

A Report on the Sale of Foie Gras in San Diego

By Bryan Pease, Esq.
legal counsel for the
Animal Protection &
Rescue League

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Foie Gras Fact Sheet

What is “foie gras”?

Foie gras is the artificially enlarged liver of a duck or a goose produced by force feeding. To produce foie gras, factory farms restrain ducks or geese and force feed them massive quantities of dense food (approximately twenty percent of their healthy body weight per day—for a 150 pound human, this would be about 30 pounds of food). This enlarges the birds’ livers by about ten times and results in immense internal pressure and severe pain. The birds pant incessantly and have trouble moving and walking. Many birds experience hemorrhaging or asphyxiation. The industry slaughters the birds right before most would die from their diseased state. At this point, the livers of the birds have almost entirely turned to fat. Every major animal protection group in the world has taken a stand against this cruel industry (ASPCA, HSUS, WSPCA, RSPCA, etc.).

Foie Gras production is illegal in fifteen countries

Foie gras production is so cruel that it is illegal in Germany, Denmark, Norway, Sweden, Finland, England, Switzerland, Austria, Poland, The Czech Republic, Austria, South Africa, Luxembourg, Italy and Holland.. Israel, previously the world’s third largest producer of foie gras also ceased all production by law in 2003.

In 2003, Governor Schwarzenegger signed a law to ban foie gras production and sale in California after a phaseout period ending in 2012. Other states including NY, MA, IL, OR and NJ have proposed similar bills. In 2006, the City of Chicago passed an ordinance banning the sale of foie gras. Many San Diego restaurants have removed foie gras upon learning of the cruelty. A local law is needed here in order to level the playing field for these chefs until the state law goes into effect and to promote San Diego’s reputation as a city that does not condone animal cruelty.

Quotes from San Diego chefs

“If I had my way, the consumption and production of foie gras would have been made illegal now. For many reasons. Not just for the sake of the ducks, but for people, too,” said Jeffrey Strauss, owner and chef of Solana Beach’s Pamplemousse Grille... “I’ve had some conversations with other chefs in San Diego. We all feel about the same way—we wish it was illegal. Level the playing field.” San Diego Citybeat 12/7/05

(Jeffrey Strauss is the owner of Pamplemousse Grille, the #1 rated for food in San Diego area in a 2004 Zagat survey)

“Marine Room Executive Chef Bernard Guillas concurs that foie gras production, which has been in practice for hundreds of years, can be tough on the animals....His decision to remove it from the menu had already preceded a friendly, in-person dialogue he held with Pease two months ago, saying that it was simply time for a menu change.” - Gay and Lesbian Times 9/15/05

“They get an overextended liver—a kind of disease.” Bertrand Hug, owner of Bertrand at Mr. A’s, San Diego Citybeat 12/7/05

“What bothered me about it was, at the end of the day, they’re right about one thing,” he said. “The liver of a duck raised for foie gras is 12 to 14 times the size of a normal duck, and there’s something about that that is not right. It cannot be comfortable for the duck.” (North County Times 9/7/05)

**AN ORDINANCE AMENDING CHAPTER 5, ARTICLE 2, OF THE SAN DIEGO
MUNICIPAL CODE BY ADDING SECTIONS 52.9200, 52.9201, 52.9202 AND 52.9203
RELATING TO PROHIBITIONS AGAINST SALE OF FOIE GRAS OR OTHER
PRODUCTS OF FORCE FEEDING BIRDS**

WHEREAS the general public is becoming increasingly concerned with the methods in which food is produced, and the conditions in which animals are kept; and

WHEREAS animals are increasingly being raised in Confined Animal Feeding Operations (CAFO's), or "factory farms," in which efficiency and profit maximization take priority over animal welfare, worker safety and environmental protection; and

WHEREAS the production of foie gras combines intensive confinement with force feeding animals by machine, thus making it an extreme form of factory farming that is not used by any other industry; and

WHEREAS in order to produce foie gras, ducks are confined in small group pens or individual isolation cages and have a long metal pipe inserted into their throats two to three times per day, pumping feed weighing twenty percent of their healthy body weight per day into them; and

WHEREAS this force feeding results in extreme, unmitigated pain and suffering as well as crippling injuries to the ducks, including respiratory distress, locomotive immobility, and a mortality rate that is 20 to 30 percent higher than at ordinary commercial duck farms; and

WHEREAS the State of California added Chapter 13.4 (commencing with Section 25980) to Division 20 of the Health and Safety Code, which makes it illegal to produce or sell foie gras anywhere in the state, effective 2012; and

WHEREAS many restaurants, including several in San Diego, have stopped selling foie gras upon learning how it is produced; and

WHEREAS the City of Chicago banned the sale of foie gras this year; and

WHEREAS according to a recent Zogby poll, nearly 80 percent of Americans, when educated about foie gras, support a ban on the force feeding of birds; and

WHEREAS, the City Council of the City of San Diego finds and declares that the purpose of this ordinance is:

- (1) to protect public morals and general welfare;
- (2) to protect the reputation of the City of San Diego; and
- (3) to support those businesses that have stopped selling foie gras before the state law takes effect;

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That Chapter 5, Article 2, of the San Diego Municipal Code be and is hereby amended by adding sections 52.9200, 52.9201, 52.9202 and 52.9203 to read as follows:

SEC 52.9200 Purpose and Intent

Because foie gras is by definition made by force feeding ducks or geese massive quantities of food to grossly enlarge their livers, its production has been banned in 15 countries, and its sale has been banned by the State of California, effective 2012. The City of Chicago also banned the sale of foie gras in 2006. Many local restaurants have stopped selling foie gras due to the animal cruelty required for its production and in anticipation of the state law taking effect. Therefore, the purpose of this ordinance is to enact a ban on the sale of foie gras and any other product of force feeding in 2007 rather than waiting until 2012 for the state law to take effect.

