
Cows, capitalism, and cover-ups: The politics and economics of mad cow disease

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Abstract

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The world changed in 1986 when Mad Cow Disease showed up in cattle and began to kill human beings too. The destructive consequences of Mad Cow Disease have little to do with natural processes, and everything to do with social process, with how the meat and dairy industries, driven by profit imperatives, have gained global hegemonic power. Mad Cow Disease provides a crucial lens into the operations and effects of these destructive industries which precede and transcend this one phenomenon that has become a compelling force with which to reckon. It beckons us to a sane and healthy mode of agriculture, or points the way toward our collective doom.

"Those who love sausage and the law

should never watch either being made"

(Otto von Bismarck, German politician)

"The time bomb of the twentieth century

equivalent of the bubonic plague ticks

away."(Richard Lacey, British microbiolo

gist and BSE expert)

"So is it just coincidence,

Or are these deaths the first of many?

Will BSE, slow death, advance,

In humans and their progeny?

One thing is sure; our precious State

Won't tell us 'till it's much too late!" ("Mad Cows and Englishmen," C. Marsden)

In 1986, the first signs of "Mad Cow Disease," a fatal brain disease in cattle, appeared in Britain. Known more technically as Bovine Spongiform Encephalopathy (BSE), the government and beef industries went into a full-scale process of cover-up and denial, assuring the public there was no human health risk posed by the disease. On March 20, 1996, however, after ten years of government lies and evasion, British Health Secretary Stephen Dorrel announced to his stunned colleagues in the House of Commons that scientists had discovered a new variant of a Mad Cow type disease in ten human victims. Dorrel stated that "the most likely explanation at present" for the country's mounting cases of the growing human affliction - (new variant) Creutzfeldt-Jakob Disease (nvCJD) -- was BSE-infected cattle.¹

The consumption of beef dramatically declined throughout the continent, the British beef market collapsed, the European Union banned exports of British cattle, and the credibility of the UK and its scientific advisors was shredded. The chairman of the government's BSE advisory committee warned that the number of human victims could climb into the hundreds of thousands. A new plague had crept into society.

At the same time, word of the dangers of Mad Cow Disease finally trickled toward American shores and U.S. citizens learned the horrifying truths about how meat is processed through the methods of modern agriculture. Utterly naive, the American public heard about a brain disease fatal to cattle and human beings alike. They understood that cows - herbivores by nature - were being transformed into carnivores, indeed, cannibals, through standard industry practices of rendering, the grinding up of dead cattle as cheap protein feed for living cattle.

On March 29, 1996, the United States Department of Agriculture (USDA) and Federal Drug Agency (FDA), largely responsible for making sure the public remained ignorant of the deadly dangers lurking in their meat supply, assured the American people that Mad Cow Disease was a British problem only. They announced more rigorous inspection of live cattle imported from Britain, improved BSE detection policies, and regulations to prohibit feeding ruminant (hoofed, cud-chewing animals with multi-chambered stomachs) animals such as sheep, goats, and cows to other ruminants. What they failed to mention, among other things, was that infected British cattle had already thoroughly penetrated the American food supply (indeed the entire globe), that rendering was commonplace in America, and that diseases similar to BSE had already affected other animals in the states. Throughout the 1990s, European nations also insisted Mad Cow Disease was a uniquely British problem, but in 1999, the contagion spread throughout the continent.

In Britain, the U.S., and throughout Europe, one finds the same pattern of industry deceptions and government disinformation and delays to bury the issue along with the millions of infected animals and scores of people dying from newly emerging TSE ("Transmissible Spongiform Encephalopathy") diseases affecting ever-more animal species. As a highly reactive, species boundary-busting, slow but inexorably moving menace, TSEs provoked widespread panic throughout Europe by late 2000. While there are still no officially classified cases of BSE in the U.S., there is strong evidence nonetheless that TSEs have widely infected animal populations and that cases of nvCJD have gone undiagnosed.

The Mad Cow phenomenon provides a compelling case study of the global hegemony of the meat industry, and vividly dramatizes the powerful grip this multi-billion dollar industry of mechanized massacre has over the political system, economies, health and education issues, and the minds of most citizens.² While many see the meat and dairy industries as providing necessary sources of nutrition for the human diet, the reality is that they are among the most

destructive industries on the planet. They are guilty of appalling forms of animal cruelty, massive environmental destruction, creating devastating health effects in human beings, and, now, unleashing a new global plague.

TSE Planet

"Consider using spray-dried bovine plasma. New Product gives boost to postweaned calves."
Advertisement in October 1997 issue of Dairy Herd Management

"We're counting on this species barrier [between cattle and humans] to help protect us [from BSE]."Paul Brown, Chair of FDA TSE Advisory Panel

"We always thought that these things [TSEs] had a species barrier which would make it unlikely they could transmit to humans, but gradually over the years we began to realize that the barrier wasn't as absolute as we imagined."Veterinary scientist Richard Marsh

TSEs are commonly classified as infectious and fatal "prion" diseases which take root in brains.³ Beginning with kuru disease that appeared around the turn of the century as a result of cannibalistic practices in the Fore tribe in New Guinea, TSEs have emerged in human beings, sheep, cows, mink, pigs, deer, elk, chickens, cats, and other species.⁴ British and U.S. government assurances to the contrary, TSEs are highly volatile and easily jump species boundaries.

In fact, the current scientific consensus is that a deadly TSE path has moved from sheep (scrapie) to cattle (BSE) to human beings (nvCJD). The vehicle of transmission is the rendering process that recycles animal carcasses by transforming them into cheap sources of protein feed for other animals. Cattle contract BSE when they are fed sheep brains and spinal cords infected with scrapie; human beings contract nvCJD when they consume BSE-infected cattle. The unfortunate person who comes down with nvCJD will experience a wide range of symptoms including insomnia, depression, confusion, coordination problems, dementia, loss of vision and hearing, convulsions, paralysis, and, ultimately, a slow, agonizing, incurable death as worm-like prions eat away the brain (thus the term "spongiform"). Sometimes the disease strikes relatively quickly, but the incubation period can last as long as 30 or 40 years, which is why the worst likely is yet to come.

What all TSEs seem to have in common is that they result from unnatural feeding practices, be they cannibalism or rendering. However unusual one's concept of a delicacy, eating the brains of one's own or another species does not seem to be a good idea. While human cannibalism may no longer to be practiced anywhere in the world, the same certainly cannot be said for rendering, a practice which dates back to ancient Egypt and is a defining and unavoidable feature of modern meat production for mass consumption.

In England, as in the U.S. and other advanced industrial countries, rendering industries process huge volumes of animal remains. Everyday in the U.S., ghastly plants recycle 100 million pounds of heads, brains, stomachs, intestines, spinal cords, feet, hooves, tails, and blood, cooking it in huge vats to make a deadly and disgusting soup. The rendering industries accomplish a two-fold purpose. First, they dispose of mountains of animal remains that otherwise would poison the air (if burned) and contaminate the land (if buried).⁵ Second, they create profitable animal by-products that can be used in items such as candle wax and lipstick (tallow) and animal feed (bone meal).

Shockingly, the animals that are ground up for recycling include "downer" animals too sick to move, euthanized animals from animal shelters, and road kill. Slaughterhouses, rendering plants

feed companies, farmers, and others profit from animal protein, but rendering industries are also the nasty necessity of gluttonous carnivorous societies. The contaminated products they pump back into the human food supply shows that when enough people bite into meat, meat bites back.

While Britain has used rendering processes on a large scale at least since the 1930s, the industry adopted new techniques in the 1980s to mix ever-more animal remains together. This achieved greater efficiency and profit, but also facilitated the spread of TSEs from infected sheep and cattle. Moreover, the recent innovation of deboning machines to pluck as much flesh from animal carcasses as possible allowed for highly infective spinal cord material to be blended into meat.⁶ It is also a fact that slaughterhouse machines which fire steel bolts into cattle brains to knock them unconscious before killing them splatters contaminated brain material throughout the animal's body and bloodstream.⁷

While new rendering and deboning technologies facilitated the spread of TSEs, the BSE outbreak in Britain is not simply a "technological misfortune" as claimed by a Scientific American writer, as if technologies drive themselves rather than being developed and deployed by specific social interests.⁸ The current global TSE crisis is the inevitable result of (1) deregulation policies of the 1980s that gave the secret and unregulated rendering industry carte blanche; (2) the profit imperative that seeks to use every cell and molecule of an animal corpse, diseased or not, and pursues the cheapest possible and highest growth-promoting feed sources; and (3) the unholy alliance between science, government, and meat industries that disseminated a flood of disinformation, deceptive assurances, and outright lies about the safety of meat.

Profit and the Faustian Pact

"This [BSE scandal] is one of the most disgraceful episodes in this country's history." Dr. Richard Lacey

"We are probably seeing the start of an epidemic (of BSE) in Europe, and although it is impossible to predict its size, it will be bigger than we expect." Stephen Dealer, British microbiologist

"I can't think of anything worse than watching the rapid deterioration of the husband and father you love, losing his faculties, all because someone wants to make a profit out of cheap cattle feed." Sandra Barrett, widow of British nvCJD victim

In the search for ever-cheaper feed, factory farms throughout the world have shifted from grass and hay to newspapers, sawdust, wood chips, cardboard boxes, cement dust, waste water from nuclear power plants, maggot-infested grains, food contaminated by roaches and rodents, human and animal sewage sludge, and, last but not least, the bodies, brains, bones, organs, and entrails of sheep and cattle.⁹

In Britain, the epicenter for the emergence and global spread of BSE, soybeans would have been an excellent and safe alternative to rendered protein, but British farmers didn't grow them much, and it would have cost them \$1,500 extra a year. Not a lot to pay, in hindsight, to have averted a global disaster, but apparently too much for a bottom line mentality and some financially challenged farmers.¹⁰ An easy solution to the economic costs of beans and infected cattle would have been full government compensation. For years, however, the British government refused to recognize the dangers of rendered feed and, once they did, they only offered to pay half the cost of beans to the farmers, thereby insuring that most would not comply with the ban on exporting cattle.¹¹ The critical mistake of failing to support farmers in obtaining alternative animal feed and compensating fully for livestock losses would be repeated throughout the world. ¹²

If British farmers were culpable and broke the law, their government was absolutely criminal in its behavior during the BSE/nvCJD crisis. At every point, the government corrupted evidence, concealed facts, and delayed conveying crucial information to their nation and the world. The Parliament mortgaged potentially hundreds of thousands of lives to protect its own public image, the profits of the beef industries, and the interests of the national economy as the estimated cost of replacing six million infected cattle was 30 billion pounds.

After learning of the first confirmed case of Mad Cow Disease in 1986, the British Department of Health kept the information from the public for 11 months, and even then only announced the findings in an obscure veterinary journal. A 1996 critique published in the prestigious British medical journal, *Lancet*, exposed the problematic way scientific research is produced and distributed, such that ministers appoint expert committees, meet in private with them, and either conceal controversial data or release disinformation. 13 In the spirit of U.S. "veggie label" or "food disparagement" laws that criminalize criticism of the safety of agricultural products (see below), British officials tried to intimidate and silence their critics. They attempted to lock up scientific data, while threatening researchers with prosecution if they released any damaging information to the public. Clearly, they had something to hide.

