

**TESTIMONY**  
**SB 2170**

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**From:** INSPIREVISION@aol.com  
**Sent:** Saturday, January 30, 2010 2:12 AM  
**To:** WTLTestimony  
**Cc:** h2ocolor@webtv.net  
**Subject:** RE: SB 2170

**TO: COMMITTEE ON WATER, LAND, AGRICULTURE, AND HAWAIIAN AFFAIRS**

**Senator Clayton Hee, Chair; Senator Jill N. Tokuda, Vice Chair**

Please support SB 2170 (to ban the sale of foie gras in Hawaii).

The fact that animals came into this world with a nervous system, enabling them to feel pain and emotions, like us, is valid reason enough to strongly consider how they are treated, yet this has been a condition that is and has been ignored for human benefit. Voiceless and unprotected, knowledge of their suffering requires a response.

Geese and Ducks as all other animals, have an amazing consciousness of their family and an awareness of their surroundings and situations. Attached below are links to a few interesting accounts concerning geese and ducks, a testimony to their courageous qualities that would put people to shame, make people realize how ignorant we are of the greatness inside our fellow creatures and how we are guilty of grossly mistreating them. No, they are not objects, property to be abused and handled like disposable garbage. We, the human creature would be the first to shout out that we do not want to be abused and suffer what they go through. The abuse of such peaceful, innocent creatures is a moral disgust.

Furthermore, foods such as Foie Gras, is not a necessity, just as wearing a fur coat is not a necessity, just as beating a live dog so that its flesh be soaked with its own adrenalin, is not a necessity. What it is, is bloody, agonizing torture and suffering imposed on sentient beings for short lived pleasure and vanity, and in the case of dog beatings, for the fulfillment of a lusty myth that the adrenalin laden meat would provide sexual enhancement. They are all nonessential, morbid human concoctions unnecessary to sustain life. Is all the suffering morally justifiable to produce such nonessential products when we have the technology produce the same kind of products without the torture of live animals? If humans redirected the same torture to humans, it would be called insanity, sadistic, perverted, heinous etc. and animals have never deserved to be born, to live in a factory, to receive systematic torture.

Our Creator intended for us to live with mercy and compassion. Many undercover videos of factory animals have exposed the needless abusive handling of animals, signaling that these live animals are perceived as objects, not the living beings they really are. Please take compassionate action to help these defenseless animals from continued suffering, from the frightening and dangerous hand of ignorance.

**Below Geese and Ducks fight for their family:  
APPRECIATIONS AND EXPLOITATION OF FARMED ANIMALS  
(from: [Welcome to Farmed Animal Watch!](#))**

"[T]he most important election this November that you've never heard of is ... Proposition 2..." writes New York Times columnist Nicholas D. Krisof in his July 31st op-ed. The former "farm boy" and FFA/4-H member remarks on individual personalities of the farmed animals his family raised. Regarding geese, Krisof notes that they "mate for life and adhere to family values that would shame most of those who dine on them." Recalling when he would catch one to slaughter: "Very often, one goose would bravely step away from the panicked flock and walk tremulously toward me. It would be the mate of the one I had caught, male or female, and it would step right up to me, protesting pitifully. It would be frightened out of its wits, but still determined to stand with and comfort its lover

[Amazing rescue by a mother duck who went the extra mile | Mail Online](#)

[Pictured: The moment a mother loses a desperate battle to save her duckling from the jaws of a heron | Mail Online](#)

[Foie Gras: Delicacy of Despair](#)

Mahalo,  
Jane Shiraki  
Honolulu

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**From:** mele mana [melemana@gmail.com]  
**Sent:** Saturday, January 30, 2010 11:32 AM  
**To:** WTLTestimony

Dear Sirs,

Please find this email to be my submission in regards to the bill S.B.NO 2170 which Prohibits the sale and distribution of foie gras produced using the method of force feeding.

I firmly believed that all living beings have a soul and therefore should be treated with kindness and care.. as they all have feelings..  
If people viewed all animals in the same light a house pet... they would never allow such inhumane treatment to continue.

Respectfully,  
Mele

-----!
**From:** aabaer@aol.com
**Sent:** Saturday, January 30, 2010 11:52 AM
**To:** WTLTestimony
**Subject:** \*\*\*\*\*SPAM\*\*\*\*\* SB2170

Dear Sirs and/or Madams,

Please ban foie gras. The forced feeding associated with the production of it makes it most inhumane, which is why many European countries have banned it.

Sincerely,

Andrea Baer

Measure: SB 2170
Date/time of hearing: Wednesday, February 3, 2010, 3:00 PM,
Conference Room 229

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**From:** Sylvan Schwab [sylvanj@clearwire.net]  
**Sent:** Saturday, January 30, 2010 12:59 PM  
**To:** WTLTestimony  
**Cc:** Barbara Steinberg  
**Subject:** Foie Gras

I am appalled that it is even necessary to file a complaint about considering it legal to torture fowl by force feeding it for the purpose of destroying its liver to make a more exotic appetizing food. Any government who would allow this process is guilty of cruel and inhumane treatment of animals. Is it not sad enough that you must kill? Must you torture as well to satisfy someone's sick idea of delicacy? What a sorry state of affairs!

Sylvan Schwab  
East Maui Animal Refuge 25 Malu Aina Pl  
Haiku HI 96708  
808-572-8308  
booboozoo.org  
[sylvanj@clearwire.net](mailto:sylvanj@clearwire.net)

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**From:** h2oColor@webtv.net  
**Sent:** Saturday, January 30, 2010 1:22 PM  
**To:** WTLTestimony; WTLtestimony@capitolhawaii.gov  
**Cc:** h2oColor@webtv.net  
**Subject:** Testimony S.B.NO 2170

**TO: COMMITTEE ON WATER, LAND, AGRICULTURE, AND HAWAIIAN AFFAIRS**  
Senator Clayton Hee, Chair; Senator Jill N. Tokuda, Vice Chair

I have been coordinating demonstrations against the cruelty of foie gras at Maui restaurants and I support bill S.B.NO 2170 to prohibit sale of force fed foie gras in state of Hawaii.

Foie gras production universally ranks as one of the cruelest forms of animal agriculture, and public outrage at the inhumane practices inherent in the foie gras industry has resulted in bans of the product in Denmark, Finland, Germany, Luxembourg, Israel, Norway, Poland, Sweden, Switzerland, the U.K. and the Czech Republic. Investigators confirmed the cruelty of foie gras production first hand after witnessing ducks crammed in filthy sheds, suffering and dying of organ rupture after being force fed through metal pipes shoved down the birds' throats. Consumers around the globe have demanded the removal of foie gras, the fatty, diseased liver of a duck or goose from restaurant menus. In the U.S., public awareness of the cruelty of foie gras is rising rapidly, as seen in California where Governor Arnold Schwarzenegger signed a bill into law that will ban the production and sale of foie gras from force-fed birds in the state.

The ban of foie gras would not affect our economy, as no one would cancel a vacation to Hawaii, if foie gras were not on the menu. In fact, this ban would paint Hawaii as a compassionate state that cares about animals .

Thank you,  
Barbara Steinberg, Orlowski  
PO box 1764  
Kihei HI 96753808 8790025

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**From:**  
**Sent:** Saturday, January 30, 2010 1:45 PM  
**To:** WTLTestimony  
**Cc:** kind2animals@msn.com  
**Subject:** S.B.NO 2170 Testimony

TO COMMITTEE ON WATER, LAND, AGRICULTURE, AND HAWAIIAN AFFAIRS  
Senator Clayton Hee, Chair, Senator Jill N. Tokuda, Vice Chair

I have participated in several demonstrations in Maui to ban sale of foie gras in restaurants. They will not take it off the menu so I feel a bill should be passed .

I work as Skills Trainer for mentally handicapped individuals and I feel compassion for the animals forced to suffer in foie gras production .

I feel it is inhumane to shove the pipes down the throat and separate the males from females and baby ducks and geese who happen to be female are stuck in garbage bags and stomped on to kill them . They are so full once force fed , they cannot defend themselves at all from rats gnawing on their open sores, or barely move at all . The factories that produce foie gras make the ducks and geese suffer so much . It should be outlawed.

I support the law that bans sale and distribution of this product in state of Hawaii where I have lived for over ten years.

Jonathan Orlowski  
PO box 1764  
Kihei HI 96753  
808 8790025



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**From:** Shirley McGreal [smcgreal@sc.rr.com]  
**Sent:** Saturday, January 30, 2010 1:58 PM  
**To:** WTLTestimony  
**Subject:** Please protection geese and ducks from the horrors of force-feeding

To: COMMITTEE ON WATER, LAND, AGRICULTURE, AND HAWAIIAN AFFAIRS Senator Clayton Hee, Chair,  
Senator Jill N. Tokuba, Vice Chair

I have been active in animal rights for three decades as a leader and founder of an animal sanctuary. In fact, I was awarded the OBE by the Queen of England in 2008, for my work in the field of animal protection.

I have learned about and support your bill S.B. NO 2170, which would prohibit the sale and distribution of foie gras in the production of which geese or ducks are force fed.

Vets have said that the ducks and geese who are force fed experience extreme pain as their livers are forced to expand up to 12 times their normal size. Although some may argue that ducks gorge before migration, it is not the same as they eat more than usual, but not this huge quantity nor are force-fed or kept in small pens away from their normal lifestyle .

Prohibiting sale of foie gras would not affect the economy of Hawaii but will improve the status of animals in Hawaii and attracts visitors.

Foie gras results from a diseased liver and is unhealthy for the duck or goose but also for the humans who consume it.

Thank you for considering this request. Shirley McGreal

Dr. Shirley McGreal, OBE, Chairwoman  
International Primate Protection League  
PO Box 766  
Summerville, SC 29484, USA  
Phone - 843-871-2280, Fax- 843-871-7988  
E-mail - [smcgreal@ippl.org](mailto:smcgreal@ippl.org), Web: [www.ippl.org](http://www.ippl.org)

"He who joyfully marches in rank and file has already earned my contempt. He has been given a large brain by mistake, since for him the spinal cord would suffice."

--Albert Einstein

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**From:** Aliaska Brozen [aliaska@hawaii.rr.com]  
**Sent:** Saturday, January 30, 2010 3:52 PM  
**To:** WTLTestimony  
**Subject:** NO foie gras

PLEASE PASS S.B.NO 2170

which prohibits the sale and distribution of foie gras produced using the method of force feeding. This is horribly exploitive. It is animal abuse, animal torture. and for what??? some food "delicacy".

We have the opportunity to stop this NOW. PLEASE pass S.B. 2170.

PLEASE. We can't allow this suffering to continue, just so some people can make some money. This is truly disgusting. Thank you, Aliaska Brozen, Kihei, HI

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**From:** MMMMahalo2000@aol.com  
**Sent:** Saturday, January 30, 2010 4:03 PM  
**To:** WTLTestimony  
**Subject:** Testimony in favor of fSB2170, relating to force feeding

**TO: COMMITTEE ON WATER, LAND, AGRICULTURE, AND HAWAIIAN AFFAIRS**

**Senator Clayton Hee, Chair; Senator Jill N. Tokuda, Vice Chair**

**SUBJECT: TESTIMONY FOR SB 2170 ON 2/03/2010 3 :00 PM**

**CONFERENCE ROOM: 229**

**TESTIFIER POSITION: SUPPORT**

**TESTIFIER WILL BE PRESENT: No**

**SUBMITTED BY: Mike Moran**

**ORGANIZATION: INDIVIDUAL**

**ADDRESS: Maui, HI**

**E-MAIL: [mmmmahalo2000@aol.com](mailto:mmmmahalo2000@aol.com)**

**COMMENTS:**

**Please support SB 2170. As a founding member of No Foie Gras (NFG,) a grass roots group on Maui actively seeking to prohibit restaurants serving this ancient cruel product which is imported to Hawaii from one of the few countries where it is still legal to produce it, I have discovered that each of the chefs using it is aware of the cruel manner required to produce it, yet still chooses to serve it here. Thus it will take legal sanctions to remove it.**

**I would further ask that you consider, in addition to setting a maximum fine for violation of this prohibition, that you also set a minimum fine of at least \$1000.**

**Mahalo for our consideration. Sincerely,**

**Mike Moran**

**From:** Duvall [corvusco@hawaiiantel.net]  
**Sent:** Saturday, January 30, 2010 9:13 PM  
**To:** WTLTestimony  
**Subject:** Testimony for SB2170

Dear Senators Clayton Hee, Chair, and Senator Jill Tokuda, Vice Chair, of the COMMITTEE ON WATER, LAND, AGRICULTURE AND HAWAIIAN AFFAIRS

Foie gras production is in my estimation hardly worse than many other restrictive animal production methods used in human food production - it seems curious that it is so single-heartedly picked out for current legislation. Also, since there is no foie gras producer in Hawaii, I see little method for oversight or compliance with your legislation should it be passed - especially since Agriculture Department Inspectors who would have purview, have been recently been so targeted for lay-offs. Despite that, my testimony is as follows:

If the measure (SB2170) narrowly applies to foie gras produced using the method of force feeding, and if further, that any foie gras producer will need to find a humane method of producing foie gras prior to the producer's product being legal in Hawaii, I agree with legislation and passage.

