



Illustration: Mae Decena

**POLITICS**

# Is foie gras really any worse than factory farmed meat?

The pending ban has renewed an acrimonious debate over whether the force-feeding method is worse than what happens to the billions of animals raised on U.S. factory farms every year.



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Walk into just about any fancy restaurant in New York, and there's a good chance foie gras — a delicacy whose creation involves force-feeding ducks until their livers are fattened to up to 10 times their normal size — will be on the menu. But in less than six months, when a [city law](#) passed in 2019 takes effect, that will be illegal.

The force-feeding process, known as “gavage,” sounds diabolical: A long metal or plastic tube is pushed down a bird’s throat to deposit large volumes of corn-based feed into the esophagus. Gawker once [called](#) foie gras “the Abu Ghraib of poultry dishes.” According to Matt Dominguez, an organizer for Voters for Animal Rights — a group that was instrumental in passing the city’s ban — “it’s like the cruelest thing on earth.”

“There’s a purity to the foie gras issue” that forces people to confront the suffering inflicted on animals raised for food, said Cheryl Leahy, executive director of the organization Animal Outlook, a longtime opponent of the foie gras industry.

New York's ban has renewed an acrimonious debate over whether gavage is worse than what happens to the billions of animals raised on U.S. factory farms every year. At first, it would seem the answer would be a straightforward yes, but it's murkier than that. This is not because foie gras is somehow humane, but because of the wide variety of practices that are standard in the meat industry. How can one compare, for example, the suffering of ducks force-fed until they cannot digest any more food to that of pregnant pigs [immobilized in cages](#) barely bigger than their bodies, or [chickens](#) bred to grow so big that they're in [severe chronic pain](#)?

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The answers may not matter. We may crave logic and consistency, but a perfect accounting of cruelty is neither possible nor necessary when it comes to assessing and reforming the food industry.

As for foie gras, few chefs have been stumping publicly to defend the dish. But many in the industry expect that even after the ban, it's unlikely to disappear from plates entirely. "The banning of foie gras ultimately ends up as a way to raise awareness only, as most high end restaurants will continue to serve the fatty liver under an alternative name," chef [Gabriel Glasier](#) wrote in an email. "Chefs in California [[which banned foie gras sales in 2012](#)] were selling foie gras as a special by calling it unicorn or other ridiculous names. The other option chefs had was to simply list foie as duck liver and neither confirm nor deny what it is."

The debate touches on some of the biggest tensions over the future of how we eat. Because foie gras is, as New York City Council Member Carlina Rivera put it, "a luxury product of little interest to the majority of New Yorkers," it's relatively easy to get popular consensus on it. But public disapproval of cruelty to animals in food production has implications that reach far beyond foie gras.

## Consider the duck

Animal rights advocates see foie gras as so obviously depraved that, although it affects far fewer animals than the factory farms that feed Americans every day, banning it is a no-brainer that would spare hundreds of thousands of birds daily abuse. "I really don't like to have a scale of suffering, but this definitely makes the top of that scale," said Hervé Breuil, an animal rights advocate who used to conduct undercover investigations into France's foie gras industry.

But research on how ducks experience force-feeding is surprisingly contested. There's disagreement over seemingly basic questions, like whether or not they have a gag reflex in the way that humans think of it. The majority of animal welfare studies on foie gras farms have been carried out by agriculture research institutes in France (the world's leading foie gras producer by far). These studies haven't found adverse impacts on the ducks, said Peter Sandøe, a bioethics professor at the University of Copenhagen — but he still opposes foie gras and believes we don't need to wait for better evidence to confirm that it's bad.

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"Lack of evidence sometimes is not a reason not to be against something," and it shouldn't

be taken to mean that ducks don't suffer for foie gras until proved otherwise, Sandøe said. Animal welfare research in commercial settings tends to be funded by industry or by government agriculture departments that support industry, he added.

A **review** of the French research by two University of Cambridge scholars argued that traditional markers of stress, like blood corticosterone levels, are unreliable in the context of force-feeding, and concluded that foie gras “leads to very poor welfare.” Foie gras ducks lack the ability not just to control their own eating, but to do everything that makes a duck a duck, like swimming in open water.