Although the government had enough evidence in the mid-1980s to warrant an immediate ban on ruminant rendering practices, they waited until 1989 to proscribe brain, spinal cord, thymus, spleen, tonsils, and some offal in feed. Even then, they pretended that tissues and other parts of cattle were safe, but knew full well that infection could spread throughout the animal's body which was being used in a wide variety of products, from cosmetics to vaccines. Using bogus scientific data and erroneous assumptions, the government issued numerous false pronouncements about the safety of meat. Uninformed by the views of any BSE experts, the 1989 Southwood Report, for example, found no evidence that TSEs could jump species, or that BSE could spread to human beings. The report confidently announced that cattle, rather than human beings, would be a "dead-end host." With brash arrogance, the committee concluded it is "most unlikely that BSE will have any implications for human health" Ominously, the report also stated that "if our assessment of these likelihoods [of possible human infection] are incorrect, the implications would be extremely serious."¹⁴

In the meantime, cases of BSE were mounting dramatically, climbing to 10,000 by April 1990. TSEs were quickly spreading to other species, and ever more human beings were contracting nvCJD. In response, London schools refused the nation's beef, the European Union took measures against British beef exports, and England initiated the slaughter of over a million cows. By the end of August, 1994, BSE cases exceeded 137,000, over six times the number the Southwood Committee predicted as a "worst case scenario."

Throughout the early stages of the debacle, the soaring rates of infection were treated more as a publicity problem than a massive public health crisis. The government's most notorious propaganda ploy came in 1990, when Minister of Agriculture John Gummer (force)fed his daughter a hamburger in front of live television cameras and assured the public British beef was safe. "It's delicious," he said, as he shilled his daughter's safety for the sake of an image few found credible.¹⁵ While 16 year old Vicky Rimmer lay dying of nvCJD in 1994, a government doctor asked her mother not to publicize the case so that the economy would not be damaged. After Vicky's death, Prime Minister John Major wrote to her mother, "I should make it clear that humans do not get 'mad cow disease'."

And while Britain banned feeding ruminants to ruminants in 1988-1989, and eventually adopted some of the most stringent controls against BSE in the world, they exported BSE-- laced feed throughout the world. To this day, as exposed by groups such as the World Health Organization, renderers and feed manufacturers from Britain and other high-risk countries engage in the illicit practice of "relabeling" which involves shipping infected meat and feed to another country

supposedly free of BSE, repackaging it, transforming it into different products, and reclassifying it as having come from a new and allegedly safe point of origin.¹⁶

Since BSE was first identified in 1986, infected meat has made its way to consumers around the world despite bans and blockades, a fact which provides a lesson in the inadequacy of laws to protect consumer interests. Since the 1980s, Britain has dumped tons of potentially BSE-infected cattle feed on nearly a dozen countries including Sri Lanka, Kenya, Nigeria, South Africa, and Thailand.¹⁷ The French "mad cow unit" documented further sales of banned beef to other countries such as Belgium, Egypt, and Russia. In the case of Belgium, it was "redeclared" to be Belgian-produced beef and then transported throughout the world.¹⁸

No less than other countries, the U.S. remains at risk from the heinous policies of the British government and meat industry, as scientists, politicians, and industry representatives maintained parallel policies of chicanery and prevarication.

BSE in the USA

"People in the United States should be more than worried. They should be very angry that ... our regulations in the U.S., with regard to feeding slaughterhouse waste to animals, are inadequate. The U.S. has built this huge wall around British mad cow disease, but has done little or nothing to address our own indigenous TSEs. In my opinion, that's because U.S. policy has been driven by the desire to protect the image of U.S. beef." John Stauber

"The United States has all the necessary factors for BSE." Kevin Walker, USDA official.

By the end of 2000, with 4 million cattle slaughtered for BSE control measures, Britain had at least 86 confirmed cases of nvCJD and 180,000 instances of BSE. Another 1,500 cases of BSE had been identified in other European countries.

Seemingly, the U.S. remains safe, since no clear cut cases of BSE or nvCJD have been detected - a fact that the meat industries and government often exploit to foment complacency among the public. Yet every factor that caused the BSE outbreak in Britain has also been present here. As a result of both British imports and its own rendering practices, the U.S. is saturated with TSEs. Like Germany, France, and other European countries recently hit with their first cases of BSE, the U.S. is poised for its own mad cow outbreak.

American sheep have been infected with scrapie since 1947, and both cattle and scrapie--infected sheep remains have been routinely rendered and fed to cattle and other animals. At least 45 states have been infected with scrapie, and in 1999 three flocks of mad sheep were found in Vermont.¹⁹ Cattle were imported into the U.S. from Britain during the 1980s when Mad Cow Disease first emerged. Like Britain, the U.S. uses stun guns and "Advanced Meat Recovery" technologies that blend brain and spinal material into the flesh and bloodstream of cattle. Certainly, rendering is routine. According to Sheldon Rampton and John Stauber, authors of *Mad Cow U.S.A: Could the Nightmare Happen Here?*, "Each year, at hundreds of [rendering] plants in the U.S., more than 12.5 million tons of dead animals, fat and meat waste, are melted down, most of it to become protein supplements fed to pets, chickens, cows, sheep and other animals, the rest to make products ranging from gelatin to cosmetics."²⁰ In 1989 alone, "800 million pounds of slaughterhouse remains were fed to U.S. beef and dairy cows as an inexpensive' protein supplement' designed to boost milk and meat production."²¹

If, as many believe, there are different strains of scrapie and BSE, then a BSE epidemic in the U.S. might not take the form of "mad" cows staggering around with spongy holes in their brains, but rather "downer" cows that simply collapse and die. 100,000 American cattle succumb to

Downer Cow Syndrome every year, and they are routinely recycled as protein feed for hogs, sheep, and other cattle, or directly routed to the human dinner plate.²² Thus, the assurances of the beef industry and USDA that there have been no known cases of BSE-infected cows begs the question of what strain might be present in the American food supply. The glib proclamations of science, government, and industry that the U.S. is BSE-free are most unconvincing, especially in light of recent outbreaks in Europe (see below). The USDA claims to test downer cows for signs of BSE disease, but they only examine a small percentage of the millions killed each year (see below). Testing is problematic anyway because BSE-infected cattle may be asymptomatic and slaughtered for consumption before signs of the disease can appear. Currently, there are no tests that can detect TSEs in live animals.

Moreover, there have already been TSE outbreaks in other animals fed BSE-infected meat. This was evident, for example, in 1986 when veterinary scientist Richard Marsh discovered an epidemic on a Wisconsin farm where mink were fed downer cows. Able to infect the mink through the brain tissue of bulls, he concluded, "there was no species-barrier effects between mink and cattle ... there must be an unrecognized scrapie-like disease of cattle in the United States."²³ In fact, scores of captive mink developed TSEs in at least 11 Midwestern farms as a result of being fed meat from downer cows. Since 1986, twelve different animal species have become infected with TSEs through BSE-laced feed. In 1991, the USDA issued an internal report revealing that staff scientists believed that a spongiform encephalopathy agent was present in the U.S. cattle population.

Mad deer and elk disease - "Chronic Wasting Disease" (CWD) - is now reaching epidemic levels and spreading rapidly throughout Canada and six Western states (up to 1 % of the elk and up to 15% of the wild deer in Colorado and Wyoming are infected).²⁴ In addition, some 350 diseased deer have been imported to game farms throughout Wisconsin where they freely interact with concentrated populations of animals.²⁵ Human populations are in danger of contracting a TSE from deer and elk through consumption of venison and the widespread and unregulated use of elk antler for its alleged powers to enhance sexuality, relieve arthritis, and so on. Indeed, in the past few years, three young hunters died of CJD contracted from exposure to infected deer meat. In one case, the venison that tested positive for CWD was ground up and mixed in with meat from hundreds of other deer to be used for sausage.²⁶ As in the agricultural sectors of Britain and the U.S., American wildlife officials downplay or deny the dangers of a TSE epidemic, and rely on sporadic and voluntary testing. More cautiously, however, the FDA held public meetings in January 2001 to determine whether hunters should be allowed to donate blood.²⁷ The FDA also considered extending the 1998 ban beyond people who visited Britain for more than six months between the period of 1980-1996 to include those long-term residents of France, Ireland, and Portugal.²⁸

If BSE agents have contaminated mink and other species, there is no reason to believe they have not also infected cattle or human beings, since prions (or slow viruses, or whatever they are) have no respect for species boundaries. Indeed, the U.S., like other nations throughout the globe, has been a prime dumping ground of British MBM products. In the midst of the BSE epidemic in Britain, hundreds of cattle and tons of rendered products were imported into the U.S., with both their specific origin and ultimate destination untraced. In December 2000, the United Nations estimated that:

At the height of the mad cow epidemic in Britain at least 500,000 tons of untraceable bovine byproducts were exported from Britain to Western Europe and other nations around the world, including the United States.

British export statistics show that 20 tons of 'meals of meat or offal' that were 'unfit for human consumption' and probably intended for animals were sent to the United States in 1989. And 37 tons were exported to the United States in 1997 - well after the government banned imports of

such risky meat. No one has tried to trace this meat or to determine whether it was allowed into the United States.²⁹

In 1996, after Britain admitted the link between BSE and nvCJD, the U.S. government's idea of "regulation" was to allow various aspects of the meat industry, such as the National Cattlemen's Beef Association (NCBA) and the American Sheep Industry Association, to institute a "voluntary ban" on using ruminant protein in ruminant feed. At the same time, the government permitted other industries, such as the North American Rendering Industry and the American Feed Industry Association (AFIA), to reject voluntary measures on the grounds that meat and bone meal (MBM) additives are safe, that regulation represents a capitulation to crackpots and scientifically ungrounded fears, and that preventative measures are too expensive.³⁰

Throughout the food industries, deregulation policies of the 1980s and profit imperatives sacrificed safety controls, as evident in debacles such as led to E-coli outbreaks from unpasteurized Odwalla Juice in 1996 to the massive 25 million pound Hudson Beef recall of 1997. "During the last two decades, the number of USDA food safety inspectors dropped from 12,000 in 1978 to 7,500 in 1997. The FDA has fewer than 600 inspectors to cover 53,000 food processing plants in this country - not to mention the problems of inspecting foreign produce under even fewer regulations."³¹

Tethered to the deep pockets of the meat and dairy industries, the USDA and FDA have been hesitant to propose bans on rendering for fear that they "could pose major problems" for the profits of the \$30 billion-a-year pork industry and \$60 billion-a-year beef industry.³² When the USDA first formed committees to study the problem of BSE in the late 1980s, their membership was dominated by industry representatives. They ignored the warnings of knowledgeable critics like TSE expert Richard Marsh and petitions by public interest groups to order a permanent ban on rendered protein (even as they acknowledged U.S. rendering processes were nearly identical to those of England and their own tests confirmed that U.S. sheep scrapie could spread into cattle).³³ Deregulation measures during the Reagan era gave meat industries the green light to recklessly stampede any and all safety standards. These policies included the rescinding of USDA attempts to eradicate scrapie which resulted in higher levels of infected sheep being fed to cattle and other animals.

