

April 5, 2024

*Via email*

Jason Bateman  
c/o Rick Kurtzman  
Creative Artists Agency  
[REDACTED]

Dear Mr. Bateman:

I represent People for the Ethical Treatment of Animals, Inc. (PETA). PETA urges you to immediately stop disseminating false and misleading marketing claims on your podcast that Organic Valley products are “ethically sourced,” including specifically: “[Organic Valley’s] *products are ethically sourced* from small family farms where cows spend lots of time grazing outside on organic pasture,” which you read on the March 18, 2024, episode featuring John Oliver.<sup>1</sup>

Despite this representation, animals used for such dairy production are not “ethically sourced” and are harmed in the process.

Although prior to this letter you may not have been aware of it, cows used for mass consumption dairy products are typically hooked up to machines and milked two or more times per day,<sup>2</sup> rather than being allowed to suckle their calves. To ensure a constant supply of milk, these cows are repeatedly and artificially impregnated—not a pleasant experience—to ensure milk production. This practice creates a vicious cycle where cows on farms supplying dairy, even on organic farms such as Organic Valley’s, are forcibly separated from their newborn calves shortly after birth.<sup>3</sup> This traumatic separation inflicts immense stress upon the cows, who form strong maternal bonds—mother cows can be heard calling for their calves for days after being separated. Female calves are subjected to the same cycle as their mothers, while male calves are generally taken to feedlots where they await slaughter. After a female cow’s milk production drops, she is also sent to slaughter.

It is common in the commercial dairy industry for cows to be forced to spend long periods of time standing on concrete floors in their own filth from which they cannot escape and in intense confinement, which results in various ailments and health conditions, like respiratory issues, udder infections, and hoof injuries.<sup>4</sup>

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<sup>1</sup> “John Oliver,” SMARTLESS, at 37:17-38:17 (Mar. 18, 2024).

<sup>2</sup> See The Cornucopia Institute, Organic Valley, <https://www.cornucopia.org/scorecard/dairy/organic-valley-3/> (noting the majority of Organic Valley supplier farms “milk twice a day” and “one farm milks 3 times a day”).

<sup>3</sup> See *id.* (noting that calves on Organic Valley supplier farms are “[r]emoved shortly after birth (standard practice).”).

<sup>4</sup> See, e.g., *Undercover Investigation Reveals Cows Suffer for Land O’Lakes*, PETA, <https://support.peta.org/page/1584/action/1?locale=en-US> (“[T]he investigation documented deplorable, filthy conditions for cows on the farm, such as pens that were filled with deep excrement ... and cows who suffered from ailments and conditions so severe that they collapsed and became ‘downers’ but were not put out of their misery or given veterinary care in a timely manner, if at all.”).

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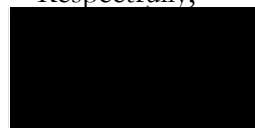
PETA’s investigations show cows are often prodded, kicked, and abused, particularly when they have become too weak, injured, or ill to stand or move quickly.<sup>5</sup> The fact that milk may be labeled “organic” does not ensure that dairy has been sourced ethically or that the cows from whom it was taken were treated humanely. For instance, just this past year, a whistleblower provided PETA with documentation of extreme animal suffering occurring on an organic dairy farm that supplied Horizon Organic before it was suspended following PETA’s exposé.<sup>6</sup> The whistleblower reported that the cows lived in filth and liquid waste and that cows and calves suffered from untreated ailments.<sup>7</sup>

Organic Valley’s claim that its dairy products are “ethically sourced” is clearly intended to convey to consumers that the cows are, without exception, treated humanely and in ways reasonable consumers would not find unethical. In this vein, a federal court has already found that Organic Valley must defend a consumer lawsuit for making similar representations. *See Order Granting in Part and Denying in Part Motion to Dismiss, Takahashi-Mendoza v. Coop. Regions of Organic Producer Pools*, 673 F. Supp. 3d 1083, 1096-97 (N.D. Cal. 2023) (allowing suit to proceed as it pertained to Organic Valley’s claim that it adheres to the “highest . . . animal care practices” because “consumers could plausibly expect that such practices would not include the early separation of mother and calf”). Similar representations have led to PETA issuing Organic Valley an “award.”<sup>8</sup>

By specifically including these types of representations in its advertising, the dairy industry evidently recognizes that its consumers value animal welfare and believe that at a minimum, animals should be treated ethically and humanely. As described above, animals used for the dairy industry are raised and slaughtered inhumanely and endure extreme suffering, which is anything but ethical. Therefore, claims like these are false and likely to mislead ordinary consumers.

Accordingly, PETA looks forward to your prompt confirmation that you will no longer participate in this form of deceptive advertising. Please confirm that you will cease disseminating false and misleading marketing claims on your podcast that Organic Valley products are “ethically sourced.”

Respectfully,



Jared Goodman  
Managing General Counsel  
[Redacted] | JaredG@petaf.org

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<sup>5</sup> *See id*; *see also Video Reveals that Neglected, Lame Cows Suffer in Pain and Filth at Pennsylvania Dairy—Just for Cheese*, PETA, <https://investigations.peta.org/reitz-dairy-farm-neglect/> (last visited Apr. 3, 2024).

<sup>6</sup> *Whistleblower: Cows Stuck in Fecal Soup, Dying in Drones at Local Supplier to Horizon Organic*, PETA, <https://www.peta.org/media/news-releases/whistleblower-cows-stuck-in-fecal-soup-dying-in-drones-at-local-supplier-to-horizon-organic/> (last visited Apr. 3, 2024); *Cow Found Struggling to Stay Afloat in Fecal Soup at Horizon Organic Milk Supplier*, PETA, <https://support.peta.org/page/59801/action/1> (last visited Apr. 3, 2024).

<sup>7</sup> *See supra* note 6.

<sup>8</sup> *Organic Valley Earns ‘Pants on Fire’ Award From PETA*, PETA, <https://www.peta.org/media/news-releases/organic-valley-earns-pants-on-fire-award-from-peta/> (last visited Apr. 3, 2024).