SEC 52.9201 Definitions

Defined words appear in italics. The words and phrases used in Sections 52.9200 have the meanings set forth in this Section:

“*bird*” means a duck, goose, or any other warm blooded vertebrate with feathers.

“*force feeding*” means delivering feed through a tube or other device inserted into the bird’s esophagus in order to cause the bird to consume more food than it would consume voluntarily.

“*foie gras*” means the liver of a bird that has been force fed.

“*person*” means any natural person, individual, corporation, partnership, company or other legal entity.

SEC 52.9202 Sale of products of force feeding prohibited

Except as permitted by state law, it is unlawful for any *person* to sell in the City of San Diego *foie gras* or any other product from a *bird* that has been *force fed* for the purpose of enlarging the bird’s liver beyond normal size.

SEC 52.9203 Penalties

Any *person* who violates any provision of this Division is guilty of an infraction and subject to any enforcement option or penalty provision set forth in Chapter One of this code to address violations of law.

Section 2. If any section, subsection, sentence, clause or phase or word of this ordinance is for any reason held to be unconstitutional or preempted by state or federal law by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of San Diego hereby declares that it would have passed and adopted this ordinance and each and all provisions thereof irrespective of the fact that any one or more of said provisions be declared unconstitutional or preempted by state or federal law.

Section 3. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 4. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

Expert Opinions on the Cruelty of “Foie Gras” Production

Stacy Wolf, Esq., ASPCA:

“Foie gras is the grossly enlarged liver of a duck or goose... Foie gras production involves, indeed necessitates, untold suffering.”

Humane Society of the United States:

“This so-called gourmet delicacy is the product of extreme animal cruelty... The HSUS is committed to ending the misery and abuse endured by hundreds of thousands of ducks and geese to produce foie gras.”

Dr. DJ Alexander, EU Scientific Committee on Animal Health and Animal Welfare:

“The only recommendation that the Committee can properly make is that force feeding of ducks and geese should stop and that this could best be achieved by the prohibition of the production, importation, distribution and sale of foie gras.”

Christine Nichol, Professor, School of Veterinary Science, University of Bristol:

“My view on the production of foie gras is clear and supported by biological evidence. This practice causes unacceptable suffering to these animals...”

Ward Stone, Senior Wildlife Pathologist, NY Dept. of Environmental Conservation:

“This type of treatment and farming of waterfowl is outside the acceptable norms of agriculture and sane treatment of animals.”

Holly Cheever, D.V.M.:

“As [the birds’] livers swell to 6 to 10 times normal size, they become weak and often can only move to escape their handlers by dragging themselves across the pens by their tattered wings... Post mortem examinations of the carcasses reveal ruptured esophagi, ruptured livers, grossly swollen and discolored livers, and a host of internal and external infections.”

United Nations, Food and Agriculture Organization:

“The production of fatty liver for foie gras, however, raises serious animal welfare issues and it is not a practice that is condoned by FAO. Currently European Union legislation allows force feeding to continue only in traditional areas of production. This situation could easily change and more restrictive legislation introduced. Elsewhere, a number of European states have already decided to ban altogether foie Gras production including Poland.”

Nedim C. Buyukmihci, Veterinarian With 30 Years Experience:

“Does foie gras amount to cruel and unusual punishment? — with an absolute yes.

The birds do suffer during the feeding process. A stomach tube is rapidly forced through the esophagus into the stomach, sometimes leading to injury, and the huge amount of food being forced into the stomach causes harm in and of itself. Not only does the liver become enlarged, it also malfunctions, so the birds are chronically ill. The ducks are kept in crowded conditions, and their bills, which are rich in nerve endings, are removed with scissors, which causes acute and chronic pain and prevents normal feeding and preening. When you consider what these birds must endure — and the many other food choices available--it seems that promoting foie gras reflects human indulgence at its worst.”

Endorsements For The Banning of Foie Gras:

- The Humane Society of the United States -

- American Society for the Prevention of Cruelty to Animals -

- World Society for the Prevention of Cruelty to Animals -

- United Nations, Food and Agriculture Organization -

Sir Paul McCartney

Sir Roger Moore

Daryl Hannah

Martin Sheen

Alicia Silverstone

Wendie Malick

Bea Arthur

Melissa Rivers

Jorja Fox

Rue McClanahan

Dennis Franz

Betty White

Tippi Hedren

Loretta Swit

James Cromwell

“After portraying a farmer in the movie Babe, I became interested in today's agricultural practices. Force-feeding is not a standard agricultural practice, and causing liver disease ("hepatic lipidosis"), as occurs during foie gras production, is entirely antithetical to good husbandry. Most farmers would be appalled by the thought of abusing their animals in this way.”

THE HUMANE SOCIETY OF THE UNITED STATES

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December 1, 2006

To whom it may concern,

Of behalf of the Humane Society of the United States, the nation's largest animal welfare organization with nearly ten million supporters, I'd like to express our support for the bill being introduced in the Natural Resources Committee of the San Diego City Council on December 6 to ban the sale of foie gras.

Paté de foie gras, translated from French, is simply "fatty liver." This so-called gourmet delicacy is the product of extreme animal cruelty. Ducks and geese are forced-fed unnaturally large quantities of food through a metal tube that is shoved down their throats and into their stomachs two or three times each day. The extensive overfeeding causes their livers to become diseased. The livers become enlarged up to ten times their normal size, making it difficult for the birds to move comfortably and, for some, even walk.

The practice of force-feeding can cause painful bruising, lacerations, sores, and even organ rupture. On some foie gras factory farms, the birds are severely restricted inside small, filthy cages where they cannot even turn around or spread their wings.

Due to animal welfare concerns, more than a dozen countries—including the United Kingdom, Denmark, Finland, Germany, Israel (formerly the world's fourth-largest foie gras producing nation), Norway, Poland, Sweden, and Switzerland—have prohibited the production of foie gras. In 2004, California became the first U.S. state to ban the cruel force-feeding of birds and the sale of foie gras produced from force-fed birds, effective 2012. And just this year, Chicago—famous for its meatpacking history—banned the sale of foie gras.