Not only did Britain and the U.S. share the same rendering, deboning, and stunning practices, the U.S. pursued an identical policy of lies, delay, and deception. Rampton and Stauber document that the USDA and FDA engaged in a seven year cover-up to protect the animal livestock industry. Before the Mad Cow Disease outbreak in Britain, they claim, the USDA had scientific evidence that a version of the disease existed in domestic cattle, yet they delayed banning ruminant animal feed until after the British government action in 1996.³⁴ Through a Freedom of Information Act request, Rampton and Stauber obtained excerpts of a document which shows that the U.S. government principally was concerned with Mad Cow Disease as a PR problem, and studied the British case less to avoid a similar debacle than to ward off an image crisis for the beef industry. With brutal frankness of how to throw up a smokescreen and nefariously manipulate the media, the document states that:

The mere perception that BSE might exist in the United States could have devastating effects on our domestic markets for beef and dairy products. How the American public and foreign markets will respond will depend on their confidence in the U.S. Government and particularly in APHIS [the U.S.DA's Animal and Plant Health Inspection Service]. The media will play a tremendous part in conveying this information to the public. Thus, our relations with the media will play a vital role in this issue.

News articles in the British press were analyzed to identify the important issues, and the strategic IPRI errors committed by the British. This information was used to develop public relations

strategies for [APHIS] to deal with the potential or actual occurrence of BSE in the United States... to avoid public relations problems such as have occurred in the UK.³⁵

Thus, like their British counterparts, the USDA and FDA ignored and suppressed evidence about the dangers of Mad Cow Disease, disseminated disinformation, and falsely assured the public there was no need to avoid the friendly fast food restaurant.³⁸ All too often, the media played the role of pawns in government campaigns.³⁷

The USDA claims not to have imported beef from the UK since 1985. In 1997, it banned proteins from ruminants such as cows, sheep, and goats from feed for other ruminants. This measure, however, did not forbid the use of blood products of any species, feeding ruminants to non-ruminants, or feeding non-ruminants back to ruminants and to one another. The failure to propose a complete interspecies ban on rendering meant the cycle of TSEs was never broken (there is now evidence of "mad pigs" suffering from central nervous system disorders) and all facets of the U.S. meat supply remain dangerous. In December 2000, at the height of the recent outbreak, the USDA "prohibited all rendered animal proteins regardless of species from Europe."³⁸ Nonetheless, EU export statistics suggest that tons of MBM products continued to penetrate U.S. feed supplies.³⁹ In January 2000, moreover, FDA inspectors found shoddy compliance with their rules (see below), as 12,000 herd of cattle were quarantined in Texas after Purina announced it has mistakenly mixed cow remains in cattle feed.

The strategy of many industry and government officials has been skepticism in the wrong direction, claiming that there is no "absolute proof" of a link between BSE and nvCJD. Apologists for the status quo employ arguments similar to the tobacco industries' denial of a link between smoking and cancer, and the fossil fuel industries' demand for "more studies" while the polar ice caps melt and sea levels rise. The meat industries have mounted a direct assault on the "precautionary principle" and the mentality is that the market should not be disturbed unless a danger to public health can be demonstrated "without a shadow of a doubt." At high noon, the meat industries still seek shadows, as they resolutely eschew establishing a precedent where activists set any part of their agenda.

Thus, perversely, the burden of proof rests on activists needing to demonstrate harm to the public after the fact, rather than corporations having to confirm their products are safe before they enter the market. As the industries and their lackeys in the political and scientific flat earth societies drag their feet, a massive and quite possibly tragic experiment involving TSEs is being carried out on hundreds of millions of U.S. citizens, as is also happening with the consumption of non-labeled genetically modified foods. But as vividly demonstrated in a 1996 airing of the Oprah Winfrey show, to challenge the mendacity of the meat industry and attempt to inform the public of the grave dangers of cannibalistic rendering practices is risky business, for in numerous U.S. states this has become a criminal act.

Hegemony, Texas-Style: The National Cattlemen's Beef Association Vs. Oprah Winfrey and Howard Lyman

"For more than 200 years, our country's legal system has refused to recognize 'product libel: People can maliciously libel a human being and be required to pay damages; but not inanimate objects like Corvairs, Pinto fuel tanks, asbestos, the Dalkon Shield, fruits, vegetables and meat products One has only to look back at our history and see how the dissenters of the past - criticizing tobacco, coal dust, useless over-the-counter drugs and a variety of health-damaging food additives and pesticides - have been proven right again and again.... These ranchers [suing Oprah Winfrey and Howard Lyman] know they will not be awarded any money by the time their case is disposed of in Texas or before the higher courts. The main objective of these frivolous lawsuits is not money; it is to send a chilling message to millions of people that if Winfrey can be sued for sneaking her mind about not eating hamburgers then they had better keep their opinions

to themselves." Ralph Nader

In 1989, a controversial and frightening 60 Minutes segment reported on the carcinogenic effects of Alar, a pesticide widely used on apples in order to increase their redness and promote a longer shelf life. Soon after the story, consumer demand for apple products plummeted, and Washington State apple growers sued CBS News, claiming \$130 million in losses. A federal court ruled against the growers, arguing that scientifically-based discussion of food safety is protected free speech and not slander.

But agricultural producers saw the writing on the wall. Seeking a preemptive strike against scrutiny of their products and negative reporting, they established a new precedent where "slander" and "libel" were broadened to include food products as well as human beings. As a result of their nation-wide lobbying efforts, by the mid-1990s "food disparagement" or "veggie libel" laws were on the books in 13 U.S. states: Alabama, Arizona, Colorado, Florida, Georgia, Idaho, Louisiana, Mississippi, North Dakota, Ohio, Oklahoma, South Dakota, and Texas.

While the McLibel trial in Britain officially began in 1994, whereby McDonalds sued two activists for publicly criticizing them for cruelty to animals, and damage to human health and the environment, the first American test of the new libel laws occurred in 1998, as the result of what happened two years earlier on the Oprah Winfrey Show.⁴⁰ On April 16, 1996, Winfrey aired a provocative "Dangerous Foods" special, the most startling segment of which featured a discussion of the possibilities of a Mad Cow Disease outbreak in the U.S. Oprah's guests included National Cattlemen's Beef Association representative (and former USDA official) Gary Weber, Will Hueston from the USDA, and Howard Lyman, ex-cattle rancher turned vegan activist. The representatives of the animal industry were no match for Lyman's experience, knowledge, and eloquence, as Oprah and her audience - mouths agape - were in for the shock of a lifetime.

After poignant footage and stories about people suffering from nvCJD, Winfrey introduced Lyman, former Executive Director of the International Beyond Beef campaign, then-director of the Humane Society's Eating with a Conscience program, and currently President of Earthsave. Here is the key part of the dramatic exchange between Winfrey and Lyman:

Winfrey: You said this disease could make AIDS look like the common cold.

Lyman: Absolutely.

Winfrey: That's an extreme statement you know?

Lyman: Absolutely, and what we're looking at right now is we're following exactly the same path that they followed in England - ten years of dealing with it as public relations rather than doing something substantial about it. 100,000 cows per year in the United States are fine at night, dead in the morning. The majority of those cows are rounded up, ground up, fed back to other cows. If only one of them has Mad Cow Disease, it has the potential to affect thousands. Remember today, 14% of all cows by volume are ground up, turned into feed, and fed back to other animals.

Winfrey: But cows are herbivores. They shouldn't be eating other cows.

Lyman: That's exactly right, and what we should be doing is exactly what nature says, we should have them eating grass, not other cows. We've not only turned them into carnivores, we've turned them into cannibals.

Winfrey: ... It has just stopped me cold from eating another burger!⁴¹

For many Americans, this was their first understanding of Mad Cow Disease. They forever lost their innocence that it was a European problem, as they heard a factually correct account that the same methods that caused the outbreak in Britain also were routine employed in the states. The rebuttals by Weber and Hueston were unconvincing, and a pale and witless Weber admitted there was a "limited amount of [rendering] done in the United States," as the audience groaned.

On the day the show aired, the already-- slumping price of cattle on the Chicago Mercantile Exchange dropped by 2.5 percent to a 10-- year low, and dived 10 percent by the end of May. The NCBA and others wrongly claimed a direct cause-and-effect relation between the show and price drop, ignoring a multiplicity of other factors involved. Texas Commissioner of Agriculture Rick Perry asked the State Attorney General to sue all concerned parties under the 1995 Texas food disparagement law, but the Attorney General, not convinced he had the proper authority under that statute and advised the Commissioner to drop the issue to avoid bringing the American public's attention to it.⁴²

Enraged Texas cattlemen were more proactive. On May 28, Paul and Mike Engler, billionaires and co-owners of Cactus Feeders, one of the largest feedlot operations in the world, filed a \$10.3 million civil suit against Winfrey, her production company, and Lyman, claiming that the show "allowed anti-meat activists to present biased, unsubstantiated and irresponsible claims against beef - not only damaging the beef industry, but also placing a tremendous amount of unwarranted fear in the public. 1943 They pulled hundreds of thousands of dollars worth of advertising from the show, and accused Winfrey of creating a "lynch mob mentality" in her audience and trying to stir up irrational fears of meat. Oprah fought back: "I asked questions I think that the American people deserve to have answered in light of what is happening in Britain. I am speaking as one concerned consumer for millions of others. Cows eating cows is alarming. Americans needed and wanted to know that. I certainly did."⁴⁴

But with their backs against the wall, Winfrey's company acquiesced and allowed the meat industry to return the following week to defend their position in an unedited segment with no opposing voices, most especially Mr. Lyman. Questioned again by Winfrey, Weber admitted once more that feeding cows to cows is a routine practice in the U.S., but argued that it is a good use of "high-value nutrients" that otherwise would go to waste. Weber informed concerned Americans that feedlot operators initiated a "voluntary ban" on feeding rendered remains of cows to cows. The effectiveness of this oxymoron went unchallenged.

According to Texas state law, a person is liable for false disparagement of perishable food products if:

- (1) the person disseminates in any manner information relating to a perishable food product to the public;
- (2) the person knows the information is false; and
- (3) the information states or implies that the perishable food product is not safe for consumption by the public.⁴⁵

Judge and jury faced a number of issues: (1) can living animals can be considered a "perishable food product"? (2) did Lyman and Winfrey knowingly slander the cattleman's "product"? (3) did they disseminate false information? The cattlemen's lawyers had to prove a direct cause and effect relation between the show and the drop in market prices, as well as malicious intent.

It was no accident that the trial was moved from the Texas State Court to the Federal Court in Amarillo, Texas, despite numerous requests from the defendants to locate it in a more neutral

area of Texas. Over 25 percent of all beef fed for slaughter in the country comes from the Amarillo area, and one hundred plus feedlots averaging 55,000 head of cattle surround the region."With the defendants' petition for a change of location denied, the jury was drawn from locals weaned on the mores of cattle culture.

With her prodigious fortunes, Winfrey could easily have paid the damages and settled the case out of court, but the case wasn't about money for either side: the cattlemen were trying to establish a legal precedent against criticism of meat products, and Winfrey was out to defend free speech rights. In grand style, she not only took on the cattlemen, she moved her show to Amarillo for the duration of the six-week trial. Oprah and Lyman were taking on powerful foes, but so were the cattlemen who had to challenge Lyman's expertise and Oprah's seductive star power.