Thank-you and Aloha!

Fern P. Duvall II

PO Box 330940

Kahului, HI 96733

808-572-1584

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**From:** Catherine Goeggel [selkie@hawaii.rr.com]  
**Sent:** Sunday, January 31, 2010 3:16 PM  
**To:** WTLTestimony  
**Subject:** SB2170 testimony

re: SB 2170  
position: support

Chair Hee and Members of the Committee

The cruelty inherent in the gavage"--force feeding of ducks and geese in order to produce a diseased fat "foie gras" is an incontrovertible fact. Birds are kept in cages or pens and do not experience daylight; they suffer the intrusion of metal pipes down their throats directly to their stomachs which are distended painfully. Many die the process. Those that do survive are sick and their livers diseased. Dr. Ian Duncan, DVM, writes: "Force feeding quickly results in birds that are obese and in a pathological state, called hepatic lipidosis or fatty liver disease. There is no doubt that in this pathological state, the birds will feel very ill...[I]t is completely unethical to deliberately promote a diseased state in an animal."

The following have banned the sale of foie gras:

Wolfgang Puck's Restaurants throughout the US  
Prince Charles (UK) has banned the serving of foie gras at all palace events

The following countries/states have enacted explicit bans against force-feeding

California  
Austria (6 of the 9 provinces)  
Czech Republic (1992)  
Croatia  
Denmark (1991)  
Finland (1996)  
Germany (1936 and 1993)  
Italy (2004)  
Luxembourg (1965)  
Norway (1974)  
Poland (1999)  
Turkey

The laws of the following countries have been interpreted to ban force-feeding of animals for foie gras production:

Holland  
Ireland  
Israel  
Sweden  
Switzerland  
United Kingdom

Please pass SB 2170. The economic impact upon Hawai'i is minimal. Foie Gras is offered at a small number of up market restaurants. The loss of a single item from some menus will hardly be felt in our economy.

With aloha,

Cathy Goeggel  
President  
Animal Rights Hawai'i  
PO Box 10845  
Honolulu, HI 96816

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**From:** Greta Rosenberg [nahauolikukini@gmail.com]  
**Sent:** Sunday, January 31, 2010 4:26 PM  
**To:** WTLTestimony  
**Subject:** In support of Senate Bill Number 2170

Greetings Senator Clayton Hee,

I am so glad you are trying to get a bill passed on behalf of all the animals who are force fed in order to produce Foi Gras in the state of Hawaii. It is no longer enough to stand and stare. It is time we did something. We need to protect these innocent creatures who suffer inhumane slaughter. Thank you very much.

Sincerely,

Greta Rosenberg  
Kihei, Hawaii

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**From:** WTLTestimony  
**Subject:** FW: SB 2170 - YES from Leilani Farm Sanctuary

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**From:** Laurelee Blanchard [mailto:laurelee@hawaii.rr.com]  
**Sent:** Monday, February 01, 2010 5:05 AM  
**To:** WTLTestimony  
**Subject:** SB 2170 - YES from Leilani Farm Sanctuary

February 1, 2010

TO: COMMITTEE ON WATER, LAND, AGRICULTURE, AND HAWAIIAN AFFAIRS

Senator Clayton Hee, Chair; Senator Jill N. Tokuda, Vice Chair

SUBJECT: TESTIMONY FOR SB 2170 ON 2/03/2010 3 00 PM  
CONFERENCE ROOM: 229  
TESTIFIER POSITION: **SUPPORT**  
TESTIFIER WILL BE PRESENT: No  
SUBMITTED BY: LEILANI FARM SANCTUARY

Dear Committee,

On behalf of Leilani Farm Sanctuary and our supporters, we are writing to ask you to please vote YES on Senate Bill 2170.

Foie gras is an unnecessary and unhealthy product which is produced by inhumane methods.

As an organization whose mission is to promote compassion and humane education, we would really like to see a ban on foie gras in the state of Hawaii.

Mahalo for your support!

Sincerely,



Laurelee Blanchard, President  
**Leilani Farm Sanctuary**  
260 E. Kuiaha Road  
Haiku, HI 96708  
808-298-8544

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**From:** MacWestie [macwestie@yahoo.com]  
**Sent:** Monday, February 01, 2010 5:32 AM  
**To:** WTLTestimony  
**Subject:** TESTIMONY FOR SB 2170 ON 2/03/2010 3 :00 PM

**TESTIFIER POSITION:** SUPPORT  
**TESTIFIER WILL BE PRESENT:** No  
**SUBMITTED BY:** Nina Davis  
**ORGANIZATION:** INDIVIDUAL  
**ADDRESS:** Maui, HI  
**E-MAIL:** [macwestie@yahoo.com](mailto:macwestie@yahoo.com)

**COMMENTS:**

Please support SB 2170. Cruelty to animals should not be tolerated. Also, it eases the path toward cruelty to defenseless humans.

Nina Davis



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**From:** Phyllis Tavares [p.tavares@earthlink.net]  
**Sent:** Monday, February 01, 2010 6:36 AM  
**To:** WTLTestimony  
**Subject:** TIME FOR HAWAII TO TAKE ACTION

**TO: COMMITTEE ON WATER, LAND, AGRICULTURE, AND HAWAIIAN AFFAIRS**

**Senator Clayton Hee, Chair; Senator Jill N. Tokuda, Vice Chair**

**SUBJECT: TESTIMONY FOR SB 2170 ON 2/03/2010 3 :00 PM**

**CONFERENCE ROOM: 229**

**TESTIFIER POSITION: SUPPORT**

**TESTIFIER WILL BE PRESENT: No**

**SUBMITTED BY: Phyllis Tavares**

**ORGANIZATION: INDIVIDUAL**

**ADDRESS: Maui, HI**

**E-MAIL: [p.tavares@earthlink.net](mailto:p.tavares@earthlink.net)**

**COMMENTS:**

**Please support SB 2170**

It is really sad that Hawaii is at the bottom of the barrel when it comes to being kind to animals and is recognized nationwide for insensitivity if not downright cruelty to animals.

Time to stop being afraid of special interests and do the right thing for animals. Force feeding of animals is cruel. Dog and cock-fighting is cruel. I am sick of signs that say "Respect the Culture" when the culture is one of downright cruelty.

Time to support laws that forbid these acts and so I ask you as a start by supporting SB2170

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**From:** Lindapadams@aol.com  
**Sent:** Monday, February 01, 2010 7:49 AM  
**To:** WTLtesimony@capital.hawaii.gov  
**Subject:** Please pass bill S.B.NO 2170

Dear Senator Hee and Members of the Committee,

I am writing to strongly urge you to pass bill S.B.2170. The inherent cruelty of foie gras for a mere palate preference must end. California has already banned this inhumane practice beginning in the year 2012. Additionally, fifteen nations have outlawed the force feeding of birds for foie gras.

I am hoping Hawaii will join California in the banning of foie gras. We must take a stand against cruelty and side with compassion.

Your passage of S.B.2170 will be another reason I am so proud to live in the great state of Hawaii.

With warmest regards,  
Linda Adams

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**From:** Danielle at Danielle's Tropical Flowers [info@daniellestropicalflowers.com]  
**Sent:** Monday, February 01, 2010 8:47 AM  
**To:** WTLTestimony  
**Subject:** request to support SB 2170

**TO: COMMITTEE ON WATER, LAND, AGRICULTURE, AND HAWAIIAN AFFAIRS**

**Senator Clayton Hee, Chair; Senator Jill N. Tokuda, Vice Chair**

**SUBJECT: TESTIMONY FOR SB 2170 ON 2/03/2010 3 :00 PM**

**CONFERENCE ROOM: 229**

**TESTIFIER POSITION: SUPPORT**

**TESTIFIER WILL BE PRESENT: No**

**SUBMITTED BY: Danielle Mazerolle**

**ORGANIZATION: INDIVIDUAL**

**ADDRESS: 1287 Middle Rd, Kula, HI 96790**

**E-MAIL: [info@daniellestropicalflowers.com](mailto:info@daniellestropicalflowers.com)**

I strongly support SB 2170 to eliminate products from being produced that harm living animals , for example by force-feeding birds to enlarge the liver to abnormal size. this also causes diseased as well as enlarged liver, which is then consumed as a unnecessary delicacy!

Mahalo, Danielle Mazerolle

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**From:** jennifer battles [jenniferbattles@live.com]  
**Sent:** Monday, February 01, 2010 9:22 AM  
**To:** WTLTestimony  
**Subject:** testimony for SB 2170 on 2/03/2010

**TO: COMMITTEE ON WATER, LAND, AGRICULTURE, AND HAWAIIAN AFFAIRS**  
Senator Clayton Hee, Chair; Senator Jill N. Tokuda, Vice Chair

**CONFERENCE ROOM: 229**  
**TESTIFIER POSITION: SUPPORT**  
**TESTIFIER WILL BE PRESENT: No**  
**SUBMITTED BY: Jennifer and William Battles**  
**ORGANIZATION: INDIVIDUAL**

Please pass law for the protection of these birds who have a right to be treated humanely. To not pass this law is to be inhumane.  
Thank you for your time

Jennifer Battles  
Education Therapy  
355 Hukilike Street Suite 209  
Kahului, Hawaii 96732  
Phone 808 893-0590  
Fax 808 893-0591

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**From:** Deb [djbhappy@gmail.com]  
**Sent:** Monday, February 01, 2010 9:56 AM  
**To:** WTLTestimony  
**Subject:** SB 2170

**TO: COMMITTEE ON WATER, LAND, AGRICULTURE, AND HAWAIIAN AFFAIRS**  
**Senator Clayton Hee, Chair; Senator Jill N. Tokuda, Vice Chair**  
**SUBJECT: TESTIMONY FOR SB 2170 ON 2/03/2010 3 :00 PM**  
**CONFERENCE ROOM: 229**  
**TESTIFIER POSITION: SUPPORT**  
**TESTIFIER WILL BE PRESENT: No**  
**SUBMITTED BY: Debra Bauer**  
**ORGANIZATION: INDIVIDUAL**  
**ADDRESS: 3616 Piikea Place ... Makawao Maui, HI 96768**  
**E-MAIL: [djbHappy@gmail.com](mailto:djbHappy@gmail.com)**

**THANK YOU!**

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**From:** Joel Fischer [jfischer@hawaii.edu]  
**Sent:** Monday, February 01, 2010 2:26 PM  
**To:** WTLTestimony  
**Subject:** SB2170; WTL; 2/3/10; 3PM; Rm 229

**Importance:** High

SB2170, Relating to Force Feeding  
WLT, Chair, Sen. Clayton Hee

**PLEASE PASS THIS BILL!**

Forced feeding of geese and ducks is a practice that is too barbarous to even contemplate. Killing geese and ducks is bad enough. But torturing them for weeks by stuffing tubes down their throats and then forcing so much food into them to fatten up their livers just so some people can eat these products in as inhumane as people can get. It treats these beautiful creatures as though they were on earth just to be tortured and killed to give people a taste of fatty organs. YUCK! This is just too gross for words!

I am especially grateful to Senator Hee for always being a person in the legislature to whom those of us who really care about animals can always turn to for help. His introduction of this bill and the one on shark-finning does a huge service to these animals and to those of us who want to support them.