Skeptics of singling out foie gras as uniquely cruel **argue** that all of animal agriculture entails manipulating animals' bodies to make them hungrier, fatter and slaughter-ready as early as possible. “Just think about [farmed] turkeys. They're gigantic,” said avian veterinarian Scott Echols. “You don't have 50-pound wild turkeys running around.”

## The fight for foie gras

Foie gras producers often defend themselves on economic terms. New York's ban could spell the end of the U.S. foie gras industry, which **employs** about 400 people and serves many of the country's high-end restaurants. California already bans restaurants and retailers from selling the product, and similar bans are being considered elsewhere; Rhode Island's State House **passed** one in April.

Almost all foie gras produced in the U.S. comes from two companies, Hudson Valley Foie Gras and La Belle Farm, both in upstate New York. Both of them have said the city makes up such a large proportion of their sales that the ban would threaten the viability of their businesses. But whether that actually comes to pass will depend on whether the city is prepared to enforce its ban and defend it against challenges from the industry and restaurateurs.

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Last month, both foie gras producers **sued** the city, arguing that the ban is illegal. New York's agriculture department appears to agree with this. Soon after the city's ban passed, the department sent then-Mayor Bill de Blasio a letter alleging that it violates a law prohibiting localities from “unreasonably restricting” farm operations.

Foie gras bans in Chicago and California, as well as other farm animal protection laws across the country, have been routinely held up by **lawsuits** or complaints from industry players who say they aren't ready to comply with the new standards. Even animal welfare laws already in effect in the U.S. are known to be **poorly enforced**. Large majorities of voters say they don't want animals to suffer in food production when it means checking a box on a ballot, but when it comes time to enforce these laws, few people outside the animal rights movement mobilize to hold politicians accountable.

Chicago's foie gras ban was repealed in 2008 after being in force for just a few years, with widespread reports that chefs were defying it by serving the dish under a different name or as a “complimentary side.”

By one measure, New York City Council's vote to ban the sale of foie gras from force-fed birds is overwhelmingly popular. According to one 2019 poll **commissioned** by the law's proponents, 81 percent of randomly selected city voters said they'd support a ban; it **passed in the city council** by a vote of 42 to 6.

Foie gras production has already been banned in many European countries (though they're required to allow foie gras imports from EU nations that do produce it), as well as India and Israel. "Suppose that foie gras was really, really important. Then I would be much more concerned about there not being strong evidence," Sandøe said, but "we're talking about production that's utterly unnecessary."

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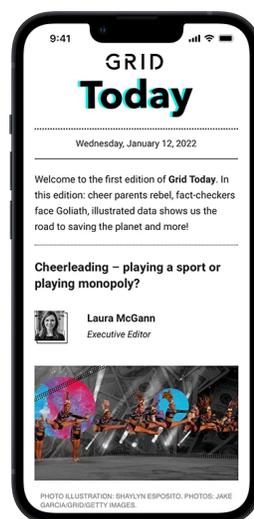
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Paul Freedman, a cuisine historian at Yale University, argues the opposite: "The result of the sacrifice, let's say, the cruelty inflicted on the ducks, at least produces a marvelous product, whereas the lean pork that you get in supermarkets that is basically all texture and no taste seems like a degradation not only of an animal and the environment, but of flavor," he said. "I happen to love foie gras. ... I'm not proud, but I'm not very embarrassed either."

The industry **has compared** foie gras production to the natural process by which waterfowl gorge themselves before migrating, but this is misleading. Foie gras was traditionally made using geese, but the industry has largely switched to mulard (not to be confused with mallard) ducks, which are not migratory. Even among migratory birds, the liver probably doesn't grow to more than twice its normal size (compared with the seven to 10 times reached in foie gras production), according to the Cambridge study, which calls the oversized foie gras livers "pathological."

Guillermo Gonzalez, founder of the now-defunct Sonoma Artisan Foie Gras farm in California, **acknowledged** in a 2003 media interview that force-feeding would eventually kill the ducks if they weren't slaughtered first, Chicago journalist Mark Caro reported in his book "The Foie Gras Wars." By the end of their lives, the animals are often seen panting, a sign of heat stress.