On January 22, 1998, the case went to trial before Federal District Judge Mary Lou Robinson. After four weeks of plaintiffs' testimony, the judge ruled the jury could not consider the Texas Food Disparagement Law because living animals could not plausibly be considered as perishable items. She did, however, allow the plaintiffs to argue that the defendants knowingly made false statements about the safety of American beef.

Winfrey's lawyers established, however, that the cattlemen themselves knew that American beef was not wholly safe. They confronted Bill O'Brian, managing partner of Texas Beef Producers, with letters he had written warning of the "likely discovery of a BSE animal in the U.S. cattle herd."⁴⁷ Co-plaintiff Mike Engler could only counter Lyman's assertion that cows routinely are fed to other cows by splitting semantic hairs in a manner that rivaled Bill Clinton's definitional riffs on sex and Linda Chavez's concept of housemaid. Engler tried to draw a substantive distinction between feeding a whole cow to another cow, which the industry does not do, and feeding a ground-up cow to another cow, a standard and allegedly safe practice.

As Oprah herself underscored, rendering is rendering, and Lyman's charge stood. Causing further damage to the plaintiffs case, Hueston, paid over \$25,000 for his testimony, admitted that the USDA believes feeding cows to cows could trigger a BSE epidemic in the U.S. Winfrey attorney Charles Babcock demonstrated that the cattlemen regulate their industry not according to the best findings of science, but rather what is most profitable. The trial also revealed the existence of 13 instances in which' cattle died with mysterious BSE-like symptoms on lots owned by Cactus Feeders, and that, in most cases, the cattle were rendered without their brain being sent to labs for further examination.⁴⁸

The cattlemen could not establish that Lyman stated any falsehoods on the program, let alone that he made any fabrications intentionally. The fact was that Lyman was alerting the American public to a widely unknown fact that dead sheep and cattle were being fed to other cattle in the form of feed, that this is how Mad Cow Disease spread in England, and that there is serious risk of a similar outbreak in the U.S. Moreover, it was determined that Oprah was merely expressing a personal opinion prompted by her revelation about beef, and was not urging the American public to mimic her choices. Unable to prove the defendants knowingly made false statements, the plaintiffs had to fall back on the claim that they injured the cattle business, but they could not prove a direct cause-and-effect relationship between the show and drop in cattle prices. As Rampton and Stauber state, the Oprah show aired

When drought, high feed prices, and oversupply were crippling cattlemen. It also came less than a month after the British government reversed a decade of denial and publicly admitted for the first time that contaminated beef was the 'most likely explanation' for 10 human deaths from [nvCJD]. The Oprah show's impact on beef prices therefore cannot be easily separated from a series of other factors, including the impact of other mad cow-related news coverage.

And so, on February 29, six weeks after the trial began, the Amarillo jury unanimously rejected

this argument and found Lyman and Winfrey not liable for comments made on the show. The verdict was appealed but on February 9, 2000, the 5th Circuit Court of Appeals also concluded that no knowingly false statements were made by the defendants.⁵⁰

Case closed? While the cattlemen lost the battle, in many ways they won the war. After her first victory in Amarillo, an exuberant Oprah prematurely proclaimed, "Free speech not only lives, it rocks!" But the crux of the issue - the unconstitutionality of food disparagement laws - was never challenged throughout the Oprah trial and to this day the laws stand in 13 states, waiting to be exercised again at any time.⁵¹ "if the food disparagement laws that have enabled the Oprah trial to proceed are allowed to stand, it doesn't much matter that she won her case. The U.S. food industry has pioneered a technique that can be used repeatedly to chill debate about the risks associated with any and all controversial food industry practices."⁵²

Indeed, during and after the trial, various produce growers, the Animal Industry Foundation, the American Feed Industry Association (AFIA), and the Farm Bureau Association were busily targeting additional states to establish food disparagement laws and enshrine them in a federal farm bill. The AFIA is promulgating a "Model State Code to Protect Agricultural Producers and Products From Defamation" which helps states ban "the dissemination of false and disparaging information about any agricultural product, animal or vegetable."⁵³ Typically, the language of the food disparagement laws is loose and vague, and in some cases does not require that the plaintiff prove malicious intent to spread falsehood as does traditional libel law. Stephanie Kraft notes the example of a bill filed in Illinois which prohibits any publicity that "tends to lower the agricultural producer or product in the estimation of the community."⁵⁴ In the current McCarthyist climate, produce growers might have sued former President Bush for the "disparaging" remark he made about his dislike of broccoli. ⁵ Indeed, in his lawsuit against Lyman, cattleman Paul Engler claimed that Lyman's warning about the dangers of mad cow disease in the U.S. "goes beyond all possible bounds of decency and is utterly intolerable in a civilized community."⁵⁶

In fact, the cattlemen accomplished their real mission in the Oprah trial which had less to do with winning \$12 million and far more with intimidating activists and the media from scrutinizing and publicly criticizing beef and other food industries on behalf of consumer safety. Specifically, the laws thwart investigation into the growing danger of Mad Cow Disease in the U.S. According to Rampton and Stauber, the cattlemen thus far won the war of intimidation: "Literally dozens of reporters have told us they are afraid to report on Mad Cow Disease because they are not sure what they can say. [The Oprah trial] has worked to suppress coverage; we are not seeing good, scientific reporting on Mad Cow Disease."⁵⁷

Thus, in at least 13 states so far, criticizing agribusiness and the food industry as a whole is a crime. Although food disparagement laws have been condemned by activists and the ACLU, fewer individuals, journalists, and reporters are willing to challenge food-producing corporations and the laws that protect them, for fear of prolonged court battles and paying steep fines should they lose the case. In Florida, for example, those found guilty of violating such laws must pay three times the amount of damages claimed by the accusing party, and few have pockets as deep as Oprah and CBS (in their Alar court case) should they lose.

Of course, such tactics can backfire on food industries and bring them negative publicity, as happened in the McLibel case. But there is no question they have a serious deterrent effect on free speech, criticism, and consumer safety.⁵⁸ Moreover, there is the danger of laws promulgated by the food industries serving as a model for other industries. Is the day coming when activists can no longer criticize Nike without fear of harassment and intimidation? Will media reports of serious consumer safety such as with Ford Explorers and Firestone tires soon fade to black? As activist Michael Colby wonders, "Where does it stop? It's part of a continued process of giving more and more rights to corporations while stealing more and more rights from individuals."⁵⁹

The stifling of free speech comes precisely when it is needed most. As our food supply becomes ever more globally produced, technologically mediated, genetically modified, chemically processed, fertilized with human waste and industrial sludge, riddled with dangerous bacteria, and even irradiated, it is imperative that citizens and activists be able to challenge such practices and educate the public. As of now, consumers don't even have the right to know if their food is irradiated, genetically engineered, or contains Bovine Growth Hormone (BGH), let alone have input into how their food is produced. Since the deregulation policies of the Reagan administration, the USDA and FDA are largely impotent tools of the meat and dairy industries, as agribusiness has become increasingly centralized and concentrated in the hands of a few giant corporations. As Howard Lyman aptly puts it,

At a time when threats to food safety are arguably greater than ever - threats exacerbated by intense confinement conditions that abet the spread of diseases, and by controversial feeding practices - we need a free and open discussion about these matters... Unsafe food is deadly. It is time to challenge these [food disparagement] laws. It's time to stand up to those who put their own economic interests above the public's safety.⁶⁰

As recent events in Europe confirm, Lyman's call to action is more urgent now than ever, as the implications of what happened in Britain during the mid-1980s continue to unfold.

BSE, the Sequel: The Latest Scare in Europe

"We have never seen anything like this before. The country is locked now into this collective fear, and no matter what it will take a long time to recover." Jean-- Yves Jouveau, slaughterhouse director in Limoges, France Just as British scientists and politicians initially declared cattle a "dead-end host for BSE, such that it could never be passed to human beings, other European nations seemingly thought Britain to be a terminal point for disease, and that their own livestock and citizens would never suffer the devastating effects of TSEs. Complacency gripped countries like France and Germany that boasted superior agricultural methods and standards for the treatment of animal feed when in fact they too were at serious risk and their governments struggled to keep their citizens in the dark.⁶¹

The complacent mindset that BSE was only a British problem was shattered in November and December of 2000, when a new wave of Mad Cow Disease spread its tentacles across Europe, with first-ever cases turning up in Germany, France, Spain, Ireland, Switzerland, Denmark, the Netherlands, Belgium, Portugal, and elsewhere. Italy joined the list in mid-January, 2001, with its first case of BSE in a domestic-- born cow. Italy's case seemed especially foreboding as the infected cow was found in a slaughterhouse that supplies meat to European MacDonald's restaurants (as the 28,707 strong global restaurant chain reported significant fourth quarter losses in late 2000).⁶² Not only have nearly a thousand new cases of BSE been identified throughout Europe in 2000, contaminated meat has been discovered on supermarket shelves in France, Denmark, and elsewhere, as it has been dumped in relabelled form on the world market. As reports and investigations soon surfaced, the full extent of Britain-like lies and coverups - in Canada, Germany, France, and elsewhere - would become known.⁶³

Tepid EU policies to stop the spread of BSE clearly had failed. As cases diminished in Britain due to ever-tighter regulations, they rose in other European countries such that by the mid-1990s, many argued, British beef was safer than that from other nations such as France. Currently, Europe is deep in the throes of a panic and anxiety reminiscent of the Bubonic plague or AIDS crisis. The French have a word for what is gripping their nation: "psychose" - a hysterical fear irrational to some, justified for others - of BSE-infected beef.

The topic of Mad Cow Disease dominates the media and everyday conversations, as sales of beef have dropped as much as 60% in many countries. The butcher shops are empty; schools

restaurants, and daycare centers removed beef from their menus; militaries destroyed troop rations containing meat and sausage; and cosmetics and candy containing rendered products were scrutinized. In Germany, Spain, and elsewhere, ministers of health and agriculture came under fire for negligence as citizen lawsuits began. Banning wars have erupted as nations proclaim distrust of each other's beef supply. Where France proscribed British beef, now Britain and much of Europe is refusing French beef (Italian farmers went so far as to blockage border crossings to insure no French beef comes over). Austria blocked German beef imports, as Poland banned beef from nine European countries. Croatia, Estonia, and Latvia refused German and Spanish beef; Spain renounced French and Irish cattle; New Zealand, Thailand, Iran, and Japan rejected all EU meat and/or animal feed; and the EU refused American beef. All bans among EU nations are illegal according to trade policy, but member nations would rather risk an appearance in court than an outbreak of TSEs. Beginning in January, 2001, similar banning wars were repeated throughout the world over the safety of the human blood supply.

Consider the case of France, where the new wave of panic originated and there are a few confirmed cases of nvCJD. France is a particularly appropriate example because perhaps in no other country is food so integral a part of the national identity. The French love their wine, bread, and beef like Americans love their cars, microwaves, and television sets.⁶⁴ They pride themselves on their agriculture, their fresh produce, and their local specialty shops. The French banned British beef and, like the Germans, believed themselves immune from BSE. Considering the 1985 scandal, when over 4,000 people contracted the AIDS virus from a tainted blood supply, the French had no cause for trust in their government's ability to safely police their food supply. Indeed, the nation was rudely awakened through a series of revelations last year as their own agriculture proved as shoddy as their food producers were unethical and their government negligent.

