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SOMETHING TO CELEBRATE?:
DEMOTING DAIRY IN CANADA'S
NATIONAL FOOD GUIDE
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Something to Celebrate?: Demoting Dairy in Canada's *National Food Guide*

Maneesha Deckha*

Abstract

In early 2019, the Canadian Government released the much-anticipated new *Canada Food Guide*. It is a food guide that de-emphasizes dairy products and promotes plant-based eating. Notably, in the new version, milk and milk products are de-listed as one of the previously four essential food groups. On the surface, it seems that the federal government is promoting veganism and helping to bring about a friendlier future for animals and humans harmed by being producers and consumers of dairy, as the new Guide may seriously contract the currently robust Canadian dairy industry and its powerful lobby. On closer inspection, the messaging from Health Canada is easily overtaken by an administrative landscape that protects the dairy industry and markets dairy products to Canadians and abroad as well as a legal landscape that completely commodifies cows. Adopting a critical animal studies perspective, this paper situates Health Canada's de-listing of dairy as a nutritionally foundational food source within a larger socio-legal Canadian regulatory landscape to assess the potential of the new *Canada Food Guide* to contest the entrenched legal and cultural norm of the dairy cow and her milk as products for human consumption.

I. Introduction

Through its agency, Health Canada, the Canadian government issued an updated version of its national food guide on healthy eating, titled *Canada Food Guide*, in 2019 ("2019 Guide").¹

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The new *Canada Food Guide*'s de-emphasis on dairy products and promotion of plant-based eating in general has attracted both extensive media attention and industry pushback.² This position represents a notable shift from previous versions of the *Canada Food Guide*, which started in 1942 and from the onset reflected the views of the meat and dairy lobbies, notably listing meat and dairy as lead anchors to two of the essential four food groups for human consumption—a stance reflected in the 2007 version of the food guide (“2007 Guide”).³ In the 2019 Guide—the first in over a decade—milk and milk products are de-listed as an essential food group and animal-based proteins are classified alongside plant-based proteins, with the latter promoted as preferred protein sources.⁴

On one level, this shift in messaging about healthy eating is to be celebrated by farmed animal advocates (as well as other stakeholders seeking to combat the deleterious environmental, health, and global food insecurity ramifications of animal-based diets). Scholars have noted the lackluster pace by which most countries of the global North have promoted plant-based eating to their populations.⁵ It is perhaps even more rare to see government de-emphasis on consuming dairy products, in particular as compared to “meat.” The de-listing of dairy seems especially progressive given

¹ HEALTH CANADA, CANADA'S DIETARY GUIDELINES (2019), <https://food-guide.canada.ca/static/assets/pdf/CDG-EN-2018.pdf> [hereinafter CANADA'S DIETARY GUIDELINES].

² See, e.g., Colin Macleod, *Canada's Food Guide Changes: Health is Set to Update Its Recommendations for Healthy Eating, So Make Sure You're Ready*, CHRONICLE HERALD, Aug. 24, 2017, at V10; Howard Courtney & Ian Culbert, *Canada's Food Guide Revamp is Good for People and the Planet*, THERECORD.COM (Feb. 19, 2018), [https://www.therecord.com/opinion-story/81401](https://www.therecord.com/opinion-story/8140142-canada-s-food-guide-revamp-is-good-for-people-and-the-planet)

42-canada-s-food-guide-revamp-is-good-for-people-and-the-planet; Aleksandra Sagan, *Canada Food Guide Starts Fight Over Beef, Butter*, CHRONICLE HERALD, Aug. 10, 2017, at B3; Ann Hui, *'Secret' Memos Reveal Efforts to Influence Canada's Food Guide*, GLOBE & MAIL (Oct. 26, 2017), <https://www.theglobeandmail.com/news/national/secret-memos-reveal-efforts-to-influence-canadas-food-guide/article36725482/>; Elizabeth Fraser, *Dairy and Cattle Farmers Worry New Food Guide will Hurt Business*, CBC RADIO-CANADA, (Jan. 13, 2019), <https://www.cbc.ca/news/canada/new-brunswick/canadian-food-guide-dairy-farmers-changes-1.4971792>; Sharon Kirkey, *Got Milk? Not So Much. Health Canada's New Food Guide Drops 'Milk and Alternatives' and Favours Plant-based Protein*, NAT'L POST (Jan. 22, 2019), <https://nationalpost.com/health/health-canada-new-food-guide-2019>.

³ HEALTH CAN., EATING WELL WITH CANADA'S FOOD GUIDE (2007), https://www.canada.ca/content/dam/hc-sc/migration/hc-sc/fn-an/alt_formats/hpfb-dgpsa/pdf/print_eatwell_bienmang-eng.pdf [hereinafter EATING WELL].

⁴ Courtney & Culbert, *supra* note 2.

⁵ See Paula Acari, *Normalised, Human-Centric Discourses of Meat and Animals in Climate Change, Sustainability, and Food Security Literature*, 34 AGRIC. & HUM. VALUES 69, 70 (2016) (describing strong social and cultural attachments to meat as a dietary necessity).

the Eurocentric whiteness of consuming milk and its normalized status in global North countries where whiteness predominates.⁶ On another level, this messaging from Health Canada is easily overtaken by an administrative landscape that protects and promotes the dairy industry⁷ as well as a legal landscape that completely commodifies cows.⁸ Working from a critical animal studies perspective, this paper will seek to situate Health Canada's de-listing of dairy as a nutritionally foundational food source within a larger socio-legal Canadian landscape in terms of the regulation of dairy products and the dynamics of dietary behavioural change in order to assess the potential of the new *Canada Food Guide* to challenge, however minimally, the entrenched legal and cultural norm of the dairy cow and her milk as commodities.

Part II of this paper first describes in greater detail the shift in the *Canada Food Guide* ("the Guide") towards a decrease in the consumption of dairy and an increase in plant-based eating in general, its government rationale, public support, and industry resistance. This Part aims to contextualize the shift toward a plant-based diet and the de-emphasis on dairy within the history of the Guide as well as the Guide's other key new messages regarding healthy eating to better analyze the magnitude of the changes. I conclude that the 2019 Guide's emphasis is a significant victory for plant-based eating in general and veganism in particular in that the change would represent, if implemented, formal governmental policy opposition to the status quo regarding the normativity of quotidian animal consumption. In Part III, I evaluate this policy victory against two larger forces inhibiting relief for farmed animals, namely: (1) broad-based government support for animal agriculture despite the work of Health Canada in revising the Guide; and (2) the multiple and gendered factors inhibiting the adoption of plant-based diets and the tendency of those who switch to vegetarian and vegan diets to shift back to animal meat consumption. Focusing on the dairy industry and veganism in particular, I discuss why these two larger forces combined have the ability to prevent the hoped-for drop in consumer demand for animal-based products that farmed animal

⁶ See Mathilde Cohen, *Animal Colonialism: The Case of Milk*, 111 AM. J. INT'L L. UNBOUND 267, 268–69 (2017); Andrea Freeman, *The Unbearable Whiteness of Milk: Food Oppression and the USDA*, 3 U.C. IRVINE L. REV. 1251, 1268; Greta Gaard, *Toward a Feminist Postcolonial Milk Studies*, 65 AM. Q. 595, 608 (2013).

⁷ See, e.g., Jen Gerson, *The Dairy Lobby's Iron Grip on Canadian Political Leaders is Frightening to Behold*, MACLEAN'S (Aug. 30, 2018), <https://www.macleans.ca/politics/the-dairy-lobbys-iron-grip-on-canadian-political-leaders-is-frightening-to-behold/>.

⁸ See, e.g., Annika Lonkila, *Making Invisible Cattle: Commodifying Genomic Knowledge in Dairy Cattle Breeding*, 3 FIN. J. HUM. ANIMAL STUD. 28, 29 (2017).

activists would arguably like to see over time result from the Guide. The paper thus concludes that, while Health Canada's policy shift is valuable as a precedent-setting discursive government message, the material effect for farmed animals is likely to be negligible without greater government action against the dairy industry and overall stronger public educations regarding the animal rights/social justice benefits to Health Canada's rationale for Canadians to adopt a plant-based diet.

II. A Revolution at Health Canada?

By its own account, Health Canada is the Ministry "responsible for helping Canadians maintain and improve their health. It ensures that high-quality health services are accessible, and works to reduce health risks."⁹ As part of this mandate, Health Canada has published a national food guide since 1942.¹⁰ In recent years, it has been the public's most requested Government of Canada document after income tax forms.¹¹

A. *The 2007 Guide and its Critics*

The 2007 Guide was called *Eating Well with Canada's Food Guide*.¹² It was a 6-page infographic booklet that classified healthy food into four food groups and advised Canadians through illustration, design, and text what they should eat.¹³ The four food groups in the 2007 Guide included: (1) Vegetables and Fruit; (2) Grain Products; (3) Milk and Alternatives; and (4) Meat and Alternatives.¹⁴ The first page of the 2007 Guide (Figure 3) depicted four "rainbow" arcs, representing the four current food groups.¹⁵ The second page (Figure 4) listed the recommended number of servings

⁹ *Health Canada*, CANADA.CA, <https://www.canada.ca/en/health-canada.html> (last visited Feb. 10, 2020).

¹⁰ Laura Anderson et al., *Eating Well With Canada's Food Guide? Authoritative Knowledge About Food and Health Among Newcomer Mothers*, 91 *APPETITE* 357 (2015).

¹¹ Joyce J. Slater & Adriana N. Mudryj, *Are we Really 'Eating Well with Canada's Food Guide'?*, 18 *B.M.C. PUB. HEALTH* 1, 2 (2018).

¹² *EATING WELL*, *supra* note 3.

¹³ I leave for other analyses the healthism that is promoted by Health Canada through the Guide and its effects in terms of equity considerations and biopolitical normalization of bodies. For more on these concerns about healthism in relation to veganism, see Megan A. Dean, *You Are How You Eat? Femininity, Normalization, and Veganism as an Ethical Practice of Freedom*, 4 *SOCIETIES* 127, at 142–44 (2014).

¹⁴ *EATING WELL*, *supra* note 3, at 2; see *infra* Figure 4.

¹⁵ *EATING WELL*, *supra* note 3, at 1; see *infra* Figure 3.

from each food group that people should consume daily.¹⁶ Recommendations as to the number of serving sizes were broken down by age (children 2-3; children 4-8; children 9-13; teens 14-18; adults 19-50; and adults 51+) and gender (females/males).¹⁷ The third page (Figure 5) illustrated various foods and how much of each to consume to reach a single serving size.¹⁸ For example, the first picture for “Milk and Alternatives” was a carton of milk and a carton of powdered milk with the instruction that 250 mL or one cup constitutes one serving size.¹⁹ The fourth page (Figure 6), entitled “[m]ake each [f]ood [g]uide [s]erving count . . . wherever you are—at home, at school, at work or when eating out,” gave directives about each of the food groups.²⁰ It also told Canadians to “enjoy a variety of foods from the four food groups”—which some commentators have identified as the Guide’s “key message”²¹—as well as “satisfy your thirst with water.”²² The fifth page (Figure 7) gave “[a]dvice for different ages and stages . . .” and instructions on how to figure out how many servings of different food groups are in a meal.²³ Finally, the sixth page (Figure 8) talked about the importance of reading labels and limiting trans fats as well as “the benefits of eating well and being active.”²⁴ Further contact information was also listed on this page.²⁵

Comparatively, the content of the earlier Guide shared much in common with national dietary recommendations across various parts of the world.²⁶ A study comparing the visual depictions of food in national food guides in twelve countries in North America, Europe, and Asia found that all of the countries used the concept of food groups and recommended daily amounts; the study found that the guides also exhibited a “remarkable similarity in the basic food groupings . . . [d]espite the differences in indigenous foods of each culture, along with the differences in the cultural definitions of food and what constitutes a usual dietary pattern.”²⁷ The catalyst for the recent revisions was the Standing Senate Committee on Social

¹⁶ EATING WELL, *supra* note 3, at 2; *see infra* Figure 4.

¹⁷ EATING WELL, *supra* note 3, at 2; *see infra* Figure 4.

¹⁸ EATING WELL, *supra* note 3, at 3; *see infra* Figure 5.

¹⁹ EATING WELL, *supra* note 3, at 3; *see infra* Figure 5.