Thank you for your attention to this issue of extreme animal cruelty. It is our hope that you will honor the humane concerns of San Diegans and legislate against this notoriously inhumane product.

Sincerely,



Paul Shapiro
Director, Factory Farming Campaign

Promoting the protection of all animals

2100 L Street, NW, Washington, DC 20037 • 202-452-1100 • Fax: 202-776-6132 • www.hsus.org



ASPCA®

THE AMERICAN SOCIETY FOR THE
PREVENTION OF CRUELTY TO ANIMALS

August 30, 2001

Attorney General Elliot Spitzer
State Capitol
Albany, New York 12224-0341

Dear Attorney General Spitzer:

As the Director of New York State Government Affairs and Public Policy for the American Society for the Prevention of Cruelty to Animals (ASPCA), I write to ask for your assistance in addressing a practice going on in New York State which involves extreme cruelty to animals. Pate de Foie Gras, an expensive delicacy, is the grossly enlarged liver of a duck or goose, produced by restraining the animal and inserting a tube down its throat, through which large quantities of food are forced into its stomach. This procedure is repeated numerous times each day for the last several weeks of the bird's life.

The birds' livers become so enlarged—several times its normal size—that, according to documentation by veterinarians, the animals must experience unspeakable pain and suffering. Birds have literally exploded from these forced feedings. The results of necropsies on dead birds that have been force-fed reveal ruptured livers, throat damage, esophageal trauma and food spilling from the dead animal's throat and out of its nostrils. Sadder still, countless birds suffer so terribly—not to provide necessary sustenance for people—but to supply a pricey appetizer prohibitive to the average consumer.

Unfortunately, one of only two foie gras producers in the United States is located in New York—in Sullivan County. As the public learns of the senseless cruelty perpetuated against ducks and geese to manufacture an entirely nonessential luxury food item, the collective outrage against foie gras production continues to grow.

It is time to stop the needless, inhumane suffering of these animals in New York State. The ASPCA respectfully urges the Attorney General's office to invoke our cruelty law to stop this practice within our borders. Section 353 of the agriculture and markets law makes it a misdemeanor to torture or to unjustifiably injure, maim, mutilate or kill any animal. Production of foie gras involves just such unnecessary and unjustifiable torture and injury. While humane slaughter of animals for food is of course lawful, causing prolonged pain prior to death is cruelty. Foie gras production involves, indeed necessitates untold suffering prior to death and therefore violates section 353.

Please feel free to contact me for additional information or to discuss this matter further. Thank you for your consideration.

Sincerely,

Stacy Wolf

Stacy Wolf, Esq.
Director, New York State
Government Affairs & Public
Policy



International Bird Rescue Research Center

Northern California Headquarters
4369 Cordelia Road, Cordelia, CA 94585
707-207-0380

Southern California
3601 South Gaffey, San Pedro, CA 90731
310-514-2573

November 28, 2006

San Diego City Council
San Diego City Hall
202 C Street
San Diego, CA 92101

Dear Council Members:

Many people are debating the issue of whether ducks suffer or not during the process of producing the gourmet food product, foie gras. As wildlife rehabilitators, when it is clinically necessary, The International Bird Rescue Research Center will gavage feed birds in our care that require additional nutrition. We care for many species of ducks and geese and will administer nutrition very gently with a thin rubber catheter tube that is very carefully put down the bird's throat so the medicine or food can go directly into the bird's stomach. This is a life saving measure, safely and gently done only as needed.

There is nothing gentle, kind or careful about the two to three times a day mechanical force feeding of a pound of food to young ducks and geese to produce foie gras. Dan Noyes investigative report of Sonoma Foie Gras, which aired on ABC news (September, 2003) documented that the ducks being force fed were filthy, terrified and some barely alive. Birds taken from Sonoma Foie Gras in California were photographed and their severe injuries were documented.

The birds experience a myriad of painful physical problems due to intensive confinement and the force-feeding procedure. These include eye infections from not having access to water to bathe, bumblefoot, an extremely painful condition that affects webbed feet having only hard surface to stand on, keel sores, from only having a hard surface to rest on, infected cloacas, from confinement in feces contamination, trauma to the esophagus from plastic or metal gavage tubes, and extreme stress from confinement, isolation and fear.

Some makers of foie gras have argued that wild birds gorge themselves prior to migration, so force-feeding to make foie gras is "natural". This has no basis in reality. Wild birds that migrate, feed over long periods of time to prepare for flight. They don't gorge themselves to the point of sickness, because if they did, they wouldn't be capable of migration. Ducks dabble on the water, sifting small pieces of food through their bills. Domestic ducks on a pond would also feed this way. The largest "prey" they would consume would be a snail or mollusk, which is usually crushed before consuming.

In conclusion, it is important to point out that humans should provide healthy and humane environments for animals raised for food. The business of making foie gras is greedy and does not treat the animals in an ethical and responsible way. It is a cruel and barbaric abuse of power over small helpless animals and should be outlawed throughout the world.

Sincerely,


Jay Holcomb
Executive Director

International Bird Rescue Research Center



1 Soho Square · London W1V 6BO

06 October 2005

Members of the Chicago City Council
c/o Alderman Joe Moore
City Hall Office
121 N. LaSalle St.
Chicago, IL 60602
USA

Dear Members of the Chicago City Council,

I have recently been informed by my friends at Viva! that a measure has been introduced in the City of Chicago to ban the sale of foie gras.

As you probably know, the public has clearly demonstrated that it supports a ban on this inhumane practice. Just last year the California legislature passed and the Governor signed a bill into law to prohibit the sale of foie gras as well as the production of it. Here in the UK, force feeding for foie gras is not practiced and has been banned in numerous other countries because of the extreme cruelty entailed. There is clearly nothing humane about mechanically inducing disease in a bird by force feeding the animal to such an extent that the liver expands up to ten times its normal size.