First, the number of new cases of BSE in France jumped dramatically, from 31 reported findings in 1999 to over 125 by the end of 2000.⁶⁵ The more than four-fold increase could be the result of the fast migration of BSE across Europe and/or improved detection methods (in June 2000, France began testing for BSE in 48,000 of its 21 million herd of cattle). If the increase in BSE is the result of better surveillance, it means the dangers were present for longer than the French realized and that more BSE and nvCJD cases can be expected there and elsewhere as other countries adopt more rigorous testing programs. Indeed, new research suggests that BSE contamination is far more serious than officially admitted by the government, and that since 1987 at least 1200 French cattle have been infected.¹¹⁶ One estimate, allowing for under-reporting of cases, puts the actual number BSE-infected cows at 7,300.⁶⁷

These results shouldn't be a surprise, however, given the outcome of a February 2000 EU veterinary report concerning a June 1999 investigation that found traces of MBM in cattle feed, thereby violating a July 1996 EU ban.⁶⁸ France outlawed the use of MBM in cattle feed in 1990, but it did little to implement and enforce the provision and, unlike Britain, it did not establish an age limit after which cows cannot be consumed (studies show animals over 30 months of age are most at risk for BSE). The EU report also criticized French farmers for delays in reporting suspected BSE cases. Earlier, the farmers were reprimanded for using human sewage sludge in animal feed, much to the consternation of the British public consuming French beef. In the muckraking magazine, *Le Canard Enchaîné*, a French agricultural minister acknowledged that not all cattle feed is free of human waste and that the material approved for feeding pigs and poultry often was still in the processing equipment when preparing meal for cattle, illustrating the unavoidability of cross-contamination if rendered feed is not prohibited for all animals, rather than just cattle.⁶⁹

The psychosis deepened in October when three French supermarkets acknowledged they unwittingly sold beef from a potentially BSE-- infected herd. It is estimated that as much as a ton of tainted meat may have been eaten by consumers in this way.⁷⁰ In the same month, authorities

arrested a farmer trying to sell a BSE-- infected cow for slaughter. Although police intercepted the carcass, thousands of pounds of suspect meat from the same herd had already gone to market.⁷¹ The French people discovered yet again that they were victims of deception through reports that 3,200 tons of rendered bone meal from British cattle were imported illegally into France for more than two years after the ban on British beef (prompting the creation of a special police task force, the "mad cow unit" to investigate illicit sales). If fears of nvCJD were at all abstract, that changed November 6 when a television documentary depicted for the first time how the disease ravaged a 19 year old French man, described by his parents as a "hamburger lover." Fears heightened still more with news in late November that Germany and Spain discovered their first cases of BSE. French government officials informed the country they should brace themselves for dozens of new cases of BSE and nvCJD yet to come as increased testing continued, and leading scientific advisors announced that large quantities of infected beef likely were entering the nation's food supply.

French farmers and government officials were sharply divided in their responses to the multiplying cases of BSE and nvCJD. While intent on allaying public anxieties, numerous officials derided psychoses as an irrational fear. Reminiscent of John Gummer's outrageous 1990 ploy with his daughter, Farm Minister Jean Glavany announced on November 8: "I eat beef, my children eat beef, all the scientists who are mad cow experts eat beef and so do their children." With this falsification of the eating habits of "all" BSE experts, he then implausibly proclaimed, "if there were the slightest risk related to meat today, the government would have banned it a long time ago. I think we are in the realm of psychosis and irrationality?" "Never was meat as safe as today," chimed in Consumer Affairs Minister Francois Patriat, and Health Minister Dominique Gillot parroted, "Nothing indicates that red meat presents a risk to human health."⁷³

For his part, Prime Minister Lionel Jospin ignored calls for immediate action, arguing that storing feed and slaughtering suspect cows posed health and environmental risks, and that the nation ought to wait patiently for the results of a government study due in February 2000.⁷⁴ Not to be outdone by his peers, Jospin also proudly proclaimed his meat-eating credentials: "We are not going to invent a nation of vegetarians in the short-term."⁷⁵ No worry. With many French willing to sacrifice steak and delicacies like ris de veau (sweetbread made from the thymus glands of young cows), cervelles au beurre noise (cow brains sauteed in black butter), and filet pique a la moelle (filet of beef injected with bone marrow), few desired to give up meat. Consequently, like other European countries, the French not only increased their intake of poultry and fish, they began eating huge quantities of horses (which like cats and dogs in Asia, have no sentimental value as in Europe as in the U.S.).?

Even EU Health and Consumer Protection Commission David Byrne criticized overreaction to the BSE outbreak in France. He cited EU data suggesting that there were less than eight cases of Mad Cow Disease per million cattle over two years of age (compared to Ireland's rate of 40, Portugal's rate of 200, and Britain's rate of over 500). Moreover, Byrne argued, of the numerous cases of BSE identified in the EU from January to November 2000, only eight were in animals born in 1996, the year a ban on feeding MBM to cattle went into effect.⁷⁷

While it is true that France's BSE cases were far fewer than those of Britain (somewhere over a hundred cases compared to 180,000), TSEs were rapidly climbing in animal and human populations. Objections to change were so reckless and the claims that French beef was totally safe so preposterous, one can only conclude that - like their counterparts in Britain, Germany, the U.S., and elsewhere - government officials were concerned less about public health than the profit margins of the meat industry and the economic impact a substantive BSE testing program and massive cattle slaughter might have on the national economy. Glavany, for example, estimated the costs of not selling cattle over 30 months alone to cost the industry at least \$1.6 billion, and rejected the call for slaughtering all cattle over the age of four as too expensive.⁷⁸ Jospin and others were caught in the squeeze between demands to restore confidence in the

beef industry and to protect consumers.

While numerous French politicians stubbornly denied a problem, others respected public fears and warned of a more serious problem brewing. As became clear, neither fraud and illegal sales of suspect meat nor cross-contamination of animal feed could be prevented through government regulation. Indeed, Professor Jeanne Brugere-Picoux, a BSE advisor to the government claimed that most of the country's farmers and meat inspectors could not even recognize obvious symptoms of BSE in cattle.⁷⁹ On November 7, President Chirac appeared on national television to implore the government to enact an immediate and total ban on MBM in all animal feed. The same day, to boost consumer confidence, the leading farmers' union vowed to end the sale of meat from cows marketed before the enactment of stricter control methods in 1996, a move both Jospin and Byrne reviled as pandering to public frenzy. On November 11 [12?], Environment Minister Dominique Voynet endorsed an immediate moratorium on feeding all MBM not only to non-ruminant animals such as pigs and chickens in addition to cattle.⁸⁰

As BSE cases continued to mount, Jospin, after weeks of denials and evasion, reversed course. On November 14, he outlawed the sale of T-bone steaks and proposed an immediate ban on the use of MBM in all livestock feed and pet food. Two days later, Chirac backed French farmers' call for a Europe-wide plan to supply vegetable proteins to replace less-costly animal feed. In December, Jospin announced that France would immediately begin screening all cattle 30 months and older in age, six months earlier than the July 1, 2001 deadline set by the EU, and would destroy all carcasses that test positive for the disease.⁸¹

But, keeping in mind the government's dual obligation to the public and meat industries (as in Britain, the U.S., and elsewhere), French officials increased regulations, as they also advanced the propaganda war by taking out fullpage newspaper advertisements entitled "Why you can eat beef without fear"⁸² Coming on the same day as media reports of a possible fourth case of nvCJD circulating, the efforts were less than successful. By this time, families of two French nvCJD victims were in the midst of suing British, French, and European Commission authorities for criminal delays and inaction to prevent the spread of BSE as soon the risks were first apparent in 1986.⁸³

By the end of the year, however, France had advanced beyond all EU countries except Britain in its surveillance methods. Since the beginning of the Mad Cow crisis, the EU has been lax in regulating the beef and feed industries. Although in 1994, the EU barred the use of meat and bonemeal in ruminant feed, they excluded nonruminant animals. In July 1996, the EU banned all British beef exports and made the use of MBM in ruminant feed illegal, but millions of slaughtered cattle and billions of pounds later - they lifted the embargo in July 1999. This move, of course, was not to the satisfaction of countries like France that declared it premature and without scientific basis. In November 2000, in the face of a growing BSE epidemic, David Byrne softened his intransigence against additional protection measures and urged, among other things, that member states begin immediate random testing of cattle before the compulsory date of January 1, 2001, a technique that already proved its merit (and frightening consequences) in France. In December, 2000, the EU introduced a six month ban on using MBM in animal feeds, widened the list of risk materials, and approved a plan to require all cattle older than 30 months to be proven free of disease before they can enter the market (set to become law in July, 2001).

The Portent of Plague

"Mad cow disease knows no borders but is moving from one member state to another" Franz Fischler, European Union agricultural minister

"BSE is the Chernobyl of food safety." Nicols Fox

"We are in a mass experiment which is killing us. Never before have diseased ruminants (sheep) been fed to other ruminants (cows) and then fed to humans. We have interfered with the whole process of nature and now what is happening is one of our worst nightmares." Tim Lang, Professor of Food Policy at Thales Valley University

"There is no reason to suppose that any country is safe [from BSE]." French Agriculture Minister, Jean Glavany

The real shock is not that new cases of BSE and nvCJD continue to multiply, but that anyone is surprised these diseases are spreading across Europe like a vast dark shadow or toxic cloud. Stunned citizens in Germany, France, and elsewhere betray an ignorance of the nature of TSEs and a misplaced trust in government, science, and meat industries. By late January, the situation seemed grim enough that the United Nations Food and Agriculture Organization (FAO) warned countries throughout the world that Mad Cow Disease is a serious threat, that any nation that imported MBM from the UK or other Western European countries since 1980 should consider themselves at risk for BSE, and that strong precautionary measures should be adopted.⁸⁴

Mad Cow Disease has become a global problem and demands global solutions. Measures adopted so far are too little and too late. The global meat supply can be made safer through the total abolition of rendered animal feed, random testing of cattle, bans on consuming all cattle over the age of 30 months, better methods of testing for BSE, and rigorous monitoring of relabelling practices and illicit feed and animal products. Most importantly, the EU, like the U.S., has not yet moved toward a total and permanent ban of meat and bone meal in all animal feed, not only for ruminants like cows and sheep, but also poultry, pigs, and other animals. Only Britain and Portugal, the two countries with the most BSE cases, have implemented a total ban on rendered feed. To date, the best the EU has done is to allow member nations to introduce a total ban, but not to enforce one.

