

Tillamook Co-operative, Monsanto, and rBGH: Discourse Struggle and Common Sense

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Historically, agricultural co-operatives have been formed — in-part — to oppose local, regional, and national monopoly/monopsony, and oligopoly/oligopsony power. With the advent of such organisational innovations as joint ventures, strategic alliances, outsourcing, mergers, and consolidations, some have questioned the continued relevancy, and ability of agricultural co-operatives to serve as countervailing agents in the market place. However when examining the rBGH controversy, re: Monsanto versus Tillamook Dairy Co-operative, Tillamook prevailed in being able to withdraw rBGH use from among its members. This action triggered similar decisions by other dairy firms. These actions were done in spite of Monsanto's attempts to derail its removal. By detailing the rBGH history from its initial introduction to its removal from Tillamook, the paper addresses questions related to: 1) specifying the various discursive logics used to justify and oppose (countervail) the use of recombinant bovine growth hormone, in the spheres of production and consumption, 2) highlight how various classic oppositions between cooperatives and investment firms (eg organised for use versus organised for return on investment) were penetrated with this discourse, and 3) how the Tillamook/Monsanto controversy can serve as an example of the continuing relevance of agricultural co-operative organisation to countervail the power of larger organisations, while simultaneously achieving the voiced interests of independent farmers.

Introduction

For Gramsci, popular common sense ... [becomes] a ground of struggle because it is not univocal and coherent, but an amalgam of historically effective ideologies, scientific doctrines and social mythologies. This historical 'sedimentation of popular common sense "is not something rigid and immobile, but is continually transforming itself, enriching itself with scientific ideas and with philosophical opinion which have entered ordinary life. It is the folklore of philosophy ... (Rupert 1997).

Following Gramsci (1971) and Rupert's (1997, 2003) extension of Gramsci's work on the "reconstruction of common sense in the US", discourse analyses allow us a window upon various struggles for predominance in common sense thinking as it influences everyday decision making in civil society.

Gramsci (1971) suggested common sense exists as a combination of different belief systems, with different discourse languages — part ideology, part scientific doctrine, and part myth. This mixture is dynamic, historically changing through time, different parts being predominant at some points, but muted at others, and constantly being influenced by developments in the different realms of formal idea making (eg advertising, academia functions) and formal science. Due to the multiplicity, dynamism, (and influential capacity) of common sense, it can become easily

embedded with struggles of particular interests. Gramsci's project involved tracking aspects of common-sense patterns of thinking (and decision making) concerning particular issues, detailing their constitutive tensions and contradictions, and the various cross-discourse conflicts that occur, with the ultimate goal pointed toward gaining greater, collective self-clarity, and ultimately transformative political practice (Rupert 1997).

This paper provides a brief discourse analysis of the conflict between various dairy processors (with primary focus given to Tillamook Co-operative Creamery Association) and the multi-national investment-oriented firm, Monsanto, concerning its use of recombinant bovine growth hormone (rBGH). Co-operative discourse is articulated around its central 'use' values, and co-operatives as a self-intentioned distinct form of organisation separate from investment firm organisation. Rupert's work on reconstruction of US common-sense is relied upon in its characterisations of the 'key' elements of a popular common-sense in the US, as related to liberal capitalism (eg civil rights, rights of private property, self-government, universal liberty and democracy, equality) and as part of the historical context of operational firms. Lauck (2000) suggests similar public socio-emotional loadings (and decision-making predispositions) around Lockean liberalism (economic individualism and consumer sovereignty, civil liberties, property rights, and competition) but also populist republicanism (civic virtue and voluntarist participation,

decentralised economic institutions, and dispersed wealth and land ownership and their respective implications for dispersed power).

The full realisation of universal democracy principles, involves articulation across both political as well as economic institutions, as expressed in processes of collective self determination. Rupert (1997, 2003) along with Arblaster (2002) suggest these latter value-sets, while remaining embedded in a liberal capitalism belief-set, were mostly sacrificed in the post-second world war era, via labour/industrial-capital bargaining that displaced broad equality, universal democracy (and collective self-determination) with Fordist production, a post-War, capital-intensifying, growth trajectory, and relative greater prosperity (eg wages linked to productivity growth, cost of living allowances). Discourse analysis can reveal the unrealised promises of these near forgotten, but embedded promises of liberal capitalism.

Progressive social change ... must be produced by historically situated social agents whose actions are enabled and constrained by their social self-understandings (Gramsci 1971, as cited in Rupert 1997).

To this extent we hope to improve potentialities for social change by extending social self-understandings, as articulated in common-sense discourse.

rBGH Discourse

Kleinman and Kinchy's (2003) categorisation of rBGH discourse generally, into 'free-marketism,' 'scientism,' 'technological progressivism,' and 'social welfarism' — as well as related papers by Buttel (2000) and Kleinman and Kloppenberg (1991) — are drawn upon as well.¹ Technological progressivism refers to discourse that privileges 'progress as good in itself, seemingly inevitable, and generally associated with advances in material culture, and techno-industrial 'modernising' development. Free marketism is a discourse that privileges such concepts as "individual self interests," and the "invisible hand" logic of an economy. Through the processes of price negotiation for varying quantities of product demanded and supplied, the market — if untrammelled by such forces as the State, the power of firms to restrain trade, and lack of open information — can yield the greatest output, at the best price for the consumer, and for the least expenditure of resources (efficiency). Implicit are

beliefs in economic individualism, with central importance given to the sanctity of private property and competition. Scientism is organised around central beliefs that facts and values are separable and distinct, scientific results produce facts, and collections of facts produce science. Facts are held superior in that the data utilised to construct facts are understood as collected with 'objective procedures'. This 'objectivity' then lends science an authority as factually based (not based on values) and therefore the 'best arbiter' for resolving disputes, and a "best organiser" for public and civic decision making. Scientism, technological progressivism, and free marketism can often be combined. For example, use of rBGH tends to be supported via a science discourse, as a product of 'objective' research, a step in technological progress, and the result of the dynamics of a free market calling forth the product, driven by profit incentives (and price, quantity, and efficiency relations). Kleinman and Kinchy (2003) argue that a fourth discourse — social welfarism — is also relevant to the rBGH controversy. It is embedded with language oriented to preserving

economic and social features of rural and agricultural life, and ... tends to be at odds with industrialised, urbanised society (p383).