I am writing to encourage you as an official in the City of Chicago to enact Alderman Moore's proposal to ban the sale of foie gras in Chicago.

Yours sincerely,

Sir Paul McCartney

HOLLY CHEEVER, D.V.M.

665 Clipp Rd.
Voorheesville, NY 12186
(518) 765-4213
Fax: (518) 765-7903

September 8, 2005

To Members of the Chicago City Council:

Re: City Ordinance to Ban the Sale of Foie Gras

I am writing you to ask you to **vote for the passage of this ordinance**, introduced by Alderman Joe Moore, which would prohibit the sale of foie gras (a "gourmet" item made from the diseased livers of force-fed ducks and geese) in the City of Chicago. Although it is considered to be a delicacy, the production of this prized item is accomplished by a process which is extremely cruel to the birds and because of the abuse involved, has been outlawed in several countries including Israel, Denmark, Poland, Norway, and Germany. In 2004, Governor Schwarzenegger signed a California bill into law which prohibits the production and sale of foie gras in California after a 7-year phase-out period.

To introduce myself, I am a practicing veterinarian in upstate New York whose area of expertise is the investigation and prosecution of animal abuse cases. My animal hospital cares for many avian species, including domestic and wild waterfowl, since we are recognized by the state's Department of Environmental Conservation as licensed wildlife rehabilitators. My education includes a degree from Harvard University (A.B. '71, *summa cum laude*) and from the College of Veterinary Medicine at Cornell University (D.V.M. '80), from which I graduated with a class rank of #1. I have received many awards and citations for my anti-cruelty work from the New York State Troopers, The American Society for the Prevention of Cruelty to Animals, the Humane Society of the United States, and from many local animal protection organizations. I also lecture to law officers three times annually on how to implement the state's anti-cruelty laws.

I have first-hand experience with the production of foie gras since I have inspected the primary New York State producer, located in Ferndale, NY, on 2 occasions. The first inspection was part of an undercover investigation in 1991 when the operation was under the management of Commonwealth Enterprises. I hope you have all seen the photos from this distressing investigation. The second was part of an invited inspection with representatives from Whole Foods, Inc. in 1997, in which the owners of Hudson Valley Foie Gras hoped to convince this distributor to carry their product nationwide, claiming that it was made by a humane process. The representatives were horrified by what they saw and declared they would never do business with the parent company because of the distressingly brutal treatment of the ducks that they witnessed. I enclose a copy of their letter eschewing this product.

To produce this diseased organ (hepatic lipidosis), Mulard ducks (a hybrid, non-natural breed) are forcibly restrained three times a day while a rough steel pipe is forced

down their esophagi. The handler pumps a fatty, corn-rich gruel down their gullets, causing extensive trauma to their esophagi in the process. After a few days of this abnormal feeding, the birds' livers become heavily infiltrated with fat and the resulting metabolic illness they suffer causes them to become too ill to walk. As their livers swell to 6 to 10 times normal size, they become weak and often can only move to escape their handlers by dragging themselves across the pens by their tattered wings. They show very clear fear of their handlers and the feeding process. Post mortem examinations of the carcasses reveal ruptured esophagi, ruptured livers, grossly swollen and discolored livers, and a host of internal and external infections. Their feathers are tattered, their legs are lame and covered with abscesses and injuries. The force feeding process lasts for two to four weeks, depending on the producer, while these birds suffer progressively to a horrific degree before being slaughtered.

Since there are only three producers in the country (one in California and two in upstate New York), and since this is such a specialty item, a boycott of the product will not cause a failure of American agribusiness, nor will it result in depriving the public of an essential nutrient. If those who purchase and eat this product could only see the diseased organ inside the body of a filth-encrusted duck, the last place they would put this "delicacy" is in their mouths. Please **vote for passage of this ordinance under discussion**, thereby insuring that this brutal agricultural practice never gains a foothold in your state and assisting the efforts of animal protection groups nationwide who aspire to eliminate this cruel practice.

Thank you for your attention in this matter.

Sincerely,



Holly Cheever, DVM

HOLLY CHEEVER, D.V.M.

665 Clipp Rd.
Voorheesville, NY 12186
(518) 765-4213

January 29, 1997

Margaret Wittenberg
WHOLE FOODS
601 N. Lamar #300
Austin, TX 78703

RE: Inspection of the Hudson Valley Foie Gras Farm on
1/24/97

Dear Margaret:

As requested, I am writing a report on this facility which I toured with you and Michael Corsello (**Fresh Fields**) at the request of **Whole Foods Market** and **D'Artagnan, Inc.** I enclose my CV with my credentials, which I will summarize briefly. My professional degrees include an A.B. from Harvard University (Summa Cum Laude, 1971) and a Doctor of Veterinary Medicine degree from the New York State College of Veterinary Medicine at Cornell, from which I graduated in 1980 with a class rank of #1. I have worked in food animal production as a dairy veterinarian, and currently work in a private practice which includes the care of water fowl, both domestic and wild. I have received numerous awards from animal protection agencies nationwide, and from the New York State Troopers for my assistance in the prosecution of animal abuse cases.

At the **Hudson Valley Foie Gras Farm** in Ferndale, NY, we were greeted with every courtesy, and were escorted throughout the facility by a plant manger who did all he could to assist us and answer our questions. We are very grateful for his cooperation. The following outline summarizes my findings at each stage of the production line.

#1 Breeding area: There were several large and reasonably clean pens housing the female Peking ducks used for egg production. The animals looked to be in adequate flesh and condition. The litter (bedding) was clean, but the ammonia fumes were higher than is appropriate for proper respiratory and ocular health. I would recommend a higher rate of air exchange in this area. The ducks were kept in the dark, presumably to minimize activity, which is not natural for these animals. We did not see the Muscovy males (drakes), nor did we see the insemination process since were not there at the right time.