²⁰ EATING WELL, *supra* note 3, at 4; *see infra* Figure 6.

²¹ Anderson et al., *supra* note 10, at 157.

²² EATING WELL, *supra* note 3, at 4; *see infra* Figure 6.

²³ EATING WELL, *supra* note 3, at 5; *see infra* Figure 7.

²⁴ EATING WELL, *supra* note 3, at 6; *see infra* Figure 8.

²⁵ EATING WELL, *supra* note 3, at 6; *see infra* Figure 8.

²⁶ James Painter et al., *Comparison of International Food Guide Pictorial Representations*, 102 J. AM. DIETETIC ASS’N. 483, 484–86 (2002).

²⁷ *Id.* at 487.

Affairs, Science and Technology (“SSCSST”), which advocated for national recommendations that reflected current nutritional science.²⁸ In its call for an evidence-based Guide, the SSCSST aligned itself implicitly with those that have criticized the Guide as thinly veiled government support influenced by and in favor of the farmed animal industries.²⁹ The earlier Guide was updated in 2007 under the auspices of the then conservative Harper government, which involved industry stakeholders in policy-setting through its Food Guide Advisory Committee and also declined to disclose the scientific basis on which the policy-setting relied.³⁰ In addition to this element being criticized as a gross conflict of interest, nutritionists, scientists, and physicians also argued that the Guide was a “recipe for dramatic increases in premature death resulting from chronic diet-related disease.”³¹

B. National Consultations to Update the 2007 Guide

Revising the 2007 Guide under the centrist Trudeau government formed part of Health Canada’s “Healthy Eating Strategy,” an initiative aimed at “improving healthy eating information; improving nutrition quality of foods; protecting vulnerable populations; [and] supporting increased access to and availability of nutritious foods.”³² As part of its revision process to offer “practical, evidence-based, healthy eating recommendations to help Canadians make food choices,”³³ Health Canada engaged a trusted pollster to conduct two major national consultations, inviting all members of the public, health professionals, and policy makers to

²⁸ John David Grant & David J.A. Jenkins, *Resisting Influence from Agri-food Industries on Canada’s New Food Guide*, 190 CMAJ 451, 457 (2018).

²⁹ Anne Kingston, *Have We been Milked by the Dairy Industry?*, MACLEAN’S (Apr. 22, 2015), <https://www.macleans.ca/society/health/have-we-been-milked-by-the-dairy-industry/>; Sophia Harris, *Canada’s ‘Broken’ Food Guide Under Review, But Critics Want Drastic Overhaul Now*, CBC RADIO-CANADA (Mar. 22, 2016), <https://www.cbc.ca/news/business/health-canada-food-guide-1.3501318>; Sophia Harris, *Health Canada Reviewing Food Guide, Critics Demand Drastic Changes Now*, CBC (Mar. 22, 2016), <http://www.cbc.ca/news/business/health-canada-food-guide-1.3501318>; Mahsa Jessri & Mary L’Abbe, *The Time for an Updated Canadian Food Guide Has Arrived*, NRC RES. PRESS, July 9, 2015, at 854, 855–56.

³⁰ MacLeod, *supra* note 2; Wayne Kondro, *Proposed Canada Food Guide Called Obesogenic*, 174 CMAJ 605, 605 (2006).

³¹ *Id.*

³² GOV’T CAN., HEALTH CANADA’S HEALTHY EATING STRATEGY (2019), <https://www.canada.ca/en/services/health/campaigns/vision-healthy-canada/healthy-eating.html>.

³³ HEALTH CAN., CANADA’S FOOD GUIDE CONSULTATION WHAT WE HEARD REPORT—PHASE 1, at 4 (2017), <https://www.canada.ca/content/dam/hc-sc/document/s/services/publications/food-nutrition/canada-food-guide-phase1-what-we-heard-eng.pdf> [hereinafter, WHAT WE HEARD REPORT—PHASE 1].

participate.³⁴ The first major consultation was conducted over seven weeks in the fall of 2016 and the second in the summer of 2017.³⁵ Health Canada then published two reports based on these consultations: “What We Heard Report–Phase 1” and “What We Heard Report–Phase 2.”³⁶ Health Canada has affirmed that the consultations will “contribute to the development and communication of a new suite of dietary guidance products that best support public health and is relevant and useful to stakeholders . . .”³⁷

The first consultation was a more open-ended process, inviting replies on: (1) why respondents were interested in healthy eating recommendations and how they used the Guide; (2) what type of guidance would they find useful (i.e. would respondents like guidance on the types of food to eat on a daily basis, appropriate portions, meal planning tips, general tips about healthy eating, information about food processing, etc.); (3) what respondents thought about the current food groupings; (4) whether information about reducing sugar consumption was useful to respondents; and (5) how to encourage Canadians to adopt the recommendations that eventually resulted.³⁸ Based on the first consultation’s findings, the scientific evidence Health Canada assessed, and other coordinated consultations, Health Canada sought in its second consultation reaction to three proposed Guiding Principles and the specific recommendations made under each, as well as reaction to a Considerations section.³⁹ It is in these Guiding Principles that we see Canada’s shift towards plant-based eating as well as a de-emphasis on dairy.⁴⁰ To appreciate this shift, we need to understand the 2007 Guide’s emphasis on animal-based foods, particularly dairy.

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.* at 2. This consultation attracted 19,873 submissions. 14,297 submissions came from individuals identifying as members of the general public with a personal interest in the recommendations; 5,096 came from individuals who identified as professionals in that they use eating recommendations in their work; and 461 came from individuals representing organizations who use healthy eating recommendations and supplied an institutional response. *Id.* at 7; HEALTH CAN., CANADA’S FOOD GUIDE CONSULTATION WHAT WE HEARD REPORT–PHASE 2, at 2 (2018), <https://www.canada.ca/content/dam/hc-sc/documents/services/health/publications/food-nutrition/canada-food-guide-phase2-what-we-heard.pdf> [hereinafter, WHAT WE HEARD REPORT–PHASE 2].

³⁷ WHAT WE HEARD REPORT–PHASE 1, *supra* note 33, at 4.

³⁸ *Id.* at 6.

³⁹ WHAT WE HEARD REPORT–PHASE 2, *supra* note 36, at 62–67.

⁴⁰ *Id.* at 62–65.

C. *The 2007 Guide's Emphasis on Dairy*

In the 2007 Guide's discourse and illustrations, "Meat and Alternatives" and "Milk and Alternatives" formed two of the four depicted food groups in the rainbow image (Figure 3).⁴¹ This arguably sent Canadians the message that 50% of what one eats can be from animal-based diets without any health repercussions. The Director General of the Office of Nutrition Policy and Promotion at Health Canada, however, contends that the shift from the 2007 Guide to what Health Canada has now adopted is not all that dramatic, since eating more of the other food groups and limiting animal-based food has long been promoted.⁴² For example, on the cover of the 2007 Guide, the two inner arcs representing the animal-based groups were smaller and, indeed, the arc representation had tried to visually signal that a greater portion of what Canadians consume overall should come from grains, fruits, and vegetables.⁴³ This message is further apparent on the second page (Figure 4), where the plant-based food groups were listed on the top two rows and the number of recommended servings for these groups exceeded those for "Milk and Alternatives" and "Meat and Alternatives."⁴⁴ The fourth page (Figure 6), which contained certain textual directives, instructed Canadians to "[e]at at least one dark green and one orange vegetable each day."⁴⁵ The directives for the "Meat and Alternatives" group instructed Canadians to "[h]ave meat alternatives such as beans, lentils and tofu often" (Figure 6).⁴⁶ Taking these visual and textual indicators together, the suggestion that the 2007 recommendations already promoted plant-based eating is not without foundation.

Yet, the 2007 Guide also showed an emphasis on milk and meat that the 2019 Guide eliminates.⁴⁷ Most obviously, the 2007 Guide counseled Canadians to "[d]rink skim, 1% or 2% milk each day," further stipulating that everyone should "[h]ave 500 mL (2 cups) of milk every day for adequate vitamin D" (Figure 6).⁴⁸ It further instructs those who do not consume dairy to "[d]rink fortified soy beverages if you do not drink milk" (Figure 6).⁴⁹ While we might

⁴¹ EATING WELL, *supra* note 3, at 1; *see infra* Figure 3.

⁴² Sharon Kirkey, *Dairy Farmers vs. Vegans: Health Canada Prepares to Rewrite the Food Guide*, NAT'L POST (Sept. 21, 2017), <https://nationalpost.com/health/health-canada-prepares-to-rewrite-the-food-guide>.

⁴³ EATING WELL, *supra* note 3, at 1; *see infra* Figure 3.

⁴⁴ EATING WELL, *supra* note 3, at 2; *see infra* Figure 4.

⁴⁵ EATING WELL, *supra* note 3, at 4; *see infra* Figure 6.

⁴⁶ EATING WELL, *supra* note 3, at 4; *see infra* Figure 6.

⁴⁷ EATING WELL, *supra* note 3, at 4; *see infra* Figure 6.

⁴⁸ EATING WELL, *supra* note 3, at 4; *see infra* Figure 6.

⁴⁹ EATING WELL, *supra* note 3, at 4; *see infra* Figure 6.

interpret this soy substitution as having established an equivalence between the health of fortified soy milk and cow's milk, the six food images selected to visually represent the alternatives to milk in the "Milk and Alternatives" category indicated otherwise: only one, a depiction of a fortified soy beverage carton, was not an iteration of a dairy product (Figure 3 and Figure 5).⁵⁰ All of the other so-called alternatives to Milk were all dairy products (i.e. evaporated canned milk, yogurt, kefir, and cheese).⁵¹

Notably, the 2007 written directives for "Meat and Alternatives" did not instruct Canadians to consume meat daily, as it did for milk, and the 2007 Guide depicted true alternatives to animal meat in the category.⁵² Of the seven types of food depicted on the cover of the 2007 Guide (Figure 3), for the "Meat and Alternatives" category, the leading depiction was of canned and dry beans; tofu, nuts, and seeds were also represented in the graphic as meat alternatives.⁵³ On the third page (Figure 5), where the 2007 Guide gave examples of foods from each category and advised what quantity of that food constitutes one serving, six types of food were depicted in the "Meat and Alternatives" category, four of which were plant-based (cooked legumes, tofu, peanut or nut butters, and shelled nuts and seeds).⁵⁴ Cooked fish, shellfish, poultry and lean meat were all shown in one category within the "Meat and Alternatives Category" and eggs were shown in another.⁵⁵ When we compare the "Milk and Alternatives" category to the "Meat and Alternatives" category and consider that consumption of animal meat is on the rise in Canada (as elsewhere), but that the consumption of dairy as a whole is on the decline in Canada (in contrast to the global trend),⁵⁶ it becomes clearer why the Canadian dairy industry has been particularly alarmed by the new guidelines for Canadians.⁵⁷

⁵⁰ EATING WELL, *supra* note 3, at 1, 3; *see infra* Figures 3, 5.

⁵¹ EATING WELL, *supra* note 3, at 3; *see infra* Figure 5.

⁵² EATING WELL, *supra* note 3, at 4; *see infra* Figure 6.

⁵³ EATING WELL, *supra* note 3, at 1; *see infra* Figure 3.

⁵⁴ EATING WELL, *supra* note 3, at 3; *see infra* Figure 5.

⁵⁵ EATING WELL, *supra* note 3, at 3; *see infra* Figure 5.

⁵⁶ Erik Frenette et al., *Meat, Dairy and Climate Change: Assessing the Long-Term Mitigation Potential of Alternative Agri-Food Consumption Patterns in Canada*, 22 ENVTL. MODELING & ASSESSMENT 1, 1 (2017). The authors note that "similar to the global trend, there is projected increase in annual per capita meat consumption from 49.35 kg per person in 2010 to 52.77 kg in 2020. For dairy products, there is a projected decrease in Canadian consumption from 80.19 kg per capita in 2010 to 77.38 kg per capita in 2020." *Id.*

⁵⁷ The resistance also relates to the front-of-package labeling reform that would see many dairy products affixed with a health warning label on the front. For the industry's campaign against this initiative, *see* KEEP CANADIANS HEALTHY, <http://www.keepcanadianshealthy.ca/> (last visited Feb. 20, 2020).