Less broadly received in the US (than for instance in the EU's Common Agricultural Policy strategies) one finds privileged in 'social welfarism' discourse, issues of social justice, negotiated within contextual concerns of inequality, super-ordinate/subordinate power relationships, uneven and unequal economic exchange, farm displacement and farm loss, issues of poverty, economic, environmental, and community sustainability, among others.

Frequently these several respective discourses can be used to buttress or fragment either side of an issue. For example, language that touts "Milk is milk", regardless of whether cows rely on their own bovine growth hormone, or it is supplemented artificially, argues from 'naturalness' (Buttel 2000) and scientific positions (Kleinman and Kinchy 2003). However, opponents seek to document an argument about cancer risks, and injuries to animal welfare (eg hoof splitting, mastitis). 'Social welfarism' discourse tends to be used to support rBGH opponents, given problems of maintaining farm solvency in the face of milk surpluses. However proponents argue hormone use is neutral and

can assist both larger and smaller farmers. (In this paper, we include as part of a social welfarism discourse, a rBGH proponent position that hormone use is scale neutral, and can improve economic positions of any farmer using it. We acknowledge such 'scale-neutral' positions are at odds with social welfare discourse that opposes continued industrialisation processes of agriculture). Kleinman and Kinchy (2003) argue that the prize to be won in the struggle around rBGH use — quoting Gramsci — is a hoped for 'common sense' understanding of the world that is embedded with an acceptance (or rejection) of the safety and value of hormone use.

In this multiplicity of discourses, Kleinman and Kinchy (2003) Kleinman and Kloppenberg (1991) Buttel (2000) and others essentially argue that a mystification occurs in that a truth is perhaps told, but in a manner that hides and makes less accessible other truths, and in particular, other interests. Popular commonsensical understandings can be penetrated with these mystifications in a hoped for winning-over of popular, decision making sentiments, as contested by opposing interests. This paper focuses on the rBGH use-struggle language between firms, and between firm forms (co-operative versus investment) but less on the actual legitimacy of rBGH use generally.

Struggle for the Dairy Consumer

The FDA approved the use of synthetic growth hormone, rBGH (recombinant bovine growth hormone) in 1993. It is a genetically engineered growth hormone that can stimulate cows to give more milk. Advocates suggest it can increase milk yields by 10-15 percent via injections every 14 days (Pulaski, 2005). In an era of high feed and fertiliser costs, with relatively low milk prices, many farmers have been tempted to draw upon its production increasing abilities. John Fetrow (1999) has estimated that in adequately managed dairy herds, farmers can earn at least a 50 percent profit over the expenses of using the product, given typical prices for milk and feed.

By increasing production in existing cows, the technology spreads fixed costs over more production, increasing the margin and profits for the farm (Fetrow 1999).

Early development controversy focused on production (scientised as safety and animal

welfare issues) re: hoof splitting and increased incidence of mastitis. Monsanto and other advocates conceded mastitis rates were higher (presenting greater antibiotic trace problems) but countered that appropriate herd management could minimise mastitis problems, and eliminate antibiotic milk residues. Later questions began to emerge concerning public consumption, and possible increased cancer risks (Epstein, 2006) but this was countered with statements that there was no evidence of confirmed higher cancer rates. In fact Monsanto often cited FDA studies that found milk from cows treated with rBGH was safe for consumption in 1993. These studies were re-reviewed in 1997 and were found credible, the results were re-confirmed.² While debate continued in the US, use of the product was banned in EU, Japan, Canada, Australia, and New Zealand based on concerns about animal health, and "unanswered questions about human impacts" (Patton, 2005).

The controversy tended to be organised around issues of safety (both animal and human) science being held the final "neutral" arbiter on the advisability of use. There was also an implication of technological progressivism and everyday normalisation, in that rBGH and bovine derived BGH were the same, identical products and natural. Recombinant BGH is just another step in technological progress. Little comment was offered in the popular press on the impact of its development upon market volumes, farmer numbers, and farmers collectively (social welfarism discourse) though development was justified in terms of improvements in **individual** farm returns (Kleinman and Kinchy 2003, Buttel 2000).

It is estimated Monsanto (a firm \$6.3 billion gross sales, Hoovers On-line 2007) along with Upjohn, Eli Lilly, and American Cyanamid spent as much as \$1 billion in research and development of rBGH. Up until the Fall of 2008 Monsanto Corporation was the sole provider of rBGH to the US domestic market. Bank One Securities estimated that Monsanto earned upwards of \$270 million a year on rBGH sales (Patton, 2005). Monsanto clearly had considerable interests (and an expectable resolve) in making a return on their investment for their stockholders, and for its continued financial stability.

rBGH Release and Law Suits

Law suits quickly followed Posilac's (Monsanto brand-name) release in 1994, with Monsanto

suing **Swiss Valley Farms Co-operative** of Davenport, Iowa (a firm of \$425 million gross sales, 1,100 members, Swiss Valley Farms 2007) and **Pure Milk and Ice Cream Company**, a proprietary firm of Waco, Texas. Monsanto sued both Swiss Valley and Pure Milk for labelling issues. Both the co-operative and the proprietary had indicated on their labels that their milk was rBGH free. Monsanto charged that this was “deceptive advertising” by implying that milk from cows treated with rBGH was somehow different from milk from cows not so treated. Monsanto supported its position with FDA studies documenting its safety, and exact identity with naturally occurring bovine growth hormone (scientific neutrality as common-sense). “Deceptive advertising” implies an additional discourse organised around such belief sets as free-marketism (minimising or eliminating any hindrance to trade) competition, consumer sovereignty and economic individualism.