#2 Hatching area: In this room the newly-hatched Moulard ducklings are raised to production size, with individuals grouped in pens by age/size. Cleanliness of both the litter and the environment was adequate (no ammonia fumes).

The ducklings were clean and most were in adequate body condition. Some individuals were too small to be grouped with the larger ducklings, and would do much better if kept separated from older animals, especially since feeder access was too limited for the number of animals in each pen. We witnessed the vaccination by laymen of these ducklings using the same needle for dozens (if not hundreds) of animals. While this is a standard production practice, I would recommend a more frequent change of needles.

#3 "Candling" area: Sanitation was sufficient in this room where fertile eggs are separated from infertile ones. We did not see the incubation or actual hatching process.

#4 Force feeding room: This area contains ducks aged from 9-11 weeks who are kept in long rows, grouped by age, for 28 days while being force-fed a corn-soy mixture 3 times daily. It was easy to tell which birds were recent arrivals and which were 3-4 weeks into the process by the pathetic and bedraggled condition of the older birds. The new arrivals were slightly dirty and clearly terrified of humans, but still had intact feathers and normal gaits. The older birds were filthy, and several were so bloated and metabolically imbalanced by the hepatic lipidosis (pathologic fatty infiltration) of their livers as to be unable to walk--they dragged themselves across their cages by their wings. They also were terrified of humans and did their best to distance themselves from all viewers. Their feathers were tattered and in shreds, meaning that they were unable to preen normally and keep their feathers properly "oiled" to protect them from the damp environment and the weekly blast of the water hose.

This farm hoses the ducks down every week for "sanitation": from a disease transmission standpoint, this practice is an ideal way to aerosolize pathogens and spread them throughout the shed. From a cruelty standpoint, it is my opinion that this is an unacceptable practice, as we witnessed the ducks struggling to avoid the powerful jet of water directed at them.

We witnessed the 2:00 P.M. force feeding ("gavage"). An employee grabbed each bird by the neck or wing as it struggled to escape, forced an inflexible tube with a 3/4 to one inch diameter opening down the esophagus, pumping the dry feed into the animal's crop. Note that the tube was not only large, it was also unlubricated and had no beveled edge at the tip which would minimize the trauma of the forcible passage. (Please note that this process has no similarity to the therapeutic force-feeding of an injured or ill animal, in which a narrow, flexible tube with a beveled tip and a copious amount of lubrication is introduced gradually and gently into the animal's esophagus). The ducks struggled for release and pressed against the far side of

their pen as soon as their turn was done. The birds produce a slightly looser-than-normal stool due to the highly concentrated nature of their special diet. The only positive statement that I can make about this farm's operation in this part of the process is that the ducks are not debeaked, as is the practice on some foie gras farms.

#5 Processing: We did not witness the actual slaughter of the finished birds. We were told that the method includes hanging each bird upside down by its feet from a conveyor line, stunning by electric current through a water bath in which their heads are submerged, and a final decapitation by knife immediately after stunning. We were shown the finished product, i.e. foie gras, which would be more accurately described as hepatic lipidosis. The livers were abnormally pale, soft, and enlarged several times beyond the normal size of even a migrating duck's liver.

Having described the farm as observed during our inspection, I would like to comment on some of the remarks made in phone calls and in correspondence between **Whole Foods Market** and **D'Artagnan, Inc.**, **Hudson Valley Foie Gras**, and the **American Society for the Prevention of Animals (ASPCA)**.

In a letter addressed to Ms. Wittenberg from Ariane Daguin of **D'Artagnan, Inc.** (12/18/96), the author claims that the production of foie gras "is neither harmful nor cruel to the ducks. On the contrary, they are happier than any other farm-raised poultry, including free-ranging birds." She implies that the forced gavage technique is "completely natural, normal, and painless". It was very obvious to all three of us that these birds were anything but happy: their struggles to escape from their human handlers, the filthy and tattered condition of their feathers, the lameness in so many of the older, metabolically ill birds, and the terror and discomfort they expressed when blasted by the water hose were all obvious signs of cruelty to the ducks subjected to this process.

A letter from Michael Krinsley, DVM, of the **ASPCA** reviews his findings after an *announced* inspection on 1/26/1995. From his description of the condition of the single bird brought back to the ASPCA for autopsy, it is very clear that he examined a bird who was a new arrival to the production line, and had not had sufficient time to develop the pathologically distended liver and the filthy and shredded condition of the feathers seen in *all* of the birds in the later stages of the force-feeding process. I can assure you that any tests run *antémortem* (before death) on these older birds' livers would reveal gross abnormality in their function. (I am confused by his reference to bile acid

studies run on the autopsied bird's liver, since this test can only be run on a living, functional organ).

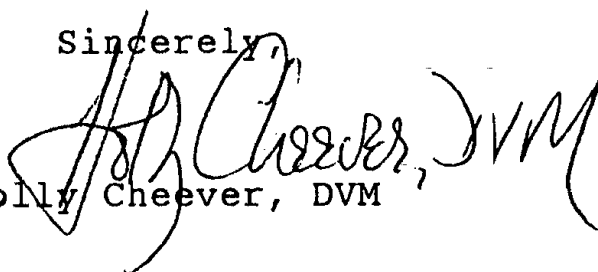
Finally, in the D'Artagnan letter referenced above as well as in the phone conversation with Mike Ginor of **Hudson Valley Foie Gras**, statements were made repeatedly in defense of this force-feeding practice, indicating that this process is really "natural" since (1) it mimics the natural feeding practices of migratory ducks and (2) their esophagi have developed a natural protection against the trauma of the forced passage of the tube since the lining is "calcified" or "cornified". Both of these statements are completely untrue in my opinion and in that of the Avian and Wildlife veterinarians at Cornell University's Veterinary College. In fact, the esophagus of a duck has the same sensitive mucosal lining surface as is seen in other vertebrates.

