

# 24 YEAR TIMELINE OF THE RAW MILK BATTLE IN ONTARIO

The Michael Schmidt / Glencolton Farm / Raw Milk Saga



**Feb 1994**—First raid on Michael Schmidt's Farm. Michael charged. Health Appeal Board in Ontario rules against raw milk. Michael has to plead guilty after insurance cancels farm policy. Loses most of his farm.

**Mar 1995**—Michael proposes research project to Ontario government. Threatens with hunger strike if government raids farm again.

**Nov 2006**—25 armed Government agents raid farm again. Michael is charged with 18 offences. Michael on hunger strike for 28 days.

**Oct 2008**—Michael convicted of contempt of Court for continuing to provide cow share owners with their own milk. A total of \$55,000 in costs and fines issued against Michael. He refuses to pay.

**Jan 2009**—6 day trial in front of Provincial Offences Court, Justice of the Peace Kowarsky presiding. 5 government lawyers vs Michael.

**Jan 2010**—Michael acquitted on all charges. Kowarsky ruled Cowshares legal, "*educated people can opt out of government's protection*".

**Feb 2010**—Government of Ontario appeals the decision. Canadian Constitution Foundation takes over Michael's pro bono defence.

**Sep 2011**—Appeals Judge Tetley finds Michael guilty and reverses Kowarsky's ruling. A \$9500 fine is imposed. He refuses to pay.

**Nov 2011**—Michael meets Premier of Ontario after a 39 day hunger strike.

**Jun 2013**—Michael and Gordon Watson charged and convicted to 3 month suspended jail sentence for helping *Home on the Range* Cowshare operation in BC. \$55,000 fine is imposed. He refuses to pay.

**Feb 2014**—Court of Appeal hears appeal of Tetley's decision.

**Mar 2014**—Court of Appeal turns down appeal and sides with Justice Tetley, confirming the guilty verdict

**Aug 2014**—The Supreme Court of Canada refuses to hear appeal against the Ontario Court of Appeal.

**Jul 2015**—Michael finds surveillance cameras on Concession 2 in West Grey, south and north of the farm, reports them to the police.

**Sep 2015**—Milk and food delivery to Glencolton's Farmshare members raided by York Region.

**Oct 2015**—Farm is raided by 20 officers. Cow share members block driveway, prevent looting of the farm by Government agents. Schmidt criminally charged for theft of cameras he reported to Police in the first place.

**Nov 2015**—5 people are criminally charged for obstruction at the peaceful farm gate defence in October.

**Jan 2016**—York Region and the Ministry of Agriculture and Food file two applications to the Court for injunctions against the farm and its member owners in an attempt to stop flow of raw milk in Ontario.

**Sept 2016**—Two day hearing in the Ontario Court of Justice at Newmarket. Our Farm Our Food (OFOF) granted intervener status, but motion to convert application to an action (meaning a jury not judge would decide the case) was withdrawn as it became clear the motion would not be granted.

**Nov 2017**—Schmidt sentenced to 60 days for obstruction relating to Oct 2015 raid. Begins serving sentence over consecutive weekends at maximum security prison in Penetanguishine, Ontario.

**Jan 2018**—Newmarket judge issues permanent injunction. Justice Sutherland rules anyone with knowledge of his order may not process milk without a license.

**Feb 2018**—Glencolton farms planning constitutional challenge along with 19 raw milk consumers and one other producer. The 21 applicants are calling for your help to show a broad base of support.

## SUPPORT THEIR GOFUNDME AT Legal Raw Milk Canada

# YOU CAN NOW GO TO PRISON IN CANADA FOR PROVIDING RAW MILK. SERIOUSLY.

Karen Selick: It's time for the federal and provincial legislatures to pay attention, just as they finally did with marijuana, and remove this thorn from everyone's side



**Article by Karen Selick**

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As Canada ambles along towards the day when its prisons will empty of people who did nothing more heinous than possess marijuana, the province of Ontario appears eager to fill its empty jail cells with individuals whose so-called crime was distributing raw milk.