Swiss Valley Farms indicated they would fight the suit on the basis of ‘free-speech’ (civil liberties, individual rights) discourse.

We don’t believe there is any merit in the suit. We are looking for a court determination as to our right for free speech [individual rights] on this subject (Food Safety Week, 1994).

Monsanto countered:

We believe that what Swiss Valley is doing is impugning the safety and wholesomeness [scientism, safety, health discourse] of the majority of milk sold to the consumer [consumer sovereignty, individual rights, free-marketism discourse] (Food Safety Week, 1994).

Swiss Valley and Pure Milk settled out of court, Swiss Valley removed the non-rBGH labeling, though continued to source milk without rBGH treatment. Pure Milk continued to label their milk as sourced from non-rBGH treated cows, but per agreement, had to indicate on their labels that no differences existed in the milk, “milk is milk” - sort of a reverse surgeon’s general cigarette warning. Discourse around deceptive advertising (free marketism) as supported with scientism may have been a stronger position, relative to the ‘free-speech’. However it may have also been the case these small dairy firms were ‘outgunned financially’ by the deep-pockets of Monsanto, as Ralph Nader characterised a later

case occurring in 2003, between Oakhurst Dairies and Monsanto (Livingstone and Wikenheiser, 2003).

Oakhurst is a small, family held dairy processor in the State of Maine. The Oakhurst case drew greater public attention, now nearly 10 years post Swiss Valley, with Ralph Nader offering his support, stating it was a ‘free-speech’ issue (Livingstone and Wickenheiser, 2003). Lines were drawn between the discourse of deceptive advertising (free-marketism, buttressed with the ‘neutral science’ discourse) and free speech (civil liberties, though now also supported with a consumer oriented scientism (unresolved health and safety issues) and social welfarism (support of dairy farmers). As with Swiss Valley and Pure Milk, settlement was reached out of court, and as with Pure Milk, Oakhurst retained references to non-rBGH milk. However, per the agreement, Oakhurst was required to change its labelling from

- 1) “Our Farmers’ Pledge: No Artificial Growth Hormones,” to “Our Farmers” Pledge: No Artificial Growth Hormones Used,” and
- 2) Provide that the following comment be placed under the pledge: “FDA states: No significant difference in milk from cows treated with artificial growth hormones” (Oakhurst Dairy, 2007).

A ‘neutral scientism’ discourse, combined with ‘deceptive advertising’ charges (unimpaired free-marketism) prevailed over a free-speech discourse position, though questions remained concerning power differentials between Oakhurst and Monsanto. The exact reasoning is not provided since again a confidential out of court settlement was reached — part of the settlement involving an order of confidentiality.

Monsanto also challenged the **State of Maine** to abandon their “Maine Quality” Seal. Dairy processors can utilise the Seal, if they do not accept milk produced with artificial growth hormones (and 80 percent of their milk comes from producers within the State). In 2002 Monsanto contacted both the Maine Department of Agriculture, and the Maine Attorney’s General office to complain about the application of provisions of the Seal. Monsanto objected that

- 1) Producers may not be following the rules of the Seal concerning rBGH utilisation. Farmers may be using the rBGH when they say they are not.

- 2) The Seal programme itself promotes false claims by suggesting differences in the healthiness of the product (free marketism, scientism).
- 3) The programme itself restrains trade by limiting access to the market (free marketism).

In letters of response from Robert Spear, Commissioner of the Maine Department of Agriculture, and G Steven Rowe, Attorney General of the State of Maine, Maine replied it was not making health claims, only informing, allowing the consumer to make informed decisions in their dairy purchase choices (free marketism, consumer sovereignty, and individual choice shifted to support non-use). Further it did not restrain market access in that, use of the Seal is totally voluntary (free marketism, voluntarism). The State also commented that it had no evidence that producers were violating agreements of non-rBGH use, as Monsanto had suggested, but would aggressively pursue such reports, and institute direct monitoring if necessary. Use of the Maine Quality seal continues unaltered (Mack, 2003).³

These contests between Monsanto, and respectively Swiss Valley, Pure Milk, and Oakhurst were struggles predominantly, at the level of **consumption**. Recombinant BGH use was supported in these situations by drawing upon such discourse frames as: scientism (documentation of health, safety) technological progressivism (implicit) social welfarism (technology is scale neutral), and ideas embedded within liberal capitalism discourse and free-marketism (restraint of trade, competition, consumer sovereignty, economic individualism). Opponents drew upon scientism as well (health, safety) as well as ideas of liberal capitalism (free speech) and free marketism (consumer sovereignty, voluntarism). Social welfarism was drawn upon in the Oakhurst case in a general support of dairy farmers opposing use.

In a somewhat different situation, **Ben and Jerry's Homemade** won a suit against the State of Illinois, in an answer to the State's threat to remove "non-rBGH" labelled products from grocery shelves. Ben and Jerry's sued the State of Illinois, arguing it was an issue of free-speech. "We have the right to tell our customers what is and isn't in our ice cream." Ben and Jerry's won the suit. The company shows on its labels:

We Oppose Recombinant Bovine Growth Hormone. The family farmers who supply our milk and cream pledge not to treat their cows with rBGH.

The label does also show the FDA exception (Animal Welfare Institute 1997). Lee Holden, spokesperson for Ben and Jerry's, supported their position, arguing for the health of dairy cows, but also the [surplus production] effects on family farmers" — a social welfarism position (Barboza 2003).