Thus, in the U.S. and throughout most of Europe, ruminant animals can still be fed to nonruminants, a policy the EU defends for lack of scientific justification of a total prohibition of rendered feed. A total ban on rendered feed for all animals is critical due to the problem of cross-contamination and the well-established fact that TSEs rebound from species to species. If not directly from an infected cow, human beings could acquire nvCJD from a rendered pig fattened on BSE-infected feed and fed back to cattle. The entire chain must be broken, not only one link. According to a recent article in *New Scientist*, pigs, chicken, sheep, and even farmed fish have been exposed to BSE-contaminated feed throughout Europe; thus, no flesh food can be guaranteed to be free of TSE.⁸⁵

Still, even total, global bans on all rendering is inadequate given problems of illicit trade in rendered products, pre-clinical cases of BSE that, at least so far, are undetectable, and hopelessly inadequate modes of government monitoring.⁸⁶ In December, 2000, the USDA issued a temporary ban on European feed made from nonruminant animals because it was discovered that European farmers were still giving feed from potentially infected cows to chickens and pigs and then feeding these back to cows. On January 11, 2001, the FDA warned of new dangers of Mad Cow Disease in the U.S. Their investigations showed that rendering companies and feed producers were routinely violating rules designed to keep BSE out of the country, and that an alarming percentage of them lacked systems to prevent cross-contamination of animal feed. Of the nation's 9,500 feed manufacturers, only 2,700 were inspected for compliance with rules; nearly half had no method for labelling their products to warn farmers not to feed them to cattle or sheep.⁸⁷ Of the 180 rendering companies that process carcasses into MBM, 16 percent lacked warning labels and 28 percent had no system to prevent cross contamination. One fifth of the 347 FDA-licensed feed mills lacked warning labels and 9 percent lacked cross-contamination prevention systems. Almost half of the 1,593 unlicensed feed mills lacked warning labels and 26 percent had no prevention systems for cross contamination.⁸⁸

Moreover, not enough testing is being done yet in the U.S. "Out of 100 million cattle, the Agriculture Department tested fewer than 12,000 sick cows for mad cow disease in the last decade. By comparison, France, with 5.7 million cattle, is now testing 20,000 animals each week and identified 153 infected animals last year"⁹⁰ To do a proportionate level of testing, the U.S. would have to examine 354,386 a week, quite a bit more than its current number of about 50 cows a week.

Thus, the so-called "firewall" of protection surrounding the U.S. proved to be about as solid as a TSE-ravaged brain, since the inadequate regulations that do exist are frequently flouted. Consequently, the FDA announced plans for much tighter inspection, and warned U.S. feed makers that "continued violations" will result in seizures of feed, company closures, and possibly prosecution.⁹¹ One has to wonder how many violations it will take, how many "warning letters" are necessary, before U.S. "regulatory" agencies take seriously such flagrant flaunting of the law and cross-contamination of feed.

Dramatizing the inevitability of serious risk to public health and the massive loopholes in the regulatory system, on January 26, 2001, federal health regulators began investigating 1,200 quarantined cattle in Texas after Purina revealed it possibly mixed up feed ingredients, allowing some cattle to eat MBM made from other U.S. cattle. Purina recalled 22 tons of suspect feed and vowed never again to use any ruminant MBM in any of its feed products, including that intended for poultry or swine.⁹² Sensing potential doom for the U.S. beef industry if even one case of home-grown BSE were discovered, the NCBA called an emergency meeting in Washington in late January, 2001 to underscore the need for greater vigilance of the feed industry.

Not only the global meat supply now has to be carefully monitored for TSEs, but also the trade in human blood. Following the lead of other countries, on January 17, 2001, the U.S. Red Cross urged the federal government to extend a ban on blood donations from anyone who spent over 6 months in Britain to include anyone who stayed in Western Europe since 1980, a move that New York estimated would result in the loss of a quarter of its blood supply.⁹³

Despite official assurances that all is well in the U.S., there are grounds to believe that the country already has been hit with nvCJD, and that the disease is seriously underdiagnosed. In the period between 1979 and 1990, CJD was listed on the death certificates of 2,614 people and it is possible that a BSE agent is the cause of many of these deaths, only about 10% of which are hereditary. CJD fatalities often are not recorded on death certificates, since doctors often refuse autopsies of suspected CJD victims from fear of contracting the disease.⁹⁴

Moreover, it is easy to misdiagnose CJD as Alzheimer's disease, the fourth leading cause of death in the U.S., currently afflicting two to three million people. The symptoms of the two diseases are similar, and the victims' brains have the same spongy appearance, suggesting to scientists like Carleton Gajdusek and Stanley Prusiner that Alzheimer's is really a prion disease.⁹⁵ 1989 autopsy studies done at the University of Pittsburgh and Yale University showed, respectively, that 5.5 percent and 13 percent of Alzheimer patients actually were victims of CJD.⁹⁶ Given that there are over 4 million cases of Alzheimer's disease in the U.S. at present, if even a small percentage of them were nvCJD, a hidden epidemic could be lurking. Similarly, an informal survey of neuropathologists found that 2-12 percent of all dementias were actually CJD, a result corroborated by a 1989 University of Pennsylvania study which identified 5 percent of misdiagnosed dementia patients were dying from CJD.⁹⁷

The recent cases of France, Germany, and Spain show that no nation is safe from BSE--contamination, whether it borders Britain or inhabits another continent. Since the BSE epidemic first surfaced in Britain in November 1986, and because it can take as long as 30 years for CJD for incubation, we may not see a nvCJD epidemic peak until around 2015. While some scientists are predicting only a few dozen more cases, others are warning of a possible new plaque or black

death of "biblical proportions," such that perhaps up to 500,000 Britons could die over the next three decades from the disease.⁹⁸ Still, the ever-complacent American public remains relatively unconcerned. A January 24 ABCNEWS/Washington Post poll showed that only 18 percent were "very concerned" about Mad Cow Disease, and 56 percent expressed little or no concern at all.⁹⁹

Clearly one way to avoid the very real dangers of nvCJD is to become a vegetarian. As BSE expert Richard Lacey writes, "the simple and safest answer of course is to stop eating animals." Even then, however, is one completely safe? nvCJD can be contracted through hundreds of pharmaceutical products such as bovine insulin. Three dozen marketed drugs are made from cattle tissue and organs, and hundreds more contain bovine blood. Various diet and energy supplements are made from raw cow organs and glands that promise strength and abundant health could easily be infected with deadly prions. This area is said to be a particularly weak area of FDA regulation. One can also contract nvCJD through infected human blood, growth hormone therapy, bone meal in flower feed, medical procedures and contaminated instruments (such as dental tools) and vaccines (typically made from beef protein broths and calf serum).¹⁰⁰ Nor can one rule out the possibility of contracting BSE through gelatin (such as found in nearly all herbal and vitamin capsules), milk products, and anti-aging creams and cosmetics (which use, for example, beef fat as an emulsifier in skin creams, rendered tallow in lipsticks, hormonal extracts from cow organs and glands, and entrails) that could spread infection through cuts or bruises in the skin.

Given the globalization of the food supply, the passageways for contaminated food are endless, and their origins difficult or impossible to trace. BSE-laced beef from a farm in Germany or France, especially if relabeled, could turn up anywhere on the planet.¹⁰¹ As with issues such as global warming, there is clearly an urgent need to draft strong international laws for food safety. It should be apparent from the case of Britain dumping banned beef on the international market, the French farmer caught trying to sell BSE-infected beef, and the shoddy practices of U.S. feed companies that while government bans on rendered feed are necessary and helpful, in no way do they guarantee the safety of the food since any and all laws are routinely violated.

Other recent cases, such as contamination of crops in Europe and the U.S. with genetically modified ingredients reinforce the point that laws, even when they exist, are no guarantee of safety.¹⁰²

Indeed, since there is no such thing as "healthy meat" of any kind, Mad Cow Disease has provided an ideological alibi for the inherent risks of eating any flesh or dairy foods, ranging from excess saturated fat, cholesterol, and protein, to a wide array of chemicals such as PCBs, DDT, dioxin, and carcinogenic growth steroid hormones, to deadly bacteria like E-coli, campylobacter, salmonella, and listeria. Governments that are now spending billions to restore consumer confidence in beef could use these resources far better to educate the public about the dangers of meat consumption, whether contaminated by prions or not.

Perhaps one positive consequence of the TSE crisis is that more citizens in Europe and the U.S. are beginning to develop a greater distrust of and skepticism toward science, government, industry, and transnational agriculture as these institutions are feeling greater pressure to be open and accountable to the public realm. Hopefully, in addition, the massive fallacies of modern agriculture and a meat-based diet will become transparent to ever more people, although change here is incredibly slow.¹⁰³ Through the crisis of a BSE world comes the opportunity to realize the massive, inherent fallacies of the chemically intensive industrial methods of agriculture which are brutal to animals, destructive of land and soil, harmful to consumers, and ultimately unsustainable. Indeed, there are signs in the U.S. and throughout Europe of a revival of small-scale, local, organic farming that is driven by consumer awareness and demand and greater priorities placed on animal welfare, health, and environmental issues.¹⁰⁴

Like religion, the meat and dairy industries exert forceful control over peoples' minds from a very young age, implanting mythologies such as animals are resources for human use, human beings are natural carnivores, and meat and dairy products are staples of a healthy diet. The propaganda of the meat and dairy industries turns up in the classroom, the doctor's office, newspaper articles, magazine and television advertising, and numerous other venues. The meat and dairy industries have a huge voice in setting national dietary and nutritional guidelines, and the USDA has proven itself to be their political arm rather than the watchdog of consumer interests. These industries are powerful lobbying forces, heavily subsidized by national governments, and integral to existing economies.¹⁰⁵ And they are increasingly violent and destructive, killing billions of animals a year, being principle causes of high human death and disease rates, and devastating the environment in a myriad of ways ranging from rainforest destruction to global warming.¹⁰⁶

From the Ebola virus and global warming to antibiotic resistant diseases and TSEs, we are now witness to the catastrophic effects of capitalism and the global meat culture in their shared war against nature. The irrationality of the global meat industry is becoming increasingly obvious, not only in the toll it takes on animals, human beings, and the environment, but also in the trouble and expense of trying to regulate and test the "safety" of a food source that is inherently risky and unhealthy. The large-scale production and then destruction of animals is insane. Cost-cutting measures to save money through rendered animal feed in developed nations have yielded billions of dollars in net losses through destruction of livestock, the need to build new incinerators, higher prices for beef, a switch to fully disposable medical and dental surgical instruments and tools, PR campaigns to relegate meat products, stockpiling banned feed (estimated at over half a billion dollars a year in France alone), compensation to victims of BSE, and lawsuits against criminally corrupt and negligent industries and governments.

It is clear that the planet cannot handle the demands and consequences of a globalized carnivore population, and yet fast-food chains set up shop in developing nations as quickly as possible as the world shifts from a plant to a meat-based diet.¹⁰⁷ As the unethical practices of the tobacco industries have recently come under heavy critical scrutiny, we are beginning to see a similar spotlight thrown on the meat and dairy industries. There are few more urgent agendas than to completely delegitimize meat and dairy industries, to shift the world back toward a plant-based diet, and to break with these industries in one's daily dietary choices. Mad Cow Disease is but one inevitable symptom of a larger madness and destructive force consuming human beings as they in turn consume animals.

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1.. I follow common practice of calling BSE-- induced forms of CJD "new variant CJD" (nvCJD) to

Nor can the meat industry be separated from the dairy industry since dairy cows are slaughtered for meat after a few years of confinement to milking machines, and baby veal calves of dairy cows are also killed as meat products.