Hawai'i can join a list of localities in the US and all around the world that are banning force-feeding. It is, indeed, high time we DO join them.

Thank you for supporting this bill.

Aloha, joel

Dr. Joel Fischer, ACSW  
Professor (Ret.)  
University of Hawai'i, School of Social Work  
Henke Hall  
Honolulu, HI 96822

"It is reasonable that everyone who asks justice should DO justice."

Thomas Jefferson

"There comes a time when one must take a position that is neither safe, nor politic, nor popular, but one must take it because one's conscience tells one that it is right."

Dr. Martin Luther King, Jr.

"Never, never, never quit."

Winston Churchill

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**From:** Elliot Katz [emk@idausa.org]  
**Sent:** Monday, February 01, 2010 2:28 PM  
**To:** WTLTestimony  
**Subject:** Comment in Support of S.B. NO 2170

**To: COMMITTEE ON WATER, LAND, AGRICULTURE, AND HAWAIIAN AFFAIRS**

**Senator Clayton Hee, Chair,**

**Senator Jill N. Tokuda, Vice Chair,**

I'm contacting you today as a veterinarian and the Founder and President of In Defense of Animals, a non-profit International advocacy organization with over 85,000 members, to encourage you to support S.B.NO 2170, the bill that would prohibit the sale of foie gras in state of Hawaii. The suffering these birds endure is so extreme that force feeding of ducks and geese has been banned in California and is condemned by reputable scientists and veterinarians as well as world renowned chefs like Wolfgang Puck.

Foie gras production universally ranks as one of the cruelest forms of animal agriculture, and public outrage at the inhumane practices inherent in the foie gras industry has resulted in bans of the product in Denmark, Finland, Germany, Luxembourg, Israel, Norway, Poland, Sweden, Switzerland, the U.K. and the Czech Republic. Consumers around the globe have demanded the removal of foie gras, the fatty, diseased liver of a duck or goose, from restaurant menus. In the U.S., public awareness of the cruelty of foie gras is rising rapidly, as seen in California where Governor Arnold Schwarzenegger signed a bill into law that will ban the production and sale of foie gras from force-fed birds in the state.

Investigators confirmed the cruelty in foie gras production first hand after witnessing ducks crammed in filthy sheds and ducks suffering and dying of organ rupture after being force fed nearly four pounds of corn mush a day through metal pipes shoved down the birds' throats. The three daily force-feedings frequently choke, injure or kill the birds by gouging open their throats with the metal pipe. By the end of the force-feeding process, ducks are physically debilitated with livers five to ten times there normal size and many are unable to stand or walk.

I encourage you to make the compassionate decision and follow the lead of other governments around the world to ban this cruel product. To learn more about foie gras production, [please click here](#).

Elliot M. Katz, DVM  
President, In Defense of Animals  
415.448.0048 x225



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**From:** TREVOR.WARD [TREVOR.WARD@pruhawaii.com]  
**Sent:** Monday, February 01, 2010 7:44 PM  
**To:** WTLTestimony  
**Cc:** Barbara Steinberg

To the Honorable Senator's Dan Inouye & Daniel Akaka,

Please vote yes to SB . & SB 2170.

This is to confirm and convey my utter disgust for this unnecessary destruction of nature, it is equivalent to extracting the horn of a Rhino. Your care of the land and sea is tantamount to stop the disintegration of the world as we know it. Roger Moore "James Bond" is a huge supporter of animal rights and very much against both of these destructive acts, go online, do the research and vote YES!, Aloha.

Sincerely

Trevor Ward.

Trevor A Ward  
P.O Box 790465  
Paia  
Hawaii  
96779  
Cell : 808-385-1026  
Office : 808-872-808-2462  
Fax : 808-872-2461

**From:** Elaine Johnson [ElaineJohnson@nerdshack.com]  
**Sent:** Monday, February 01, 2010 7:22 PM  
**To:** WTLTestimony  
**Subject:** SB2170, Relating to Force Feeding

Senator Clayton Hee, Chair  
Senator Jill N. Tokuda, Vice Chair

Dear Senators:

SB2170, Relating to Force Feeding

Please pass this important bill. Hawaii has an image as a gentle, kind people and the cruelties of force feeding would not be condoned by the majority of the citizens if they were aware of the details. It also makes for really bad image/press for Hawaii.

Mahalo,

Elaine Johnson  
po box 37944  
honolulu, HI 96837

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**From:** nomi image [nomie\_34@yahoo.com]  
**Sent:** Tuesday, February 02, 2010 1:28 AM  
**To:** WTLTestimony  
**Subject:** re: SB 2170

**TO: COMMITTEE ON WATER, LAND, AGRICULTURE, AND HAWAIIAN AFFAIRS**

**Senator Clayton Hee, Chair; Senator Jill N. Tokuda, Vice Chair**

**Date: Wednesday, February 3, 2010**

**Time: 3:00pm**

**Place: Conference Room 229**

**State Capitol**

**415 South Beretania Street**

**Dear Senators:**

**I am writing in SUPPORT of SB 2170 which, if passed, will prohibit the sale and distribution of foie gras produced using the method of force feeding.**

**Unfortunately, I am unable to be here in person due to work.**

**I am in support of the passing of this bill because I strongly feel that the method used in the production of foie gras is one of the worst forms of animal cruelty to ducks and geese.**

**According to investigations by the APRL and IDA, I quote them:**

**"Two to three times a day, a worker grabs each bird, shoves a long, thick metal tube all the way down his throat, and an air pump shoots up to two pounds of corn mush into his esophagus. The industry always refers to the dry weight of the feed, which is about one pound per feeding. Adding oil and water doubles this weight, making it 20-30% of the bird's healthy body weight. Picture 30 one pound boxes of dry pasta and then add water. This is proportionally how much a 150 pound human would be force fed using this formula."**

**"The vast amounts of feed pumped down the ducks' throats causes enormous internal pressure, and the pipe sometimes punctures the esophagus, causing many to die from choking on the blood that fills their lungs. Some birds literally burst, choke to death on their own vomit, or become so weak that they are unable to fend off rats from eating them alive. Other ducks die a slow, painful, and premature death by suffocation from inhalation of regurgitated feed."**

**"The birds' livers become so enlarged...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 animals' throats and out of their nostrils."

In addition to this traumatic force-feeding, these birds also suffer the same neglectful and abusive treatment of other factory-farmed animals: they live in overcrowded conditions where they are held in wire cages so small they cannot fully stand or stretch their wings, they suffer mutilations by which their beaks are cut off, they are deprived of all their natural instincts such as interacting in social groups, nurturing their young, and exploring their surroundings. These birds are also kept from keeping themselves clean. They need to be able to immerse themselves in water to remain healthy, but since there is no access to water, the birds cannot adequately clean their nostrils and eyes, which can lead to blindness. Eventually, they will be sent to a violent death by slaughter.

Sadly, this is all for an overpriced, diseased liver appetizer that anyone can do without.

I urge you to please support SB 2170.

Respectfully,

Naomi Egami

Honolulu, Hawaii

8083498334

Testimony for WTL Committee Hearing 3:00 p.m., 2/3/10, SB2170  
Maria Wilhelm  
14 Jackson Drive  
Ellenville, NY 12428

Attached is a letter from a member of the New York State Assembly, Michael Benjamin, explaining that he had sponsored a bill to ban foie gras in New York. After exploring the issue and visiting a foie gras farm, he withdrew his support for the bill in 2007. Also included are press releases describing the rejection of similar bills in Maryland in 2008 and Maine in 2009.

Similar measures have been considered and rejected in Hawaii in 2006, Connecticut, New Jersey, Massachusetts, Illinois, Michigan, Washington and Oregon. While the bill passed in California, it passed without input from foie gras farmers. Rather, it passed with the approval of the foie gras farmer in California who was burdened with excessive litigation fees. He agreed to the bill but with the condition that legal actions by the activists cease and he be shielded by law from further legal action.

There is a general understanding that there is no basis for attempts to ban foie gras farming and that the animals are not mis-treated. The Chicago ban was passed as part of a multi-piece omnibus bill. The Chicago City Council was nationally criticized until the ban was overturned.

The California bill has yet to take affect. It is probable that the sales portion of that bill will be challenged in court as a restriction of interstate commerce or pre-emption of the Federal Meat and Poultry Act.

From the Chicago Tribune:

**May 14, 2008**  
**City Council reverses foie gras ban**

Posted by Dan Mihalopoulos at 2:05 p.m.

With Mayor Richard Daley running the vote, the Chicago City Council on Wednesday repealed its controversial ban on foie gras.

Over the shouted objections of Ald. Joe Moore (49th), the ban's sponsor, the council used a parliamentary maneuver to put the ordinance on the floor for a vote.

The council voted 37-6 to repeal the two-year-old ban, which critics argued had made Chicago—and the City Council—a national laughingstock.

Ald. Thomas Tunney (44th), a restaurant owner, forced the vote on the measure that prohibits restaurants in the city from serving the delicacy made from the engorged livers of ducks or geese.

Moore, whose pleas for a debate were ignored by Daley, warned fellow aldermen "tomorrow it could happen to you."



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CHAIRMAN  
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January 13, 2009

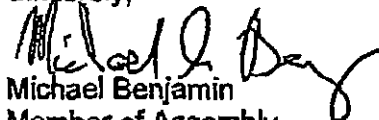
Representative Alan Casavant  
22 Meetinghouse Road  
Biddeford, ME 04005

Dear Representative Casavant,

A few years ago, I was presented information on foie gras farming that convinced me to sponsor legislation to ban foie gras farming in New York. In 2007, I was subsequently invited to a foie gras farm. After visiting the farm and talking with experts – including two veterinarians - I decided to withdraw my support for the bill. I withdrew my bill because I did not observe cruel treatment or overcrowding of the birds. After speaking with local representatives, I became convinced of the economic importance of that farm to the Sullivan County community.

If you have any questions, please give me a call. I am sure the farm would be happy to have you visit also.

Sincerely,

  
Michael Benjamin  
Member of Assembly

# Sponsor of New York Foie Gras Ban.....Changes His Mind

By Henry Goldman



[+ Enlarge/Details](#)

June 11 (Bloomberg) -- The sponsor of a proposed New York state ban on force-feeding ducks to make foie gras said he no longer believes the practice is inhumane.

``I had a change of heart," said Assemblyman Michael Benjamin, a Bronx Democrat, in a telephone interview today.

Benjamin made his comments moments before New York City Councilman Tony Avella held a news conference on the steps of City Hall to call for support of Benjamin's law. Avella, joined by animal-rights activists, said it's wrong to stuff food down the throats of ducks and geese to produce the fatty delicacy.

``The practice of force-feeding birds in order to produce foie gras is simply cruel and inhumane," said Avella, a Queens Democrat. The process involves using a metal tube and air pressure to feed birds large amounts of food to swell their livers over a period of several weeks, Avella said.

Benjamin, though, said a farm visit convinced him the bill he sponsored isn't necessary.

``To my knowledge none of the ducks looked uncomfortable or mistreated," Benjamin said.

``We shouldn't anthropomorphize animals into humans. What might look painful to us isn't painful to them."

The sponsor of a similar bill in the state Senate, Frank Padavan, Republican of Queens, hasn't changed his mind, spokesman Brian Gorman said.

Animal-rights groups have seized on the foie gras production issue in recent years with mixed success. Chicago banned foie gras from its restaurants and stores two years ago, only to repeal the measure last month. California has passed a ban on production that would take effect in 2012.

## Expanding Necks

Duck farmer Michael Ginor, co-owner of Hudson Valley Foie Gras, said he doesn't use compressed air to force-feed his birds. The necks of ducks and geese expand and their metabolisms can handle such large portions of food, he said.

Ginor said his farm and La Belle Poultry, also in New York state, account for a total of \$20

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foie gras

### (US) Maryland Legislature Rejects Proposed Foie Gras Ban

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ANNAPOLIS, Md., March 10 --

On March 10th, the full Maryland Legislature turned back an attempt advanced by animal rights groups to impose a ban on the production and sale of **foie gras** in that state. The proposed ban was rejected after being the subject of a Senate Committee hearing. Representatives of the Artisans Farmers Alliance and the Maryland Restaurant Association as well as the former President of the New York State Veterinary Medical Society all spoke against the merits of a proposed ban.

