

TESTIMONY

SB 2170

LATE

LINDA LINGLE
Governor

LATE TESTIMONY

SANDRA LEE KUNIMOTO
Chairperson, Board of Agriculture

DUANE K. OKAMOTO
Deputy to the Chairperson



State of Hawaii
DEPARTMENT OF AGRICULTURE
1428 South King Street
Honolulu, Hawaii 96814-2512

TESTIMONY OF SANDRA LEE KUNIMOTO CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE COMMITTEE ON
WATER, LAND, AGRICULTURE, AND HAWAIIAN AFFAIRS
WEDNESDAY, FEBRUARY 3, 2010
3:00 P.M.
CONFERENCE ROOM 229

SENATE BILL NO. 2170
RELATING TO FORCE FEEDING

Chairperson Hee and Members of the Committee:

Thank you for the opportunity to testify on Senate Bill No. 2170. The purpose of this bill is to prohibit the sale and distribution of foie gras produced using the method of force feeding.

The Hawaii Department of Agriculture (HDOA) opposes this measure and finds that the practice of feeding ducks and geese for the production of foie gras, although not without controversy, remains a legal agriculture practice in the U.S. In addition, HDOA is not aware of any such production in Hawaii. As all of the producers of foie gras are located outside of Hawaii, it would be difficult and expensive to prove in court that force feeding was used to produce the foie gras that was sold or distributed in Hawaii.

Finally, Senate Bill No. 2170 requires new enforcement activities by the Department that now has a much reduced number of personnel and other resources.

LATE TESTIMONY

Testimony of Vicky Cayetano in Support of S.B. No. 2170, Relating to Foie Feeding

February 3, 2010

My name is Vicky Cayetano and I am testifying as an individual in support of this measure. I have always been an advocate for laws that prohibit acts that I consider cruelty to animals. As set out in the preamble of this bill in Section 1, it has been a practice to force feed geese or ducks in order to fatten their liver. One method of force feeding is where a metal tube or pipe is inserted into the bird's throat and the food "forced" into the bird. As you will see, it is a very cruel and painful method.

It should be noted that California adopted a ban on the production and sale of foie gras that is produced using the force feeding method. The ban takes effect in 2012.

This bill would prohibit the sale or distribution in Hawaii if a product, such as foie gras, is the result of force feeding a bird to enlarge its liver. It also creates a fine for a violation of this law.

I ask that this committee take notice of the cruelty involved in force feeding these birds and pass this measure forward.

Thank you for the opportunity to testify on this bill.



Hawaii Farm Bureau

F E D E R A T I O N

2343 Rose Street, Honolulu, HI 96819

Phone: (808) 848-2074; Neighbor Islands: 1-800-482-1272

Fax: (808) 848-1921; e-mail: info@hfbf.org

LATE FEEDING

TESTIMONY

Re: SB2170 RELATING TO FORCE FEEDING

Chair Hee and Members of the Committee:

Hawaii Farm Bureau Federation on behalf of our farm and ranch families and organizations opposes SB2170, prohibiting the sale and distribution of fois gras in the State.

Hawaii does not produce fois gras. Most of the fois gras consumed in the islands is from New York. Fois gras in the United States is not produced using forced feeding practices. Therefore, forced feeding issues is not relevant to fois gras in Hawaii.

There are many critics of animal agriculture. We see this measure as a footstep into limiting practices in animal agriculture. Our ranchers work hard in taking care of animals using good animal husbandry practices. At the same time, there are those within society who want to impose their standards on the industry. This is not right.

We respectfully request that this Bill be held. It is important that policymakers recognize responsible management practices by the livestock industry and deferral of this bill will represent such a message. Thank you.

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

LATE FEBRUARY

All About Foie Gras

Foie Gras Tours

I am a foie gras farmer. Because foie gras has been called into question, our farm has taken Temple Grandin's advice. We have glass walls. We give two or three tours a week to interested students, chefs, legislators, veterinarians and the media. In legal language, we have an argument for our judges: the farm speaks for itself.