On Jan. 5, 2018, Justice P. W. Sutherland of Ontario's Superior Court of Justice imposed an injunction in a case called *Downing v. ARC*. Downing is the provincial Milk Act Director, while ARC is an incorporated farm co-op that allegedly was distributing raw milk, but has now closed down its milk operation. In essence, the decision transformed an action that was previously a provincial regulatory offence punishable only by fines — distributing raw milk — into a federal crime punishable by up to two years in prison.

As is often the case when raw milk makes headlines, the case involved farmer Michael Schmidt, who has campaigned for decades for the legal right to fill the niche market for unpasteurized milk and cheese. Schmidt originally owned the farm that was later transformed into the ARC co-op. However, the injunction granted by Sutherland affects not only Schmidt and the several family members and incorporated co-ops, including ARC, who were actually sued in the lawsuits, it also affects anyone who happens to have knowledge of the existence of this new injunction.

So if you're reading this article, and you're among the probably hundreds of Ontarians who distribute unpasteurized milk or milk products, then you should stop reading immediately, try to forget

everything you've read so far, or at least never admit to having read it. Although ignorance of the law is generally not an excuse for people charged with an offence, Sutherland's order has made it advantageous for purveyors of raw milk to be ill-informed.

But that won't be the only unintended consequence of the order. Another likely outcome will be increased health risk to steadfast raw milk consumers. The sworn evidence before the court from some 80 co-op shareholders was that if their operation were shut down by injunction, they'd simply seek out raw milk from other sources.

Schmidt's operation has a 25-year history of safety. Knowing that they were perpetually in the limelight and under scrutiny, the farmers focused on quality and sanitation. No one has ever been known to get sick from raw milk produced there. The fly-by-night guys who'll be pedaling raw milk out of the backs of their pickup trucks — and there have certainly been cases like this — probably won't be taking the same precautions. Buyers are therefore more likely to get food poisoning.

Ontario's law requiring mandatory pasteurization was first enacted in the 1930s and has outlived its "best before" date by a few decades. Several milk-borne diseases prevalent 80 years ago have been virtually eradicated by now. Advances in technology and general increases in our standard of living have further reduced the risk. Bacterial testing is readily available, transportation is fast, and consumers can all afford refrigerators.

But Ontario stubbornly refuses to reconsider the legislation. Schmidt's 37-day hunger strike in 2011 culminated in a meeting with then premier Dalton McGuinty, but nothing changed.

Meanwhile, over the 24 years that Ontario has been prosecuting Schmidt, the number of U.S. states that have enacted laws allowing consumers to access raw milk has risen from 26 to 42. Canada is the only G7 country that completely prohibits the distribution and sale of raw milk, through both federal and provincial laws. In many European countries, raw milk is sold in vending machines. Italy alone has about 1,300 such machines.

Do all these foreign governments care less about their people than Canadian governments do? Or do they simply recognize that raw milk really isn't very risky compared to all kinds of stuff that people consume legally every day? Canadian kids make an alarming number of trips to the hospital emergency room every year (and occasionally die) due to choking on hard candies or balloons, but we don't outlaw those. Deadly cigarettes and alcohol are still legal.

Sutherland's injunction is being appealed. Simultaneously, lawyers have launched a constitutional challenge seeking to overrule the province's outdated legislation. Fighting this through the courts (yet again) will just add to the millions of taxpayer dollars that Ontario has already squandered on "protecting" people who either don't need or don't want that protection.

Virtually everyone who learns about this issue has sympathy with the position of Schmidt and the consumers' co-op. Even Sutherland acknowledged his own sympathy in his decision. It's time for the federal and provincial legislatures to pay attention, just as they finally did with marijuana, and remove this thorn from everyone's side.

*Karen Selick was Michael Schmidt's lawyer from 2010 to 2013.*