

Case #11a. Hudson Valley Foie Gras Farm Fights for New York City Market Access

based on

Can New York City Live Without Foie Gras? We May Soon Find Out

As a proposed ban of foie gras makes its way through the New York City Council, duck farmers and animal rights activists are scrambling to make their respective cases.



Hudson Valley Foie Gras, founded in 1990, slaughters about 800 foie gras ducks every day. The New York City Council is considering legislation that would effectively ban foie gras from being sold in New York. CreditDesiree Rios

By Amelia Nierenberg and Jeffery C. Mays Aug. 29, 2019 The New York Times

FERNDALE, N.Y. — For their final days, the male Moulard ducks at the **Hudson Valley Foie Gras farm** are force-fed three times daily. They eat fatty, corn-based feed through a tube inserted into their throats, a process known as *gavage* that will swell their liver up to 10 times its size.

A worker manually checks each duck's throat to see if it has digested its last meal; once a duck stops digesting, or after a 20 day force-feeding regimen, it is ready.

The ducks will be used primarily for foie gras, a delicacy that means “fatty liver” in French.

About 1,000 **New York City restaurants** serve foie gras, a calling card of fine dining and proof of a chef’s classical training.

As a \$10 supplement to the \$98 dinner tasting menu at Asiate, a foie gras *torchon* (roll) comes with “coastal herbs,” almonds and strawberry butter. With the \$148 tasting menu at Jean Georges, you can get it two ways: bruléed with balsamic and strawberry, or caramelized with black olive seasoning, lychee and a brioche.

A farm worker at **Hudson Valley Foie Gras** in Ferndale, N.Y. gives ducks one of their three daily force-fed meals.

“It’s part of the history of gastronomy,” said Jonathan Benno, the executive chef at Benno in the Evelyn Hotel, a boutique hotel in Manhattan.

But foie gras, which can be made from geese as well, has also been at the center of a debate over whether the process of producing the delicacy is humane or, as animal rights activists suggest, torture.

The **New York City Council** is leaning toward torture: It is now considering proposed legislation that would effectively ban foie gras from being sold in New York, one of the country’s largest markets for the product.

The bill could come up for a vote later this year; more than half of the **Council** has signed on as co-sponsors, and Mayor Bill de Blasio said he supports the intent of the proposal.

New York is not the first city or state to consider such legislation. Chicago passed a ban in 2006, but repealed it two years later after drawing wide ridicule, including from the city’s mayor, Richard M. Daley.



Animal rights activists argue that force-feeding birds for foie gras consumption is inhumane. Credit Angela Weiss/Agence France-Presse — Getty Images

A 2012 ban in California has proved more sturdy; although it was overturned in 2015, a federal appeals court reinstated the ban in 2017. The **U.S. Supreme Court** declined to hear a challenge in January.

“This is about the force-feeding of birds being inhumane,” said Carlina Rivera, a Manhattan councilwoman who introduced the bill, which would ban the sale or distribution of foie gras from birds that have been force-fed.

Each violation could result in a \$1,000 fine and up to a year in jail.

“It’s a purely luxury product,” said Ms. Rivera, who conceded to having tasted foie gras before she knew how it was made. (“I wasn’t a fan,” she said.)

But foie gras advocates say claims of torture are exaggerated and politically motivated. Foie gras, as a luxury item, is an easy target, compared with animals raised industrially for wide consumption.

“If you try to get people to give up their cheap chicken, you would have a problem, because it would affect their budgets,” said Mark Caro, who wrote “The Foie Gras Wars,” an exploration of the controversy.

“It’s enjoyed by foodies and gourmets: people most of this country resents,” he continued. “There’s a definite anti-snob thing going on.”

A normal duck liver is dark burgundy, can fit in the palm of a hand and usually weighs about 90 grams. Foie gras is yellow, roughly the size of a small human brain and can weigh around 800 grams. Each liver sells for about \$125.

Dr. Holly Cheever, a veterinarian who is vice president of the **New York State Humane Association**, said the foie gras ducks eat mostly plants, insects and small fish in the wild, not the outsize amount of food required for foie gras.

By the time the birds are ready for slaughter, some are so big that they can’t walk, and their enlarged liver can compress other organs, making it difficult to breathe, she said. The animals are in liver failure by the time the organ is ready to be harvested, she added.

“If we are going to consume another sentient being, we should make sure the production method is painless,” Dr. Cheever said. “This is the cruelest form of food production.”

Though many veterinarians agree, there is not consensus within the scientific community.

“Cows used to produce 30 to 50 pounds of milk,” said **Dr. Gavin Hitchener**, the director of the Cornell University Duck Research Laboratory. “Now they’re producing 80 to 120. We’ve maximized their efficiency. It’s the same idea for the foie gras duck.”

Dr. Hitchener said that the enlarged livers are not a sign of disease, and that the ducks are “physiologically normal.”