If you are going to decide on an issue such as this, someone making the decisions should have direct experience. This is also about hundreds of jobs in America. We agree that if animals are abused, the practice should not continue. But for the sake of our families, if we are to be judged, let us be judged fairly.

Why Are We Talking About Foie Gras?

Which brings us to the question of why this is an issue. If you come to a foie gras farm, you will not have a problem. But, very few people come to foie gras farms. There are only three in the United States. Hey, animal rights folks have to do something with their money. It is very logical to attack the smallest branch of animal agriculture. We have few resources. They have many. People have little experience with foie gras farming. We stick a tube down their throats for God's sake (that's got to hurt) and only rich people eat foie gras so who really cares and it does not affect my state much so what the heck, let's make it illegal. Win for the AR team. Leading to the "a priori" argument.

Hawaii as Representative of the AR Strategy

In 1965 some animal rights people came to the government of Luxembourg and said they did not like this foie gras stuff. They did not ask to prohibit sales. Prohibition on sales is prohibited by the EU Constitution, but that was later. Anyway, the government asked if anyone in Luxembourg would be affected. No. There were no farms. OK, if we give you this, will you go away and leave us alone for awhile? Yes. OK, production of foie gras is illegal in Luxembourg.

This got moved around for some years and several other European countries that did not have foie gras production did the same thing. This built an *a priori* argument. If this country said it is bad, it must be bad. There was never a discussion of the facts. Who cared? Even the French foie gras farmers did not care. They could still sell their products in those countries and potential competitors were eliminated. The language of the Hawaii bill makes that argument. California did it so it must be bad.

In California the only foie gras farmer questioned was Sonoma Farms. They were going out of business because of legal challenges (California law was later changed to prevent this type of lawsuits against animal agriculture). Sonoma agreed to the deal if they were allowed to continue the farm until the retirement age of the operators and be shielded from legal action. Read the bill. There was never a presentation of the facts from the foie gras side.

With the exception of New York, foie gras legislation has been put forward in places that have no foie gras farming and usually not much sales, like Hawaii. In New York, we have been investigated by the local district attorney, the ASPCA, and several governors. A ban foie gras bill has been in the legislature for almost 20 years. New York knows better because the issue has been investigated.

Hawaii is the perfect opportunity to build on the California *a priori* argument. Some constituents ask for this. You look around and ask if this affects your state. The answer is, not much, though Chefs Roy Yamaguchi and Alan Wong may differ. We can do this symbolic thing and nobody is hurt in your state. Which will then be the reason for bans in the next state.

Isn't It Cruel?

We have provided other testimony, including research and decisions of the American Veterinary Medical Society which says that it is not detrimental to the animals.

When I give tours, I start off in the office, giving someone in the group a feeding tube and asking them to insert in their throat. They look at me in horror. Of course they do. It would hurt. But ducks are not people.

Ducks have no teeth. They eat live fish and rough grasses. Crustaceans. If we do that, please call 911. They eat rocks, to lodge in the gizzard to assist in grinding their food. The esophagus of a duck is lined with a very different material than our throat. It

LATE TESTIMONY

The right to eat!

As I am writing this article, Hawaii senate is proposing a Bill for an Act about prohibiting the distribution or sales of Foie Gras in Hawaii it would cost \$10,000 of fine per offence.

Let check the history of foie gras:

The technique of gavage dates as far back as 2500 BC, when the ancient Egyptians began keeping birds for food and deliberately fattened the birds through force-feeding.

Roman gastronome Marcus Gavius Apicius, with feeding dried figs to geese in order to enlarge their livers.

I would love to invite you to a tour of some duck and goose farm in France and you would understand that this animal are free to go in the field do not show any sign of abuse.

What about our chicken raise in box who never see the daylight?

What about all of the chemical and process food that we are allowing people to consume?

What about the fast food chain who are force feeding people to get them Obese?