With Oakhurst in particular there was a discourse that tended to support Rupert's position, that certain unrealised promises of liberal capitalism, eg universal democracy across civil society and economy, fundamental equality (including **dispersed power**) - while compromised, have not disappeared from everyday expectations. In a request to change the venue of the case from Boston to Portland, Maine, the argument was made that "Unlike Monsanto, Oakhurst is a relatively **small** and busy family-owned dairy that can ill afford the sacrifice of time, resources and employees that litigation in Boston and roundtrip travel from Maine would entail ... By comparison, as a Missouri-based company with offices all over the United States and the world, Monsanto should have no difficulty pursuing its actions in Portland, Maine. With annual gross income [sales] approaching \$5 billion, Monsanto is in better position to bear any additional expenses that it might arguably incur in litigating its action in Maine instead of Massachusetts" (Livingston and Wickenheiser, 2003). There was a demand and expectation of equality, as well, a seeking to influence (or make more democratic) the power imbalance. Nader was quoted as saying "What Monsanto is doing is engaging in frivolous harassing litigation." "The small Maine dairy is outgunned financially by Monsanto Co" and "I think they're beatable in the court of law and the court of public opinion (appealing to a public annoyance with power difference and abuses)". Oakhurst was inundated with supportive comments from the public. However, as with Swiss Valley, and Pure Milk, Oakhurst settled out of court.

Struggle for the Dairy Producer

In the State of Maine situation, Monsanto's grievances were not only organised around labelling, Monsanto was challenging the use of

the Maine Quality Seal itself, suggesting it was unenforceable on producers, and exclusionary - interfering with producers' choice to use rBGH. In 2004, Monsanto made a more direct challenge to gain producers in a context with Tillamook Co-operative Creamery Association.

Co-operatives themselves have a particular discourse frame, in some ways parallel to the tensions and discourses embedded within the larger socio-economic culture. Some of that discourse will be specified below, before introducing the Tillamook/Monsanto controversy.

Co-operative Discourse Formation

The origins of many contemporary US and Canadian agricultural co-operatives are embedded in an era that spans from the late nineteenth onward to the mid twentieth century. There have been other formations since then (and well before) but the core of the agricultural co-operative community can be dated within this period. These formations as formally legitimated in the US by the Capper Volstead Act (C-V Act) of 1922, were explicitly designed as an off-set to investment capital interests, both externally to countervail monopoly/monopsony and oligopoly/oligopsony power, and internally to strike an organisational form oriented to use, rather than to short-term 'return on investment' and exchange value. Within the Capper-Volstead provisions there is deliberate structuring to discourage concentrations of voting power, and in particular voting power that might shift the organisation to investment purposes (collective determination versus rights of private property tension; dispersed power).⁴

Perhaps the most succinct definition of co-operative form is offered by Dunn's (1988) emphasis on their use structure: "They are organisations that privilege user-ownership, user-governance, and user-benefits". They are dual organisations in that they are at once democratic associations of members as well as businesses. Embedded in this dual functionality one can find values privileging equality, equity, participation, service, and self-governance, but also efficiency, performance, and economic return. These values, positions, and tensions, as historically rooted, and historically expressed in speech, language, and controversy come to make up a co-operative discourse onto itself — though this discourse is part of, and embedded with the more generalised positions and tensions specified by

Rupert (1997, 2003) (eg private property, equality, collective determination via universal democracy).

Tillamook Co-operative Creamery Association

Sales for Use (Tillamook) versus Sales for Return on Investment (Monsanto): For approximately a year and half, from May of 2004 to February of 2005, Tillamook County Creamery Association, and Monsanto Corporation were engaged in a contest of wills and recriminations over dairy member use of synthetic bovine growth hormone (rBGH). Tillamook, a dairy co-operative based in Tillamook County, Oregon, is a relatively small organisation of 147 dairy members, offering a variety of dairy products, but specialising in cheddar cheese production. Its total sales in 2004 were \$260 million. In June of 1997 the elected Tillamook board approved member use of the product. In April of 2003, and 2004 the board held strategic planning discussions on rBGH use. In May of 2004 they voted to require producers to phase out its use, and for members to be rBGH free by 1 April 2005. The May 2004 vote was in-part, a response to consumer complaints concerning its safety, and in particular, possible antibiotic residues in milk due to increased rates of infection.

James McMullen, CEO of Tillamook stated the ban was primarily driven both by direct complaints to the company, but also by consumer market research.

In 2002 ... 3 percent of phone calls and emails received by the association were related to bovine growth hormones. That number rose to 4 percent the next year, and hit 8 percent by 2004 (Pulaski 2005).

Mark Wustenberg, Tillamook spokesman, stated "customer market research had clearly indicated that consumers were concerned and wanted a change."

Tillamook sales are in-part driven by a highly visible brand name, and a reputation for producing a quality product. Most of the Tillamook cheeses have won national and international awards. The co-operative has also sought to build an identity as an environmentally friendly company, taking such measures as:

- 1) Fencing 91 miles of stream-banks to protect riparian areas from dairy cow damage.

- 2) Creating over 1,000 alternate water facilities for cattle.
- 3) Planting over 400,000 trees along local rivers, and streams.
- 4) Encouraging use of manures as an alternative to commercial fertiliser.
- 5) Building manure storage facilities.
- 6) Working with local and State governments on various other environmental enhancement projects (Tillamook County Creamery Association, 2006).

Board members weighed the various considerations (particularly safety for people and cows) but were sensitive to brand considerations and consumer wants. "The most valuable asset the creamery owns is that brand" (board member comment). As reported by Pulaski (2005), "Fearing consumer questions concerning the quality of the brand, contributed to banning the hormone." Farmer-members need co-operative sales to stay in business. They need to be able to **use** the co-operative to process their milk and market their farm products. Their elected representatives, the Board, after two years of careful deliberation, and in acting in their designated roles as strategic planners for the organisation, voted to ban its use (co-operative use, collective self-determination, self-government, and consumer sovereignty).