Two days after the March 4th hearing, Maryland House Delegate Tanya Shewell withdrew her bill. In the Senate, the bill's sponsor, Senator Joan Carter Conway, backed away from the provisions that would have banned the sale and transport of **foie gras**, saying publicly, "We may have gone too far [with this]". She expressed general reservations about the bill and said, "I have heard additional information about the **foie gras** process that has caused me to change my mind."

full story:

<http://www.sunherald.com/447/story/422303.html>

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## ARTISAN FARMERS ALLIANCE

### Foie Gras Farming Challenge Defeated in Maine

Augusta, ME (March 11<sup>th</sup>, 2009)

The Joint Standing Committee on Agriculture, Conservation and Forestry of the 124<sup>th</sup> Maine Legislature met today to vote on whether to prohibit foie gras farming in the State of Maine.

After hearing both sides of the issue and studying materials provided by activists and foie gras farmers, the Committee voted unanimously "Not to Pass" the legislation.

The legislation and the thinking behind it followed standard animal rights tactics. Legislation is proposed in an area where the farming practice is not done. Legislators are encouraged to pass this the legislation as no one is affected and a vocal minority constituency, often backed by political donations, is appeased.

The bill sponsor, Representative Alan Casavant, wrote: "I submitted the bill on behalf of a constituent... Since there are no facilities in Maine, and there is no discussion of such a facility, it appeared to be relatively neutral. Animal Rights groups are in agreement, as well as many members of the Legislature."

Members of the Maine Restaurant Association who had visited Hudson Valley Foie Gras pointed out that the activist claims against foie gras are just not true. Further, Casavant's position that the legislation is neutral was also not true. Although sales of foie gras would still be permitted, sales would certainly be affected, in a difficult economic environment, by passage of the bill. Further, the passage would be used to justify similar legislation in other jurisdictions.

In spite of the failure of the California politicians in enacting the 2012 ban on foie gras there, it seems that there are a lot of fair and conscientious

Testimony for WTL Committee Hearing 3:00 p.m., 2/3/10, SB2170  
Dotty Moylan  
80 Brooks Road  
Ferndale, NY 12734

The following article is a comprehensive discussion of both sides of the issue and a report of a visit to a foie gras farm.

Dotty Moylan

The Village Voice, 2/18/2009  
<http://www.villagevoice.com/2009-02-18/restaurants/is-foie-gras-torture>

Restaurants

Is Foie Gras Torture?

Comments (118) By **Sarah DiGregorio** *Wednesday, Feb 18 2009*

It's very hard to watch the video about foie gras from the People for the Ethical Treatment of Animals and not conclude that you should lay off fatty liver.

You're shown a disheveled duck squeezed into a cage so small that the bird can't open its wings. Disturbingly, it rocks back and forth. You then see an enormous barn full of birds, all of them immobilized in tiny cages. There are graphic shots of birds' festering open sores with rats nibbling at them, some that are dying slowly, and some with holes punched through their necks. We learn that foie gras production has been banned in the United Kingdom, Israel, and Switzerland.

The Humane Society and the ASPCA have also joined PETA to oppose foie gras. They object to the force-feeding process, called "gavage," which entails putting a metal tube down a duck's throat to deliver a large amount of corn-based food that causes the liver to enlarge. The process, animal rights groups say, causes trauma to the duck's esophagus and beak. Also, they say, the enlargement of the liver—from six to 10 times the normal size—causes the ducks to become deathly ill, struggle to walk and breathe, and vomit up undigested food. At the website of the humane group Farm Sanctuary, a photograph of a healthy, fluffy white duck rescued from a foie gras farm is contrasted with a shot of two ducks in tiny cages, both covered with their own yellow vomit.

"I am disturbed by the rough handling that creates myriad lesions—fractured limbs and infections of their feet," says Dr. Holly Cheever, vice president of the New York Humane Society, a veterinarian, and an occasional consultant to PETA. "Pneumonia and esophageal scarring, fungal and bacterial infections, and, in rare cases, the rupture of the liver from excess pressure on a badly swollen organ—not to mention the semi-comatose and seizing states I have seen in the end stages as the liver fails and the brain can no longer function . . . yet, the feeder will grab a seizing or semi-comatose bird and force the tube down to continue the process of liver engorgement. Surely you do not need a veterinary affidavit to label this as cruel?" Cheever says that the esophagi are often "blown open" and that the fattened liver becomes profoundly diseased, which causes the birds to die a slow death, beset with seizures and unable to walk.

Groups that oppose the production of foie gras have pushed for city and state bans on the product, sometimes with success, as in California, and sometimes with temporary success, as in Chicago. Meanwhile, various groups continue to hold demonstrations outside restaurants that serve the product, and the Humane Society has brought lawsuits against a local farm.

After watching the gruesome images, it's not hard to understand the legislative concern. No one wants tortured ducks on their watch. After all, we adore ducks—Daffy, Donald, even the Aflac duck—because we find them funny and appealing, much more so than chickens or turkeys.

However, in some cases, legislators have reversed course. In 2007, New York State Assemblyman Michael Benjamin withdrew his name from a proposed bill banning foie gras production in the state after he visited the biggest foie gras farm in the country, Hudson Valley Foie Gras.

What did he see there? Fortunately, Hudson Valley is only about two hours from the city. I figured the only way to know for sure whether foie gras equals torture was to go see it produced for myself. I called a contact at the gourmet food company D'Artagnan, which works closely with Hudson Valley, and asked if I could look around. I'd want to see the force-feeding. And the slaughter. And bring a photographer.

"No problem," came the reply.

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**In the United States**, foie gras production is tiny compared to other animal husbandry. There are four American foie gras farms, and all raise ducks rather than geese, selling not only livers but also breast and leg meat, sausages made with scraps, and down from the feathers. Hudson Valley offers duck testicles and duck tongues, too.

And although Hudson Valley is the biggest foie gras producer in the country, processing 4,000 to 6,000 ducks a week, it raises birds by the traditional model, instead of the industrial one. That means that everything&-;from the egg hatching to the 21-day force-feeding period and the slaughter-happens on the same farm, tended to by the same workers. So I'd be able to see it all.

When I told Cheever that I was visiting Hudson Valley, she said that I'd be witnessing an elaborate cover-up. "With 150 people living on-site, they can cherry-pick out the disastrously sick ducks," she said. She also didn't believe that the farm force-feeds for only 21 days before slaughtering the ducks. "By the end of the third to fourth weeks, their breathing is strained and their limbs may be lame from infection and injury or fractures, but YOU will not see those birds," she wrote to me in an e-mail.

Hudson Valley Foie Gras is not actually in the Hudson Valley, but in a sparsely populated, rather desolate town called Ferndale in the Catskills region. First stop was the home of Marcus Henley, the farm manager at Hudson Valley, who lives with his wife, Sohnnie (pronounced "Shaun-ie"), on 12 acres, with a black cat, a canary, and some koi. Both are from Arkansas. Henley studied science in college, served in the Army, and then started managing poultry farms in 1983. He came to Hudson Valley in 2001.

On their kitchen table, they'd laid out a spread of products from the farm. There was duck confit, smoked duck breast, deviled duck eggs, duck prosciutto, torchon of foie gras, and foie gras butter-a heart-stopping concoction of rendered foie gras fat and black truffles. The Henleys are 95 percent vegetarian, for health reasons, so this meal was unusual for them.

Henley shrugged when I asked him about the first time he had tried the product. "A boy from Arkansas doesn't get a lot of chance to eat foie gras," he said. I told him that I'd spoken with Cheever, and that she insisted I would not be allowed to see the ducks in the later stages of force-feeding and that the sick ducks would have been removed so I couldn't see them. He laughed. "It's not necessary to do that," he said. "Anyone can come anytime, unannounced. But she says we lie, that we're hiding a horror chamber. We have national-level vets come visit-we have journalists and chefs. How am I going to trick these people?"

Henley assured me that the next morning, when I visited the farm, I'd be able to see what was behind every door. "And there is every possibility that, at some point, we will see a dead duck," he cautioned. The farm has a mortality rate of about 5 percent (from when they're hatched to when they reach 15 weeks, which is when they're slaughtered), so some animals do die along the way-as they do at every farm.

I'm no bird expert, so that night at the hotel, I made a list of the criteria that Dr. Temple Grandin had given me in a phone interview. Grandin is a universally respected animal-welfare expert whose opinions are esteemed by groups as radically far apart as McDonald's and PETA. Grandin cautioned that she hadn't been to a foie gras farm herself, but she *would* say that "ducks and geese will do a certain amount of gorging-that's natural." She explained that the birds prepare for migration by storing fat in their livers and beneath their skin. "An enlarged liver is not necessarily sick, but it's a matter of how far you push it. Are you overloading the birds' biology to the point where it falls apart? Is the duck so big and distorted that it can hardly walk?" She mentioned that birds do not have a gag reflex as humans do, but that the handlers must be careful not to hurt the birds' esophagi with the feeding tube.

Check for bright eyes, clean feathers, foot conditions, and the level of the smell of ammonia in the barn, she said. The birds won't be hungry, so they wouldn't flock to the feeders, but I should watch to see if they tolerate the feeding or try to get away. And if they do show aversion, I should try to figure out if it's because they don't want to be handled or don't want to be fed.

Both Grandin and Cheever agreed that it was important that I see the ducks in the later stages of force-feeding-if any ducks were sick, it would be these. But Cheever was convinced that the farm wouldn't show me those birds.

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**The next morning**, I drove down the narrow road surrounded on either side with fields blanketed in snow and lit by a yellow moon about to set. The farm was at the end of the road, made up of long, low buildings constructed of lumber and corrugated steel. The structures looked out of date, having been built in the 1950s, but Izzy Yanay, the Israeli-born owner of the farm, said he's unable to put money into improvements until he's free from legal bills, the result of ongoing lawsuits from the Humane Society.

We met up with Henley and started to look around. The first thing I noticed was the lack of tiny cages. Hudson Valley raises its ducks in free-feeding barns until they're 12 weeks old. After that, the birds are moved to the force-feeding barns, but

instead of being put into individual cages, they're housed in relatively spacious, open-topped group pens about the size of an office cubicle. In fact, none of the four foie gras farms in the United States currently uses the individual cages that have shown up in industrial farms in Canada and France. Hudson Valley's products are certified "cage-free."

Henley then took me to watch the oldest ducks get loaded into a rolling cart bound for the slaughter room. They waddled to the front of their pens and regarded us curiously. The birds that finished their feeding regime yesterday were the ones being loaded up for the big goodbye, while the others, who were on day 21 that day, were being fed.

The room is lined with four rows of pens that run lengthwise down the barn. There were 11 ducks in each four-by-six-foot pen, which are raised about a foot off the ground; wire mesh forms the floors of the pens, so that duck waste can fall through it into the channel beneath. The place smelled funky, and faintly of ammonia, but not overwhelmingly so. So far, the sights could not have been more different from the horrifying images I'd seen on the Internet.

Henley said that he'd been making some changes on the farm with the help of animal-welfare consultants, including Dr. Ericka Voogd (a colleague of Grandin's) and Dr. Tirath Sandhu, an avian scientist who is retired from the Cornell Veterinary School. One of the alterations could be found in the nurseries, our next stop.

This nursery held four-day-old chicks and smelled woody from the fluffy sawdust bedding covering the floor. The flock of yellow babies cheeped and toddled around the warm room. Until recently, the chicks lived on just one level of sawdust, but moisture from their drinking water would drip down into the bedding. At the prompting of the welfare consultants, the farm installed a wire-mesh ramp on one side of the room, leading up to a level wire-mesh floor, where the water nipples are now located. Moisture drips down through the mesh, and the bedding stays dry. Plus, said Henley, "it adds a level of complexity to their environment."

Henley then took us through a door into a similar room, which held nine-week-olds that looked nearly full-grown. The mass of feathers moved as one, scampering away from us as we entered the room. "You have to move slowly, or they'll stampede," Henley told us. We walked slowly out into the center of the room, and it was like parting the sea-but a sea of ducks.

Once the birds hit 12 weeks, they're moved from the growing areas-where they waddle around freely and have windows for natural light-to the group pens, where the 21-day force-feeding begins and the room is lit artificially. (It does seem like a step down in living arrangements.)