I am amazed that some legislature is spending time on this small subject has it ok for larger US Company to manipulated the food chain. Read this book "the Omnivore Dilemma"

At the end I think we should be able to choose what ever we want to feed our body!

Hawaii should be an example to the Nation on sustainable farming and quality. We need to focus what in more important for our state.

Always cook with Aloha, Chef Eric

LATE TESTIMONY

From: Nai'a [naiawailea@maui-maven.com]
Sent: Tuesday, February 02, 2010 5:47 PM
To: WTL Testimony
Cc: Sen. Roz Baker; Sen. Shan Tsutsui; Sen. J. Kalani English
Subject: support SB 2170

To: Committee on Water, Land, Agriculture and Hawaiian Affairs,
Senator Clayton Hee, Chair; Senator Jill Tokuda, Vice Chair
Members Bunda, Fukunaga, Kokubun, Takamine and Hemmings

Aloha kakou--

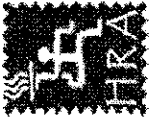
I support S.B. 2170, which will prohibit the sale of foie gras in the state of Hawai`i. I lived in France for many years and am all too familiar with the methods used to make this product. If any of you have ever had a beloved pet, picture this: she is restrained in a small box, with only her head emerging. A large, hard tube is forced down her throat, through which, she is force-fed corn until she nearly bursts. The torture is continued several times daily, until her liver becomes distended with fat globules. Then, she is slaughtered and her diseased liver is ground and served as a delicacy!

As a direct result of my solo campaign, several years ago, foie gras is no longer served in many of Maui's best restaurants. It has also been prohibited in NYC, Chicago and five CA jurisdictions.

If Hawai`i wants to maintain its reputation of aloha and provide true respect for all life, we must outlaw this barbaric product. Please vote in support of SB 2170; mahalo.

Nadine Newlight
67 Kainehe Place
Wailea 96753-6506
808-573-7730

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LATEL HAWAII RESTAURANT ASSOCIATION

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 hra@hawaiirestaurants.org

February 2, 2010

Testimony in Opposition to SB 2170 – WTL – 2/3/10, 3:00 p.m., Rm. 229

Chair Hee, Vice Chair Tokuda, and Members of the Committee:

The Hawaii Restaurant Association (HRA) respectfully opposes SB 2170 that seeks to prohibit the sale and distribution of foie gras produced using the method of force feeding.

First, the HRA has found flaws in the premise that foie gras production necessarily entails cruelty to animals. Most farms that produce foie gras, a largely high-end product, are artisan farms that go to great lengths to minimize distress to their birds in the feeding process. Many farms have condemned the inhumane treatment of animals.

The livers of geese and ducks naturally enlarge to store fat, which keeps them alive, in preparation for long flights as they migrate. The ability of these animals to store excess fat in their livers is naturally occurring for these migrating waterfowl. Careful, gentle handling of geese and ducks is absolutely essential. These waterfowl simply do not support mistreatment or they die. In proper foie gras farms, mortality rates are about 1 percent, the same as in nature.

Second, this bill does not involve the health and safety of citizens consuming foie gras. Instead, proponents of this bill cite animal cruelty as the rationale. Ironically, our society slaughters pigs, chickens, cows, and other animals on a regular basis for food without hesitation. Foie gras poses no inherent danger to consumers. As such, the public should retain the right whether to eat or support this product.

Finally, the restaurant association has had to bear increasing regulation notwithstanding a very weak economy. Unemployment tax increases, new gift card rules, increased taxes on sugar drinks and alcohol, bans trans-fats, requiring recyclable bags, and other measures while well-intentioned increases the cost of doing business. In this difficult economy, consumers have already started to eat out less. This additional burden at this inopportune time would further exacerbate the economic challenges the restaurant industry currently faces. With over 3,500 locations directly employing over 82,000 dedicated people, restaurants form a cornerstone of Hawaii's economy that must be kept viable.

