



Restaurant Association of Maryland
Steve F. De Castro Building
6301 Hillside Court
Columbia, Maryland 21046
800-874-1313 fax 410-290-6882
www.marylandrestaurants.com

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Contact: Melvin Thompson

**410-290-6800
Cell 443-463-7349**

MARYLAND LAWMAKERS WITHDRAW LEGISLATION BANNING FOIE GRAS

(In a victory for Maryland restaurateurs and their customers, legislation that would have removed foie gras from Maryland restaurant menus was withdrawn today by the sponsors. Foie Gras (pronounced *fwah-grah*) is fatty duck or goose liver that is produced through a process called "gavage" (an ancient method of force-feeding to encourage the storage of fat in the liver). The legislation, sponsored by Senator Joan Carter Conway (D-43, Baltimore City) and Delegate Tanya Shewell (R-5A, Carroll County), would have banned the production, transport and sale of foie gras in Maryland. There are no foie gras farms in Maryland. Animal rights activists lobbied for the bill because they disapprove of the way foie gras is produced.

"This is a critical win for restaurants because banning foie gras would have set a precedent for banning other menu items for ethical reasons," said Melvin Thompson, vice president of the Restaurant Association of Maryland (RAM). "The activists who protest the serving of foie gras have also protested poultry at fried chicken chains and veal served at many Italian restaurants. Banning foie gras was only the beginning."

RAM credits the grassroots efforts of its members for helping to kill this legislation. Restaurateurs made phone calls to legislators, sent emails, met personally with the bill sponsors and testified against the bill at a Senate hearing.

In concluding his testimony before the Senate Education, Health and Environmental Affairs Committee, Chef Erik Rochard of Café de Paris in Columbia said, "help us remain free in a country where everyone can voice their opinion, but still decide freely."

After learning of the victory, Sergio Vitale of Aldo's Restaurant in Baltimore said, "it a good feeling to know that legislators listened to our concerns, allowed us to correct the misinformation surrounding this issue, and we won."

California passed legislation in 2004 to ban the production and sale of foie gras. However, the new law does not become effective until 2012. The City of Chicago banned the sale of foie gras in 2006. Other proposals to ban the sale and/or production of foie gras have failed in Connecticut, Hawaii, Massachusetts, New Jersey, New York, Oregon, Philadelphia and Washington.

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With 3,000 members statewide, the Restaurant Association of Maryland (RAM) is one of the largest trade associations in Maryland. Our mission is to promote, protect and improve Maryland's foodservice industry. RAM members are professionals from the foodservice industry, hotel/motel and lodging industry and businesses that provide products or services to the hospitality industry.

Restaurant Association of Maryland **Foie Gras Ban Position Points**

American foie gras is produced humanely and under great care to insure the highest quality products from stress-free birds.

- Pictures and videos used by animal rights activists to depict poor management at duck and goose farms are part of a smear campaign that does not accurately portray AMERICAN foie gras production. Using images from a few poorly-managed foreign farms to suggest that such practices are the norm is an insult to the majority of farmers who take much better care of their animals and more pride in their products.
- Foie gras production in America is small-scale, sustainable and natural. Artisan Farmers Alliance-member farms, the producers of foie gras in the United States, take great pride in the art of food. The birds and their feed are free from antibiotics, pesticides, growth hormones and any other artificial additives or chemicals.
- If the ducks and geese used for foie gras production were not properly taken care of, they would not produce a quality product. It is in the farmer's best interest to keep the animal as healthy and stress-free as possible throughout the entire production process.
- Ducks raised for foie gras also produce other meat by-products, including moulard magret (the breast) and confit (the legs). Feathers, down and other byproducts are also used by various industries.
- The American Veterinary Medical Association (AVMA), representing 76,000 veterinarians nationwide has been asked for several years to assess foie gras production methods. Leaders of the AVMA, including the current president, Dr. Gregory Hammer, visited foie gras farms and studied published literature on the animal welfare aspects of foie gras production. In each of the past three years, the AVMA House of Delegates has rejected resolutions that would have declared foie gras production to be detrimental to the welfare of the ducks.

Like all animal products intended for human consumption, foie gras production is government regulated and inspected regularly.

- There is no commercial foie gras production in the State of Maryland. Foie gras is primarily produced on small, sustainable farms in California, New York, Canada, France (and other countries) where production is regulated, transparent and subject to approval by the United State Department of Agriculture (USDA).
- The efforts of animal rights activists are misguided. Banning the transport and sale of foie gras in Maryland does nothing to address the issue of poor farm management at some foreign farms. Instead, activists should be working with federal agriculture and trade agencies to address any problems at the production stage.

Banning certain foods because some people are disturbed by the realities of food production sets a dangerous precedent that WILL NOT end with foie gras.

- The agricultural production and harvesting of animal protein can be inherently discomfoting to personally observe, regardless of the particular agricultural product (foie gras, beef, pork, chicken, etc.). The legislative process should not be used to arbitrarily ban products that make some people uncomfortable, especially when veterinary experts find no discomfort or cruelty to the animal. Today, the issue is foie gras. Tomorrow, the issue will be veal, chicken or steaming live crabs.
- A statewide ban on the transport of foie gras may face a legal challenge. Legal analysts have suggested that such a ban may violate the dormant Commerce Clause of the U. S. Constitution if it “imposes a burden on interstate commerce that is clearly excessive in relation to the putative local benefits.”
- Personal opinions and consumer tastes vary greatly. Those who disagree with foie gras production methods are free to avoid eating foie gras and to avoid patronizing restaurants that serve it. Both of these rights can be exercised without infringing upon the rights of other consumers.

Foie Gras Background

*The following production and history information is from the Artisan Farmers Alliance
www.artisanfarmers.org*

What is the Artisan Farmers Alliance?

Artisan Farmers Alliance (AFA) is a not-for-profit organization which represents America's foie gras farmers and others involved in bringing artisanal agricultural products to the American table. Artisan farmers use traditional, small-scale, sustainable farming techniques to produce the finest food products possible and reconnect American consumers with our rich agricultural heritage. The AFA is working both to educate the public about our centuries-old farming practices and to defend the rights of consumers to make their own decisions about food.

What is Foie Gras?

Foie gras is French for "fatty liver." While it can come from both geese and ducks, duck foie gras prevails in the United States.

Foie gras has an alluring, buttery flavor with a soft and velvety texture. It is a delicate dish, prepared in many ways and often accompanied by fruit.

How is Foie Gras Produced?

Foie gras is produced by a hand-feeding process called "gavage" in which the waterfowl are given a measured amount of food at meal time, rather than having constant access to food. The process, carried out for between 14 and 28 days, takes a few seconds and is repeated two or three times each day. The ducks are fed by the same person throughout the entire process.

Is this Production Humane?

Yes. Independent veterinarians and scientists have concluded that the hand-feeding of ducks for foie gras causes no harm to them. Foie gras is an extension of naturally occurring processes. A duck's physiology is very different from that of a human. The difference between ducks and humans are differences which allow ducks to eat by swallowing wriggling, spiny fish, and to migrate by storing extra energy (fat) in their livers.

First, ducks lack a gag reflex. Their esophagi have an insensitive lining, allowing them to swallow large fish and other prey in the wild. This ensures pain-free hand-feeding for the birds.

Second, in nature, ducks gorge themselves before migration, storing extra energy by fattening their livers. This effect is reversible, both in the wild and in foie gras farming.

Finally, several studies have been conducted by Dr. Daniel Guemene, the leading expert on the physiological effects of gavage. The studies have shown that foie gras production does not cause stress, pain, fear or disease in the ducks.