Monsanto followed up Tillamook's ban, with a letter to their rBGH customers in the area, stating that to restrict the hormone's use, "seems ill advised because it would cut into dairy farmer ... choices and particularly their profits." The letter stated as well, that Monsanto would work to ensure farmers have continuing choices on how they run their dairies and that to do so, it may be necessary for a Monsanto representative to call on them, and seek their advice" (consumer sovereignty, rights of private property, social welfarism in that it is in the farmers' interests to continue to use rBGH, and power inequality — Monsanto will do battle for the farmer (Pulaski 2005)). From within the orbit of investment logic, Monsanto was acting in its own interest as an investment firm, in seeking to ensure its financial stability by making a return on its investment in rBGH development. Monsanto needs sales to maximise returns on investment for its stockholders, and its management is evaluated on its ability to do so — though discourse with farmers made little mention of this need for sales and profits.

Monsanto's need for rBGH sales came to conflict directly with Tillamook's concerns over brand quality, consumer interests, environmental image and continuing farmer use of the co-operative as an outlet for farm production (sales for use).

In January 2005, the co-operative received a petition from 80 members asking that the board re-consider the ban. The elected Tillamook board did reconsider, and on 31 January 2005, announced they were upholding the restriction (collective self-determination, self-government, democratic process). On 8 February 2005 a letter was hand-delivered to the Tillamook corporate offices by a District of Columbia attorney. The letter called for a general vote by all co-operative members to consider a change in its bylaws. The proposed change was written such that it would mandate that

the Board shall ... not in any way restrict the right of any member to use any pharmaceutical product approved by the ... [FDA] ... for use in dairy cattle.

The petitioning letter had been signed by 16 Tillamook members, and had the effect of precipitating an over-all member vote on 28 February 2005. Tillamook charged that Monsanto was meddling in the internal affairs of their organisation. Monsanto responded that they had not instigated the vote, nor had the legal assistance used by Tillamook members been paid for by their organisation.

Rights of Private Property versus Collective Self-Determination

Economic Individualism (Consumer Sovereignty) and Rights of Private Property

Language from Tillamook members against the ban (advocates for rBGH use) tended to make references to economic individualism, consumer sovereignty (consumer choice) and rights of private property. Challenges were also made to opponents' use of scientism arguments. We stand

to lose thousands of dollars in income because [our] cows will produce less milk ... and [further he finds in his own experience] that the hormone has no ill effects on humans or cattle.

In terms of private property rights, members

wondered whether there would be further restrictions on products allowed: "What's the next thing we won't be able to use" and "we want the freedom to dairy the way we feel is best." Civil liberties and lack of democratic voice were heard in some of the comments: "This is about members of the co-op having a voice and [our] voice is not being heard" (Pulaski 2005). Monsanto took a position consistent with the Tillamook member opponents to the rBGH ban. It was a matter of consumer sovereignty (free choice) and business sense (rights of private property)" (Patton 2005). Monsanto again supported their position from a scientific position, citing the FDA studies

Between 8 February and 28 February, over 6,500 consumers contacted the co-operative to comment on the vote. Nearly 98 percent requested that Tillamook go rBGH free. While not in such over-whelming proportions as registered in public sentiment, the vote by members was 83 to 43 in favour of retaining the ban. Nearly 90 percent of the membership voted (collective self-determination via co-operative process).

In response to the vote, a Monsanto spokesperson stated:

We are pleased that the producer owners of Tillamook had the opportunity to decide this for themselves, and respect the choices of the majority of the producer owners ... For individual producers it is unfortunate that their choice to use a product that could have provided a significant economic benefit to many Tillamook family farms had been limited ... We hope that in time Tillamook producers will reconsider this policy (Pulaski 2005).

Monsanto utilises a democracy discourse and argues from a collective self-determination perspective; "the majority of producer owner" had a choice. They also use social welfarism language; it "could have provided a significant economic benefit to many Tillamook family farms." They acknowledge producers had spoken on the issue and that Monsanto was 'now' willing to accept the decision. This logic parallels consumer sovereignty (economic individualism) discourse, in that like in a market, individuals had a choice and made it. There is no acknowledgement of previous democratic processes, and the decision making of the Board to ban the product, as an elected body of the co-operative.

Tillamook's response tended to be organised around consumer sovereignty. William McMullen argues in several articles on the TCCA web-page that the co-operative must listen to the consumers, regardless of Monsanto's position on rBGH use. In a somewhat sharply worded comment "BGH-Free Products A Statement about Values Not Scare Tactics", he chides critics for holding TCCA responsible for Monsanto's problems of marketing and product acceptability. Christie Lincoln, spokesperson for Tillamook, stated "we are a consumer driven company we're keeping consumers in mind. I think this is a confirmation that our members believe in us" (McCall, 2005). Tillamook justified the decision predominantly on consumer interests (consumer sovereignty, economic individualism, choice of the consumer) - though adds that **members** believed in them for their consumer orientation (Pulaski 2005).

Collective Self-determination

As mentioned previously, Rupert (1997, 2003) as well as Arblaster (2002) suggest liberal capitalism is embedded with a series of value positions, among them individual civil liberties, rights of private property, self-government, fundamental equality, and an universal democracy - as ideally articulated across both political as well as economic institutions, and into processes of collective self determination. Rupert suggests these value sets are embedded in the culture, and can become manifest in the loose commonsensical process of everyday discourse. Trade-offs have occurred historically in the socio-political-economy such that individual rights, rights of private property, and limited democracy and equality were privileged at the expense of broader democratisation, a more comprehensive equality - and such populist longings as decentralised wealth, and power (Lauck 2000).