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3.. TSEs are degenerative brain diseases, but unlike Parkinson's disease or Alzheimer's disease, TSEs are infectious. BSE is one of the few infectious diseases that can infect both humans and animals. In rare cases, BSE appears naturally, but the disease was vastly multiplied through the practice of feeding the brain tissue of sheep and/or cows to cows. According to Stanley Prusiner, who in 1997 won the Nobel prize in Physiology or Medicine, TSEs are caused neither by bacteria nor viruses, but rather by infectious proteins - "prions" - that become deadly as they bore microscopic spongy holes in the brain. Prions do not cause inflammation, do not respond to antibiotics, and they reproduce without genes, DNA, or RNA, thereby defying the standard model of biology. Brains have normal and abnormal prions and it is the interaction of the two that causes the mischief. Faulty prions are extraordinary not only in their chemical make-up, but also in their ability to jump from species to species, and to withstand freezing, irradiation, temperatures as high as 700 degrees Fahrenheit, disinfectants, soaking in formaldehyde, and can sur

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vive in the soil for years. Prion diseases can be inherited, occur spontaneously, or be transmitted through the rendering process. Not all scientists accept the prion hypothesis. Some are still trying to define TSEs as slow viral diseases, others claim it resulted from a genetic mutation in a single cow, and still others insist we do not have decisive proof as to what causes TSEs. Some scientists find prions so utterly bizarre that they hypothesize a possible alien origin whereby cows acquired the disease after eating grass laced with interstellar dust (see "Small Steps, Big Questions,"

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<http://abcnews.go.com/sections/scitech/DailyNews/madcowresearch010119.html>). This certainly is a creative way of denying the culpability of the meat industries and politicians. Science writer Gary Taubes writes a stinging critique of Prusiner as a scientist driven more by a desire for fame than truth, and summarizes serious problems with the prion hypothesis. Taubes cites evidence that the "prion" really is either a virus or a "vino" -"a small piece of nucleic acid protected by a protein made by genes in the host, rather than genes in the agent, as was the case with conventional viruses" See "Nobel Gas," <http://slate.msn.com/HeyWait/97-10-10/HeyWait.asp>, and "The Game of the Name is Fame, But is it Science?" <http://slate.msn.com/HeyWait/97-10-10/Taubes.asp>. Thus, the mystery of TSEs is far from resolved.

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4. For an illuminating genealogy of TSEs from kuru and scrapie to Mad Cow Disease and nvCJD, see Richard Rhodes, *Deadly Feasts: Tracking the Secrets of a Terrifying New Plague*. NewYork: Simon and Schuster, 1997.

5..The problem of disposing animal carcasses, especially those possibly infected with TSEs, is very serious. Recent studies suggest that just as incinerating animals releases dioxins

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into the environment TSE-infected carcasses can contaminate the soil and continue to transmit disease (Dioxin from Beef Incineration," www.mad-cow.org/00/dec00_late_news.html). In November 2000, dangerous mad cow waste possibly leaked into the groundwater in Gloucester ("BSE-- Infected Chemicals in Village Water Supply Fear," www.mad-cow.org/001nov00_mid_news.html). Unable to cope with vast quantities of carcasses, Spain worries their rotting flesh will contaminate groundwater ("300 Dead Cattle Dumped in Spanish Mine," www.mad-cow.org/00/jan01_early_news.html), as Canada spreads scrapie-laced "biosludge" onto farmland ("Canada Spreads Scrapie Sludge, [www. mad-cow. o rg/00/ jan01 early-news.html](http://www.mad-cow.org/00/jan01_early_news.html)).

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6.. On March 17, 1997, the USDA released a study that found spinal cord (perhaps the most infectious part of an animal beside the brain) and marrow in meat processed with high tech equipment ("Advanced Meat Recovery" systems) that strips as much meat as possible from animal bones. "Advanced meat recovery systems produce 300 to 4000 million pounds of group meat products each year, which are mixed in with retail ground beef, sausages and hot dogs Until two years ago, the product was not called meat "Mad Cow Risk in the United States," www.vegsource.com/lyman/madcow.htm

7.. Due to the speed and volume of slaughter and inadequate stunning, many animals remain alive and aware while being boiled and dismembered, thereby violating "humane slaughter" laws. See Gail Eisnitz, *Slaughterhouse: the Shocking Story of Greed, Neglect, and Inhumane Treatment Inside the U.S. Me Industry*. New York: Prometheus Books, 1997.

8.. Tim Beardsley, "CJD" *Scientific American*, August 1990, cited in [www.mad-cow.org/00/ sci-archive-frame.html](http://www.mad-cow.org/00/sci-archive-frame.html)

9.. The factory farm, of course, is antithetical

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to the traditional family farm method of raising animals which did not involve intensive chemicals, automated machinery, and abominable practices of animal confinement. An invention dating back to the post-war period when advanced capitalist nations began using huge warehouses to raise farm animals in the most efficient and profitable way, the worldwide factory farm system is responsible for unspeakable cruelties, contamination and diseases, environmental pollution, and, to a large degree, the rise of antibiotic-resistant ideas. See Peter Singer, *Animal Liberation*, New York: Avon, 1990 (revised edition), and Jim Mason and Peter Singer, *Animal Factories: What Agribusiness is Doing to the Family Farm, the Environment, and Your Health*, New York: Harmony Books, 1990 (revised edition).

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10.. Of course, the costs proved far greater down the line, once British farmers had to destroy their cattle and faced declining consumer confidence in their "products." But many in the meat industry overcame this problem by selling livestock to the European black market and funneling illegal cattle corpses into pig and chicken feed at home.

11.. The government later acquiesced to full payment, but the BSE crisis already was underway.

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12.. Yet many farmers feel the need to use rendered protein feed to boost animal growth and therefore profits. Addicted to chemically-intensive production methods, they vehemently reject calls for organic farming. According to one German farmer. "Without the [rendered] feed. the

business would be completely unprofitable, there would not be enough income ... A cow eating just grass would produce only 4,000 liters of milk a year ... Without the [meat-- based] nutritional supplement, a cow needs 30 months to grow to maturity before slaughter. With the supplement, it takes 24 months," ("German Farmers See Organic Cattle as Road to Ruin," www.mad-cow.org/00/jan01-mid-news.html). With such motivations, many farmers have used, and will con

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tinue to use, rendered feed - as well as genetically engineered hormones and other substances - even if made illegal.

13.. See "Mad Cow Disease: Another Ugly Side of Beef", Earthsave, <http://www.earthsave.org/news/madcow.htm>

14.. See Richard Rhodes, *Deadly Feasts*, pp. 180-182.

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15.. In a gustatory Russian Roulette, it continues to be a popular propaganda ploy of the ranchers, farmers, and government officials throughout the world to consume beef in front of TV cameras to "prove" its safety.

16.. See "WHO Warns Mad Cow Has Spread Worldwide," and "UN: Mad Cow Goes Global," www.mad-cow.org/00/01/jan-news.html

17.. See "U.K. Dumps Infected Cattle Feed in Sri Lanka," www.mad-cow.org/00/nov00_news.html.

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18.. See "France: Mad Cow Case Triggers Wave of Fear," www.mad-cow.org/00/nov00_mid_news.html, and "Britain Faces BSE Claims by French" www.mad-cow.org/00/nov00_mid_news.html

19.. "Stringent Steps Taken by U.S. on Cow Illness," www.nytimes.com/2001/01/14/health/14cow.html

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20.. "Rendering: the ' Invisible Industry' Gets a Green Facelift," www.prwatch.org/prwissues/1996Q1/madcow13.html

21.. "Mad Cow Disease: Another Ugly Side of Beef." See also "Could Mad Cow Disease Happen Here?" www.theatlantic.com/issues/98sep/madcow.htm

22.. See Howard Lyman, *Mad Cowboy: Plain Truth From the Cattle Rancher Who Won't Eat Meat*. New York: Scribner, 1998.

23.. Richard Rhodes, *Deadly Feasts*, pp. 225-226.

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24.. "Biologists Say Hunters Should Be Aware of Brain Disease," Sandra Blakeslee, in www.purefood.org/meat/huntersdanger.cfm

25.. "Stop the Madness: Malady Threatens Wisconsin's Elk, Deer, and, Ultimately, People," Brian McCombie, July 13, 2000, in www.purefood.org/meat/wisdeer.cfm

26.. Ibid.

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27.. "FDA May Exclude Hunters from Blood Donation," [www.mad-cow.org/00/ jan01-early-](http://www.mad-cow.org/00/jan01-early-)

28.. "FDA Mulls Over European Blood Bans:" [http://cbs news. com/now/story/ 0, 1597,264878-](http://cbsnews.com/now/story/0,1597,264878-)

29.. "Stringent Steps Taken by U.S. on Cow Illness," www.nytimes.com/2001/01/14/

www.aphis.usda.gov/lpa/press/2000/12/reed.12.19.txt.

39.. "USDA Priorities: Bovine Byproducts or Vermont Sheep?" www.mad-cow.org/00/jan01-early-news.html

40.. See www.mcspotlight.org/

41.. For the complete transcripts of the show,

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see www.vegso.uoregon.edu/lyman/oprah-transcript.htm

42.. See Howard Lyman, "Animal Law Introduction: Volume V.- Free Speech, Animal Law, and Food Activism," www.lclark.edu/~alj/intro5.html

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43.. Joel Bleifuss, "The Cattlemen's Beef with Oprah," *In These Times*, April 5, 1998, p. 15.

44.. Cited in George Gunset, "Oprah Airs Beef Fears," *Chicago Tribune*, April 17, 1996.

45.. "Product Disparagement Statutes: Texas," www.animal-law-org/pdstat/texas.htm

46.. Howard Lyman, "Animal Law Introduction."

47.. Joel Bleifuss, "The Cattlemen's Beef with Oprah" *In These Times*, April 5, 1998, p. 15. ITT, 15.

48.. ref

49.. www.prwatch.org/98-QI/oprah.html

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50.. For the full text of the court's ruling on the appeal, see www.ca5.uscourts.gov/opinions/pub/98/98-10391-CVO.HTM. About six months prior to the appeal decision, 161 cattle ranchers throughout the US filed a second identical suit against Lyman and Winfrey in the Texas state court, but was moved to the federal court level since the defendants do not live in Texas. Currently, the suit is still active, but likely will be thrown out since the case has already been won twice.

51.. With this absurd legal door wide open, other product disparagement suits indeed have been made. One suit, for example, also filed in Texas four months after the cattlemen sued Oprah, was made by emu growers against Honda for a tongue-in-cheek 1997 commercial. It showed a young man taking his Honda Civic to odd job interviews, including an emu ranch called Fowl Technologies where he is advised by an old-timer to go into emu ranching because "It's the pork of

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the future" Claiming the ad hurt their sales, Texas emu ranchers argued that their "product" was slandered and ridiculed, and that the ad embarrassed them to the general public and to friends.

52.. Sheldon Rampton and John Stauber, "One Hundred Percent All Beef Baloney: Lessons Form the Oprah Trial," www.prwatch.org/98QI/oprah.html

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53.. Paul D. Kretowski, "Food Fights," www.motherjones.com/news_wire/kretowski.html

54.. Stephanie Kraft, "Food Bites Back," www.fairfieldweekly.com/articles/foodbitesback.html

55.. When asked to divulge his least favorite food for George Bush, past President of the United

States, it was Broccoli.

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56.. Petition by Paul F Engler and Cactus Feeders, Inc. against Oprah Winfrey, Harpo Productions, Howard Lyman and Cannon Communications, US District Court, Texas, Northern District, May 28, 1996.

57.. Ben Lilliston, "Don't Mess With Mad Cow," www.consciouschoice.com/note/note112.html

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58.. People like Michael Colby of consumer activist group Food and Water has taunted industries to sue him. Since he believes he would win any such case on first amendment grounds, he welcomes the opportunity to speak out in court, and intends to countersue any corporation that would attempt to undermine constitutional rights. See Stephanie Kraft, "Food Bites Back"

59.. Ibid.