To be sure, the fact that there was a greater emphasis on consuming dairy in the 2007 Guide than consuming meat should not detract us from the fact that one of the four food groups was still firmly designated for meat and the plant-based alternatives that the category also housed, such as tofu and legumes, were discursively subordinated as “Alternatives.”⁵⁸ Further, the 2007 Guide advised that Canadians to “[e]at at least two Food Guide Servings of fish each week” (Figure 6).⁵⁹ Moreover, the example of a typical meal on the fifth page (Figure 7) is of a meal that consists of cow meat and milk.⁶⁰ Despite the 2007 Guide’s emphasis on eating vegetables, fruits, and grains, the message is clear: eating animal meat and drinking animal milk every day are both a part of a healthy diet.

D. Shifting to Plants in 2019

How, then, does the 2019 Guide depart from this standard? Recall that the document containing the Guiding Principles and Considerations, circulated as part of a second round of consultation to the general public and stakeholders between June 10 and August 14, 2017, asked open-ended and closed-ended questions about clarity, relevance, adequacy of information, and approval of the Guiding Principles and recommendations therein.⁶¹ That second national consultation received over six thousand responses.⁶²

⁵⁸ EATING WELL, *supra* note 3, at 3; *see infra* Figure 5.

⁵⁹ EATING WELL, *supra* note 3, at 4; *see infra* Figure 6.

⁶⁰ EATING WELL, *supra* note 3, at 5; *see infra* Figure 7.

⁶¹ WHAT WE HEARD REPORT—PHASE 2, *supra* note 36, at 62–67.

⁶² *Id.* at 9.

Figure 1 shows the three proposed Guiding Principles, the specific recommendations pertaining to each principle, and the Considerations that were circulated.

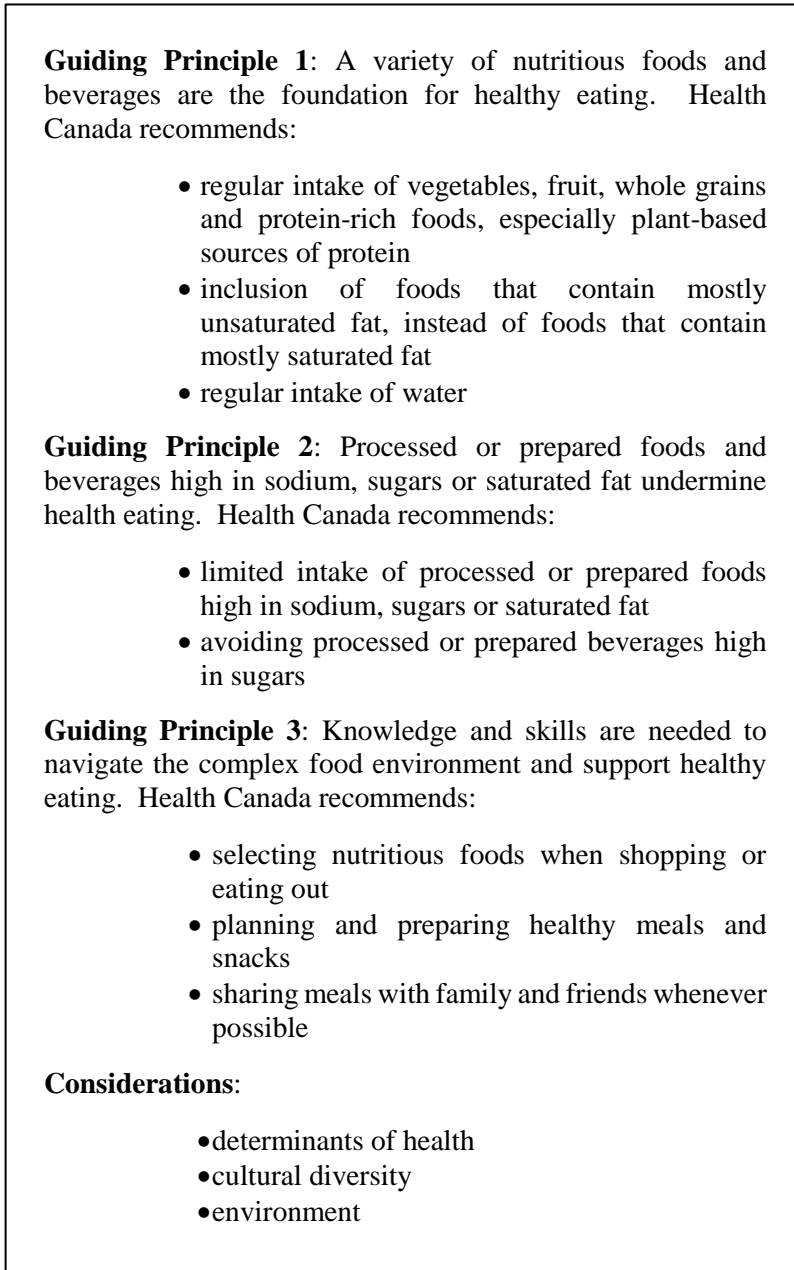


Figure 1. Phase 2 Report, page 48.⁶³

⁶³ *Id.* at 48 fig. 1.

These Guiding Principles and Considerations received majority support from all categories of respondents to the consultation (although industry respondents raised some concerns).⁶⁴ Health Canada incorporated slight variations of the above text into its 2019 Guide as three targeted “Guidelines.”⁶⁵

From this listing alone, we get a sense of the significant departure of the 2019 Guide from its 2007 iteration in terms of taking a firmer stance against saturated fat in any type of food; sodium, saturated fats, and sugars in processed or prepared foods; and advertent to the socio-economic and social aspects of cooking and eating. What is also apparent is a clearer emphasis on “plant-based sources of protein” as the “protein-rich foods” that Canadians should be reaching for along with “regular intake of vegetables, fruit [and] whole grains . . .”⁶⁶ The explanation section accompanying this recommendation, entitled “What this means for Canadians,” opens by stating that “[t]he majority of Canadians don’t eat enough vegetables, fruits and whole grains. Many drink beverages high in sugars. This means that most Canadians will need to make different choices to meet these recommendations.”⁶⁷

On the topic of plant-based eating specifically, the text states:

What is needed is a shift towards a high proportion of plant-based foods, without necessarily excluding animal foods altogether. Animal foods such as eggs, fish and other seafood, poultry, lean red meats such as game meats, lower fat milk and yogurt, as well as cheeses lower in sodium and fat, are nutritious ‘everyday’ foods A shift towards more plant-based foods can help Canadians: eat more fibre-rich foods, eat less red meat such as beef, pork, lamb, goat [and] replace foods that contain mostly saturated fat, such as cream, high fat cheeses and butter with foods that contain mostly unsaturated fat, such as nuts, seeds and avocado.⁶⁸

⁶⁴ *Id.* at 5. Of the 6,771 respondents (called “contributors” by Health Canada), 98 identified as representing the food and beverage industry when asked to identify the professional sector they work in. *Id.* at 10.

⁶⁵ See Grant & Jenkins, *supra* note 28, at 451–52; CANADA’S DIETARY GUIDELINES, *supra* note 1, at 9, 22, 31.

⁶⁶ WHAT WE HEARD REPORT—PHASE 2, *supra* note 36, at 48–49.

⁶⁷ *Id.* at 49.

⁶⁸ *Id.* at 49–50.

Compared to the 2007 Guide, the term plant-based eating has emerged within the 2019 Guide as a new concept to encourage Canadians to make plant-based foods the norm in their diets by instructing Canadians to eat “a high proportion” of plant-based foods⁶⁹ and by associating plant-based foods like “nuts, seeds, and avocado”⁷⁰ with the advice to avoid saturated fat. One commentator aptly remarks that this warning about saturated fats “essentially translates to a reduction of animal foods.”⁷¹ The 2019 Guide also de-emphasizes eating several categories of “red meat.”⁷² And while the 2019 Guide continues to promote lower fat milk, yogurt, and low-sodium cheese as nutritious foods to eat on a daily basis (see the Food guide snapshot, Figure 2, below), it advises Canadians to have a “lower intake[]” of and replace their use of “cheeses, red meat, butter and hard margarine” because of their saturated fat.⁷³ Perhaps most critically, however, milk has lost its separate categorical status as a necessary food group.⁷⁴ In fact, the revised plate diagram included in the 2019 Guide, the “Food Guide Snapshot” (Figure 2), includes a glass of water with the statement, “[m]ake water your drink of choice.”⁷⁵ This can be compared to the 2007 Guide, which depicts a plate of “[v]egetable and beef stir-fry with rice, a glass of milk and an apple for dessert” (See Page 5).⁷⁶ There is now nothing in the 2019 Guide that tells Canadians they must consume milk—let alone two servings of milk a day.⁷⁷ As one commentator surmises, “[w]hile milk products do have nutritional value, especially for providing calcium and protein, they may not be elevated to ‘must-have’ status with their own daily recommended intake.”⁷⁸

⁶⁹ *Id.* at 49.

⁷⁰ *Id.* at 50.

⁷¹ Anna Pippus, *Keep the Animal Agriculture Industry Out of the New Food Guide*, HUFFINGTON POST (Dec. 27, 2017, 9:31 AM), https://www.huffingtonpost.ca/entry/keep-the-animal-agriculture-industry-out-of-the-new-food-guide_ca_5cd5247ae4b07bc729752de9.

⁷² WHAT WE HEARD REPORT—PHASE 2, *supra* note 36, at 49–50.

⁷³ CANADA’S DIETARY GUIDELINES, *supra* note 1, at 24.

⁷⁴ *Id.* at 9–10; WHAT WE HEARD REPORT—PHASE 2, *supra* note 36, at 49–50.

⁷⁵ HEALTH CAN., FOOD GUIDE SNAPSHOT 1, <https://food-guide.canada.ca/static/assets/pdf/CFG-snapshot-EN.pdf> (last modified Dec. 17, 2019) [hereinafter FOOD GUIDE SNAPSHOT].

⁷⁶ EATING WELL, *supra* note 3, at 5; *see infra* Figure 7.

⁷⁷ FOOD GUIDE SNAPSHOT, *supra* note 75.

⁷⁸ Macleod, *supra* note 2.

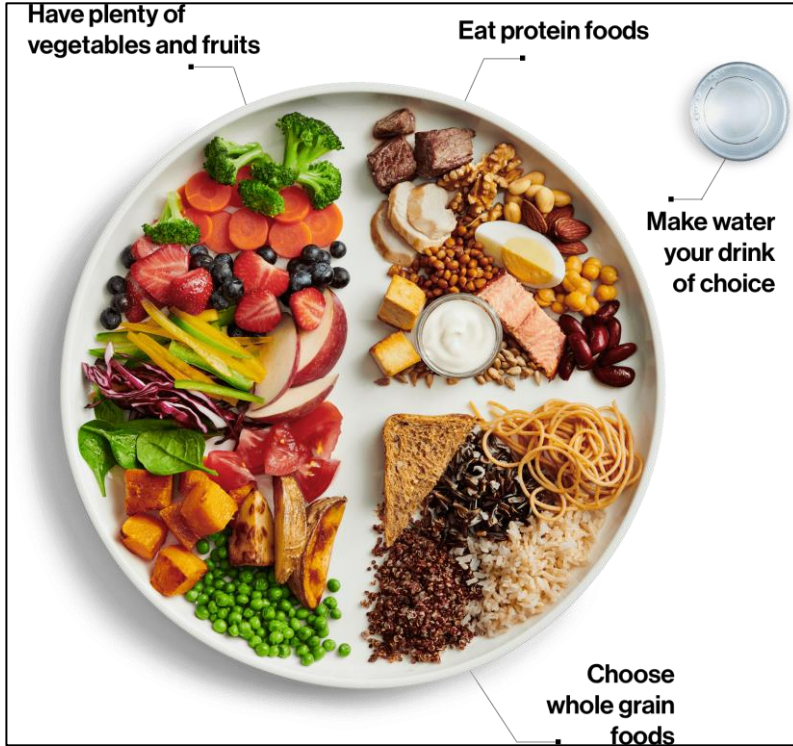


Figure 2. Food guide snapshot.⁷⁹

E. Residual Shortcomings

The 2019 Guide is still far from aligning with a critical animal studies-oriented vegan perspective. Animal-based products are still represented as “nutritious everyday foods” and neither vegan nor vegetarian diets are explicitly affirmed.⁸⁰ It is also significant that, in the section on “Considerations,” the 2019 Guide draws attention to the “environmental impact” of “[t]he way our food is produced, processed, distributed, and consumed” without implicating the animal-based food industries specifically.⁸¹ The discussion identifies “helping to conserve soil, water and air,” reducing “landfill greenhouse gas emissions,” “help[ing] make better use of natural resources and lower greenhouse gas emissions,” and “[r]aising awareness about the importance of reduced food waste” as examples of the consideration of environmental outcomes and even flags the disproportionately negative impact of animal-based foods in producing these outcomes.⁸² But the words here are carefully

⁷⁹ FOOD GUIDE SNAPSHOT, *supra* note 75.