We headed back to the buildings where the feeding was taking place. A worker climbed into the pen with a stool and a wooden divider. (Each worker has a group of 320 to 350 ducks that he or she feeds every day during the 21-day regimen; workers whose ducks have low mortality rates and high-quality livers get bonuses.) A tube with a funnel at the top was strung from a wire above, and the worker slid it along into the pen she was about to work in. The birds clustered on one side of the pen, but didn't show nearly as much aversion to humans as the nine-week-olds we had just seen did-the older ducks seemed less alarmed by humans, which is hard to reconcile with if they were being tortured.

The woman sat on the stool, put the wooden divider in the middle of the pen, and reached for the first bird. She positioned the bird's body under her leg, eased the tube down the bird's throat, and poured a cupful of feed into the funnel above. A rotating auger spins in the funnel to make sure all of it goes down the pipe, but the food is delivered by gravity. The birds did not relish being grabbed, but the actual process with the tube didn't seem to bother them much. They sat with the tube down their throat for a very short period of time-about 10 to 15 seconds-without struggling or showing sign of distress. The whole process-pick up, position, feed, and release-took about 30 seconds. I watched the birds closely as they walked away from the feeding. Each waddled calmly away, looking unfazed: no breathing problems, no vomiting, and no trouble walking. Their feathers were fairly clean, and I didn't see any lesions on their feet or bodies.

But these ducks were only on their 12th day of force-feeding, so I asked to see the ducks on their 21st day again-this time, to pay more attention to the details of the feeding. We went back up to the area where we had started from. Some of the cages that were full when we saw them earlier were now half-empty, because some ducks actually go to slaughter earlier than the 22nd day. The feeder feels the base of each duck's esophagus (sometimes called a "pseudo-crop"), where feed is held that has yet to be digested. Birds that haven't digested the last feeding are marked with blue chalk and not fed. If they still haven't digested by the next feeding, they're not fed yet again and are marked with pink chalk and taken with the next batch to be slaughtered.

The birds on their 21st day of feeding appeared very much like the ones at 12 days, but were fatter and had dirtier feathers. The birds are bathed on the second and 10th days of feeding, but Henley said the farm was working with its animal-welfare consultants to find a way to keep the birds' feathers cleaner and thus prevent sores. These birds' reactions to the force-feeding were indistinguishable from those of the 12th-day birds. I looked for the signs that I'd been told would show me that the birds were desperately ill, but these birds, on their 21st day, were not having trouble walking or breathing, they weren't having seizures, and they weren't comatose.

I was at the farm for five hours, all told. I saw thousands of ducks, but not a drop of duck vomit. I didn't see an animal that was having a hard time breathing or walking, or a duck with a bloodied beak or blown-open esophagus. I did see one dead duck. And now I was going to see many more, as I went to the area where they are slaughtered.

Just before they are killed, the birds are hung upside-down (the most common poultry-slaughtering method) and hitched to a moving belt. A breast rub-installed at the suggestion of the animal-welfare consultants-stabilizes the upside-down birds and keeps them calm. Then they're knocked unconscious by a dip in electrified water, and, finally, a man in a yellow rubber suit uses a three-inch knife to make a deep cut in their necks. It all happens very quickly. A stainless-steel tub collects the crimson blood. It's not pleasant, but not as difficult to watch as you might think. And if I can't deal with it, I shouldn't be eating meat.

Soon afterward, I remembered to ask to see the esophagi removed from the slaughtered birds so I could check if they'd been damaged. I was taken past the workers slicing off the garnet breasts and legs and weighing cream-colored livers, and back into the slaughtering room. One worker was slicing off the feet, heads, and necks of the just-plucked ducks and placing those bits into a large garbage bin.

Rick Bishop, Hudson Valley's marketing director, plunged his bare hand into the bin and brought up a floppy, yellowish tube. It was stretchy, smooth, glossy, and thick. He turned part of it inside out, and I looked for abrasions, punctures, and bruises-anything that a layperson could identify as a sign that this esophagus had lived a tortured life. Nothing. I looked at several more esophagi plucked randomly from the bin, and all of them were pale pinkish-yellow and intact-no wounds, no blood, and no bruises or scrapes.

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**After the inspection**, I sat down with Yanay, the owner, in his office. It didn't take much to set him off-animal activists are driving him nuts.

"You say I'm torturing ducks? Well, let's go and see. I invite the whole world to come and see," he said, sounding upset.

So where are the terrible images coming from? Some are from industrial farms in France, where individual cages are common. But Yanay blames bad farm management, not foie gras production itself. "Rats eating ducks?" he said. "You have a rat problem!"

One form of good management, Yanay added, is having each worker responsible for a particular group of ducks. They can track mortality and injuries for each worker-and workers who don't measure up are fired.

Yanay said that his farm is under a microscope, and his legal costs this month were \$50,000. The Humane Society has hit the farm with several unsuccessful lawsuits. The latest one-which the New York Supreme Court dismissed, but is now in appeal-accuses the farm (and the New York State Department of Agriculture) of selling an adulterated food product, because, the plaintiffs say, the livers of force-fed ducks are diseased.

The notion that foie gras is diseased liver is often cited by opponents of the food. Cheever's e-mail to me described how, in the later stages of force-feeding, "air sac and lung volumes are compromised, and they begin to show metabolic illness from liver function impairment."

But Dr. Jaime Ruiz, director of Cornell's duck-research laboratory (and who was at pains to note that he did not support or oppose foie gras production) told me, "The farmers that I know here in New York and France handle the birds carefully, not feeding them above the physiological limits of the birds." He also said that he did not think that force-feeding, done correctly, would cause pain and that he does not consider an enlarged liver to be diseased.

I also called Dr. Sandhu, the retired avian scientist who consults with Hudson Valley Foie Gras on animal welfare. "I have been working with ducks all my life, for 30 years," he said. "[Foie gras] is not a disease. It has been shown by experiments that in birds with fatty livers, if you stop force-feeding, the liver comes back to a normal status." I asked him if the liver in foie gras birds was able to function. "Yes," he said. "It still functions normally and removes toxins. The bird is still standing; it is not sitting down. The weight of the liver is not causing the birds to collapse-they are walking and interacting with other birds."

Animal rights' groups often cite a 1998 report on foie gras from the European Commission's Scientific Committee on Animal Health and Animal Welfare. The 93-page report, though eventually concluding that "force-feeding, as currently practiced, is detrimental to the welfare of birds," is not exactly the slam dunk for animal rights' groups that I had been led to believe.

The report does not propose ending foie gras production, but instead puts forth recommendations for improving the way it's done. In fact, a part of the last section reads, "Since foie gras needs to be produced in order to satisfy the consumers' demand, it is important to produce it in conditions that are acceptable from the welfare viewpoint." The committee's

suggestions include making sure that the liver size isn't causing distress to the animal, properly training all persons in charge of the birds, and banning the use of small, individual cages.

Meanwhile, the debate is not a theoretical problem for Knife + Fork, a small restaurant on the Lower East Side. Chef and owner Damien Brassel serves foie gras from the Hudson Valley farm, and he's convinced that the product is humane. "They go out of their way to show everyone exactly how it's done," he says, and suggests that the protesters go see it for themselves. Instead, the protesters have been outside his restaurant on the weekends, chanting things like, "Damien Brassel: How many geese have you tortured today?" The other night, Brassel went out to offer them some foie gras, which did not amuse them. "I take it personally," he says. "They're standing out there in leather jackets and Ugg boots." But the protesters' efforts are actually causing Brassel to sell more foie gras—customers have been requesting it, and he's added it to his tasting menu.

For now, protesters haven't been showing up outside Brassel's apartment or threatening his customers. But, as Mark Caro recounts in his book *The Foie Gras Wars*, due out in March, these tactics have recently been used by activists in Philadelphia. In one case, the general manager of a restaurant recalled that a protester screamed at a customer, "You should die of cancer!" and another restaurateur recounted that protesters would yell, "We know where you live, and we're gonna get you!" Sometimes, the protesters would actually show up in the neighborhood, or a child would come home saying that someone told her that her father murders ducks.

Why are activists so devoted to this issue? Most of the organizations against foie gras also advocate vegetarianism or veganism. If you generally oppose the manipulation of animals for food, you're going to oppose foie gras all the more, because the production does manipulate the animal more than usual. Manipulation does not necessarily equal abuse, though. But it's manipulation of a different sort that is at work in the videos I watched before my Hudson Valley visit. Those images are not representative of the reality at the nation's largest foie gras farm.

The fact that foie gras is delicious is nice, but it is also besides the point. If hanging puppies by their ears and cutting off their paws produced the most fantastic meat imaginable, I wouldn't eat it and neither would you. Just because we eat animals doesn't mean that we don't draw lines about the welfare of the animals we're going to eat. I support humanely raised (not penned) veal, and I buy cage-free eggs. I don't think it's OK to cut the fin off a shark and throw it back into the water. Personally, I would avoid foie gras from the producers in France and Canada that use individual cages. The fact that some industrial farms elsewhere are making foie gras in inhumane ways doesn't mean that all foie gras production is inhumane. You can buy humanely raised chicken, or you can buy chicken that's had a nasty, brutal life. The same goes for foie gras.

If I had seen with my own eyes that Hudson Valley produced foie gras by abusing ducks, this article would have turned out very differently. But that just wasn't the case.

Testimony for WTL Committee Hearing 3:00 p.m., 2/3/10, SB2170  
Izzy Yanay  
80 Brooks Road  
Ferndale, NY 12734

In 1998 the European Union Committee of Animal Welfare published a report on the welfare aspects of foie gras production ([http://ec.europa.eu/food/fs/sc/scah/out17\\_en.pdf](http://ec.europa.eu/food/fs/sc/scah/out17_en.pdf)). This study is often cited as condemning foie gras production. Actually, it noted a lack of research and understanding of foie gras farming and made specific recommendation for foie gras farmers.

The specific recommendation and my comments are provided below. In summary, we agree that foie gras should be produced humanely. In the United States, all of these recommendations have been followed.

• 8.3.4 The specific recommendations are:

a. No process should be used that results in an increase in liver size such that its function is significantly modified or that it directly or indirectly causes increased mortality, pain, or distress to the animal.

**Our mortality rates are less than commercial chicken farms. New research shows that the animals are not experiencing pain, as evidenced by lack of aversion behavior and lack of chemical indicators of pain response.**

b. No feeding procedure should be used that results in substantial discomfort to the animals, shown by aversion to the feeding procedure or any other indicator of poor welfare in the birds. Automatic feeding devices should not be used unless proved to be safe for the birds.

**You are welcome to observe our birds during the feeding process, as many have, to see these factors.**

c. All persons in charge of birds kept for foie gras production should be properly trained and competent.

**We have an employee training program, code of conduct and measures to ensure proper animal care.**

d. The use of small individual cages for housing these birds should not be permitted. Birds should be kept in social groups and be provided with adequate water and light sufficient for normal behaviour. Birds should be able to stretch their wings, preen themselves normally, walk and show normal social interactions.

**No individual cages are used in the United States. We are certified "cage free" by the USDA.**

e. All flocks should be subject to an official monitoring programme in which morbidity, mortality and other welfare indicators are recorded. Such programmes should include provision for immediate action when problems are detected. Records should be available for external audit.

**This is an important part of our farm.**

f. Research should be carried out as detailed in Chapter 7.

**I will provide a brief discussion of the research carried out since this report following.**

# The past, present and future of force-feeding and “foie gras” production

D. GUÉMÉNÉ<sup>1\*</sup> and G. GUY<sup>2</sup>

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Force-feeding is a very old practice, first recorded in ancient Egypt, but until the 1950's foie gras production remained somewhat limited in volume. Foie gras is currently produced in various countries but approximately 80% of world production and consumption takes place in France.

Geese, which were the most common specie been force-fed until recently, now account for less than 10% of the total world foie gras production. Ducks such as the Muscovy duck (*Cairina moschata*) account for less than 5%, and mule ducks for the rest. Thus, over 35 million mule ducks were force-fed in France in 2001, accounting for nearly 95% of the domestic foie gras production. This increase was made possible by technical progress in specific breeding programmes and force-feeding practice.