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60.. "Howard Lyman, LL.D., Found Not Liable in Landmark Case in Amarillo," www.vegsource.org/lyman/trial_statement.htm

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61.. So convinced that its country was and would remain free of BSE, and so fearful of harming its huge global export market in sausage and other meat products, Germany waited until October 2000 to ban the use of mechanical Meat Recovery Systems known to blend highly infective material such as brains, spinal cords, and spleens into meat. On December 23, 2000, the European Commission called on the German government to withdraw all its at-risk meat and sausage products from the market, threatened a worldwide ban on German sausage, and sharply criticized the nation for lax BSE-detection policies which allowed even animals with obvious symptoms of the disease to be slaughtered for human consumption. Despite knowledge that meat taken from cattles' spines is highly infective, the German government allowed their population to consume it.

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62.. "Mad Cow Disease Scare Causes McDonald's Profits to Fall 7 Percent," <http://www.salon.com/tech/wire/2001/01/24/mcdonalds.html>

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63.. The EU warned Germany months before the first cases of BSE were identified in November 2000, that their cattle likely were infected yet they continued to do nothing. Agriculture Minister Funke and Health Minister Andrea Fischer came under sharp fire for misleading the public, and both eventually were forced to resign. In January, 2001, evidence emerged that since 1989 Germany had ignored warnings from scientists about the dangers of MCD and that the first cases were actually detected in 1989, but were kept secret. See "Germany Found First Cases in 1989-91 Says Professor," www.mad-cow.org/00/jan01-early_news.html

64.. See "Top French Chefs Unaffected by Mad Cow Fears": "In the wake of wartime penury, the French became Europe's biggest meateaters. In 1950, the average French person consumed

about 30 kilograms (about 66 pounds) per year, compared to 90 kilograms

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(198 pounds) today." www.mad-cow.org/00/nov00_vlate_news.html

65.. "France Reveals New Mad Cow Tally," www.bbc.co.uk, December 24, 2000. The figures cited in various sources range from 103 on the low end to 161 on the high end.

66.. "Scientists Suggest French BSE Since 1987," www.news.bbc.co.uk, December 14, 2000.

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67.. "Scientists Follow 'Mad Cow' Disease Trail," www.mad-cow.org/00/dec00_early_news.html

68.. "France Under Fire Over Mad Cow Precautions," mad-cow.org/00feb/00_mid-news.html

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69.. "Mad Cow Madness," www.salon.com/news/health/2000/12/08/mad_cow.html

70.. "Mad Cow Mania," www.abcnews.go.com/onair/WorldNewsTonight/wnt001121-MadCow-feature.html

71.. "Fear of Diseased Beef Deepens in France's Supermarket Aisles," www.nytimes.com/2000/11/15/world/15FRAN.html.

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72.. "France's Glavany to BSE-Wary Consumers 'I Eat Beef%'" www.mad-cow.org/00/nov00_mid_news.html

73.. "French Ministers: Fear Not Red Meat," www.mad-cow.org/00/nov00_mid-news.html

74.. Ibid.

75.. "France Soothes Fears," www.madcow.org/00/nov00-mid-news.html

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76.. While the French shriek from eating British beef, they gladly accept their horsemeat. In 1999, Britain exported 12,000 horses and ponies to France and Belgium, which is double the number in 1994. As documented by the Compassion in World Farming group,

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horses fare no better than other factory--farmed animal and they suffer immense abuse in process of being rounded up, shipped, and slaughtered for consumption. See "Mad Cow-Fearing French Turn to British Ponies," www.knoxnews.com/talktous/index.cfm. Incredibly, the Germans proved so desperate for meat they began breaking into zoos to consume ducks, geese, hens, and other animals. "Zoos Raided as German Food Scares Grow," Irme Karacs, Independent Digital, January 28, 2001.

77.. "French BSE Data Must be Put in Context - EU's Byrne," www.mad-cow.org/00/nov00-mid-news.html

78.. "France Soothes Fears!"

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- 79.. "French BSE Crisis Worsens," www.madcow.org/00/nov00_mid_news.html
80.. "French Minister Wants Moratorium on Meat/Bone Meal," www.mad-cow.org/00/nov00-mid-news.html
81.. "France to Widen BSE Testing in January - Jospin," www.mad-cow-org/00/dec00-early-news.html
82.. "France Fights 'Mad Cow' Fear with Ads, Hotlines," www.mad-cow.org/00/nov00_vlate-news.html

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- 83.. See "French Lawsuit Filed as Mad Cow Scare Grips" and "French nvCJD Families Plan to Sue Britian," www.mad-cow.org/00/nov0-vlate_news.html
84.. "Mad Cow Disease Called International Threat http://Hens.lycos.com/ens/jan2001/2001_L-01-29-08.html
85.. "Mad Meat," www.newscientist.com/nlh/1104/mad/html
86.. Animal experiments conducted in the mid-1990s revealed just how serious a threat nvCJD is to human beings. As de

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scribed in findings published in September 2000, Dr. Andrew Hill and colleagues at the Medical Research Council Prion Unit in London injected liquefied brains of hamsters infected with scrapie, a prion disease. On the well-established assumption that this strain of scrapie could not be passed onto mice, they injected the brain matter of the seemingly healthy mice into another group of mice and hamsters in order to confirm the absence of disease. To everyone's surprise, however, the second batch of mice and the hamsters staggered around their cages for months, an obvious sign they had contracted a prion disease. The experiment proved that the original mice were silent carriers of the disease which they passed onto other animals. If the same dynamic is true of cattle, they would appear healthy, yet could have BSE infection that would be undetectable and thereby pass into the human food chain. Non-ruminant animals might also have TSEs they could pass onto humans. Moreover, humans could also be undetectable transmitters of the disease and pass it onto others through contaminated medical and dental instruments, tissue or blood donation, or other means. "Prion Disease - Dormant But Deadly," www.mad-cow.org/00/nov00_mid_news.html

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- 87.. "Stringent Steps Taken by U.S. on Cow Illness," www.nytimes.com/2001/01/14/health/14cow.html
88.. "FDA Warns Mad Cow Could Come Here," <http://cbsnews.com/now/story/0,1597,263393-412,00.shtml>
89.. "Stringent Steps Taken by U.S. on Cow Illness"
90.. Ibid.

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- 91.. "Feds Tighten Protections Against Mad Cow Disease," <http://my.webmd.com/content/article/1728.69831>. Also see "Stringent Steps Taken by U.S. on Cow Illness."
92.. See "Feds Investigate Quarantined Cattle,"

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http://dailynews.yahoo.com/h/ap/20010126/pl/us-mad_cow_2html, and "Purina Mills Halts Use of Ruminant Meat/Bone Meal," http://dailynews.yahoo.com/h/nm/20010126/ts/madcow-purina_dc2.html

93.. "Mad Cow' and the Blood Supply," <http://fl.cbsnews.com/now/story/0,1597,264878412,00.shtml> ladd ref

94.. See "How Much Alzheimer is really CJD?" and "How Good Are Neurologists at Diagnosis Anyway?" www.mad-cow.org/00/scj_archive-frame.html

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95.. On Gajdusek's theories, see Richard Rhodes, *Deadly Feasts*, pp. 197-202. Gary Taubes denies significant similarities between Alzheimer's disease and TSEs. See "The Game of the Name is Fame, But is it Science?" <http://slate.msn.com/HeyWait/97-101O/Taubes.asp>. Rhodes discuss Taubes' critique sympathetically, pp. 203-207.

96.. Michael Greger, "Alzheimer's and CJD," in www.mad-cow.org/00/sci_archive-frame.html

97.. Ibid.

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98.. "Deaths Tied to Mad Cow Disease on the Rise," Sandra Blakeslee, July 25, 2000, cited in <http://www.purefood.org/meat/britoncjdcfm>. According to The Guardian, "Up to 400,000 people in some [EU] member states could be exposed to infected material from a single cow if it were allowed to enter the food chain because it had displayed no clinical signs of bovine spongiform encephalopathy," "Scientists Say 'Millions' of Europeans May Eventually Die From CJD-Human Mad Cow Disease:" January 8, 2000, <http://newsunlimited.co.uk/international/story/0,3604,120023,00.html>

99.. "Americans Calm About Mad Cow," <http://abcnews.go.com/sections/living/DailyNews/madcow-poll010124.html>

100.. Due to its lax regulation policies, for 15

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years the FDA has allowed potentially BSE contaminated vaccine sales from unknown sources. See "FDA Gives Warning on 8 Vaccines," www.mad-cow.org/00/01jan_news.html. There is also evidence that the FDA has not adequately monitored bovine ingredients in cosmetics and, as in the case of vaccine manufacturers, asked companies only to undertake "voluntary" investigations. See "FDA Discloses Bovine Import Issues," www.mad-cow.org/00/01jan_news.html

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101.. On the perils of global industrialized food system, see Nichols Fox, *Spoiled: The Dangerous Truth About a Food Chain Gone Haywire*, New York: Basic Books, 1997.

102.. In 1998, the Environmental Protection Agency approved Starlink bioengineered corn for livestock feed only; yet in September, 2000, it was found in numerous brands of taco shells and chips and may have triggered allergic reactions in seven to 14 Americans. See "Franken-Corn Hits Shelves," <http://abcnews.go.com/sections/living/DailyNews/corn001019.html>

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103.. Tragically, old habits die hard, and even Mad Cow Disease has yet to substantially penetrate the psychic armor created by meat and dairy industry propaganda. In a November 2000 survey in a French newspaper, for example, published during the height of the latest mad cow scare, 70% of French people admitted they were worried about the disease, but 54% claimed they would not change their eating habits. "Fear of Mad Cow Disease Hits French Barracks," www.madcow.org/00/nov00_mid_news.html. Similarly, many Germans have found it impossible to give up their beef sausage and, as stated, began raiding zoos to satisfy their carnivorous cravings. Yet other studies show that across the EU, beef consumption is down 27 percent, see "Madcow Disease scares push beef consumption down, www.mad-cow.org/00/jan01_mid_news.html

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104.. See, for example, "European Organic Farmers Benefit from BSE Crisis" and "Greens See EU Farm Policy Shift," www.mad-cow.org/00/jan01_mid_news.html

105.. "One million farmers raise 103 million beef and dairy cattle in the United States, according to the Cattlemen's Association. The industry provides \$40 billion in direct income to the livestock industry and generates \$160 billion for the U.S. economy." "Jennifer Galloway, Cattle Feed Industry Says Move to Ban Animal Byproducts Is Overreaction," [http:// mad-cow.org/-tom/render.html](http://mad-cow.org/-tom/render.html)

[Footnote]

106.. Both the power and disastrous global consequences of the meat and dairy industries are evident in the fact that unregulation of their use of antibiotics to fatten animals for greater profit and control disease in factory farm conditions has been a major factor in the emergence of antibiotic resistant diseases which threaten still more plagues.

107.. On the problems facing the most important developing nation, China, as a result of the shift toward a meat-based diet, see Lester Brown, *Who Will Feed China? Wake-Up Call For a Small Planet*, Worldwatch Institute, 1995.

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