Tillamook is a mutual organisation designed for use. In joining a co-operative, members give up some individual rights, (certain rights of private property pertaining to their milk production) in exchange for greater market presence collectively. Individual members delegate certain decision making rights to the elected board of directors, to make strategic planning (and operational) decisions that affect the co-operative organisation as a whole - and thereby also members as individuals. In

exchange the co-operative then provides members with certain services and guarantees, based on this collective determination. In the Tillamook Co-operative members are guaranteed a market for their milk, regardless of how much they produce individually or as a group. The co-operative must find markets for members' milk and milk products (following an old dairy farmer adage of 'sell it or smell it'). Tillamook has in-part done this historically, by developing a brand name that promises high quality cheeses (among other products) with a local identity tied to Tillamook County, and a public corporate demeanour congruent with the environmental consciousness of the Oregon citizenry. The members **use** the co-operative (and its brand-building strategy) to help them stay in business as farmers.

However even with co-operative members, competing discourse frames, particularly those related to rights of property — can surface easily, and strongly

This is our farming operation [our private property]. We should have the right to determine how we use it ... What will be limited next.

These are everyday voices articulating commonsensical understandings of the rights of private property. The petitioning letter calling for a general vote in-fact sought to limit the collective self-determining powers of the co-operative by asserting private property rights into the elected board decision making powers:

the Board shall ... not in any way restrict the right of any member to use any pharmaceutical product approved by the ... [FDA] ... for use in dairy cattle.

This was a displacement of one discourse frame (collective self-determination) by another (rights of private property).

Consumer sovereignty issues appeared repeatedly on both sides of the issue. Little emphasis has been given either to social welfarism (eg supportive of family farms, problems of continuing industrialisation of agriculture) or to the democratic and self-determining characteristics of co-operatives. Even Tillamook CEO McCullen, as strident as he had been in response to those defending Monsanto, does not draw upon democratic self-determination in the character of his discourse:

Since when is it the responsibility of dairy products companies to market rBST to consumers? ... Consumers are making lifestyle choices when they buy food products. Increasingly, their food preferences are for natural and organic products ... [and are] making a statement about their values ... Consumer apprehension about rBST reflects Monsanto's failure to convince consumers that rBST is safe and beneficial, not ours (McMullen, 2005).

These statements tend to hinge on consumer sovereignty issues. The battle with Monsanto becomes one respectively, of whose consumers are correct concerning rBGH use, dairy farmers using the hormone, or dairy consumers not wanting rBGH in their milk — and what are their respective rights. Debate concerns what their respective rights are as consumers. Absent from the discourse is language organised around more fundamental aspects of democracy. The consumer sovereignty discourse tends to veil Tillamook collective discourse, as well various social welfare issues (eg problems of continued industrialisation of agriculture, economic, social, environmental sustainability). It also layers over Monsanto's own investment and profit orientation with discourse on consumer rights, wholesome milk, and Monsanto as an advocate for producers (power inequality).

Spring Flush (Firms following Tillamook)

The Tillamook decision was followed by a spring flush of several other dairy firms — proprietary and co-operative — choosing to exclude rBGH milk from their products, or to charge an extra shipping fee for segregating rBGH milk from other milk in the marketing process. These firms (eg Darigold Farms, Meadow Gold, Eberhard Dairy, Alepenrose Dairy, California Dairies, Berkely Farms, Sunshine Dairy, Stonyfield Farms, Thomas Dairy, Crescent Ridge Dairy, Kleinpeter Dairy, Wilcox Family Farms, Alta Dena, Dutch Way Dairy) vary as to what they specify on their labels, some giving no indication at all. Where labelling occurs it variously refers to issues of consumer choice, health and safety comments, and/or may make some general comments supportive of family farms. McCullen estimates there are approximately 200 milk product

companies that have taken similar positions (Newton, 2005).

Monsanto Reacts

In February of 2007 Monsanto filed letters of grievance with the Federal Drug Administration (FDA) and the Federal Trade Commission (FTC). The FDA letter charged dairy processors and retailers were committing false-advertising with claims to the superior character of milk produced without rBGH use (and the inferior quality of milk from cows with rBGH treatment). The letter called for the FDA to provide clear guidance and enforcement against these parties. The letter to the FTC paralleled the FDA letter in outlining instances of false advertising that mislead consumers, and challenged the FTC to begin investigations. Monsanto bolstered their grievances with 500 signatures and supportive letters from producers, consumers, and industry professionals nationally. The charges parallel those to the State of Maine, and are based in arguments of free marketism, free-trade, and consumer sovereignty, supported with scientism arguments (Parker, 2007; Monsanto, 2007). In June 2007 the FDA responded stating it only finds labels misleading that suggest “no hormones,” or “hormone free.” It was not false to state “milk coming from cows not treated with rBGH contains no artificial growth hormones” (Hansen and Wallinga, 2007). In August 2007 the FTC refused Monsanto’s request to investigate firms for false advertising, stating it “did not find any examples of national or significant regional advertising campaigns that made expressed or implied claims linking rBST to human health or safety” (Melcer, 2007; O’Brien, 2007). Not to be swayed by these rulings similar charges were filed on a State by State basis in Pennsylvania, Indiana, Kansas, and Ohio, among others. Indiana, Kansas and Pennsylvania ultimately failed. Ohio does not allow mentioning of components of the milk itself. It prohibits such statements as “no hormones or rBGH free” but allows production claims ie “milk not produced from cows treated with rBGH.”