⁸⁰ CANADA’S DIETARY GUIDELINES, *supra* note 1, at 15, 49–50.

⁸¹ *Id.* at 15.

⁸² *Id.*

chosen. The text is careful not to envision a vegan diet when it talks about “patterns of eating higher in plant-based foods and lower in animal-based foods.”⁸³

Perhaps most tellingly, the text remains silent on how animals are treated in modern day industrial agriculture. Indeed, the terms “factory farming” or even “industrial agriculture” are never used. As in other policy documents, animal suffering and the possibility that animals exist alongside us as something other than biocommodities available for human use is absented.⁸⁴ It could be argued that animal welfare issues lie outside of Health Canada’s remit. Yet, Health Canada did highlight environmental issues even while it acknowledged that “[t]he primary focus of Health Canada’s proposed healthy eating recommendations is to support health” and despite disagreement among consultation respondents—particularly the food and beverage industry—that it should do so.⁸⁵

With the normative presumption of farmed animals as biocommodities firmly entrenched in the Guidelines,⁸⁶ the “Recommendations,”⁸⁷ and the “Considerations”⁸⁸ sections of the 2019 Guide, and the validation of certain animal-based products as nutritious everyday foods, we can hardly call the changes

⁸³ *Id.*

⁸⁴ Acari, *supra* note 5, at 74 (describing the “linguistic absencing of animals as sentient beings” in industry literature). The Phase 2 Report notes that “a few” respondents wanted to see more mention of “animal cruelty” and “the influence of industry and special interest organizations” in the “Considerations” section. WHAT WE HEARD REPORT—PHASE 2, *supra* note 36, at 34.

⁸⁵ Not surprisingly perhaps—given industry involvement and the implication of animal-based diets in environmentally detrimental phenomena—while overall the “Considerations” section received support across all categories of respondents and respondents welcomed the discussion of health in relation to broader issues, the most contested consideration was the environmental consideration. In discussing the type of support the Guiding Principles, Recommendations and Considerations received from each individual professional or organizational sector, the authors of the Phase 2 Report note that “[m]embers of the food and beverage industry were more divided concerning the Guiding Principles and Recommendations proposed by Health Canada. While many agreed with the principles, there was more disagreement among this audience than others. The focus on plant-based protein, limit on saturated fats, limits on processed foods and inclusion of considerations for the environment were the most divided topics . . .” *Id.* at 41. While the 2007 Guide was being drafted, lobbyists also criticized Health Canada’s jurisdictional authority to address environmental matters. Following this, Health Canada removed references to the environment. Hui, *supra* note 2; see WHAT WE HEARD REPORT—PHASE 2, *supra* note 36, at 34.

⁸⁶ See CANADA’S DIETARY GUIDELINES, *supra* note 1, at 9, 22–24, 28, 46.

⁸⁷ Helena Pedersen, *Education, Animals, and the Commodity Form*, 18 CULTURE & ORG. 415, 424–25 (2012); *Id.* at 49.

⁸⁸ *Id.* at 13.

revolutionary or even dramatic. There is, however, a discernible new emphasis on plant-based eating and a de-emphasis on dairy. The 2019 Guide inaugurates a policy that removes dairy from its iconic status, correlating with histories of imperialism and racialized narratives about the purity and goodness of milk,⁸⁹ as the ultimate and unquestionably nutritious food for everyone by eliminating “Milk and Alternatives” as a separate category of foods to eat.⁹⁰ By doing so, the 2019 Guide intimates that a diet without dairy can be healthy. Milk loses the importance and visibility in the new Guide that it previously held. As noted above, it is no wonder that the dairy industry has lobbied hard against the changes.⁹¹ The industry’s fear may in itself be something that animal advocates who impugn the violence of routine milk industry practices against dairy cows and calves⁹² can celebrate. But, it behooves us to consider whether the policy efforts of Health Canada are poised to make any serious dent in the workings of the dairy industry in Canada in terms of reducing demand for dairy products. The next Part situates the policy change emanating from Health Canada against both the larger regulatory landscape supporting the dairy industry and the larger social landscape regarding sustainable food habit transitions to consider the transformative potential of Health Canada’s de-emphasis on dairy.

⁸⁹ See generally Cohen, *supra* note 6, at 268 (discussing the concept of “animal colonialism” in relation to the rise of dairy as a ubiquitous food alongside the spread of European colonialism and colonial ideologies that Europeans were more civilized, healthy, and pure because their diet included milk; Gaard, *supra* note 6, at 607-08 (discussing scholarly accounts contesting the myth that milk is the archetype for what counts as nutritious food and the Eurocentrism, racism, and ethnocentrism of marketing campaigns and government programs promoting milk as a marker of racial superiority and as universally healthy despite widespread lactose “intolerance” in racialized peoples).

⁹⁰ See HEALTH CAN., HISTORY OF CANADA’S FOOD GUIDES 11–12 (Jan. 2019); see also Kirkey, *supra* note 2.

⁹¹ See WHAT WE HEARD REPORT—PHASE 2, *supra* note 36, at 5, 19–21, 44.

⁹² KATHRYN GILLESPIE, THE COW WITH EAR TAG #1389 57–74, 101–13 (Univ. of Chi. Press 2018) (discussing, among other things, ear tagging, tail docking, mother-calf separation, selling their male calves for veal, placing female calves into the dairy industry, or killing calves shortly after birth, breeding techniques, forced pregnancy starting at around sixteen months and every year thereafter until they are “spent” at a fraction of their natural lives from near-constant pregnancy and milking for nine to ten months of the year, slaughter practices, and overall effects of commodification). See also Gaard, *supra* note, 6 at 603 (discussing the above routine practices as well). For an account of similar practices outside of the United States, see Lynley Tulloch & Paul Judge, *Bringing the Calf Back from the Dead: Video Activism, the Politics of Sight and the New Zealand Dairy Industry*, 9 J. EDUC. & PEDAGOGY, 3, 3–5 (2018).

III. Major Encumbrances—Government Support and Sustainable Dietary Change

A. Active Government Promotion of the Dairy Agricultural Sector in Canada

The federal government has promoted the Canadian dairy industry since the late nineteenth century,⁹³ proudly stating that “since the appointment of the first Dominion Dairy Commissioner in 1890, the federal government has played an active role in the development and implementation of policies and programs in support of the dairy industry.”⁹⁴ This Part begins with a brief overview of the extent of the contemporary Canadian dairy industry and then discusses the various ways in which the federal government strives to secure its continuation, seemingly at almost any cost.

i. Extent of Industry

Canada’s dairy industry is an important industry in Canada, and is said to “drive the economy” with nearly \$24 billion in sales by farmers and producers.⁹⁵ The image of the idyllic (heteronormative and white) family farm hosting a handful of well-taken care of animals still resonates strongly in industry propaganda,⁹⁶ but the numbers tell a different story. As of 2017 there were 10,951 “farms with milk shipments” and 945,000 dairy cows (and 454,300 dairy heifers) in Canada.⁹⁷ The provincial breakdown of these numbers is as follows, showing a clear trajectory of farm intensification and herd amplification over past decades:⁹⁸

⁹³ ERIN SCULLION, CAN. DAIRY COMM’N, *THE CANADIAN DAIRY COMM’N: A 40-YEAR RETROSPECTIVE* 8 (Steve Mason & Janet Shorten, eds. 2006).

⁹⁴ CAN. DAIRY COMM’N, *History of the CDC*, <https://www.cdc-ccl.gc.ca/CDC/index-eng.php?id=3793> (last modified May 31, 2016).

⁹⁵ AGRIC. & AGRI-FOOD CAN., *Government of Canada Supports a Strong and Competitive Canadian Dairy Sector* (Feb. 17, 2018), https://canada.ca/en/agriculture-agri-food/news/2018/02/government_of_canadasupportsstrongandcompetitivecanadiandairyse.html.

⁹⁶ Kate Cairns, et al., *The Family Behind the Farm: Race and the Affective Geographies of Manitoba Pork Production*, 47:5 *ANTIPODE* 1184, 1184, 1189–94 (2015).

⁹⁷ CAN. DAIRY INFO. CTR., NUMBER OF DAIRY COWS BY PROVINCE, <https://aimis-simia-cdic-ccil.agr.gc.ca/rp/indexeng.cfm?action=pR&r=219&pdctc=> (last modified Feb. 20, 2020) [hereinafter DAIRY COWS BY PROVINCE]; CAN. DAIRY INFO. CTR., NUMBER OF FARMS WITH SHIPMENTS OF MILK, <https://aimis-simia-cdic-ccil.agr.gc.ca/rp/index-eng.cfm?action=pR&r=220&pdctc=> (last modified Feb. 20, 2020).

⁹⁸ CAN. DAIRY INFO. CTR., NUMBER OF DAIRY COWS AND HEIFERS (Mar. 2, 2018), https://dairyinfo.gc.ca/index_e.php?s1=dff-fcil&s2=farm-ferme&s3=nb&menupos

Province	Number of Farms	Number of Dairy Cows	Average Dairy Cows per Farm
British Columbia	400	79,500	199
Alberta	523	79,500	152
Saskatchewan	160	27,600	173
Manitoba	282	41,900	149
Ontario	3,613	309,300	86
Quebec	5,368	346,600	65
New Brunswick	194	19,100	98
Nova Scotia	213	22,500	106
Prince Edward Island	166	13,400	81
Newfoundland	32	5,600	175
Canada	10,951	945,000	86

According to the Canadian Dairy Information Centre, a website run by the federal government in conjunction with industry partners, the (human) “dairy workforce” consists of 22,904 jobs in manufacturing and 18,805 jobs in farming.⁹⁹ Cows produced 84.7 million hectoliters in 2016, and the “per capita consumption” of various products was 65.53 liters of fluid milk, 13.38 kilograms of cheese, 10.06 liters of cream, 10.53 liters of yogurt, 4.28 liters of ice cream, and 3.21 kilograms of butter.¹⁰⁰ In terms of “farm cash receipts,” the dairy industry is the second largest earning agricultural sector in Canada (after “red meats”) with revenue of \$6.17 billion generated in 2016.¹⁰¹

=01.01.06. To compare the 2018 figures to past years *see* DAIRY COWS BY PROVINCE, *supra* note 97.

⁹⁹ *About Us*, CAN. DAIRY INFO. CTR., https://www.dairyinfo.gc.ca/index_e.php?s1=cdi-ilc (last modified August 21, 2017).

¹⁰⁰ *Id.* A non-governmental and private website indicates that the Canadian per capita consumption of fluid milk in 2016 was 71.6 liters, just ahead of the US’s consumption (69.2 liters) and behind that of thirteen other countries, all of them in the Global North. *See Per Capita Consumption of Fluid Milk Worldwide in 2016 by Country (in liters)*, STATISTICA, <https://www.statista.com/statistics/535806/consumption-of-fluid-milk-per-capita-worldwide-country/> (last visited Feb. 22, 2020).