However, the future of this production is uncertain, at least in Europe. Indeed, although a number of experimental approaches have shown that there is no scientific evidence that validates such adverse comment, this procedure is highly criticised in terms of animal welfare. The Council of Europe therefore adopted two specific recommendations in 1999 and although its practice is not banned at present, it is limited to the areas where it is already practised and only under specific rearing conditions. Therefore, the question is: will it be still possible to produce foie gras in France or elsewhere in Europe in the future and, if not, where and how will it be produced?

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**Keywords:** foie gras; waterfowl; geese; ducks; production; rearing conditions; legislation

## Introduction

The tradition of force-feeding is very old, probably originating from Egypt; where there is early evidence in paintings. The Greeks and the Romans perpetuated the tradition, later expanded during the Middle Ages by Jewish populations. At present, 80% of the world foie gras production originates from France (CIFOG, 2002), although the genotypes used and the procedure itself have changed. This paper gives a brief historical review of production, describes the present situation and provides a prospective overview.

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World's Poultry Science Journal, Vol. 60, June 2004

Received for publication October 4, 2003

210 Accepted for publication April 12, 2004



**Animal welfare**

Foie gras production is strongly criticised in Europe as it is considered to be detrimental to animal welfare. However, no scientific data is to date available to prove these allegations. In order to evaluate the impact of such practices for birds, a number of scientific investigations have been set up in the major fields of physiology and endocrinology, behaviour and nociception.

**PHYSIOLOGY**

One of the first studies conducted in this area concerned the reversibility of steatosis. Several experiments were carried out (Babilé *et al.*, 1996, 1998; Bénard *et al.*, 1996, 1998) and they indicated that steatosis is fully reversible, after a short period both for geese and mule ducks, even after 3 successive force-feeding periods. Moreover, liver function and histological structure are preserved (Babilé *et al.*, 1996, 1998; Bénard *et al.*, 1996, 1998). Different stress indicators such as changes in corticosterone (Faure *et al.*, 1996, Guémené *et al.*, 1996, 1998a, 2001) have been used to investigate acute and chronic stress related to force-feeding and have reinforced our knowledge regarding duck and goose physiology. It has been reported that neither the first episode of force-feeding nor subsequent episodes induce any significant increase in plasma corticosterone levels when ducks are kept in individual cages. On the other hand, significantly higher corticosterone levels were

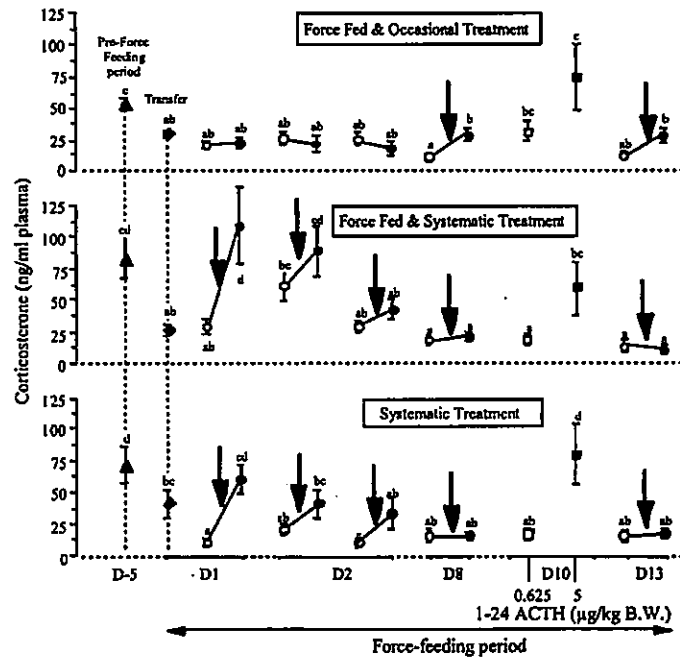


Figure 1 Changes in corticosterone concentrations (ng/ml plasma) in male mule ducks during the rearing period ( $\blacktriangle$ , floor pen), at the time of transfer to individual battery cages ( $\blacklozenge$ ) and during the force-feeding period while being force fed twice daily and/or occasionally (arrows, upper panel) or systematically (2 lowest panels) tightly constrained in a net for 15min [before ( $\circ$ ) and 15min after constraint ( $\bullet$ )], or 10min after injection of ACTH at doses of 0.625 ( $\square$ ) or 5 $\mu$ g/kg B.W. ( $\blacksquare$ ). (Mean $\pm$ SEM). a, b, c & d: means for a specific group with different letters differ significantly (P < 0.05).

*Force-feeding and foie gras production: D. Guémené and G. Guy*

measured after handling during the rearing period in birds raised in collective pens. Further experiments have shown that the corticotrope axis was fully functional, and that these ducks were able to secrete corticosterone after a physical stress such as restraint in a net for 15min (Guémené *et al.*, 1998b) (Figure 1).

*Behaviour*

One major criticism based on the excessive amount of food that the birds have to ingest daily during the force-feeding period was counteracted by the observations of geese spontaneously ingesting large amounts of grass or over 3kg of carrots per day. Likewise, spontaneous hyperphagia in ducks has been confirmed in that spontaneous daily intake (up to 750g) has been reported (Guy *et al.*, 1998). The behavioural responses of geese and ducks previously trained to move from their rearing pen to a feeding pen in order to have access to their food have also been studied. After a training period, half of the birds were fed using a force-feeding procedure, the amount of food ingested being adjusted to the amount spontaneously ingested by control birds. Ducks exhibited only partial avoidance of force-feeding and no sign of aversion was observed in geese (Faure *et al.*, 1998, Guémené *et al.*, 1998b). Moreover, it was observed in a subsequent experiment (Faure *et al.*, 2001) that the flight distance of ducks was greater when faced with an unknown person than with the caretaker, *i.e.* the person who performed the force-feeding procedure. Furthermore, there was no development of aversion to the operator throughout the force-feeding period since the flight distance became shorter with time (Faure *et al.*, 1998, 2001). Lastly, behaviour has been observed in ducks force-fed in different housing systems. No significant changes were observed in duck behaviour throughout the procedure, with the exception of panting behaviour, which increased in frequency by the end of the force-feeding period, the increase being greater for ducks housed in individual cages. This could indicate a defect in the thermoregulatory process. On the other hand, individual cages were not associated with the expression of stereotypy, passive behaviour or any indication of frustration (Faure *et al.*, 2000). Ducks housed in these cages were even found to be more active than those raised in collective cages.

*Nociception*

Animal activists often maintain that this procedure is painful for the birds. Further investigations have been set up to look at potential signs of pain in ducks at different stages of the force-feeding period. These practical situations have been compared to pharmacologically treated ducks in which necrosis of the crop was provoked under anaesthesia by an irritating substance (Servière *et al.*, 2002). Local inflammatory processes resulting in extra-vasation responses, revealed by a specific marker, were very intensive in treated control ducks, but were not observed in force-fed ducks at the beginning or in the middle of the force-feeding period. Nevertheless, slight symptoms were observed in a few ducks by the end of the force-feeding period, probably due to moderate inflammation. In similar experimental conditions, observations of peripheral and central neuronal activation showed indications of pain signalling in the medulla and brains of chemically treated birds, but not in force-fed ducks.

Although there is a need for further investigations in all these areas, the present results do not support criticisms of force-feeding and foie gras production.

**Is there any future?**

"Grammont's Law", passed in France in 1850 at the instigation of the founders of the French Society for Animal Protection (SPA) was one of the first, if not the first, laws

to forbid its production everywhere. However, current and proposed regulations only apply to existing EU State members and/or the EC members who have ratified the convention, whereas due to the WTO agreement trade cannot be prohibited. Current regulation of poultry husbandry practices does not apply to other foreign countries. Such countries could then expand poultry production such as foie gras to a considerable degree, so as to meet market demands in Western European countries. Such a situation would result in unfair competition because products would be imported without the sanitary and welfare warranties applicable to present EU members. If such a situation were to occur then welfare and sanitary problems will not disappear but will be swept under the carpet only to occur elsewhere.

### **Conclusion**

Although they are not involved in the production of foie gras, a number of European state members want to ban it in all European state member countries. Practised for thousands of years, foie gras production can be considered as part of French culture and is of great economic significance. Based on the extra physiological use of a natural fattening phenomenon, foie gras has been recognised as a non-pathological and non-harmful product. Many changes have been made in order to improve both working conditions for the producers and animal welfare. It has been shown that physiological indicators of stress, nociceptive signs and behavioural responses were hardly affected by the force-feeding procedure. Other research programmes are still in progress in various fields such as genetic adaptability of birds, environmental preservation and rearing conditions and they should also contribute to improvements in the overall conditions of foie gras production. Such scientific results and the economic background should be taken into account when new laws and recommendations are established rather than anthropomorphic considerations. However, it is at present rather difficult to anticipate what the overall context of this type of production will be in Europe in the future.

### **Acknowledgements**

The authors thank Doreen Raine for greatly improving the quality of the manuscript.

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Testimony for WTL Committee Hearing 3:00 p.m., 2/3/10, SB2170  
Geoff Cabrera  
117 Rocky Hill Road  
Grahamsville, NY 12740

Activists claim foie gras is "diseased" because of the enlargement. On the contrary, liver enlargement is normal for ducks and geese when food is abundant prior to migration. Through selective breeding, today's foie gras farmers have a better yield than in nature, as is the case in all of agriculture.

I am providing the introduction and conclusion of an extensive scientific study that concludes the liver enlargement is not pathological. Also attached is the opinion of an internationally known liver researcher who has examined foie gras livers and again concludes this is a normal, no pathological process.

Geoff Cabrera

### Contribution to the Study of the Physiology of Ducks during Force-feeding: Study of Hepatic Steatosis Bull. Acad. Vet. France-2006 Tome 159-No. 1.

By Genevieve BENARD<sup>(1)</sup>, Toussaint BENGONE<sup>(1)</sup>, Dieter PREHN<sup>(1)</sup>,  
Suzanne DURAND<sup>(2)</sup>, Charles LABIE<sup>(1)</sup>, Patrick BENARD<sup>(1)</sup>,  
(Report presented on November 24, 2005)

#### SUMMARY :

The objective of this project was to study the morphological and functional changes in force-fed ducks. (*Cairina Moschata x Anas platyrhynchos*), subjected to three cycles of two weeks of force-feeding followed by four weeks of alimentary rest.

It is proven that following a period of force-feeding, the hepatomegaly obtained is expressed by a decrease in the clearance capacity. If these animals have free access to food, the entire morphological, chemical and biochemical parameters, as well as the BSP test parameters, are in the same order of size as those measurements of the control animals.

The animals tolerate three consecutive cycles of force-feeding/rest well, since they do not present any signs of pathological manifestation and since the entirety of the parameters measured or calculated are not statistically different from those observed or measured from the control animals of the same age. Also, when the force-feeding is conducted following professional standards, under a artisan's working conditions, the steatosis induced is reversible; therefore it is possible, on the clinical scale, to have acceptable defining criteria for the conditions of welfare of the animals being bred.

**Keywords:** duck, force-feeding, foie gras, hepatic function, bromosulphonethalein (BSP), welfare

#### • Introduction

A very ancient practice, the main goal of the force-feeding of birds was obtaining animals whose flesh was infiltrated with fat; it had evolved toward the middle of the 19<sup>th</sup> century toward the production of foie gras whose gastronomic merits were praised by the Romans and to which references have been found starting from the 15<sup>th</sup> century.

The evolution of society's awareness, particularly on the subject of animal welfare and protection, has led to the establishment of rules in the form of a European directive which, in its main lines, bans the force-feeding of animals. The section entitled "animal welfare" of the Committee of Veterinary Science has performed a review of the scientific data available, in relation to the force-feeding of web-footed creatures and their welfare (X, 1996). Based on this review, the permanent committee of the European convention for the protection of animals on ranches has sent out a plan of recommendations concerning the Barbary ducks and the hybrids of Barbary ducks and the domestic ducks (PERMANENT COMMITTEE, 1999). The text adopted by the permanent committee on June 22, 1999 has provided a supplementary plan, article 24, which stipulates that "the countries authorizing the production of foie gras must encourage studies bearing on the aspects of welfare and research of alternative methods not involving forced feeding. Until new scientific results are obtained on alternative methods and their welfare aspects, the production of foie gras must only be practiced where it already exists, and this only following the standards provided by the national legislation" (X, 1998).