Addendum

The American Farmers for the Advancement and Conservation of Technology (AFACT) has since been formed and continues to contest these issues on a State by State basis. Martin and

Pollack (2008) suggests the organisation was initially organised by Monsanto. In October 2008 Monsanto sold rBGH production facilities and its sales staff support-structure to Elanco (a subsidiary of Eli Lilly Company) for \$300 million. Monsanto stated the sale was not related to current retail trends (though did not release sales numbers (Martin and Pollack 2008)). Company spokespersons stated the sale allows Monsanto to concentrate on seeds and crop improvement products, “while ensuring that loyal dairy farmers continue to receive the value of Posilac in their operations” (Martin and Pollack 2008). Elanco develops and markets products for animal health and food animal production in more than 100 countries with offices in 30 countries, and had been selling rBGH exclusively in 20 countries outside of the US for several years. Eli Lilly, Elanco’s parent company, is a multi-national pharmaceutical company with sales in over 135 countries and revenues of \$20.3 billion in 2008.

How this issue will be resolved in the future is not clear. Perhaps most problematic for those working from a social welfarism perspective is the implications for ‘socially responsible’ labelling (Barham 2003). Those working in this area suggest consumers may wish to expend their food consumption dollars on products raised in socially, economically, and environmentally conscious ways. Starbucks ‘fair-trade’ label is an example. Family Farmers of America seeks to develop a label that touts the product as being produced on a family farm. While raised in a socially responsible manner, a particular end product may not necessarily have different tangible characteristics. Monsanto’s argument in-part has been that if the product is not better, if it is identical, (ie milk is milk) then (at least in the case of rBGH) it is a false hood to suggest distinctions. Little allowance is made for consumers registering a vote for how production is done. Some consumers may be objecting to cows being treated with rBGH, because the cows are stressed more (hoof-splitting, mastitis). And/or they may not wish to contribute to additional milk supply problems, and potential difficulties with maintaining prices sufficient to keep family farmers on farms (social welfarism).

Conclusion

Rupert (1997, 2003) and others detail various discourse frames embedded within the US

liberal-capitalist, socio-economic, and political culture. These include dual commitments to individual rights, and liberties, strong valorisation of the preeminent rights of private property, but also popular sovereignty, and collective (democratic) participation, and general equality (across power, wealth and other life positions). Drawing from Gramsci (1971) these frames, while dynamic, conflicting, and contradictory, are utilised in an everyday way, in the manner of common-sense thinking and decision-making. Particular interests — rBGH-use interests — may become embedded within particular frames, and be carried forward to common sense acceptance (or rejection). In the case of rBGH use, these more general discourse sets have been supplemented with language from discourses on free-marketism, scientism, technological progressivism, and social welfarism.

In this examination of discourse between Monsanto and dairy firms (and in particular Tillamook Co-operative) both voices for and against rBGH, utilised arguments emphasising consumer sovereignty (consumer choice, and economic individualism) scientism (health, and safety) and social welfarism. Monsanto advocates tended to privilege free-marketism positions re: false advertising interferences with consumer rights. Opponents championed free-speech, and consumer's 'right to know'. Mostly absent from Monsanto's discourse were comments on their sales, and profit incentives to sell rBGH. Language was also absent from co-operative discourse concerning collective self-determination and various other co-operative characteristics — eg member use, governance, and ownership. Perhaps the most fundamental tension between Monsanto and Tillamook was one between the rights of private property and the internal agency of a co-operative (social self-governance). This was clearly evident in petitioning the by-law change:

the board shall ... not in any way restrict the right of any member to use any pharmaceutical product approved by the ... [FDA] ... for use in dairy cattle.

In Rupert's (1997) discussions on "reconstruction of common sense", he suggests public discourse on such unfulfilled promises of liberal capitalism as universal democracy (grass roots democracy across both political

and economic institutions) may seem subversive — particularly when collective self-governance is pitted against rights of private property. While Tillamook Co-operative exercised collective agency, it was absent in the rBGH discourse. Yet the elected board made the earlier decisions, and a full referendum was later held — nearly 90 percent voting. The argument justifying the ban, even after the vote, was made in terms of consumer sovereignty, not member self-determination.

Perhaps social self-government may seem subversive, in that when members join a co-operative they do give up "some" of their individual property rights — though this is done in exchange for the right to engage in collective marketings. Given the many provisions to protect individual freedoms (civil liberties) within the laws of the US, (as well as over a half-century opposition to a Stalinist socialism) contingencies imposed upon individual rights of property, even when done in a voluntary manner — may seem problematic in commonsense discourse: "What will be limited next?"

It may be the manifestation of such dire problems as global warming, global inequality, and myriad cross group conflicts, may demand a fuller consideration of alternative models of socio-economic organisation. Rupert (1997) suggests (quoting Cavanaugh) that

the key to genuine democracy in this [era] ... will be the struggle by communities and citizen's organisations to control their own destinies ... to collectively make decisions about their futures.

A purpose of this paper was to bring some greater social self-awareness, with intent to specify its boundaries or to expand them. In the discourse struggle over rBGH, between co-operative Tillamook, and Monsanto, two discourse sets tended to be manifestly absent. Monsanto's explicit interests in expanding sales of rBGH to make a return on their investment was absent, as was Tillamook's explicit commitments to co-operative organisation. To consider alternative models of organisation, we must at first have some idea of what it is that is not being said. In this case the tension between rights of private property and collective self-government were displaced by a struggle focused on labelling and consumer sovereignty.

We might move forward by bringing more forcefully to public discourse a detailing of the imperatives and differences between investment (return on investment) oriented firms, where sales and profits are primary, and

co-operatives, where sales and continued member-use are primary, and where collective self-governance plays a central part. May we then let the community choose.

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Notes

1. Each respective paper by Kleinman and Kinchy (2003), Buttel, (2000) and Kleinman and Kloppenberg (1991) presents an analysis of discourse utilised in a conflict over rBGH use. Kleinman and Kloppenberg's work gives particular focus to how advertising is used in building upon pre-existing meanings in a culture, but reassembled with new associations, such that new meanings and new structures of meanings are created. The paper is a case study of how the Monsanto Corporation associated various common understandings of "naturalness," "science," "technology," and "workings of the market" to build a case for rBGH use and public acceptance. The authors suggest the prize to be won — quoting Gramsci — is a hoped for "common sense" understanding of the world that is intertwined with an acceptance of the safety and value of hormone use. Buttel presents a historical development of how a discourse struggle between proponents and opponents shifted from early focus on production issues, through struggles over understanding rBGH as to its "naturalness", to debates concerning consumption, as reflected in food safety (from a scientific perspective) and in the "rights" of consumers. (This production to consumption continuum is understood as a temporal introduction of new issues, rather than a total displacement of one discourse frame by another.)