In summary, the HRA reiterates its opposition to SB 2170.

Very truly yours,

The Hawaii Restaurant Association

By: Bryan P. Andaya

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LATE TESTIMONY

Hawaiian Products Exporters Association

Senate committee on WTL

February 3, 2010 at 3:00 PM CR 229.

Testimony in Opposition to SB 2170 Foie Gras.

Dear Chair Hee and members of the WTL committee.

French civilization and culture and especially its cuisine far exceeds and dominates that of the Americans. It has highly developed arts of cuisine.

The methods used to make foie gras is no different than who we product all fowls, chicken, and meats that we eat. Animals and farm animals are beasts of burden are raised for consumption.

This bill if passed would place and undue restraints on trade and thus violate the U.S commerce clause. In addition, the U.S. has international trade treaties with other countries such as France and Belgian that it must honor.

If you see any foreign diplomats in this room today, it is become they are very concern about this bill that would violate U.S. treaties. Diplomacy it s tip or tap type of thing, They will say nothing but later block all Hawaiian companies, products and trade missions from does business in Europe. The consequences to Hawaiian and US businessman can be enormous.

And last it a violation of the U.S. constitution for state to usurp the Federal governments reserved rights and authority over international trade.

And lastly SB2170 would violate our Hawaii constitution that recognizes a cultural exception and sure foie gras is a last standing icon of French cuisine.

Please file this bill accordingly.

LATE TESTIMONY

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 03, 2010 8:57 AM
To: WTLTestimony
Cc: HARRISMDW001@hawaii.rr.com
Subject: Testimony for SB2170 on 2/3/2010 3:00:00 PM

Testimony for WTL 2/3/2010 3:00:00 PM SB2170

Conference room: 229
Testifier position: support
Testifier will be present: No
Submitted by: William Harris
Organization: Individual
Address: 1765 Ala Moana Blvd. #1880 Honolulu, HI 96815
Phone: (808) 941-8151
E-mail: HARRISMDW001@hawaii.rr.com
Submitted on: 2/3/2010

Comments:

LATE TESTIMONY

From: Anjie Pham [potteringpuck@yahoo.com]
Sent: Wednesday, February 03, 2010 11:38 AM
To: WTL Testimony; JGO Testimony
Subject: SB 2170 (Banning Foie Gras): Support

Dear Senators:

I firmly support SB 2170 to ban the sales/purchase of FOIE GRAS in the islands of Hawaii.

Force-feeding ducks & geese for their enlarged, disease livers is an inhumane practice that should have been discontinued long ago. It is nothing short of cruelty masquerading under the false pretense of "epicurian high culture".

Please do all you can to pass SB 2170!

Mahalo nui,

**Anjie Pham
Honolulu, Hawaii'i**

From: Teriontheupside@aol.com
Sent: Wednesday, February 03, 2010 12:36 PM
To: WTLTestimony
Subject: Fole Gras

LATE TESTIMONY

Aloha,

I hope I'm not late because I believe in my heart of hearts this is a very important bill.....2170
STOP FOIE GRAS!!!!

My name is Teri Lawrence, the thought of force feeding animals to the point of a diseased liver is distressing to me. A goose for instance, the first thing they think of when they open their eyes is their mother, and they see these steel pipes force feeding them until they pretty much explode. They cannot preen themselves, get up, stay in dark cages, this is their life. Would it hurt these restaurants if they took it off their menu's? Do people come to Hawaii for this dish? I am not vegetarian, at least not yet, and I'm not preaching to people to be that, it is the torture of animals I am against. Please STOP THIS NOW!!!!!!!!!!