In this context, we have taken the initiative of an experimental program aimed at stating, on the biological plane, the characteristics of hepatocytes at the time of force-feeding, in view of obtaining foie gras.

- **CONCLUSION**

**The act of subjecting the ducks to three cycles of 2 weeks of force-feeding, then 4 weeks of return to free feeding, has allowed us to show that under these conditions, the animals do not die and do not show any clinical signs of pathological problems. The hepatic steatosis through force-feeding, reversible is similar to the physiological steatosis observed with birds at the time of adaptation to certain stages of life, such as the start of egg-laying and migrations (PILO and GEORGE, 1983). Also, one can conclude that force-feeding, when it is conducted following the professional artisan standardized criteria, it does not cause any suffering; consequently, such conditions allow us to ensure acceptable conditions of welfare of waterfowl.**



*The DIGESTIVE HEALTH CENTER of EXCELLENCE*  
DIVISION of GASTROENTEROLOGY and HEPATOLOGY



January 26, 2008

Marcus Henley  
HVFG, LLC  
Attn: Marcus  
80 Brooks Road,  
Ferndale, NY 12734

Carl Berg, M.D.  
*Interim Chief*

Steven Cohn, M.D., Ph.D.  
*Interim Director, Digestive  
Health Center of Excellence*

re: Fatty Liver

Dear Mr. Henley

Abdullah Al-Osaini, M.D.

Curt K. Argo, M.D.

Brian W. Behm, M.D.

Stephen J. Bickston, M.D.

Stephen H. Caldwell, M.D.

Fabio Cominelli, M.D., Ph.D.

Sheila E. Crowe, M.D.

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Michel Kahaleh, M.D.

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Theresa T. Pizarro, Ph.D.

Steven M. Powell, M.D.

Brian K. Reuter, Ph.D.

James K. Roche, M.D.

William G. Ross, M.A.

Vanessa M. Shami, M.D.

Alda Vidrich, Ph.D.

Paul Yeaton, M.D.

Andrew Wang, M.D.

I am writing in response to your inquiry regarding the nature of fatty liver in palmipedes such as geese and ducks. I have been actively researching fatty liver in humans and in animals for the past 15-20 years, and I am an internationally known expert on the subject. I have published many of my studies in highly ranked and peer-reviewed journals, and I have been invited to speak on this topic at conferences worldwide. Although my work centers on humans, I have personally studied fatty liver in palmipedes and am very qualified to address your inquiry. I have attached my CV for your review.

First, it should be noted that cyclical fatty liver is commonly observed in nature. Thus, it can hardly be called a disease state in and of itself. It is a normal ability although it serves a purpose and it is not evenly distributed among species. It has been observed in rutting deer and certain non-hibernating cold weather mammals. The ability to store fat in the liver can be considered as an adaptive mechanism to feast and famine conditions. In palmipedes, it appears to be a natural pre-migration process similar to concepts inherent to the thrifty genome hypothesis of energy management. In other words, prior to long migrations, the animal turns on certain pathways which facilitate storage of fat for energy needs – the liver is a crucial depot for this process. We have hypothesized that the ethnic variation noted in human fatty liver results from similar eons old adaptive processes.

The ancient practice (millennia old – see below) of foie gras farming takes advantage of this natural cycle by feeding excessive carbohydrates to the geese or ducks. Thus certain geese have this ability and certain others with presumably less migratory patterns do not.

I have personally examined the histology of fatty duck liver at 12 days and 18 days of carbohydrate loading by both standard light microscopy and electron microscopy. There is no 'disease'. The liver in this situation contains abundant triglyceride stores but the histology is consistent with simple steatosis (fatty liver) indicating long term stability, reversibility and an absence of NASH or non-alcoholic steatohepatitis (evidence of cell injury). The latter condition, NASH or nonalcoholic steatohepatitis, is in humans associated with a risk for cirrhosis and shortened lifespan. However, the former, simple steatosis, as seen in the palmipedes, is not. This course has been recently confirmed in human natural

history studies showing that simple steatosis (or steatosis without fibrosis or cellular ballooning, precursors to cirrhosis) is associated with longevity (***Ekstedt et al Hepatology 2006;44:865***). This severe pattern is not seen in the palmipedes. Thus simple steatosis in palmipedes is more characteristic of normal longevity.

Is fatty liver in and of itself a disease state? As noted above, human data indicates that simple steatosis is stable, associated with normal longevity and not associated with progression to cirrhosis. Since the word 'disease' implies some sort of apparent shortening of life or obvious dysfunction, I would have to answer 'no' – it is not a disease state. Is there impairment? I have seen the carbohydrate loaded ducks at 12 and 18 days and I can say from personal observation that no impairment was evident to me. I am not a veterinarian but I am a very experienced physician and I can say with confidence that I could not detect any impairment. Aside from twice per day tube feeding which lasted all of 1 minute each, the animals were running around in an open pen.

Energy management involves the triad of metabolic cross talk between the liver, skeletal muscle and adipose tissue. These three key organs are integrated through the activity of pro- and anti-glycemic hormones. It should be noted that prized beef such as Kobi and Angus is 'marbleized' meat indicating an increased fat level that results from changes in their dietary intake and regulatory hormones aimed at increasing their muscle fat. These common sources of beef are obviously not considered diseased. I have attached references and an abstract (see below) regarding the effects of diet on these common sources of beef and the effects of diet on muscle fat and mitochondria.

The idea that fatty liver in the palmipede constitutes a diseased state strikes me as a quasi-religious belief rather than a scientific fact. One might also ban marbleized meats such as Kobi or Angus beef, bacon and even cod liver oil which also derives from the liver's well known ability to store fat. The health effects of consuming this traditional and ancient type of food is no better or worse than that associated with eating any sort of fatty meat.

I hope these comments are helpful. I will be glad to speak to anyone who would like to present a contrasting opinion. Please see also the comment below.

Best regards,

Stephen Caldwell, MD  
Director of Hepatology  
University of Virginia  
Charlottesville, VA

PS: As you know, perhaps better than I, foie gras farming is thousands of years old, dating back to ancient Egypt. It is of interest that the actual word for 'liver' in Latin-based languages (fegato, figado, higado) and ancient Greek (sykoti) derive from the Roman and Greek terms for fattened liver which results from feeding animals an over abundance of figs (carbohydrate). Below, I have attached an excerpt from a recent essay:

Belying the long history of foie gras in human culture, both the Latin term for liver '*ficatum*' and the lay Greek term '*sykoti*' are derived from the name for fattened animal livers, *iecur ficatum* in Latin and *hepar*

*sykoton* in Greek. Both phrases describe animal liver fattened with figs ('*fico*' in Latin and '*syko*' in Greek) which imparted an especially popular flavor to the liver. The dish was so popular that the adjective or actually the past participle (*ficatum* or *sykoton*) eventually evolved into a noun – the Greek adjective becoming a common term for 'liver' – *sykoti* in Greek- and the Latin term which became the root for 'fegato' in Italian, 'figado' in Portuguese and 'higado' in Spanish.

## References:

1. please see *Ekstedt et al Hepatology 2006;44:865* and my attached CV for my publications

2. **Juria C et al Adipocyte fatty acid-binding protein and mitochondrial enzyme activities in muscles as relevant indicators of marbling in cattle.** *J Anim Sci* 2007 Oct;**85(10):2660-9.**

Marbling is an important criterion for beef quality grading in many countries. The purpose of the current study was to utilize the natural genetic variation to identify major metabolic indicators of marbling in cattle differing in genotypes. Rectus abdominis (RA, oxidative), semitendinosus (glycolytic), and longissimus thoracis (LT, oxido-glycolytic) muscles were taken from steers of different genotypes that expressed high [Angus, n = 16; and crossbred (Angus x Japanese Black), n = 10] or low (Limousin, n = 12) levels of marbling in their meat. Muscles from Angus and crossbred steers were characterized, as expected, by a greater triacylglycerol (TAG) content ( $P < 0.001$ ) and also by greater protein contents of fatty acid-binding protein specific for heart and muscles (H-FABP;  $P < 0.001$  for RA and  $P < 0.05$  for LT muscle) or for adipocytes (A-FABP;  $P < 0.001$  for RA and LT muscles). Moreover, oxidative enzyme activities (beta-hydroxyacyl-CoA dehydrogenase, citrate synthase, isocitrate dehydrogenase, cytochrome-c oxidase) were greater ( $P < 0.01$  to  $0.001$ ) in the 3 muscles studied, whereas glycolytic enzyme activities (phosphofructokinase and lactate dehydrogenase) were lower ( $P < 0.001$ ) in RA muscle in Angus and crossbred steers compared with Limousin steers. Significant correlations were observed between TAG content and H- and A-FABP protein contents, and oxidative ( $r > \text{or} = +0.55$ ,  $P < 0.001$ ) or glycolytic enzyme activities ( $r > \text{or} = -0.47$ ,  $P < 0.001$ ), when the 3 genotypes and muscles studied were considered as a whole. In addition, A-FABP protein content and some oxidative enzyme activities were significantly correlated with TAG content independently of the genotype and muscle effects. In conclusion, A-FABP protein content, as well as oxidative enzyme activities, may be used as indicators of the ability of steers from extreme genotypes to deposit intramuscular fat.

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4. **Nelson ML et al. Effects of supplemental fat on growth performance and quality of beef from steers fed corn finishing diets.** *J Anim Sci* 2008 Jan 11



Testimony for WTL Committee Hearing 3:00 p.m., 2/3/10, SB2170  
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Edible Hudson Valley, Winter Edition 2010  
<http://www.ediblecommunities.com/udsonvalley/winter-2010/food-for-thought.htm>

## FOOD FOR THOUGHT



taboo & delicacy  
*The Ethics and Ethos of Foie Gras*  
by lisa m. dellwo & photography by jennifer may

I love to eat foie gras. So much so that once, at Four Square restaurant in Durham, NC, I went a little crazy and ordered a second round of foie gras instead of dessert.

So when I was asked to write about foie gras for Edible Hudson Valley, I initially demurred. "I like foie gras," I told my editor, knowing that he would want me to explore the animal welfare issues that make the delicacy such a controversial food choice.

When he explained that liking foie gras didn't necessarily disqualify me from writing the piece, I still resisted. Frankly, I wasn't sure I had the stomach for what I'd find out.

Which made me feel small. Which meant I had to take the assignment.

For the uninitiated, foie gras—literally “fat liver” in French—is produced when ducks or geese are fed through a funnel in a process called gavage, or force-feeding. The process, which dates back to ancient Egypt and which artificially mimics the dietary habits of migratory geese, produces an oversized liver that is less dense and gamy and more buttery and delicate than a typical liver. Foie gras is typically used to make terrines, served cold, or it is sliced, seared over high heat and often served with fruit-based accompaniments that complement the liver’s flavor and texture.

It’s rich, delicious and expensive—a cholesterol extravaganza that I’d normally limit myself to once or twice a year (the temporary insanity of that dessert episode notwithstanding).

It is also a gastronomic hot potato. Not only animal rights activists but also garden-variety carnivores are repelled by the concept of force-fed ducks. Some cities and states have explored banning the sale or production of foie gras, largely because of the apparent cruelty of the gavage process. So before I even began researching this article, I became familiar with “the look”—the one friends would give me when I told them about the assignment. “The look” was usually accompanied by “You’re going to be against it, right?”

That’s exactly what I needed to find out. I had a pile of research to read, but I also had the advantage of proximity: one of the nation’s four foie gras producers is a mere two hours’ drive away from me. I e-mailed Hudson Valley Foie Gras, knowing from my reading that the company allowed media to tour the facility, but expecting to be put off for days. Instead, less than 48 hours after my initial contact, operations manager Marcus Henley greeted me as I pulled into the 160-acre farm in Sullivan County.

Henley is a longtime poultry farmer whose soft Arkansas accent has survived years of working in the Northeast. He has the wary look and guarded speech of someone who has verbally fenced with opponents. I’d given him little reason to surmise whether I was pro, con or neutral. And yet, he was willing to show me every stage of production, including gavage and slaughter. “We have an open farm,” he maintained.