¹⁰¹ *Id.*

ii. Supply Management—A Protectionist Approach

Canadian dairy farmers claim they do not take any subsidies from the government.¹⁰² While this is the message promoted by the government¹⁰³ and dairy industry, like the image of the family farm, this, too, is an inaccurate representation. The evolution of the dairy industry in Canada resembles the heavily government-mediated growth of the industry in other Global North countries.¹⁰⁴ After World War II, dairy farmers became market-oriented, leaving behind a self-sufficiency ethos.¹⁰⁵ At the same time, there was significant price variation across the industry to the point that neighboring farmers could receive notably divergent prices for the milk they sold.¹⁰⁶ Further, when the United Kingdom (“UK”) joined the European Union (“EU”) in 1973, Canada lost its privileged position in the UK dairy market, which resulted in milk surpluses in the country and concerted government intervention for the industry to survive.¹⁰⁷ There were some efforts among farmers to coordinate

¹⁰² See, e.g., *Supply Management FAQs*, BC DAIRY ASS’N, <https://bcdairy.ca/dairy-farmers/articles/supply-management-faqs> (last visited Feb. 22, 2020); *Supply Management and Collective Marketing*, PRODUCTEURS DE LAIT DU QUÉ., <http://lait.org/en/the-milk-economy/supply-management-and-collective-marketing> (last visited Feb. 22, 2020); *How Many Subsidies Do Alberta Dairy Farmers Get From the Government?*, ALTA. MILK, <https://albertamilk.com/ask-dairy-farmer/pay-milk-store-usa-quota-system-cost-consumer/> (last visited Feb. 22, 2020); *Benefits of Supply Management*, DAIRY FARMERS OF CAN., <https://dairyfarmersofcanada.ca/en/who-we-are/our-commitments> (last visited Feb. 22, 2020).

¹⁰³ Consider this overview provided by the Canadian Dairy Information Centre (“CDIC”), a joint initiative of Agriculture and Agri-Food Canada, the Canadian Dairy Commission and industry: “The Canadian dairy sector operates under a supply management system based on planned domestic production, administered pricing and dairy product import controls. The dairy industry ranks second (based on farm cash receipts) in the Canadian agriculture sector ranking just behind red meats. In addition to being world-renowned for their excellence, the Canadian milk and dairy products are recognized for their variety and high-quality. Enforcement of strict quality standards on dairy farms and in processing plants enhances this international reputation, along with a strong commitment to sound animal welfare practices and environmental sustainability.” *Canada’s Dairy Industry at a Glance*, CANADIAN DAIRY INFO. CTR., <https://www.dairyinfo.gc.ca/eng/about-the-canadian-dairy-information-centre/canada-s-dairy-industry-at-a-glance/?id=1502465180911> (last updated Mar. 2, 2020). Nowhere on this “overview” page or on other subsidiary webpages of the CDIC is the word “subsidy” mentioned. See *id.*

¹⁰⁴ MAURICE DOYON, CIRANO, CANADA’S DAIRY SUPPLY MANAGEMENT: COMPREHENSIVE REVIEW AND OUTLOOK FOR THE FUTURE 13 (2011), <https://www.cirano.qc.ca/pdf/publication/2011DT-01.pdf>; Martha Hall Findlay, *Supply Management: Problems, Politics and Possibilities*, UNIV. OF CALGARY SCH. PUB. POL. SPP RESEARCH PAPERS, June 2012, at 7, <https://journalhosting.ucalgary.ca/index.php/spp/article/view/42391/30286>.

¹⁰⁵ DOYON, *supra* note 104, at 13–14.

¹⁰⁶ *Id.*

¹⁰⁷ *Id.* at 14; Findlay, *supra* note 104, at 19.

their farming, but these efforts were insufficient to secure the Canadian dairy market.¹⁰⁸ Shortly after Canada lost its privileged UK position, the government implemented a national supply management system.¹⁰⁹ Milk was the first commodity of any sort in Canada to operate under supply management, a system that continues today.¹¹⁰

Supply management is a system by which farmers purchase or are allocated quota allotments that determine how much product they are allowed to produce and sell.¹¹¹ Canada's supply management system relies on two main forms of government intervention: (1) a quota system that controls the quantity of milk offered through pricing and marketing; and (2) high customs tariffs, which are put in place to limit competitive foreign products.¹¹² The Canadian Dairy Commission ("CDC"), a Crown corporation funded by the federal government as well as industry, administers the supply management system along with provincial milk marketing boards.¹¹³ According to the 2016-2017 Canadian Dairy Commission Annual Report, the CDC received \$3,795,000 from the Government of Canada in 2016.¹¹⁴ Through chairing the Canadian Milk Supply Management Committee ("CMSMC"),¹¹⁵ which estimates total

¹⁰⁸ Findlay, *supra* note 104, at 13–14.

¹⁰⁹ *Id.* at 14.

¹¹⁰ *Supply Management*, CAN. DAIRY COMM'N, <http://www.cdc-ccl.gc.ca/CDC/index-eng.php?id=3806> (last modified May 30, 2016).

¹¹¹ *Id.*

¹¹² See DOYON, *supra* note 104; Marvin J. Painter, *A Comparison of the Dairy Industries in Canada and New Zealand*, 4:1 J OF INT'L FARM MGMT. 41 (2007); Sean Kilpatrick, *A Guide to Understanding the Dairy Dispute Between the U.S. and Canada*, GLOBE & MAIL (Apr. 24, 2017), <https://www.theglobeandmail.com/report-on-business/a-guide-to-understanding-the-dairy-dispute-between-the-us-and-canada/article34802291/>.

¹¹³ Canadian Dairy Commissions Act, R.S.C. 1985, c C-15. The Canadian Dairy Commission "strives to balance and serve the interest of all dairy stakeholders, producers, processor, further processors, exporters, consumers and the government." *Mandate*, CAN. DAIRY COMM'N (Dec. 4, 2017), <http://www.cdc-ccl.gc.ca/CDC/index-eng.php?id=3787>.

¹¹⁴ CAN. DAIRY COMM'N, CANADIAN DAIRY COMMISSION ANNUAL REPORT 2016-2017 at 34, http://publications.gc.ca/collections/collection_2018/ccl-cdc/A88-2017-eng.pdf; CAN. DAIRY COMM'N, CANADIAN DAIRY COMMISSION ANNUAL REPORT 2015-2016 at 40, http://publications.gc.ca/collections/collection_2017/ccl-cdc/A88-2016-eng.pdf. Under the Canadian Dairy Commission Act, the Minister of Finance may grant loans to the Commission out of the Consolidated Revenue Fund; aggregate loans may not exceed \$300,000,000. See Canadian Dairy Commission Act, s 16(1)–(2).

¹¹⁵ In 1983, the National Milk Marketing Plan ("NMMP") was established to set guidelines for calculating Marketing Share Quota (which is now known as "total quota" and includes quota for fluid milk and quota for industrial milk). *Total Quota*, CAN. DAIRY COMM'N, <http://www.cdc-ccl.gc.ca/CDC/index-eng.php?id=44>

annual domestic demand and devises “the national target for production accordingly,”¹¹⁶ the CDC provides ongoing support to the Canadian dairy industry while working in close cooperation with national and provincial stakeholders and government.¹¹⁷ The CMSMC applies parameters set at its formation to establish the provincial shares of the quota, which provincial milk marketing boards then allocate to producers in their province according to provincially-determined policies and pooling agreements.¹¹⁸ Such supply management marketing boards, thus, not only “control individual producer output, but also entry into the industry and fix prices for buyers.”¹¹⁹

The supply management system has attracted heavy criticism.¹²⁰ Although it does not operate as a direct producer subsidy, many commentators have labelled it an indirect producer subsidy.¹²¹ Some have lamented the resulting comparably high prices that Canadians pay for milk. For example, Canadians pay

21 (last modified February 18, 2020). The NMMP emerged from negotiations between provincial milk marketing boards and established the CMSMC as a permanent body, chaired by the CDC. *History of the CDC*, CAN. DAIRY COMM’N, <http://www.cdc-ccl.gc.ca/CDC/index-eng.php?id=3793> (last modified May 31, 2016).

¹¹⁶ *What is Supply Management*, MY MILK, <https://www.mycanadianmilk.ca/what-is-supply-management> (last visited Feb. 20, 2020).

¹¹⁷ CAN. DAIRY COMM’N, THE CANADIAN DAIRY COMMISSION, <http://www.cdc-ccl.gc.ca/CDC/index-eng.php?id=3785> (last modified March 7, 2016).

¹¹⁸ *Canadian Milk Supply Management Committee (CMSMC)*, CAN. DAIRY COMM’N, <http://www.cdc-ccl.gc.ca/CDC/index-eng.php?link=118> (last modified Dec. 4, 2017).

¹¹⁹ Robert D. Tamilia & Sylvain Charlebois, *The Importance of Marketing Boards in Canada: A Twenty-First Century Perspective*, 109:2 BRITISH FOOD J. 119, 122 (2007).

¹²⁰ See Colin A. Carter & Pierre Mérel, *Hidden Costs of Supply Management in a Small Market*, 49 CAN. J. OF ECON. 555, 556 (2016); see also Ryan Cardwell et al., *Milked and Feathered: The Regressive Welfare Effects of Canada’s Supply Management Regime*, 41 CAN. PUB. POL’Y 1, 2 (2015). See generally DOYON, *supra* note 104, at 45 (discussing the various criticisms of the supply management system); see generally Findlay, *supra* note 104 (discussing the supply management system, its history in Canada, and the theories both for and against the system).

¹²¹ Findlay, *supra* note 104, at 12; see Martha Hall Findlay, *Canada’s Supply Management System for Dairy is No Longer Defensible*, GLOBE & MAIL (Aug. 18, 2017), <https://www.theglobeandmail.com/report-on-business/rob-commentary/canadas-supply-management-system-for-dairy-is-no-longer-defensible/article36029788/>; see Al Mussell & Tesfalidet Asfaha, *Canadian Agricultural Policy in International Context*, in *ADVANCING A POLICY DIALOGUE, SERIES I: UNDERSTANDING THE STRUCTURE OF CANADIAN FARM INCOMES* 44, 45–46 (George Morris Centre 2011) (observing that Canada’s agricultural policies, including supply management policies, produced a producer subsidy equivalent (“PSE”) of “18% of farm cash receipts”).

roughly double what Americans pay for whole milk.¹²² As scholars note, “[t]he high dairy prices paid by consumers represent a form of ‘tax the many’ approach. The substantial amount being transferred to milk producers is a form of indirect tax paid by all Canadian dairy consumers.”¹²³ This indirect subsidy disproportionately impacts those with lower incomes who consume a greater proportion of milk products.¹²⁴ And, while the Canadian government and dairy industry have continued to argue that this is not a subsidy, international trade authorities (OECD and WTO) have found otherwise.¹²⁵ Despite the domestic and international criticism, federal governments across the political spectrum in Canada have continued to stand by this system and support the dairy industry, including in the recent efforts in August and September 2018 to secure a renewed North American trade deal with the United States (“US”).¹²⁶ According to Martha Hall Findlay, “[t]he only reason [supply management] still survives is because the amount of money that goes into the system has paid for years of extensive lobbying efforts, and the lobbying’s presence has managed to conjure virtual unanimity on Parliament Hill about the glories of supply management.”¹²⁷ Canada’s supply management

¹²² See Findlay, *supra* note 104, at 9; see DANIELLE GOLDFARB, MAKING MILK: THE PRACTICES, PLAYERS, AND PRESSURES BEHIND DAIRY SUPPLY MANAGEMENT 28 (Craig MacLaine ed. 2009); see Justin Ling, *Cheddargate*, MAISONNEUVE (Sept. 9, 2014), <http://maisonneuve.org/article/2014/09/9/cheddargate/>.

¹²³ Tamilya & Charlebois, *supra* note 119, at 131.

¹²⁴ Aaron Wherry, *Why the Dairy Lobby is So Powerful*, MACLEAN’S (Oct. 5, 2015), <https://www.macleans.ca/politics/ottawa/why-the-dairy-lobby-is-so-powerful/>; JAMES MILWAY ET AL., THE POOR STILL PAY MORE: CHALLENGES LOW INCOME FAMILIES FACE IN CONSUMING A NUTRITIOUS DIET 9–10 (Institute for Competitiveness and Prosperity 2010).

¹²⁵ Findlay, *supra* note 104, at 12; see also Mussell & Asfaha, *supra* note 121, at 45–46. “The OECD uses the concept of producer subsidy equivalent to reflect the real support given by governments—whether direct or indirect through regulation (like supply management)” to an industry. Findlay, *supra* note 104, at 12. In the 2006–2008 data collection, the OECD found that Canada’s PSE for the dairy industry was much higher than many other affluent countries and countries with emerging dairy markets. See Mussell & Asfaha, *supra* note 121, at 51 tbl.10-1, 52. Canada’s PSE was 18%. *Id.* at 46. The EU’s PSE was 27% (high, in part, because of its Common Agriculture Policy). *Id.* at 47–48. The US’s PSE was 10%; Australia’s was 6%; New Zealand’s was 1%; China’s was 9%; and Chile’s was 4%. *Id.* at 47–50.