Furthermore, even when wild ducks feed themselves in preparation for their migrations, they never produce the pathologically enlarged and fatty infiltrated livers seen in foie gras birds. In fact, what is produced by this production method is a diseased organ for human consumption. Any physician or veterinarian can tell you that livers in this condition cause extreme discomfort and suffering in the host animals, whether human or non-human, and, outside of this production system, hepatic lipidosis never progresses to such an extreme.

In conclusion, it is my expert and professional opinion that this practice is cruel and inhumane and in no way a natural or acceptable process. The birds themselves are Moulards--an artificial hybrid which does not exist in nature. They are maintained in a management system which gives no opportunity to satisfy many of their physiological and psychological needs, and are forced to undergo a traumatic process and resulting metabolic condition which clearly cause suffering to the animals involved.

I strongly recommend that Whole Foods Market refuse to carry this product, in accordance with its practice to eschew animal products derived from cruel management practices (i.e. crated milk-fed veal). In fact, it is my opinion that this practice has no place on this side of the Atlantic. I would be happy to answer any further questions if necessary.

Sincerely,


Holly Cheever, DVM



COMMUNICATIONS TEAM
WHOLE FOODS MARKET, INC.
 fax 512.477.1301 voice: 512.477.5566

To: Dr. Holly Cheever
 From: Margaret Wittenberg
 RE: foie gras background info
 Date: January 27, 1997

Number of pages (including this one): 8

It was a pleasure meeting you, although unfortunately under tragic circumstances. Attached are the background materials we spoke about from both D'Artagnan, Inc. and the ASPCA.

Both Michael Corsello and I found the trip to be very upsetting that these types of practices still exist. As we told you, our main reason for going was to be able to see for ourselves what D'Artagnan claimed to all our stores, and repeatedly to both Michael and me, to be almost a pleasurable experience for the ducks. Obviously, that is not the case. Neither will our company endorse it or any by-products related to the production of foie gras.

We look forward to your report. You can FAX it to me via our company FAX (512-477-1301) or, if you wish to keep it more classified, send it to my home FAX (512-894-0456). Also, we expect a bill that includes your time, mileage, and expenses.

Thank you,

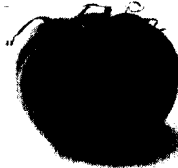
**WHOLE
FOODS**
MARKET



Margaret Wittenberg
 Communications Director
 Quality Assurance

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 Austin, Texas 78703
 (512) 477.5566 ext. 126
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 wittenberg@wholefoods.com

Fresh Fields
 WHOLE FOODS MARKET



Michael Corsello
 National Cheese Buyer & Coordinator
 Cheese Buyer for Northeast &
 Mid-Atlantic Regions

6015 Executive Blvd.
 Rockville, MD 20852
 301.984.2039
 301.984.2068 fax

e-mail
 michael.corsello@wholefoods.com

**WHOLE
FOODS**

Please acknowledge receipt by ☐ telephone ☐ fax

"To communicate accurate company and industry information among all team members and allow a safe forum for team member expression"

Saturday, November 25, 2006 12:07:12 AM EST

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Page 2 of 2

Dr. Suzanne Cliver, DVM

Village Veterinary Clinic
278 Broadview Ave. # A
Warrenton, VA 20186

November 24, 2006

San Diego City Council
San Diego City Hall
202 C Street
San Diego, CA 92101

To whom it may concern:

As a 1978 graduate of Tuskegee University School of Veterinary Medicine and owner of a veterinary practice in Virginia, I am writing to urge you to support the proposed ordinance introduced by Councilmember Donna Frye to ban the sale of foie gras in San Diego.

Videotape obtained during investigations on the only three foie gras producing farms in the U.S.—in California and New York—documented ducks crammed in filthy, feces-ridden sheds and ducks suffering and dying of organ rupture after being force-fed nearly four pounds of corn mush a day through pipes shoved down their throats.

The three daily force-feedings required for the ducks' livers to expand five to ten times normal size frequently choke, injure or kill the birds by gouging open their throats with the pipes. By the end of the force-feeding process, the ducks are physically debilitated, and many are unable to walk or stand.

Contrary to what the foie gras industry states, though ducks in the wild gorge prior to migration, no duck in the wild would ever consume as much food as these ducks are forced to consume in a day, let alone for two to three weeks straight. If they did, they would be incapable of migration.

It is without a doubt that force-feeding ducks and geese to produce foie gras is inherently cruel and should be illegal.

Sincerely,



Suzanne Cliver, DVM

Dennis Franz

Alderman Ed Smith
118 N. Pulaski
Chicago, IL 60624

I am writing on behalf of my friends at In Defense of Animals (IDA) to express my support for the proposed ordinance to ban the sale of foie gras in Chicago.

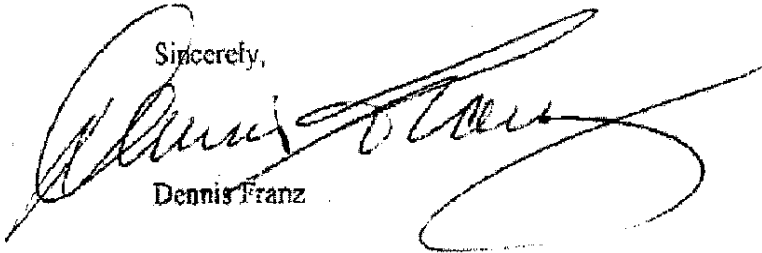
In order to produce foie gras, ducks and geese are force-fed up to four pounds of mash each day through a long pipe shoved down their throats. The animals frequently choke or die after the pipe rips open their throats.

