

MILK FROM HORMONED-UP COWS IS DIFFERENT, COURT AGREES¹

Marian Burros[©]

The organic milk industry has won a significant battle with the state of Ohio over consumers' right to know what has been added to the milk their children drink. Or, more exactly, what hasn't been added. The finding has implications for milk sold in other states, too, and—appropriately enough in non-GMO month—for other foods produced with hormone injections or from genetically modified organisms (GMOs). In the simplest of terms, this landmark decision of the 6th Circuit of the United States Court of Appeals (by a unanimous decision) allows a carton of milk to be labeled as rbGH-free without any qualifying statements.

THE DETAILS: The synthetic hormone rbGH, recombinant bovine growth hormone, also known as rbST or recombinant somatotropin, is injected into cows, and makes them give more milk than they would naturally. There has been a long-standing argument about whether the injection of the hormone increases the level of a naturally occurring hormone called IGF-1 in the milk, which, in high levels, is believed to be a cancer-causing agent.

Now a fight that has dragged on for 16 years over claims companies want to make when their milk does NOT contain rbGH has finally been settled. Ohio had enacted regulations that would have prevented consumers concerned about hormones in milk from knowing whether milk sold in the state was free of the synthetic hormones. The court said those regulations could not stand. When the U.S. Food and Drug Administration (FDA) gave its OK for the use of rbGH in the early 1990s, sales of organic milk began to climb, because organic rules prohibit the use of rbGH in milk production. Soon after the FDA OK, some brands of milk—both organic and conventional—were sold sporting notices that they were produced without the hormone. Farmers using the hormone opposed that claim, and the FDA sided with them, requiring that rbGH-free claims on dairy products had to be accompanied by an asterisk leading to the following statement: “The FDA has determined that no significant difference has been shown between milk derived from rbST supplemented and non rbST supplemented cows.”

The state of Ohio attempted to go even further, prohibiting the claim rbST free. So the Organic Trade Association and International Dairy Foods Association sued the state. The appeals courts disagreed with a lower court decision that said that there is no significant measurable compositional difference between milk from untreated cows and cows treated with the hormone. Relying on information provided by the winning side, the judge disagreed with the lower court, and noted these differences:

- (1) The use of rbST produces elevated levels of the insulin-like growth factor IGF-1 in the milk.
- (2) The use of rbST induces an unnatural period of milk production in cows, and studies show that milk produced during this stage is of lower quality because of its increased fat content and its decreased level of proteins.
- (3) The milk from treated cows turns sour more quickly, which is another indicator of poor milk quality.

¹ Rodale News, October 6, 2010

The appeals court's conclusion: "This evidence precludes us from agreeing with the district court's conclusion that there is no compositional difference between the two types of milk. We conclude that composition claims like 'rbST free' are not inherently misleading."

WHAT IT MEANS: The decision not only means less-wordy milk cartons, it also sets a precedent that could affect how other foods are labeled. Michael Hansen, PhD, a senior scientist with Consumers Union who works on food-safety issues, is elated. "This is actually very big," he says, predicting that the decision will have far-reaching consequences for other artificially enhanced or genetically engineered foods—perhaps including the genetically engineered salmon that was recently under consideration by the FDA. (The agency put off making a final decision, and says it will publish an environmental assessment first). Says Hansen: "If folks want to say their naturally raised salmon does not contain the growth hormone that's put into Atlantic salmon, the FDA could not say that is false and misleading."

And as if breathing a sigh of relief after winning a long, hard battle, Hansen adds: "Finally, after 17 years the court has agreed with science."

Here are some points to keep in mind when shopping for milk:

Go for organic milk, or local conventional milk that's rbST-free. As mentioned, organic milk does not allow the use of hormones in milk production. Milk produced using organic farming techniques differs in other ways, too. To find milk produced locally, visit farmer's markets or check localharvest.org. Talk to the farmer to find out how the milk is produced.

Look at the "sell by" date and pick the bottle with the date farthest out. That may mean reaching to the back of the case, but the milk will last longer.

If you prefer glass bottles, make sure the bottle is refrigerated at all times, since light is damaging to riboflavin, a B vitamin in milk. The same precautions apply to plastic bottles, but to a lesser extent. It isn't as nostalgic or old-timey to buy milk in paper cartons, but they protect the riboflavin best.