¹²⁶ Wherry, *supra* note 124; *Canada Had to Give Up Dairy Access to Get a Deal on NAFTA, Says Negotiator*, CBC NEWS (Oct. 04, 2018, 7:08 PM ET), <https://www.cbc.ca/news/politics/powerandpolitics/usmca-nafta-dairy-supply-management-1.4851411>. Canada yielded 3.59% of the dairy market to the Americans who were adamant in securing some access to the Canadian market. *Id.* The federal government has already promised to compensate farmers for losses. *Id.*

¹²⁷ Ling, *supra* note 122. Some politicians have gone against the majority political sentiment and have raised concerns about Canada’s supply management system. Lucas Powers, *Does Supply Management Really Mean Canadians Pay More For Milk?*, CBC NEWS (June 3, 2016, 10:41 AM ET), <http://www.cbc.ca/ne>

system has been contrasted with other countries with less government regulation—most notably, New Zealand.¹²⁸ Canada is seen as having one of the most highly regulated dairy sectors in the world, as well as some of the highest import tariffs.¹²⁹

iii. Other Supports to Industry

Even where the government has opened some dairy-related markets to foreign competition to facilitate otherwise coveted trade agreements, it has poured supplementary funding into the dairy industry to immunize producers from possible adverse effects of global competition.¹³⁰ Further, the federal government continues to support the industry with other forms of maintenance funding for equipment and other assets.¹³¹ The government, in concert with

ws/business/milk-dairy-cost-supply-management-1.3612834.

¹²⁸ Painter, *supra* note 112, at 2–3; Findlay, *supra* note 104, at 19; DOYON, *supra* note 104, at 23.

¹²⁹ *Milking Subsidies: Canada's Regulated Dairy Sector*, GRO INTELLIGENCE (May 10, 2017), <https://gro-intelligence.com/insights/canada-regulated-dairy-sector>; Tamilia & Charlebois, *supra* note 119, at 120–21. Tamilia and Charlebois note Canada's "almost obscene rates" for import tariffs. *Id.*

¹³⁰ With the signing of CETA—the Comprehensive Economic Trade Agreement between Canada and the EU—Canada's dairy industry [specifically the cheese market] will no longer be insulated from foreign products. Sylvain Charlebois, *CETA Set to Dramatically Alter Canada's Dairy Industry*, TROY MEDIA (Apr. 10, 2017), <https://troymedia.com/2017/04/10/ceta-alter-canada-dairy-industry/>. It has been estimated that this will account for approximately 2–3% of the domestic cheese market. *Id.* On August 1st, 2017, the federal government launched the Dairy Farm Investment Program (DFIP) to "assist dairy producers [to] adapt to the anticipated impacts of the [CETA]." AGRIC. & AGRI-FOOD CAN., DAIRY FARM INVESTMENT PROGRAM: STEP 1. WHAT THIS PROGRAM OFFERS (Aug. 1, 2017), <http://www.agr.gc.ca/eng/programs-and-services/dairy-farm-investment-program/?id=1491935919994>. In total, the government has invested \$250 million into this program, and, as of February 2018, "over 500 dairy producers had been approved for funding support" for a range of projects from "small investments in cow comfort equipment to large [investments] in automated milking systems." Agric. and Agri-Food Can., *Government of Canada Supports a Strong and Competitive Canadian Dairy Sector*, NEWSWIRE (Feb. 7, 2018), <https://www.newswire.ca/news-releases/government-of-canada-supports-a-strong-and-competitive-canadian-dairy-sector-673163713.html>.

¹³¹ For example, in April 2018, the government announced an "investment of over \$2.2 million under the Growing Forward 2, AgriMarketing Program, to assist the Dairy Farmers of Canada roll out an on-farm customer assurance program and a national traceability system for the dairy sector." AGRIC. AND AGRI-FOOD CAN., GOVERNMENT OF CANADA INVESTS TO STRENGTHEN THE DAIRY INDUSTRY (Apr. 12, 2018), <https://www.canada.ca/en/agriculture-agri-food/news/2018/04/government-of-canada-invests-to-strengthen-the-dairy-industry.html>. Provincially, funding programs vary—they may be absent, sporadically available through special initiatives, or constitute a general fund to which applicants can apply. *See, e.g., Agriculture & Seafood Programs*, B.C. MIN. OF AGRIC., <https://www2.gov.bc.ca/gov/content/industry/agriculture-seafood/programs> (last visited Feb. 4, 2020).

industry funds, also invests in research that supports the industry.¹³² Through contributions from Agriculture and Agri-Food Canada approximating over \$13 million, the federal government and its CDC have partnered with industry associations including the Dairy Farmers of Canada and The Canadian Dairy Network to form the Dairy Research Cluster.¹³³ The objective of this research program is to “promote the efficiency and sustainability of Canadian dairy farms, grow markets and supply high quality, safe and nutritious dairy products to Canadians.”¹³⁴ And, of course, a major industry support, in terms of costs avoided, is the absence of government regulation of the welfare of the animals exploited; the industry is “governed” through non-enforceable industry codes.¹³⁵

iv. Summary

It is clear from the foregoing that different branches of the federal government are at odds with each other as to the value of dairy products for Canadians. While Health Canada has revised the Guide to advise Canadians to reduce dairy consumption for health and environmental reasons,¹³⁶ Agriculture and Agri-Food Canada’s main mission is to promote Canada’s agricultural sectors, including its second-ranking industry: dairy.¹³⁷ As the overview above indicates, there is a vast integrated federal legislative network that ensures the continuation of an industry that, without active regulation and supply side management, would not be viable.¹³⁸ The federal government’s efforts in this regard (to make no mention of industry initiatives) show no signs of abating. Instead, information gained through access to information channels revealed that civil servants

¹³² Roger Collier, *Dairy Research: “Real” Science or Marketing?*, 188 CMAJ 715, 715 (2016).

¹³³ *Id.*

¹³⁴ *Id.* Collier argues that “[i]t is well known . . . that studies with industry funding are more likely to have results favourable to sponsors than those without contributions from the private sector,” noting that, “[t]he correlation appears particularly strong for research with ties to food companies.” *Id.* at 2. Collier also cites Marion Nestle, who argues that the dairy industry actively seeks to fund research projects because “their products are ‘under siege.’” *Id.* at 3.

¹³⁵ Andrea Bradley & Rod MacRae, *Legitimacy & Canadian Farm Animal Welfare Standards Development: The Case of the National Farm Animal Care Council*, 24:1 J. AGRIC. ENVTL. ETHICS 19, 23 (2011).

¹³⁶ Hui, *supra* note 2.

¹³⁷ See *Dairy Direct Payment Program: Step 1. What This Program Offers*, AGRIC. & AGRI-FOOD CAN., <http://www.agr.gc.ca/eng/agricultural-programs-and-services/dairy-direct-payment-program/?id=1566502074838> (last modified Jan. 10, 2020); *Canada’s Dairy Industry At A Glance*, GOV’T OF CAN., <https://www.dairyinfo.gc.ca/eng/about-the-canadian-dairy-information-centre/canada-s-dairy-industry-at-a-glance/?id=1502465180911> (last updated Mar. 2, 2020).

¹³⁸ Bradley & MacRae, *supra* note 135, at 32.

from Agriculture and Agri-Food Canada have championed industry interests to place pressure on their Health Canada colleagues to reconsider the proposed changes to the Guide, given their anticipated, deleterious effects on the meat and dairy industries.¹³⁹ They called for more “positive or neutral messaging” regarding foods Health Canada intended to instruct Canadians to limit or avoid, challenged the position that animal-based diets are less sustainable, and told their colleagues that “it is important that any messages on environmental impact and sustainability do not undermine social licence/public trust in the food supply.”¹⁴⁰

Moreover, the Standing Committee on Agriculture and Agri-Food, after hearing from industry stakeholders about their concerns with the proposed changes and other matters, recommended, in order to productively improve “food safety and health,” “that the new food guide be informed by the food policy and include peer-reviewed, scientific evidence and that the Government work with the agriculture and the agri-food sector to ensure alignment and competitiveness for domestic industries.”¹⁴¹ This same report, generally discussing Canadian food policy and titled *A Food Policy for Canada*, highlighted testimony from witnesses that different government departments were indeed at odds with each other and that this “lack of alignment among government initiatives often imposes new costs and creates uncertainties that limit the agri-food sector’s ability to grow.”¹⁴² In response, the Committee recommended “that the Government establish a national food policy advisory body consisting of the key government departments, the agriculture and agri-food sectors, academia, Indigenous peoples and civil society.”¹⁴³

This internal pressure, as well as Health Canada’s deliberate efforts to distinguish its most recent consultations from previously

¹³⁹ Hui, *supra* note 2; David Charbonneau, *My Beef With Canada’s New Good Guide*, CFJC TODAY (Nov. 16, 2017), <https://cfjctoday.com/column/597452/my-beef-canada-s-new-food-guide>.

¹⁴⁰ Hui, *supra* note 2.

¹⁴¹ PAT FINNIGAN, REPORT OF THE STANDING COMMITTEE ON AGRICULTURE AND AGRIFOOD, A FOOD POLICY FOR CANADA, HOUSE OF COMMONS CAN., 42nd Parliament, 1st Sess., at 17 (2017), <https://www.ourcommons.ca/Content/Committee/421/AGRI/Reports/RP9324012/agrip10/agrip10-e.pdf> [hereinafter FINNIGAN, A FOOD POLICY FOR CANADA]. A commentary in the *Canadian Medical Association Journal* urged physicians to support Health Canada’s new guidelines and objected to this industry influence. See Grant & Jenkins, *supra* note 28, at 1–2.

¹⁴² FINNIGAN, A FOOD POLICY FOR CANADA, *supra* note 141, at 30.

¹⁴³ *Id.* at 31.

industry-influenced versions,¹⁴⁴ is telling of the threatening shift in Health Canada's official discourse regarding the consumption of animal products and dairy that the dairy industry and its advocates perceive. At the same time, the fact that Health Canada invited input from Agriculture and Agri-Food Canada¹⁴⁵—another department of the *same government* that lobbied behind the scenes and in full public view to reduce the impact on the dairy industry—illuminates the industry's extensive scope of support. This support goes beyond the dairy industry's own impressive, existing public relations campaigns and resources to maintain and grow its revenues.¹⁴⁶ Despite this legal landscape aligned in favor of the dairy industry, Agriculture and Agri-Food Canada, as revealed in its "secret memo" to Health Canada, is clearly of the view that the changes in the 2019 Guide "will have a significant influence on consumer demand for food."¹⁴⁷ Whether or not that is the case, the meat and dairy industry has a formidable propaganda arm to counter the Guide's messages and promote their own interests. It remains to be seen whether consumer demand for animal products will indeed decrease as anticipated.

¹⁴⁴ As discussed earlier, the animal products lobbies have comprehensively influenced the Guide since its inception. Even for the 2007 update and resulting revised Guide, the then Conservative Harper government collaborated closely with industry stakeholders, defending such involvement as required to create public health change. Kondro, *supra* note 30, at 605; Hui, *supra* note 2. However, this does not imply that the current consultations were sufficiently independent from industry influence.

¹⁴⁵ Hui, *supra* note 2.