Other countries have similar bans on the sale or production, including the United Kingdom, Israel and India. Retailers such as Whole Foods banned the sale of foie gras in 1997 and Postmates stopped delivering it in 2018.

Not all foie gras comes from ducks or geese that have been force-fed; Dan Barber, a chef and a pioneer in the farm-to-table movement, gets his from ducks in Spain that naturally gorge themselves.

But for animal rights activists, New York is viewed as the most important battleground, where a tradition of foie gras consumption will go up against an increasingly progressive Council and a city “where people fight for justice,” said Matthew Dominguez, political adviser for **Voters for Animal Rights**.

That doesn’t mean the legislation will pass. New York City has an unsuccessful recent history of pursuing luxury-based animal rights-adjacent bans. (Further), the issue has come up three times at the New York State level since 2011, but did not progress far.

In one instance, Mr. de Blasio promised to ban carriage horses on his first day in office. Six years later, the carriages still operate, though they’ve been confined to Central Park. Other

proposed bans on wild and exotic animals in circuses and on the sale of fur products have taken years to pass, or not passed at all.

“Historically, animal rights bills are seen as being on the back burner to a number of pressing issues affecting humans,” said Edita Birnkrant, executive director of **New Yorkers for Clean, Livable, and Safe Streets**, an animal rights organization.

Another complicating factor in the bill’s passage is whether the city has the capacity to enforce it. Determining whether foie gras came from a bird that has been force-fed — at farms well outside the city — and what legally constitutes force-feeding would be onerous, according to city officials.

Two of the three foie gras farms in the country are in upstate New York, Hudson Valley and La Belle Farm; together they employ about 400 people. Officials at both farms say that about 30 percent of their business is from New York City.

“That’s 400 people, sure, but really, that’s **400 workers families**,” said Jenny Chamberlain, the head chef at Hudson Valley. She has a tattoo of two ducks sitting on an American flag, a memento from when the California ban was briefly overturned.



Jenny Chamberlain, the head chef at Hudson Valley. Credit: Desiree Rios for The New York Times

Hudson Valley, founded in 1990, slaughters about 800 foie gras ducks every day. Last year, it sold about \$15 million of foie gras to restaurants and distributors. Sergio Saravia, a co-founder of La Belle, said the ban would force his farm out of business.

“They’re so focused on this ‘1 percent,’” Mr. Saravia said. “But we’re the ones that are going to suffer.”

Hudson Valley has offered to take **City Council** members on a tour of the farm, as it did for **The New York Times**, to alleviate concerns that the process of producing foie gras is torturous to the animals. But none of the bill’s co-sponsors have agreed to do so yet.

Ms. Rivera, who proposed the legislation, said she is concerned about the “validity” of the tours; during a **City Council** hearing on the legislation in June, “advocates and veterinarians testified that the tours don’t reflect the real production methods, and that it’s more of a staging,” she said.

During a recent tour of the **Hudson Valley** nursery, the feeding areas and the slaughterhouse for foie gras ducks, short feeding tubes made of pliable plastic were used. (Metal pipes, which had been used by the farm through 2017, can damage a duck’s esophagus.) No ducks appeared unable to walk.

In carcasses of foie gras ducks hanging in the slaughterhouse, the swollen livers puffed out of the puckered, plucked torsos. To extract the liver, butchers slice through a thick layer of white fat and then crack the duck’s body open.

“If the bird is physiologically at the point where its body says, ‘I’ve had enough,’ it stops moving food,” said Marcus Henley, the operations manager at **Hudson Valley**.

“We take what the duck is going to give us,” he said.

Susan Beachy contributed research. A version of this article appears in print on Aug. 28, 2019, Section A, Page 21 of the New York edition with the headline: It’s a Delicacy, but Is It Ethical? Foie Gras May Be Banned in the City.



Farmers attended a New York City Council Health Committee hearing on Tuesday to protest the bill banning the sale of foie gras. Photo: angela weiss/Agence France-Presse/Getty Images

Actors in the Case

Hudson Valley Foie Gras Farm (HV)

New York City Council (NYCC)

Dr. Gavin Hitchner, Cornell University expert on animal husbandry (Hitchener)

New York City Restaurants and Chefs (Restaurants)

(The following opponents can be grouped together as “foie gras opponents”)

New Yorkers for Clean, Livable and Safe Streets

New York State Humane Association

Voters for Animal Rights

Case Questions

1. (4) Summarize the power situation the Hudson Valley Foie Gras Farm (HV) faces in this case. **(200 words. Be sure to include a “summary” of your summary!)**
2. (2) Define what model you think will best describe the public policy decision-making of the New York City Council:
Be sure to explain your choice [100 word limit for each].
3. (5) **Diagram** (a) the worst and (b) most likely case scenarios for the case.
4. (4) What should Hudson Valley Foie Gras Farm (HV)’s strategy be going forward to ensure it will continue to have access to the New York market? (150 words max)