Footage taken by activists at foie gras facilities around the world has shown ducks kept in extremely small **individual cages** that barely allow them to move, farm employees appearing to aggressively **push down** feeding tubes as the animals try to avoid them, and ducks with severe **injuries**. "You kind of want to comfort the animals, and so you get close to them, and you can see that they are just trying to get as far as possible from you," said Breuil, the former undercover investigator in France, who is now shelter director for Woodstock Farm Sanctuary in upstate New York.

The individual cage system, one of the most controversial elements of foie gras

production, is not used in the U.S., although Hudson Valley Foie Gras trialed the cages and found that they didn't work for its business, Caro reported. U.S. producers instead keep ducks in larger group cages.

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Neither Hudson Valley Foie Gras nor La Belle Farm provided comment for this story, but the Catskill Foie Gras Collective, a trade group that represents both companies, [states](#) on its website that “the unique physiology of ducks allows for hand feeding that is stress free, non-invasive, and causes no discomfort.”

Attorneys at Animal Outlook have argued that there shouldn't be a need for hard-to-enforce retail bans like New York's because force-feeding should already be illegal under New York state's [animal cruelty statute](#). Animal Outlook has sent complaints to the Sullivan County (where both foie gras producers are located) district attorney arguing as much but said they haven't gotten a response. “This is a criminally cruel product, and the prosecutor is dropping the ball and refusing to do their job,” said Leahy. (Sullivan County District Attorney Meagan Galligan didn't return a request for comment, nor did County Sheriff Michael Schiff.)

Whether or not foie gras is worse than standard meat industry practices will matter when regulators are defending foie gras bans like New York's. If the suffering is no more extreme, then how can they justify putting foie gras farms out of business? This question puts animal rights advocates in the paradoxical position of having to show that foie gras is more cruel than other animal products, while also using it to draw attention to comparable treatment of animals all over our food system.

## Will a ban even matter?

In the culinary world, foie gras is “a unique ingredient because of its texture and flavor, which is unlike any other ingredient out there as far as richness, the way it melts in the mouth,” chef and food writer J. Kenji López-Alt said in an email. He believes conditions on U.S. foie gras farms are significantly *better* than on typical factory farms, but added: “Whether it's ethical to eat farmed animals at all in this day and age is a completely different question and one that I am personally conflicted on.”

Based on what's unfolded elsewhere, many in the restaurant industry still expect foie gras to illicitly appear on New York menus. Chicago's short-lived ban was “barely being enforced,” Caro reported in “The Foie Gras Wars.” California's ban, passed in 2004, has faced years of lawsuits but now appears to be safe after the Supreme Court declined to hear a challenge in 2019. (Recently, however, an appeals court [ruled](#) that individuals — though not restaurants or retailers — are still allowed to order foie gras from out-of-state companies.) Attorney Bryan Pease, executive director of the Animal Protection and Rescue League in Southern California, believes “the vast majority of restaurants in California are in compliance,” adding that state authorities have not really been enforcing the ban, so his group has been sending warning letters and suing establishments that they find in violation.

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But that hasn't stopped some restaurants from serving foie gras, according to Glasier, who compared foie gras to chefs serving cheese varieties banned by the Food and Drug Administration: "Restaurants easily sneak illegal cheeses into their restaurants and for years hid their sous vide machines from inspectors without getting caught. I have definitely eaten many of these cheeses in California restaurants."

It's hard to imagine inspectors from New York's health department, which is tasked with enforcing the ban, rolling into a restaurant and declaring, "That looks like foie gras to me — I'm going to take some downtown to sample it," said Freedman, the Yale historian.

Chicago's lack of political will to crack down on foie gras doesn't bode well for New York's law, but a lot has changed since then. "There's been greater sensitivity to the animal cruelty issue and great growth in veganism and vegetarianism. Chefs don't have the bad boy attitude that they did in 2006," Freedman said. Dominguez agreed and said his group plans to make sure the ban is enforced by monitoring restaurant menus and reporting violators. "I am very, very confident that foie gras will no longer be sold in the city," he said.

Asked whether the city anticipates any difficulties with enforcement, Michael Lanza, deputy press secretary for the health department, replied: "It is challenging to predict at this time."

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