¹⁴⁶ In its 2017 budget, the federal government "specifically identified the agriculture industry as a priority for economic growth." *Id.* Further, the dairy industry is actively networked to promote its products in schools. Michele Simon, *Whitewashed: How Industry and Government Promote Dairy Junk Foods*, EAT DRINK POLITICS (2014), <http://www.eatdrinkpolitics.com/wp-content/uploads/SimonWhitewashedDairyReport.pdf>; B.C. DAIRY FOUND., THE ROLE OF GOVERNMENT IN PROMOTING THE SCHOOL MILK PROGRAM IN BRITISH COLUMBIA CANADA, http://www.fao.org/fileadmin/templates/est/COMM_MARKETS_MONITORING/Dairy/Documents/The_Role_of_Government_in_promoting_SMPs.pdf; *Fridges Expand Elementary School Milk Program*, MINISTRY OF AGRIC. & LANDS ET AL. (Aug. 30, 2006), https://archive.news.gov.bc.ca/releases/news_releases_2005-2009/2006al0030-001062.htm; MINISTRY OF EDUC. & MINISTRY OF HEALTHY LIVING & SPORT, SCHOOL MEAL AND SCHOOL NUTRITION PROGRAM HANDBOOK, <https://healthyschoolsbc.ca/program/587/school-meal-and-school-nutrition-program-handbook>. The industry also expends its resources to reach a wide variety of other constituencies, such as young athletes, female athletes, family (female) homemakers, teachers, etc. In addition to the main website that the Dairy Farmers of Canada maintains, they maintain seven other websites dedicated to marketing dairy products to these demographic groups. *See, e.g., Health & Wellness*, DAIRY FARMERS CAN., <https://www.dairygoodness.ca/getenough/> (last visited Feb. 23, 2020).

¹⁴⁷ Hui, *supra* note 2.

B. Animal Consumption and Sustainable Dietary Change

Government messaging can only go so far. One study indicates that, although Canadians trust their government as a nutritional authority, they have “relatively low levels of use and very low levels of knowledge of the official dietary guidelines in Canada.”¹⁴⁸ A more recent study with a wider sample found that “while most Canadians,” particularly women, “are aware of the Food Guide, and most have basic knowledge of food groups, serving proportions and the importance of fruits and vegetables, far fewer actually use it for healthy eating guidance,” such that Canadians have “high levels of awareness of Canada’s Food Guide, but low levels of adherence.”¹⁴⁹

However—more than supplementing the gaps in consumer knowledge—the social context around food exerts a huge influence not only on immediate food choices but also on long-lasting dietary change. Numerous studies have shown that eating animal meat is not simply a matter of personal choice; it is also deeply rooted in cultural and social forces and ideologies.¹⁵⁰ The deep-seated sensibility in Western culture of animal-eating as normal and natural forms a general backdrop to the legitimation of animal-eating among consumer preferences today.¹⁵¹ Part of the cultural legitimacy of animal-eating as natural—despite the now overwhelming evidence of its deleterious effects on animals, the environment, and human health¹⁵²—are the gendered associations that attach to what is natural for men and women to eat.¹⁵³ As feminist animal care ethicists have demonstrated through multiple examples, eating animals, particularly certain animals, carries masculinist connotations of strength, virility, and dominance.¹⁵⁴ Men who subscribe to dominant

¹⁴⁸ Lana Vanderlee et al., *Awareness and Knowledge of Recommendations from Canada’s Food Guide*, CAN. J. DIETETIC PRAC. & RES. 146, 148 (2015). These authors noted a particular knowledge gap among minoritized, Indigenous and lower income respondents to their survey. *Id.*

¹⁴⁹ Slater & Mudryj, *supra* note 11, at 3.

¹⁵⁰ Robert M. Chiles & Amy J. Fitzgerald, *Why is Meat So Important in Western History and Culture? A Genealogical Critique of Biophysical and Political-Economic Explanations*, 35:1 AGRIC. HUM. VALUES 1, 1 (2018).

¹⁵¹ *Id.* at 3.

¹⁵² *Id.* at 14.

¹⁵³ Amy Calvert, *You Are What You (M)eat: Explorations of Meat-Eating, Masculinity and Masquerade*, 16:1 J. INT’L WOMEN’S STUD. 18, 1 (2014) (Social Science Premium Collection).

¹⁵⁴ *Id.*; Steve Loughnan et al., *The Psychology of Eating Animals*, 23:2 CURRENT DIRECTIONS IN PSYCHOL. SCI. 104, 105 (2014). See also Annie Potts & Jovian Parry, *Vegan Sexuality: Challenging Heteronormative Masculinity Through Meat-Free Sex*, 20 FEMINISM & PSYCHOL. 53, 58, 64 (2010) (surveying social media comments

codes of masculinity can then feel a grave identity crisis when asked to give up animal foods or to even consider the ethical issues that attend to eating animals.¹⁵⁵

More sobering about the prospect for widespread dietary change toward plant-based eating are recent investigations that have extended feminist animal care arguments about the dominance inherent in eating animals in Western culture by investigating the personality traits of those who value meat-eating.¹⁵⁶ These psychological accounts reveal the domination and social inequality beliefs of those who defend meat-eating—particularly those omnivores who eat more “red meat” than others¹⁵⁷—as well as their general alignment with what the authors discuss as “social dominance orientation” and “right wing authoritarianism.”¹⁵⁸ Such ideologies are not simply background traits for those who we may presume are conservative and enjoy the taste of animal meat.¹⁵⁹ Rather, they can motivate individuals who fall into the above categories to consume animals simply to express contempt for the perceived threats that plant-based diets pose to dominant carnist culture and, at least in the case of those who fell into the category of “social dominance orientation,” to assert superiority.¹⁶⁰ Meat-eaters also resort to human exceptionalist claims and moral distancing of “food animals” from humans by denying animal sentience, cognition, and emotional complexity to resolve their “meat paradox” in claiming to care about animals but still eating them.¹⁶¹

authored by heterosexual, meat-eating men). Such gendered associations also exist outside of European traditions. See Kecia Ali, *Muslims and Meat-Eating*, 43:2 J. RELIGIOUS ETHICS 268, 269 (2015) (arguing that “secular feminist vegetarian insights can help Muslims concerned with gender justice to understand the intertwined nature of meat-eating and female subjection”).

¹⁵⁵ Robert G. Darst & Jane I. Dawson, *Putting Meat on the (Classroom) Table: Problems of Denial and Communication*, in ANIMALS IN ENVIRONMENTAL EDUCATION: INTERDISCIPLINARY APPROACHES TO CURRICULUM AND PEDAGOGY 215, 215–33 (Teresa Lloro-Bidart & Valerie Banschbach eds., 2018).

¹⁵⁶ Christopher Monterio et al., *The Carnism Inventory: Measuring the Ideology of Eating Animals*, 113 APPETITE 51 (2017).

¹⁵⁷ Loughnan et al., *supra* note 154, at 105.

¹⁵⁸ Kristof Dhont & Gordon Hodson, *Why Do Right-Wing Adherents Engage in More Animal Exploitation and Meat Consumption?*, 64 PERSONALITY AND INDIVIDUAL DIFFERENCES 12, 16 (2004); Monteiro et al., *The Carnism Inventory: Measuring the Ideology of Eating Animals*, 113 APPETITE 51, 52, 58 (2017); Gordon Hodson & Megan Earle, *Conservatism Predicts Lapses From Vegetarian/Vegan Diets to Meat Consumption (Through Lower Social Justice Concerns and Social Support)*, 120 APPETITE 75, 76 (2018); Loughnan et al., *supra* note 155, at 105.

¹⁵⁹ Dhont & Hodson, *supra* note 158, at 16.

¹⁶⁰ *Id.*

¹⁶¹ Loughnan et al., *supra* note 154, at 104–05; Michal Bilewicz et al., *The Humanity of What We Eat: Conceptions of Human Uniqueness Among Vegetarians*

What do these findings mean for the transition to a plant-based diet? First, giving up animal meat for some requires cognitively reconciling perceived threats to masculinity and overall outlooks about domination and authoritarianism. When such individuals do manage to become vegetarian or vegan, they are more likely to revert back to their original diets unless their dietary change was also catalyzed by social justice awareness.¹⁶²

Moreover, even those consumers who do not eat animals to express masculinity, domination, or support for right-wing authoritarianism face an uphill cultural battle in transitioning to plant-based diets.¹⁶³ Further, studies indicate that, even after transitioning, family resistance,¹⁶⁴ peer pressure,¹⁶⁵ and continued stigmatization of those who resist dominant meat culture, despite ample scientific evidence in favor of it for health and environmental reasons,¹⁶⁶ imperil long-term dietary change.¹⁶⁷ Markus and Eija Vinnari identify forty-four measures—in addition to national food guide recommendations favoring plant-based eating—that governments, educators, the media, and retailers need to take in order to stimulate long-term value change among the public away from animal products.¹⁶⁸ It is, thus, optimistic to believe that the current uptake in plant-based eating by a small fraction of the public will spread more generally within society without much more widespread institutional supports combatting carnist culture and its underlying ideologies about intra-human relations and human-animal relations.

The studies cited above all focus on the consumption of animal meat rather than cows' milk. The extent to which gender ideologies, dominance and authoritarian outlooks, and family and

and Omnivores, 41 EUR. J. OF SOC. PSYCHOL. 201, 202–04 (2011). See generally Steve Loughnan et al., *The Role of Meat Consumption in the Denial of Moral Status and Mind to Eat Animals*, 55 APPETITE 156–59 (2010) (providing more information on the “meat paradox”); MELANIE JOY, *WHY WE LOVE DOGS, EAT PIGS, AND WEAR COWS: AN INTRODUCTION TO CARNISM* (Conari Press 2009) (further explaining carnism).

¹⁶² Hodson & Earle, *supra* note 158, at 78.

¹⁶³ Markus Vinnari & Eija Vinnari, *A Framework for Sustainability Transition: The Case of Plant-Based Diets*, 27 J. AGRIC. ENVTL. ETHICS 369, 379–83 (2014).

¹⁶⁴ LuAnne K. Roth, “Beef. It’s What’s for Dinner”: *Vegetarians, Meat-Eaters and the Negotiation of Familial Relationships*, 8:2 FOOD, CULTURE & SOC’Y 181, 183 (2005).

¹⁶⁵ Katie MacDonald & Kelly Struthers Montford, *Eating Animals to Build Rapport: Conducting Research as Vegans or Vegetarians*, 4 SOCIETIES 737, 740 (2014).

¹⁶⁶ Potts & Parry, *supra* note 154, at 57–65.

¹⁶⁷ Hodson & Earle, *supra* note 158, at 76.

¹⁶⁸ *Id.*

cultural identity, affect dairy consumption is less clear. Although the adult consumption of fluid milk in Canada and the US is clearly gendered—this time carrying a more feminized connotation through milk’s association with breastfeeding and children¹⁶⁹ it may be that social forces, while still influential in domesticating those who adopt vegan diets,¹⁷⁰ are not as powerful in impeding transition to dairy-free diets, whether temporary or permanent. Further research on transitioning to veganism (as opposed to vegetarianism) is required. Still, it would be fair to expect some prohibitive effect rather than to assume that the decision to drink milk by adults is unmediated by context.¹⁷¹

IV. Conclusion

When compared to its previous iterations, Health Canada’s 2019 Guide encourages plant-based eating and demotes animal-based foods as nutritionally important.¹⁷² Most notably, the Guide no longer privileges dairy as a separate food group or instructs Canadians to consume dairy products.¹⁷³ This is a welcome change and, indeed, something to celebrate among animal justice advocates and other social actors in favor of plant-based eating. Whether or not the new Guide will actually reduce the consumption of dairy and other animal-based foods, however, is uncertain. The material and

¹⁶⁹ Phyllis L.F. Rippey & Laurel Falconi, *A Land of Milk and Honey? Breastfeeding and Identity in Lesbian Families*, 13:1 J. OF GLBT FAM. STUDIES 16, 20 (2017).

¹⁷⁰ Richard Twine, *Vegan Killjoys at the Table—Contesting Happiness and Negotiating Relationships with Food Practices*, 4 SOCIETIES 623, 635–37 (2014).

¹⁷¹ For more on the cultural associations of milk, *see generally*, PETER ATKINS, *LIQUID MATERIALITIES: A HISTORY OF MILK, SCIENCE AND THE LAW* (Ashgate Publishing 2010); E. MALENIE DUPUIS, *NATURE’S PERFECT FOOD: HOW MILK BECAME AMERICA’S DRINK* (New York University Press 2002); ANNE MENDELSON, *THE SURPRISING STORY OF MILK THROUGH THE AGES 7* (Alfred A. Knopf 2008); *MAKING MILK: THE PAST, PRESENT AND FUTURE OF OUR PRIMARY FOOD* (Mathilde Cohen & Yoriko Otomo eds., 2017); DEBORAH VALENZE, *MILK: A LOCAL AND GLOBAL HISTORY* (Yale University Press 2011). It is also instructive to note that nothing in the new Guide suggests reducing fluid milk consumption in children; to the contrary, the revisions instruct parents not to reduce good fats for children and specifically endorse the provision of cows’ milk to children in its full fat version. *See generally* CANADA’S DIETARY GUIDELINES, *supra* note 1. Fluid milk consumed by children (less than 18 years of age) accounted for approximately 22% of total fluid milk consumption in Canada in 2001. Jeewani Fernando, *Demand for Dairy Milk and Milk Alternatives*, CONSUMER CORNER, Sept. 2016, at 1, <https://open.alberta.ca/dataset/b5d936eb-2127-424e-b1b8-818c486d12aa/resource/6eac6179-13e1-40fa-a766-8803eea95e29/download/2016-09-consumer-corner-issue-38-september-2016.pdf>.