Kleinman and Kinchy presents four basic discourse paradigms — technological progressivism, scientism, free marketism, and social welfarism — in their comparisons of divergent policy landscapes between the United States and Europe. The work at hand draws primarily from Kleinman and Kinchy's relatively more systematic presentation of discourse sets, though supplemental comments are provided from the remaining papers. There is considerable over-lap among the works however, each easily ordered under Kleinman and Kinchy's framework.

Technological progressivism refers to discourse that privileges "progress" as good in itself, seemingly inevitable, and generally associated with advancements in material culture, and techno-industrial, "modern" development. Those who oppose technological progressivism (anti-rBGH use for example) may be subjected to criticism as being luddites and as "tireless champions of technological stagnation (p379). Bovine growth hormone is understood as part of the inevitable development of technology and the furtherance of progress.

Free marketism is a discourse that privileges such concepts as "individual self interests," and the "invisible hand" logic of an economy. Through the processes of price negotiation for varying quantities of product demanded and supplied, the market, if untrammelled by the State, can yield the greatest output, at the best price for the consumer, and for the least expenditure of resources. Implicit are beliefs in economic individualism, with central importance given to the sanctity of private property and competition. "Free marketism" is easily linked to technological progressivism in that "the market" is held the appropriate and determining force to call forth specific technologies. Further, "markets not governments should solve economic problems" (p382). To seek otherwise, ie to interfere with the free operation of the market, tends to create disequilibrium, inefficiencies, and even social welfare unfairness. From within "free marketism" rBGH is understood as a calling forth of a specific technology, from the dynamics of an unfettered free market, ordered by aggregate preferences, prices, quantities, and efficiencies.

Scientism is organised around central beliefs that facts and values are separable and distinct, scientific results produce facts, and collections of facts produce science. Facts are held superior in that the data utilised to construct facts are understood as collected with "objective procedures." This "objectivity" then lends science an authority as factually based (not based on values) and therefore the "best arbiter" for resolving disputes, and a "best organiser" for public and civic decision making. To gain a credible footing in the general public, arguments within such terrains as the socio-economic and environmental impacts of agricultural industrialisation, the commodification of nature and foods, market concentration and agri-business conglomeration tend to be scientised and shifted, presumably to "value-free" health issues, food safety and economic efficiency measures. Technological developments (and technological progressivism) are generally understood as practical applications of good science. Arguments on the moral and ethical concerns of family farm displacement, loss of environmental resiliency for future generations, erosion of autonomy and democratic civil society have a more difficult path to public credibility, and tend to be understood as value-laden, not neutral, and less scientific. Within the "science" discourse, rBGH is understood as a product of "objective" research, a step in technological progress, and the result of the dynamics of a free market, driven by profit incentives (and price, quantity, and efficiency relations).

Kleinman and Kinchy argue that a fourth discourse — social welfarism — is also relevant to the rBGH

controversy. It is embedded with language oriented to preserving “economic and social features of rural and agricultural life, and ... tends to be at odds with industrialised, urbanised society”. Less broadly received in the US (than for instance in the EU’s Common Agricultural Policy strategies) one finds privileged in “social welfarism” discourse, issues of social justice, negotiated within contextual concerns of inequality, super-ordinate/subordinate power relationships, uneven and unequal economic exchange, farm displacement and farm loss, issues of poverty, economic, environmental, and community sustainability, among others. State intervention is allowed for — as opposed to holding the operations of the market as an iconic ideal — with the understanding that not all problems can be solved by the market. Language more broadly accepted in the US includes such constructs as “social safety net, health, unemployment, and retirement benefits” though even these can be quite contentious. For purposes of this paper “social justice ethics” will be utilised in place of Kleinman and Kinchy’s “social welfarism” to provide greater space for language less directly associated with government interventionist meanings, while providing for language relevant to socio-economic and cultural praxis.

These papers over-lap in terms of the types of discourse identified as supporting and opposing rBGH use. The language of technological progressivism, scientism, free-marketism, and social justice ethicism are evident in each of the papers. Buttel and Kleinman and Kloppenberg also emphasise a “naturalness” discourse. “Milk is milk. All milk has bovine growth hormone in it, and there is no difference between milk from cows treated with rBGH, and cows not treated with it.” The “its natural” language is based in a “scientism” discourse however — related to issues of health and safety. Buttel suggests this speech was most prevalent in a transitional period as discourse shifted from on-farm production to at-home consumption issues.

2. This process remains controversial however, in that opponents question the neutrality of FDA employees, given a swinging door employment relationship between Monsanto and the FDA.
3. Letters from G Steven Rowe, Maine Attorney General, and Robert Spear, Maine Commissioner of the Department of Agriculture, in response to Monsanto, can be found on the web by going to most search engines and entering each respective person’s name, and Monsanto.
4. The investment versus service tension is perhaps no better highlighted in the US than in certain provisions of the Capper-Volstead Act (the enabling legislation for farmers to organise collectively in the US). The Act empowers farmer-members to form and operate agricultural marketing co-operatives if “the co-operative members are agricultural producers, non-member business is less than 50 percent, prices of production are not unduly enhanced [in response to the Sherman Anti-trust Act] and ... “no member has more than one vote, [or] the association does not pay dividends on stock or membership capital in excess of 8 percent per annum” (Rasmussen, 1991).