

The libel action against Oprah Winfrey

US agribusiness attempts to silence debate on BSE

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The \$12 million defamation suit brought by Texas cattle ranchers against talk show host Oprah Winfrey and one of her guests, Howard Lyman, is reaching its conclusion. The case, which is being heard in Amarillo, Texas, centers on comments made during Winfrey's April 15, 1996 show that discussed the "mad cow" epidemic in Britain. Mad cow disease, or Bovine Spongiform Encephalopathy, became epidemic in Britain's herds in the 1980s.

One of a number of transmissible spongiform encephalopathies (TSEs), BSE destroys the brain and nervous system. For years the Tory government and the British meat industry claimed that BSE-infected cattle posed no threat to the human population. The prevailing practice in the industry was to turn the carcasses of infected cattle into animal feed. As a result, cattle incubating the disease found their way into the human food chain.

In March 1996 the British government was forced to admit that the deaths of 10 young people from a new variant of Creutzfeld-Jakob Disease (CJD), the human form of BSE, were "probably" caused by eating infected beef. Scientists have since proven the link conclusively. To date 25 people in the UK have died. Informed scientific opinion is that the eventual death toll could number in the thousands.

Discussing the possibility of a similar scenario in the US, Howard Lyman, a former rancher who turned vegetarian after studying the British cases, told Oprah's 20 million viewers: "If only one cow has mad cow disease, it has the potential to affects thousands." BSE-infected cattle could, he said, "make AIDS look like the common cold." Winfrey responded that she had eaten her last hamburger.

Winfrey's own remarks were innocuous even by her standards. The April 15 program also included "pro-beef" guest Will Hueston, a US Department of Agriculture spokesman at the time. In her show a week later Winfrey invited back a cattle industry representative to inform viewers that American beef was safe.

Despite this, the Texas cattle industry filed suit against Winfrey and Lyman, claiming that their "defamatory" comments had caused beef prices to plunge to a 10-year low. Their case rests largely on the claims of the US government and agribusiness that BSE does not exist in American herds.

The suit has been brought under the Food Disparagement Law, or so-called "veggie law," which outlaws public criticism of perishable goods. It was introduced at the behest of multi-billion dollar agricultural concerns, following an unsuccessful legal action by apple growers over a 1989 CBS report on the pesticide Alar, which was blamed for an increase in cancer rates.

The cattle ranchers' suit represents a major attack on the right to free speech. Yet neither the abuse of democratic rights, nor the validity of Lyman's claims, have been seriously addressed in press commentary on the trial. Reports focus on Winfrey's celebrity status, her "chat show" technique and, as is invariably the case in the US, questions of race.

Winfrey and Lyman are not the only ones who have speculated on the existence of BSE in the United States. ABC's World News Tonight program, broadcast on May 12, 1997, reported that undiagnosed cases of CJD could be widespread in the US. Reporter John McKenzie said, "Health officials have maintained there

are only about 250 new cases of CJD in this country each year, but several autopsy studies suggest this disease has been under-diagnosed." When autopsies were performed and brain tissue examined from Alzheimer's and other brain disorders, they uncovered hidden cases of CJD in "anywhere from about 1 percent to 13 percent" of the samples.

A European Parliament inquiry held last year into the outbreak of BSE in Britain found that it "stemmed from the introduction from the United States of the 'Carver-Greenfield' system of manufacturing meat-and-bone meal."

The recently published book *Mad Cow USA—Could the Nightmare Happen Here?*, by Sheldon Rampton and John Stauber, highlights the deregulation of agriculture during the Reagan administration in the 1980s. The authors quote Consumers Research food editor Beatrice Trum Hunter, who states: "A plethora of substances found their way into animal feed. They included agricultural wastes.... They included retail food wastes.... Slaughterhouses and tanneries provided blood, entrails, hoofs, bristles and feathers for use in animal feed. Some alternative substances were ... industrial wastes such as sawdust, wood chips, twigs, and even ground-up newspapers and cardboard boxes. Others were cement dust from kilns, sludge from municipal composting plants, water from electric generating plants ... and waste water from nuclear power stations."

The book details research into the emergence of a TSE among mink on farms in Wisconsin in 1985, the same time as the first case of BSE in cattle was observed in Britain. A study into the mink outbreak attributed it to their being fed on "downer cows" (cattle unable to stand). The major visible symptom of BSE is the loss of motor function and coordination. Richard Marsh, a research veterinarian at the University of Wisconsin-Madison who also appeared on Winfrey's show, reported the results to the US Livestock Association that year, but no action was taken.

Only on June 5, 1997 did the Food and Drug Administration announce regulations banning the use of rendered sheep and cattle as feed for ruminant animals, such as cattle. The FDA stated: "There is a growing body of data and information that affirmatively raises public health concerns.... The data and information raise concern that BSE could occur in cattle in the US; and that if BSE does appear in this

country, the causative agent could be transmitted and amplified through the feeding of processed ruminant protein to cattle, and could result in an epidemic. The agency believes that the high costs, in animal and human lives and economics, that could result if this scenario should occur, justifies the preventive measures reflected by the proposed regulation."

The rendering industry could, however, continue processing "slaughtered animal parts" into feed supplements for pigs, chickens, fish, pets and other animals, which in turn could be converted into feed for cows, as well as other animals. Moreover the FDA regulation permitted TSE-positive materials to be used in pet food, as well as pig, chicken and fish feed. It only required that it bear the warning: "Do not feed to cattle and other ruminants."

The regulations further exempt blood and blood products, claiming that these do not carry the disease. Scientific research and growing empirical evidence indicate that this is not the case. Earlier this year the drug company Pharmacia and Upjohn withdrew 40,000 vials of a drug manufactured in part from the blood of a donor later diagnosed as suffering from CJD. In Hong Kong 108 hospital patients were treated with a drug found to be CJD contaminated. Ten of the patients have died.

The Socialist Equality Party of Britain conducted an extensive investigation into BSE, culminating last year in an independent workers inquiry. In addition to bringing forth new information, the inquiry illuminated the inner workings of an economic system that subordinates every aspect of human life to the drive for profits.



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