¹⁷² Ann Hui, *Canada’s New Food Guide Shifts Toward Plant-Based Diets at Expense of Meat, Dairy*, GLOBE & MAIL (Jan. 22, 2019), <https://www.theglobeandmail.com/canada/article-new-food-guide-shifts-toward-plant-based-foods/>.

¹⁷³ FOOD GUIDE SNAPSHOT, *supra* note 75.

discursive support farmed animal industries receive from other government departments (notably, from Agriculture and Agri-Food Canada) are directed at sustaining the growth and profitability of animal-based agricultural sectors through firmly legally entrenched protectionist measures¹⁷⁴ and are powerful counters to Health Canada's initiative towards promoting healthy eating amongst Canadians. Also enormously influential in motivating dietary change toward plant-based eating is the extent to which Canadians become knowledgeable about the content of the 2019 Guide, reject standard Western domination narratives toward animals, and are able to socially resist the conformity pressures of carnist culture to maintain plant-based commitments for the long-term. The fact that the farmed animal industries are concerned about the revisions is an encouraging sign that Health Canada's messaging is somewhat vegan-friendly. Instituting national dietary recommendations favorable to plant-based eating, however, is but one ingredient in the overall governance measures that must occur for Canada's present animal-based dietary culture to transform.

¹⁷⁴ FINNIGAN, A FOOD POLICY FOR CANADA, *supra* note 141, at 7.

Appendix

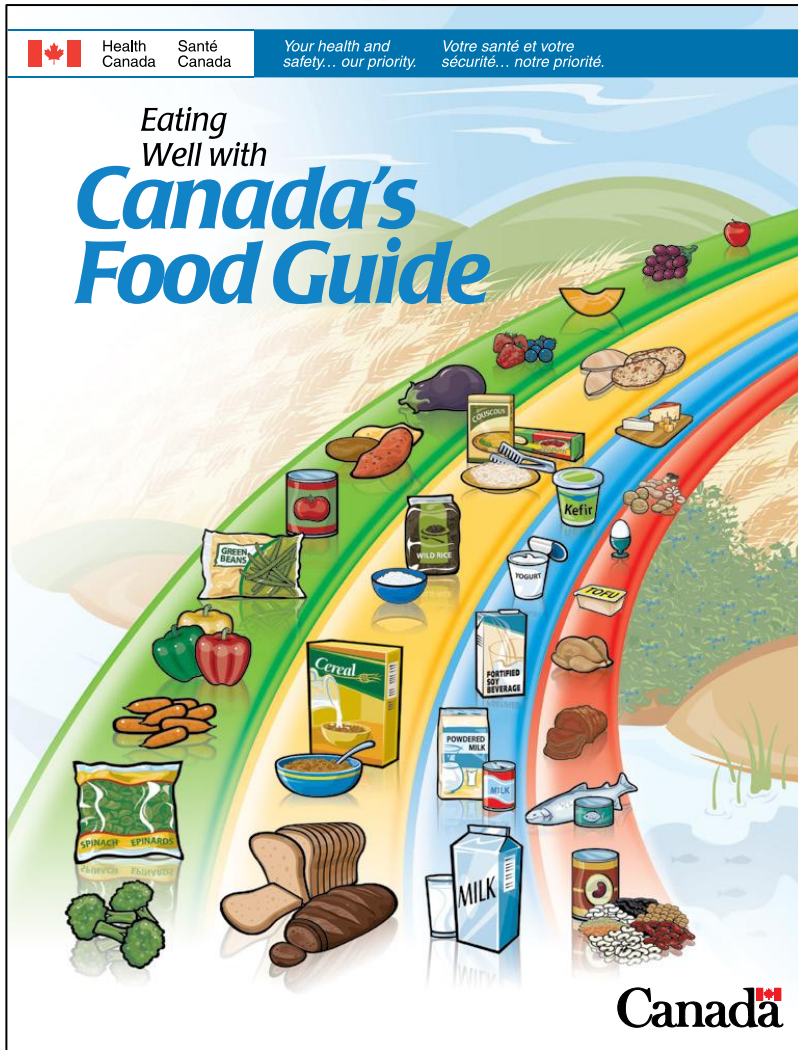


Figure 3. The first page of Eating Well with Canada's Food Guide.¹⁷⁵

¹⁷⁵ EATING WELL, *supra* note 3, at 1.



Figure 4. The second page of Eating Well with Canada's Food Guide.¹⁷⁶

¹⁷⁶ *Id.* at 2.



Figure 5. The third page of Eating Well with Canada’s Food Guide.¹⁷⁷

¹⁷⁷ *Id.* at 3.

***Make each Food Guide Serving count...
wherever you are – at home, at school, at work or when eating out!***

- ▶ **Eat at least one dark green and one orange vegetable each day.**
 - Go for dark green vegetables such as broccoli, romaine lettuce and spinach.
 - Go for orange vegetables such as carrots, sweet potatoes and winter squash.
- ▶ **Choose vegetables and fruit prepared with little or no added fat, sugar or salt.**
 - Enjoy vegetables steamed, baked or stir-fried instead of deep-fried.
- ▶ **Have vegetables and fruit more often than juice.**

- ▶ **Make at least half of your grain products whole grain each day.**
 - Eat a variety of whole grains such as barley, brown rice, oats, quinoa and wild rice.
 - Enjoy whole grain breads, oatmeal or whole wheat pasta.
- ▶ **Choose grain products that are lower in fat, sugar or salt.**
 - Compare the Nutrition Facts table on labels to make wise choices.
 - Enjoy the true taste of grain products. When adding sauces or spreads, use small amounts.

- ▶ **Drink skim, 1%, or 2% milk each day.**
 - Have 500 mL (2 cups) of milk every day for adequate vitamin D.
 - Drink fortified soy beverages if you do not drink milk.
- ▶ **Select lower fat milk alternatives.**
 - Compare the Nutrition Facts table on yogurts or cheeses to make wise choices.

- ▶ **Have meat alternatives such as beans, lentils and tofu often.**
- ▶ **Eat at least two Food Guide Servings of fish each week.***
 - Choose fish such as char, herring, mackerel, salmon, sardines and trout.
- ▶ **Select lean meat and alternatives prepared with little or no added fat or salt.**
 - Trim the visible fat from meats. Remove the skin on poultry.
 - Use cooking methods such as roasting, baking or poaching that require little or no added fat.
 - If you eat luncheon meats, sausages or prepackaged meats, choose those lower in salt (sodium) and fat.



***Enjoy a variety
of foods from
the four
food groups.***



***Satisfy your
thirst with water!***

Drink water regularly. It's a calorie-free way to quench your thirst. Drink more water in hot weather or when you are very active.

* Health Canada provides advice for limiting exposure to mercury from certain types of fish. Refer to www.healthcanada.gc.ca for the latest information.

Figure 6. The fourth page of Eating Well with Canada's Food Guide.¹⁷⁸

¹⁷⁸ *Id.* at 4.


Advice for different ages and stages...

Children

Following *Canada's Food Guide* helps children grow and thrive.

Young children have **small** appetites and need calories for growth and development.

- Serve small nutritious meals and snacks each day.
- Do not restrict nutritious foods because of their fat content. Offer a variety of foods from the four food groups.
- Most of all... be a good role model.



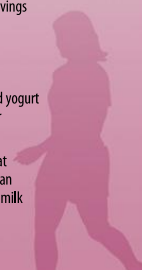
Women of childbearing age

All women who could become pregnant and those who are pregnant or breastfeeding need a multivitamin containing **folic acid** every day. Pregnant women need to ensure that their multivitamin also contains **iron**. A health care professional can help you find the multivitamin that's right for you.

Pregnant and breastfeeding women need more calories. Include an extra 2 to 3 Food Guide Servings each day.

Here are two examples:


- Have fruit and yogurt for a snack, or
- Have an extra slice of toast at breakfast and an extra glass of milk at supper.



Men and women over 50

The need for **vitamin D** increases after the age of 50.

In addition to following *Canada's Food Guide*, everyone over the age of 50 should take a daily vitamin D supplement of 10 µg (400 IU).



How do I count Food Guide Servings in a meal?

Here is an example:

Vegetable and beef stir-fry with rice, a glass of milk and an apple for dessert	
250 mL (1 cup) mixed broccoli, carrot and sweet red pepper	= 2 Vegetables and Fruit Food Guide Servings
75 g (2 1/2 oz.) lean beef	= 1 Meat and Alternatives Food Guide Serving
250 mL (1 cup) brown rice	= 2 Grain Products Food Guide Servings
5 mL (1 tsp) canola oil	= part of your Oils and Fats intake for the day
250 mL (1 cup) 1% milk	= 1 Milk and Alternatives Food Guide Serving
1 apple	= 1 Vegetables and Fruit Food Guide Serving




Figure 7. The fifth page of Eating Well with Canada's Food Guide.¹⁷⁹

¹⁷⁹ *Id.* at 5.

Eat well and be active today and every day!

The benefits of eating well and being active include:

- Better overall health.
- Lower risk of disease.
- A healthy body weight.
- Feeling and looking better.
- More energy.
- Stronger muscles and bones.

Take a step today...

- ✓ Have breakfast every day. It may help control your hunger later in the day.
- ✓ Walk wherever you can – get off the bus early, use the stairs.
- ✓ Benefit from eating vegetables and fruit at all meals and as snacks.
- ✓ Spend less time being inactive such as watching TV or playing computer games.
- ✓ Request nutrition information about menu items when eating out to help you make healthier choices.
- ✓ Enjoy eating with family and friends!
- ✓ Take time to eat and savour every bite!

Be active

To be active every day is a step towards better health and a healthy body weight.

It is recommended that adults accumulate at least 2 ½ hours of moderate to vigorous physical activity each week and that children and youth accumulate at least 60 minutes per day. You don't have to do it all at once. Choose a variety of activities spread throughout the week.

Start slowly and build up.

Eat well

Another important step towards better health and a healthy body weight is to follow *Canada's Food Guide* by:

- Eating the recommended amount and type of food each day.
- Limiting foods and beverages high in calories, fat, sugar or salt (sodium) such as cakes and pastries, chocolate and candies, cookies and granola bars, doughnuts and muffins, ice cream and frozen desserts, french fries, potato chips, nachos and other salty snacks, alcohol, fruit flavoured drinks, soft drinks, sports and energy drinks, and sweetened hot or cold drinks.

Read the label

- Compare the Nutrition Facts table on food labels to choose products that contain less fat, saturated fat, trans fat, sugar and sodium.
- Keep in mind that the calories and nutrients listed are for the amount of food found at the top of the Nutrition Facts table.

Limit trans fat

When a Nutrition Facts table is not available, ask for nutrition information to choose foods lower in trans and saturated fats.

Nutrition Facts

Per 0 mL (0 g)

Amount	% Daily Value
Calories 0	
Fat 0 g	0 %
Saturated 0 g	0 %
+ Trans 0 g	
Cholesterol 0 mg	
Sodium 0 mg	0 %
Carbohydrate 0 g	0 %
Fibre 0 g	0 %
Sugars 0 g	
Protein 0 g	
Vitamin A 0 %	Vitamin C 0 %
Calcium 0 %	Iron 0 %

For more information, interactive tools, or additional copies visit [Canada's Food Guide on-line at: www.healthcanada.gc.ca/foodguide](http://www.healthcanada.gc.ca/foodguide)

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Également disponible en français sous le titre :
 Bien manger avec le Guide alimentaire canadien

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Figure 8. The sixth page of Eating Well with Canada's Food Guide.¹⁸⁰

¹⁸⁰ *Id.* at 6.