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## Agri-Mark will pay \$65,000 over rBST-free claims

RUTLAND — Agri-Mark Inc. will pay the state \$65,000 to settle allegations that the dairy cooperative and its Cabot brand misrepresented some of its products as rBST-free in violation of the state's consumer protection law, the Vermont attorney general's office said Wednesday.

Under the settlement, Agri-Mark also will donate \$75,000 worth of dairy products to local food banks and take action to prevent misrepresentations, as well as accurately inform consumers as to the rBST nature of its products.

Attorney General William Sorrell said Wednesday the public has to have confidence in the labeling of food products, especially when it comes to additives such as the artificial hormones often used in milk production.

"We made clear to them that for some people rBST, the presence of it, is no big deal one way or another, but for others it's extremely important," Sorrell said, "and we just want consumers who wish to be informed in making their food buying choices to have accurate packaging and representations (as) the basis for those decisions."

He added that the mislabeling appeared to be inadvertent or the result of negligence on the part of Agri-Mark rather "than any intentional misrepresentations."

A synthesized hormone, rBST is given to dairy cows to increase milk production.

An Agri-Mark spokesman told The Associated Press that the company would be changing its packaging in the coming months to ensure that any products labeled as rBST-free really are.

"We're glad to get this issue behind us and continue to make good products," spokesman Doug DiMento said. "We're happy to begin labeling our products so everything is clear."

DiMento said the federal Food and Drug Administration had found there was "no significant difference" between products from cows treated with rBST and those that were not. "But that's not the point. The point is the consumer wants the choice, and we're going to be able to give them that choice openly and clearly through the labeling process."

Agri-Mark and its Cabot Cooperative Creamery produce a variety of dairy products, including cheese, dairy spreads, butter and whipped cream, many under the Cabot brand. According to the attorney general's office, some products are made from milk that is certified by farmers as rBST-free, while other products are not certified.

Products the company could not be certain were rBST-free include: Swiss cheese, mozzarella

cheese, whipped cream, American cheese, Colby Jack cheese, Monterey Jack cheese, cheddar powder, butter, Muenster cheese, full-fat pepper jack cheese, horseradish cheese, New York extra sharp cheese and spreadable cheddar cheese.

Although those products could not be certified as rBST-free, the attorney general's office said that during 2009 and 2010, Agri-Mark staff stated in emails to members of the public and on the company's Facebook page that "NO milk containing antibiotics or rBST (rBGH growth hormone) is ever allowed for processing."

Company personnel said in emails to members of the public that the milk processed at its two plants in Vermont and at its plant in Massachusetts for Cabot cheese was free of rBST.

The company also stated that in time it would place a no-artificial-growth-hormone icon "on all Cabot packaging."

In addition, the attorney general's office said letters were released from Agri-Mark's president and general manager stating that the company's board of directors voted to no longer accept milk from cows treated with rBST and that the cooperative would "no longer (be) accepting such milk as of Aug. 1, 2009."

The attorney general office said Agri-Mark's statements would lead most consumers to believe that all of Cabot's products were rBST-free, but they were not.

Sorrell said his office started investigating Agri-Mark's questionable claims after receiving complaints from "consumers and a food co-op or two, who are very interested in this issue and had been communicating with Cabot personnel."

Sorrell said that as part of the settlement Agri-Mark "will immediately put on their website a list of those products for which they cannot make that representation" as being rBST-free. The company is required to keep the list on its website for three years.

Sorrell said to accommodate the Methuen, Mass.-based dairy cooperative, the state agreed to allow Agri-Mark to exhaust its existing supply of product labeling. New labeling will have an icon that will let consumers know whether a particular product is rBST-free.

The company's actions violated the Vermont Consumer Fraud Act's ban on deceptive trade practices.

Although the Food and Drug Administration has determined there is no significant difference between milk from rBST-treated and non-treated cows, Sorrell said many Vermont consumers are concerned about the use of rBST and purchase their dairy products accordingly.

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