Fifteen countries and the state of California have banned the sale and/or production of foie gras because of its cruelty. Inducing livers five to ten times normal size on the verge of rupture causes ducks excruciating pain and *should* be illegal—not a “delicacy.”

As a Chicago native, I am thrilled that a compassionate alderman has proposed an ordinance to ban this cruelty and I hope our city will take a leading role in ending the suffering of ducks and geese for a gourmet item. Please support this ordinance.

Thank you for considering this important matter.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'Dennis Franz', with a long horizontal flourish extending to the right.

Dennis Franz

HOUSE CALLS

BRUCE MAX FELDMANN, D.V.M.

1518 California

Berkeley, California 94703

510 525-1404

26 September 03

To Whom It May Concern:

On 24 August 02 and 3 September 02, I examined two injured ducks, whom I was told were from a foie gras farm, at which they were being force fed. The history included the observation that rats had been chewing at the ducks' skin lesions.

While the larger duck walked stiffly and reluctantly, the smaller duck was unable to walk at all, collapsing after attempting one or two steps. The latter duck would then flap his wings frantically to propel his body a few feet forward. The legs of both ducks also appeared swollen, and the bottoms of their feet were encrusted with ulcerated calluses. It appeared that the act of walking (or attempted walking) caused the ducks considerable pain, and they therefore avoided it when possible. Both ducks were weak. As a cause of the lamenesses and weakness, I suspected infection, neurologic damage, and/or malnutrition.

The feathers of the ducks were in poor condition. Large flesh wounds were evident on the tails of both ducks, with cloacal and pericloacal ulceration present. Again, the smaller of the two ducks was more seriously damaged, so much so that euthanasia seemed a likely option. On the smaller duck, portions of the raw and oozing tail wound had turned green (necrotic). A flesh wound of this magnitude likely caused the subject considerable physical pain and suffering. The larger duck's wounds were less serious. I prescribed antibiotics to battle the infection in the smaller duck. (I subsequently refilled this prescription several times before it was reported that the wound had healed. I also recommended increased ambient heat and gave directions on tube feeding, wound management, and diet and nutrition.

-2- 11

I returned to examine the ducks on 12 September 02 and followed up by phone on 21 September 02. The ducks' conditions had improved markedly over this time period in terms of the wounds on their tails. The smaller duck also made improvements in his ability to walk. However, the ability of the larger duck to walk declined during this time, and he limped noticeably. The joint of one of his legs continued to be swollen and warm, possibly from infection. In July 2003, I submitted the body of a third duck to be necropsied. The history was that the duck had been found convulsing spastically in a cage and had died shortly thereafter. The necropsy revealed no conclusive cause of death. However, the necropsy uncovered several pathological conditions that would likely have caused the duck to experience considerable physical discomfort before death, including:

Esophageal lesions, in which bacterial and yeast growth had proliferated

Impaction of the crop and esophagus with undigested food

Scabby, rough skin on the feet

Severely enlarged liver

While none of these conditions alone are likely to have caused this duck's death, it is likely that an animal suffering from these problems would have been in considerable discomfort and stress.

Bruce Max Feldmann DVM



Laurie Siperstein-Cook, DVM

Mobile Avian Veterinarian

PO Box 73506, Davis, CA 95617

(530) 758-4614

To Whom It May Concern:

I am a veterinarian who specializes in caring for pet birds, including parrots, chickens and water fowl. I graduated from the University of California at Davis School of Veterinary Medicine in 1989. I also have a master's degree in Zoology from the University of California at Davis. I have been asked to comment on the cruelty associated with the production of the delicacy known as 'foie gras'.

Foie gras is produced in ducks or geese by force-feeding the birds excessive amounts of a high calorie food. The purpose of this process is to cause their livers to swell to an abnormal size due to storage of fat. The consequences of this process are deleterious to the health and well-being of the birds. Grossly enlarged livers are less able to perform their function of cleansing the bloodstream of waste products from the body. In fact, if the force feeding were to continue, many if not most of the birds would die from liver disease. Furthermore, the mortality rate of force fed ducks is higher than that of free feeding ducks being raised for meat. Pathologists who were shown livers from force fed ducks determined that the livers were pathologically engorged with fat to a degree that was much more severe than occurs naturally.

It has been shown that ducks fed ad lib do not eat as much or gain as much weight as ducks that are force-fed, and if force feeding is stopped, the ducks eat less until they lose the excess weight and their livers return to normal size. The swollen livers also put pressure on the abdominal airsacs which impairs the bird's ability to breathe. They also push the legs out laterally, making it difficult for the birds to walk properly.

Excess weight at fast growth rates causes pressure on the legs and joints, also making it difficult and painful to walk. Ducks in foie gras factories have been shown to suffer from a much higher rate of long bone fractures at the time of slaughter than ducks raised for meat and not force-fed.

I believe that the process of force-feeding to create an obese and unhealthy state constitutes unnecessary cruelty. I support any effort to ban the sale or production of this product.

Sincerely,

Laurie Siperstein-Cook, DVM

August 22, 2005

Alderman Ed H. Smith
Chair, Committee on Health
Chicago City Council
118 N Pulaski Road
Chicago, IL 60624

Natural Gourmet
Cookery School



www.
naturalgourmetschool.
com

Dear Alderman Smith:

The National Gourmet Cookery School and Institute for Food and Health has been in business in New York City since 1977. Our school is an accredited institution offering a 619-hour professional Chef Training Program specializing in health-supportive culinary arts and theory. We also offer vocational classes to the general public. On behalf of the compassionate chefs and food industry officials we represent, we respectfully ask you to support the legislation recently introduced by Alderman Joe Moore which would ban the sale of *foie gras* in the city of Chicago. This legislation would reduce intense suffering for the ducks and geese who are cruelly force-fed for the purpose of enlarging their livers during *foie gras* production.

