

RAW MILK AND FEDERAL LAW

MYTH: *“The Federal food and Drugs Act’s Food and Drugs Regulations prohibit the sale of raw milk in Canada... It would be inappropriate for [B.C.] to permit the sale and distribution of raw milk to consumers while federal legislation prohibits these activities.”* (Briefing note to Minister Dix from Ministry of Health staff, November 8, 2017)

FACT: The *Food and Drugs Regulation* only bans sales of raw milk, NOT distribution or consumption (s. B.08.002.2(1)).
Via a legal model known as “herdsharing”, co-owners of a herd of dairy livestock can obtain raw milk without purchasing it. [Note that some private buying clubs, notably in Ontario, have used the term “cowshare” to describe themselves – these operations would still violate Federal law.] Herdshares are legal by legislation, regulation, or court decision in eleven U.S. states where sales remain illegal, and this model could also be used in Canada.
In addition, the B.C. government could go further than any U.S. state and implement a regulatory program which includes bacterial testing, training and certification, farm inspection, and on-farm food safety plans.

FACT: Quebec set a precedent in 2008 by legalizing the sale of unpasteurized cheese aged less than 60 days, when the Federal law (*Food and Drugs Regulations*, ss. B.08.043 and B.08.044) prohibits its sale. Quebec realized that mandatory food safety standards can achieve the same public health goals as prohibition would, B.C. could also appropriately choose to legalize and regulate either raw milk sales, herdsharing, or both.

We respectfully ask the Government of British Columbia to legalize and regulate the distribution of unpasteurized milk and dairy products, as they are legal in 42 U.S. states, England, France, Germany, New Zealand, and dozens of other nations world-wide. The thirty-year old law enforcing prohibition is both obsolete and ineffective. Obsolete because “best practices” now exist to produce safe raw milk. Ineffective because consumers are obtaining it anyway via cross-border shopping and illegal sales from commercial dairy farms.