These manufacturers have adopted labels such as “this milk (or cheese or yogurt, etc.) is from cows not supplemented with rBGH”, or “rBGH free”.

The proposed Kansas regulation would require the processor or manufacturer to verify the on-farm claim with an affidavit that the milk is from cows not supplemented with rBGH. It would also require a product label to include the statement: “The FDA has determined that no significant difference has been shown between milk derived from rBST supplemented and non-rBST supplemented cows.” It also disallows statements like “rBGH” free”, or “rBST free” or “hormone free”.

Similar labeling regulations in Ohio resulted in the filing of lawsuits by The Organic Trade Association (OTA) and the International Dairy Foods Association (IDFA). In Pennsylvania the Governor rescinded similar rules after consumer outcry that the new labeling rules were not needed.

IDFA argues in the Ohio lawsuit that the new labeling law imposes an unacceptable economic burden in the cost and complexity of packaging. The economic summary accompanying the new regulations proposed in Kansas acknowledges that the ”proposed regulation will significantly impact manufacturing plants which choose to make

production claims concerning rBST on their labels.” Some processors have 80 to 120 different products or labels to change.

According to opponents, the proposed Kansas rule is largely the state’s response to lobbying from dairy farms that use rBGH, and the drug’s manufacturer, who feel that labels claiming “rBGH free” are misleading and violate truth-in-labeling laws. Consumers have been happy with FDA’s guidelines and have not complained about the existing labels.

Opponents argue that less than 20% of Kansas’ dairy cows are believed to be currently injected with rBGH, so why are those not using the drug the ones paying the price of increased labeling laws? They believe that the idea is to make non-use so onerous and expensive that processors will simply give up. Then consumers will have no way of knowing what they are buying-- but the manufacturer of rBGH has a chance to increase their sales.

In addition, those who follow the research trail of rBGH’s health and safety impacts (such as Consumers Union, and Food and Water Watch) argue with the FDA’s statement that “no significant differences between milk produced with rBGH and milk without the artificial hormone have been found.”

Research, opponents claim, shows the hormone increases the rates of 16 different medical conditions in cows, and that there is substantial evidence that it may increase antibiotic resistance and some cancer rates in humans.

According to information from the Oregon Chapter of Physicians for Social Responsibility (Oregon PSR), rBGH elevates levels of another powerful hormone, IGF-1, in cows. In excessive amounts IGF-1 has been linked in hundreds of studies to an increase in breast, prostate and other cancers in humans.

As for antibiotic resistance, the Posilac label (trade name rBGH is sold under) itself warns dairymen that its use “may increase mastitis in cows”, and thus increase the use of antibiotics.

Sales of rBGH have dropped since consumers have been given a choice between products coming from rBGH and non-rBGH treated cows. In the summer of 2008, Monsanto, the sole producer of rBGH, sold the Posilac or rBGH division of its business. Some speculate that sales losses led the corporate giant to dump the artificial hormone.

The December 2, 10 a.m. public hearing will be held on the 4th floor training room of the Kansas Department of Agriculture on 109 S.W. 9th Street, Topeka, Ks. Written comments can be submitted prior to the hearing to the Secretary of Agriculture, 109 S.W. 9th, Topeka, Ks. 66612, or by e-mail to: leslie.garner@kda.ks.gov.