Mahalo,

Teri Lawrence
808-870-3401

LATE TESTIMONY

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 03, 2010 1:26 PM
To: WTLTestimony
Cc: scott101@hawaii.rr.com
Subject: Testimony for SB2170 on 2/3/2010 3:00:00 PM

Testimony for WTL 2/3/2010 3:00:00 PM SB2170

Conference room: 229
Testifier position: support
Testifier will be present: No
Submitted by: Denise Snyder
Organization: Individual
Address: Honolulu, HI 96816
Phone:
E-mail: scott101@hawaii.rr.com
Submitted on: 2/3/2010

Comments:
Senator Clayton Hee, Chair
Senator Jill N. Tokuda, Vice-Chair
and Committee Members: Senator Robert Bunda, Senator Carol Fukunaga, Senator Russell S. Kokubun, Senator Dwight Y. Takamine and Senator Fred Hemmings,

I support the prompt passage of S. B. 2170.

This cruel and disgusting practice of force-feeding must be stopped.

I applaud your efforts on behalf of these animals and hope you will continue to legislate against the inhumane treatment of all animals, including those raised on factory farms. Over ten billion factory-farmed animals are killed for food each year in the U.S.A.

Please pass this legislation.

Thank you
Denise Snyder,
Honolulu, Hawai'i 96816



THE HUMANE SOCIETY
OF THE UNITED STATES

LATE TESTIMONY

TO: Honorable Chair Hee, Vice-Chair Tokuda

COMMITTEE ON WATER, LAND, AGRICULTURE AND HAWAIIAN AFFAIRS

DATE: Wednesday, February 3, 2010, 3:00pm

RE: Testimony in SUPPORT of SB 2170; Relating to Force-Feeding

Submitted by: Inga Gibson, Hawaii State Director, The Humane Society of the United States,
P.O. Box 89131, Honolulu, HI 96830, igibson@hsus.org, 808-922-9910

Dear Chair Hee, Vice-Chair Tokuda and Committee Members,

On behalf of our more than 49,315 members and supporters in Hawaii, The Humane Society of the United States (HSUS) **supports SB 2170**; to prohibit the sale and distribution of foie gras produced using the method of force-feeding, and thanks Chair Hee for introducing this measure.

Foie gras—French for “fatty liver”—is notorious for the level of animal abuse entailed in its production. It can only be produced through force-feeding ducks and geese to the point where, according to the American Veterinary Medical Association, their livers develop “lipidosis” and swell to many times their natural size. This diseased liver, then, is sold as the “delicacy” foie gras.

The force-feeding is done by forcing a metal tube down the throat and into the stomachs of ducks and geese two to three times each day. This practice can cause painful bruising, lacerations, sores, and even organ rupture. On some foie gras factory farms in Canada, the birds are severely restricted inside small, filthy cages where they cannot even turn around or spread their wings. The birds’ livers become so enlarged that it is difficult for the birds to move comfortably or even walk, in some cases (for more information and video please visit: http://www.humanesociety.org/issues/force_fed_animals/)

Furthermore:

- This practice is so cruel and inhumane that it’s been legislated against in more than 15 countries and the entire state of California (effective 2012).
- A 2008 article in the *International Journal of Food Safety, Nutrition and Public Health* further implicates foie gras as a potential public health menace. The article, “Amyloid Fibrils: Potential Food Safety Implications,” explores the apparent mad cow disease-like food safety risks associated with foie gras consumption—specifically, that foie gras may trigger amyloidosis, a serious disease that can cause a multitude of serious human health



THE HUMANE SOCIETY
OF THE UNITED STATES

LATE TESTIMONY

problems, especially for certain groups of consumers at risk for conditions such as rheumatoid arthritis or Alzheimer's disease

- In Israel—which used to be the world's fourth-largest foie gras producer—the country's Supreme Court ruled that foie gras production violates the already-existing prohibition against animal torture. None other than the Pope himself has condemned foie gras production, as have personalities as varied as Pat Buchanan and Wolfgang Puck.
- A 2004 Zogby poll showed that 80 percent of Americans believe the practice of force-feeding ducks and geese for foie gras should be banned.

Thank you again for the opportunity to comment on this most modest measure. We urge your support of SB 2170.

TESTIMONY

SB 2170

LATE

(END)