Foie gras, which is French for "fatty liver," is made from the grotesquely enlarged livers of male ducks and geese. Up to 2 pounds of food per day is pumped into their stomachs through long metal pipes that are shoved down their throats. The cruel ordeal often causes severe injuries that make it painful or even impossible for the birds to drink. Those who survive the feedings suffer from a painful illness that causes their livers to swell to up to 10 times their normal size. Many become too sick to walk and are reduced to pushing themselves across their cages with their wings. When the birds are slaughtered, their enlarged livers are sold for *foie gras*.

Foie gras production is so universally regarded as cruel that we never use it in our curriculum or events. Many other respected institutions have also rejected *foie gras* due to the inherent cruelty involved. Many countries have made *foie gras* production illegal, including the Czech Republic, Denmark, Finland, Germany, Israel, Luxembourg, Norway, Poland, Sweden, Switzerland, and the U.K. and California just passed a law that will make *foie gras* production and sale illegal by 2012.

As long-time members of the culinary industry, we feel it is our ethical duty to support efforts to eliminate this most egregious practice. To this end, we ask that you do everything in your power to ensure that the proposed ban on the sale of *foie gras* is voted favorably out of your committee. Thank you in advance for your time and consideration.

Sincerely,

Jenny Matthau
President and Director

cc: Kristie Phelps, In Defense of Animals ✓

48 West 21st Street Second Floor New York, N.Y. 10010
212.645.5170 Fax 212.989.1493

To Whom It May Concern:

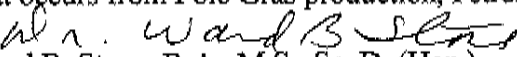
I was born and educated in New York State and hold undergraduate and graduate degrees in zoology with a graduate specialty in animal pathology and parasitology from Syracuse University. I also was awarded a Doctor of Science (Hon.) from the State University of New York in Animal Pathology and Toxicology. I am a U.S. Navy veteran and graduated from a 14 month course in Clinical Pathology from the National Naval Medical School at Bethesda Maryland.

For more than 36 years I have been the Wildlife Pathologist for the New York State Department of Environmental Conservation. This is a competitive civil service position and my entire career with the state has been as head of the Wildlife Pathology Unit in Delmar, New York. I have been an author on more than 200 scientific and popular papers.

In my position as state wildlife pathologist I have examined and carried out thousands of necropsies on waterfowl, and have published a number of papers related to duck pathology. I have on several occasions performed post-mortems on ducks that died while being grown for duck liver pate production. The ducks were mulards; a Muscovy duck and domestic duck cross. Some of the birds died from massive hemorrhage into the body cavity when the liver tissue was torn, resulting in heavy bleeding. With the forced overfeeding that such ducks receive the liver and its hepatocytes are overloaded with lipids, and the greatly enlarged liver places stress on the capsule on the livers surface. Even minor trauma can cause the capsule to tear with damage to the liver proper, resulting in fatal hemorrhage. The overloading of the liver with lipid (lipidosis) is a pathological process and I have never seen extensive lipidosis in waterfowl except for the cases involving overfeeding for liver pate.

In addition to the liver pathology I have seen cases where the esophagus was torn or lacerated. In waterfowl the esophagus is lined with a slippery mucosa that aids in the movement of food toward the thickly muscled cornified cellular lined ventriculus (gizzard). The esophagi of ducks are capable of considerable distention and they can be stretched in natural feeding until they are so thin that they appear to be almost transparent. In the insertion of heavy feeding tubes followed by the rapid release of a blast of food I have seen esophagi lacerated, resulting in death of the ducks.

I eat meat including ducks on occasion. However, the short tortured lives of ducks raised for Foie Gras is well outside the norm of farm practice. Having seen the pathology that occurs from Foie Gras production, I strongly recommend that this practice be outlawed.


Ward B. Stone, B.A., M.S., Sc. D. (Hon.)
Wildlife Pathologist,
Adjunct Professor, SUNY Cobleskill
Adjunct Professor, College of Saint Rose
NYS Dept. Environmental Conservation
Wildlife Pathology Unit
108 Game Farm Road
Delmar, NY 12054
wbstone@gw.dec.state.ny.us
(518) 478-3032
(518) 478-3035(F)

BLACK DOG
INC.



WENDIE MALICK

FAX (310) 455-1921

PHONE (310) 455-3902

BOX 329 TOPANGA, CA. 90290

MESSAGE:

Dear Chicago City Council,

I believe the good people of your wonderful city will want to join California and fifteen humane countries in banning the sale of Foie gras.

Surely all compassionate people will support your ban when they learn of the cruelty and torture involved in this barbaric "production".

Please help end the suffering.

Thank you so much.

Wendie Malick

Date: January 19, 2004

RE: Results from Zogby America poll

Methodology

Zogby International conducted interviews of 1000 likely voters chosen at random nationwide. All calls were made from Zogby International headquarters in Utica, N.Y., from January 15 thru January 18, 2004. The margin of error is +/- 3.2 percentage points. Slight weights were added to region, party, age, race, religion, gender to more accurately reflect the voting population. Margins of error are higher in sub-groups.

Narrative Summary

36. Foie gras is an expensive food item served in some upscale restaurants. It is produced by force-feeding geese and ducks large quantities of food, causing the animals' livers to swell up to twelve times their normal size. A long metal pipe is inserted into the animal's esophagus several times a day. Often, this process causes the animals' internal organs to rupture. Several European countries currently prohibit this practice as cruel. Do you agree or disagree that force-feeding geese and ducks to produce foie gras should be banned by law in the United States?

Agree 77%

Disagree 16

Not sure 7

More than three in four (77%) voters agree that the process of force-feeding ducks and geese in order to produce foie gras should be banned by law in the United States, while 16% disagree and 7% are not sure.

A significant majority in all sub-groups oppose this practice, including 83% in the south and 76% in the west; 73% of Republicans and 75% of independent voters; 88% of Hispanics and 80% of African Americans; 74% of rural residents; 73% of conservatives; and 73% of men.