We had timed my visit to coincide with the afternoon feeding of the ducks but—at my choice—not the morning slaughter. As Henley told me later, “Force feeding is the point of coming here.”

It was definitely the point, but we wouldn’t go there right away. First, he walked me into a meager office suite adjoining the slaughter facility, which was being sanitized after the morning’s activities. The wood-paneled hallway was covered with framed menus from top restaurants, many of them signed by the chefs. Presumably they all featured foie gras.

There, in a cardboard box, were some duckling youngsters: 50 newborn Moulard ducks, yellow, fluffy and adorable, who had been hatched at a neighboring farm owned by the company. They are “sexed” (separated by gender) soon after hatching, and the females, who apparently do not produce wonderful foie gras, are sent to farmers in Trinidad, where the strong flavor of the Moulard hybrid is appreciated. (Some foie gras farms euthanize the female ducks soon after birth—this one does not.)

The youngest ducks are housed together in massive barns with large windows to let in the sunlight. When Henley arrived at the farm in 2001, they were kept outside in paddocks. He tried them in open fields so that they would be true free-range birds, but he found it difficult to control predation and sanitary conditions. So the ducks are in facilities that can be thoroughly sanitized between production cycles, and the loss to predators like hawks and weasels is minimized.

In one barn housing older birds that were still eating a normal diet, Henley demonstrated by walking among them that the ducks develop an aversion to humans. It was clear from the way they massed away from him that this was true. It was also pretty clear that he was carefully preparing me for what I might see later.

Finally, we reached the force-feeding barn, to which the birds are transferred at about 12 weeks old. After adjusting my eyes to the dim light in this chilly barn, I saw rows of knee-high enclosures, each about the size of a restaurant booth, and each with about 10 mature ducks within. Like all of the other barns, it smelled funky—about like any other barnyard I’d visited, but not nauseating or ammoniac, which would have meant sanitary conditions weren’t up to par.

Throughout the tour, Henley had peppered the conversation with bits of duck lore and anatomical explanations. For

instance, ducks in the wild need to find and consume food quickly and then get back under cover, away from predators. So they have a crop at the base of their necks, a pouch that can hold up to a liter of food to be digested later. For instance, the esophagus lining of a duck is more hardened than that of a human, so that it can withstand the swallowing of a whole fish. For instance, the entrance to a duck's trachea is not shared with the esophagus, so the funnel is not cutting off the duck's airway.

The message was clear: ducks are different physiologically from humans, and I shouldn't anthropomorphize when I see the gavage: I shouldn't imagine that they can't breathe, that their throats are being torn up and that they're being fed more than they can handle. Those are all concerns that are expressed by almost anyone with an imagination who has heard about gavage.

I was ready. Apprehensive, but ready.

We walked about halfway up an aisle to a pen where a young woman was perched on a low stool. She nodded a greeting and then firmly scooped up one duck and planted it between her knees. With one hand, she positioned a funnel into the duck's long throat; with the other, she felt the crop at the base of the neck. If it was full, it meant the duck hadn't digested its previous meal and would not be fed this time. Then she took a measure of dry grain from a bucket and dropped it into the funnel, where it entered the duck's crop with an assist from a small electric-powered auger that keeps the funnel from clogging. She pulled the funnel out, released the duck to the other side of the pen, and reached for the next duck.

"Is that it?" I thought. It was pretty anticlimactic. We watched a few more ducks being fed, and here's what I noticed: The ducks were handled firmly and matter-of-factly. It wasn't the kind of gentleness with which you'd treat a pet, but it wasn't overtly rough or violent. Force wasn't involved, in either the capture or the feeding. Some of the ducks flapped around and squawked a bit before or after being fed, for a few seconds. None of them vomited. Nor did any of them go running up to the feeder asking for seconds.

We went further down the aisle, where Henley said we'd see ducks who were at the end of the process. Typically at Hudson Valley Foie Gras, that point arrives at 21 days. It used to be 28 days, but the cycle was reduced at the advice of an animal welfare specialist concerned about the impact of the longer period on the duck's mobility and foot health. Stopping at another feeding station, Henley pointed out that these ducks were significantly bigger.

"Veinte días?" he asked the feeder.

"Veinte," she responded.

These ducks had been force-fed for 20 days. At that stage, it is critically important for the worker to feel the duck's crop; any who have stopped digesting food are taken for slaughter, even if they haven't spent the full 21 days in gavage. The 20-day ducks were bigger and somewhat grimmer—they are washed several times during the process but not during the last 10 days. Their reaction to the gavage was about the same as that of the younger ducks—they didn't come running to be fed, but they didn't appear to fear it either.

The last thing I saw was birds on their first day of gavage. This is what Henley had been preparing me for when he talked of the aversion adult ducks develop to humans. He warned me that it is on the first day that the ducks experience the most stress, because they have not been handled by humans.

We watched. These ducks may have seemed a bit more flustered, but not much.

I drove away from the farm feeling pretty comfortable with what I'd seen. These were farm animals, no doubt—not someone's pets or hobby ducks. But I'm not an animal welfare specialist. So I called one. Dr. Temple Grandin, the noted author of *Animals Make Us Human*, and whose work in this field has made her the go-to person for people with questions like mine.

Grandin was surprisingly accessible, and listened patiently while I described what I'd seen a few days earlier. "It wasn't upsetting," I told her. "But I'm not an expert."

That was all right, she told me. "How the public would react is part of the equation," she said. It's the wedding guest

philosophy, or the airplane approach, she explained: If you took 10 people out of a wedding reception or off an airplane at La Guardia—in other words, a randomly selected population—and showed them a farming operation, it's a good test of whether it's cruel. She takes regular people to cattle slaughter operations for the purpose of seeing their reaction. "If it makes them puke," then you have a problem, she said.

Moreover, it was acceptable to her that I'd been given the tour in a relatively calculated fashion, with a series of benign visits leading up to the gavage. She does the same with her cattle slaughter tours, preparing people for what they're going to see.

At that point, I was feeling pretty comfortable with foie gras.

But not so fast.

Grandin told me that she will not eat foie gras, even though she is a meat eater. She has sufficient reservations about the process, and whether the 21-day gavage "pushes the biology" of the duck—that is, whether it is inducing a metabolic disorder and whether there is a large die-off of ducks toward the end of their lives.

According to Henley, the death rate of ducks at the farm is about five percent, about the same as you'd find in a commercial chicken operation, although the chickens are slaughtered at just seven weeks.

The question of whether the foie gras liver is diseased is one of the tenets upon which the animal welfare groups pin their objections to the product. A news article in the Journal of the American Veterinary Medical Association described a site visit by several veterinarians to Hudson Valley Foie Gras. As a result of the site visit, the association declined to pass two pending resolutions opposing foie gras productions. (The AVMA is one of a long list of organizations and government bodies who declined to enact foie gras bans after sending representatives to visit Hudson Valley Foie Gras.) However, one of the visiting veterinarians, although he thought the birds were well cared for, said that the process induced liver disease.

Ugh. Liver disease. But like every issue surrounding foie gras, it's not that simple. For every doctor who says the foie gras is essentially a diseased liver, you can probably find two others who say it is not. Henley showed me a letter from Stephen H. Caldwell, MD, a liver specialist at the University of Virginia who had examined fatty duck liver at 18 days and wrote, "There is no disease." Storing fat in the liver and thereby enlarging it, he pointed out, is an adaptive mechanism of birds preparing for long migrations.

That mechanism, in fact, is the basis for a fascinating new development in the world of foie gras. In Spain, a farmer named Eduardo Sousa has come up with what the BBC called "the holy grail of foie gras"—fatty liver produced without force feeding. His approach is to take advantage of the natural habit of wild geese (he uses geese, not ducks) to stuff themselves in advance of migration, storing lipids in ever-growing livers much as the force-fed ducks do. His product has produced a certain level of controversy—winning an award for excellent foie gras from a French culinary organization while being termed not foie gras by some gastronomes. But it is generating excitement from chefs and others who want to enjoy gavage-free foie gras. Perhaps one day in the Hudson Valley, we will have that opportunity. As Time magazine reported this summer, chef Dan Barber of Westchester's Blue Hill at Stone Barns has asked the resident farmers at Stone Barns to experiment with Sousa's techniques. The much anticipated results of this experiment are still in the waiting.

The title of the Time article was "Can Ethical Foie Gras Happen in America?" (August 12, 2009), which implies that it isn't happening in this country at all. I don't think that's true. I watched ducks being treated with care throughout my visit to Hudson Valley Foie

Gras. They are force-feeding 12,000 ducks at a time (a number that astounded me—a lot of people are eating foie gras and the other products like duck leg confit produced at the farm), and I met a lot of those ducks. If what I saw was an elaborate front for a crueler shadow operation, they were spending an absurd amount of time and money on putting on a show.

In addition to talking to Temple Grandin, I had a conversation with Erika Voogd, an animal welfare specialist who has consulted with Hudson Valley Foie Gras over the past several years. It was on her recommendation that the force-feeding was reduced from 28 to 21 days. She also made recommendations regarding "humane harvest"—her term for slaughter—that she says the farm has implemented. During each of her visits, including an unannounced one last

summer, she was convinced that an operation that appeared in general to be humane was becoming more and more so. “If you’re going to do this,” she said, “They’ve tried hard to put in place a system that’s as noninvasive as possible.”

If you’re going to do this. It comes down to that. In one of my many recent conversations with friends about whether foie gras production was cruel, one of them finally said, “But foie gras is unnecessary.” Of course it is. It’s unnecessary in the way that fine Bordeaux is, or even bacon and eggs for breakfast. We don’t need it to survive. But if you believe that we join together at the table for pleasure as well as sustenance, then who defines what is unnecessary? It’s truly an individual choice.

Just before I sat down to write this article, I watched a video on YouTube that has been used by animal welfare groups who oppose foie gras. It was a sort of snuff film that I’d read about in Mark Caro’s sensible book *The Foie Gras Wars* (which I recommend if you want to read more deeply into this subject). It had been shot, presumably with a hidden camera, by a worker at a Canadian foie gras facility. The mistreatment of ducks as shown on that video was repugnant, and I can understand why someone watching it would oppose foie gras.

But what was on that video bore no resemblance to what I saw at Hudson Valley Foie Gras. Obviously, you could argue that my four-hour visit wasn’t long enough to uncover abuse. But the company has made a point of opening its doors to visitors—from the media, from activist groups, from restaurant kitchens, from veterinary associations, from the public. As chef John Novi of Depuy Canal House told me, if the operations at Hudson Valley Foie Gras were inhumane, “They would have been exposed after all these years.”

About halfway through the reporting for this article, I told my editor that the ethical issue was a non-story as far as I was concerned. I wanted to write about the food. I visited the Culinary Institute of America, where an international competition of young chefs featured foie gras from the Hudson Valley. I talked about different preparations with a couple of chefs—including Novi from Depuy Canal House, who hasn’t eaten foie gras in years for health reasons but who always has it on his menu, and Shane Ingram, from the restaurant in Durham where I ate foie gras for dessert. He’d visited Sonoma County Foie Gras years ago and felt comfortable with what he saw. That operation will be effectively out of business in a few years when California’s 2012 ban on foie gras production takes place.

Moving through the evolution of this story, I became convinced that the ethical issue was, after all, the story. If you don’t eat meat, fine. If you don’t want to eat liver (Dad!), fine. If you object to foie gras on humanitarian grounds, you should know that the sensationalist charges by activists do not always play out in reality. Educate yourself about the process. (Once again, I recommend Caro’s *The Foie Gras Wars*). You may still find that you’re uncomfortable with the product.

If you do like foie gras and want to continue eating it, you have a responsibility to know exactly how it comes to your table, and you should know that some farms outside of the country are not nearly as attentive to the animals’ well-being as the farm I observed. (Temple Grandin told me that if foie gras production were to be banned here or in the European Union, it would probably move to Eastern Europe, where “I can assure you [conditions] will be horrible.”)

It comes back to eating locally, knowing your farmer and demanding transparency about sourcing from restaurateurs. I can’t report to you about conditions at other farms, but my own observations and my conversations with animal welfare specialists leave me satisfied that the ducks at Hudson Valley Foie Gras are treated as ethically as possible, given their fate.

**TESTIMONY**

**SB 2170**

**(END)**