

## Agriculture by Susan B. Cohen

### Judge decides for DES

*This federal court case could set back the environmentalist assault on the livestock industry.*

On May 7 in the Federal Court of Kansas in Wichita, Judge Kelley handed down a 60-page decision stating that 200,000 pounds of frozen meat from animals implanted with DES at the Jarboe-Lackey Feedlot of Parsons, "would not hurt anyone."

The lawsuit was initiated by the U.S. Department of Agriculture (USDA) a year ago in an effort to enforce the 1979 Food and Drug Administration (FDA) ban on the use of the hormone DES (diethylstilbestrol) in livestock raising.

On May 8 the government asked for 60 days to consider whether or not to appeal. It is not yet known what the Reagan administration will do, but a decision to bow to Judge Kelley's ruling would give powerful support to industry and other forces anxious to draw the line on the campaign to outlaw most feed additives, including antibiotics. The case before Judge Kelley, though inspired by the Bergland USDA and the FDA, was run by one of the Justice Department's crack "consumer fraud" lawyers.

The government's decision will also affect the fate of some 300 "violators"—cattlemen, consultants, and DES producers and distributors—fingering in an FDA witch-hunt last April, launched following months of confusion about the FDA's stand on producers' requests to use existing supplies of DES after the November cutoff date, when an allegedly disgruntled

feedlot employee reported continued use of the drug.

Hundreds of investigators poured into cattle country, and within a month the FDA had its "violators list." USDA Undersecretary for Consumer Affairs Coral Tucker Foreman and HEW Secretary Patricia Harris vowed to prosecute to the fullest extent.

Feedlot owner Mr. Lackey and his attorney Charles McAtee maintained throughout the suit that the USDA could not prove that the beef posed a health hazard.

DES was branded a carcinogen and banned in livestock raising partly on the basis of indications that daughters of women who had taken DES to prevent miscarriage had a greater tendency to develop a rare form of vaginal cancer. DES dosages in livestock raising are a mere 1/300,000 of those taken by the pregnant women. Furthermore, DES is administered according to strict guidelines to ensure that no residue remains in the animal tissue or organs at slaughter. Adding DES to livestock feed rations increases weight gain by about 15 percent and improves the quality of the meat; it has been used with no ill effects in the livestock industry for more than 20 years.

In the Wichita case, the USDA performed exhaustive tests on the frozen meat in question according to Dr. Thomas Jukes, a prominent medical biophysicist from the University of California at Berkeley

who testified for the defense. Jukes reported that the largest amount of DES residue that could be found was 0.02 to 0.05 parts per billion in the kidney and one-tenth of that, or 2 grams per million tons, in the muscle tissue. (One part per billion, just to get in perspective, is the equivalent of one pinch of salt in 10 tons of potato chips!)

Dr. George Gass who testified for the defense, explained to this writer that an individual would have to consume 79,000 pounds of lean meat *per day* or eat 330 pounds of beef liver a day for the rest of his life, to attain the threshold levels of DES consumption that laboratory tests with mice have shown produce an increase in cancers.

Gass, chairman of the Department of Basic Medical Sciences at the Oklahoma College of Osteopathic Medicine and Surgery in Tulsa, is the scientist whose 1964 study of DES was the first to show dose response to a chemical carcinogen. As Gass testified in Wichita, at certain concentrations DES poses no health risk whatsoever, and may even be *beneficial*, beyond its proven positive effect on feed conversion efficiencies. Since 1972, when the first attempt to ban DES was made, the government has misinterpreted Dr. Gass's 1964 study, and used it as an argument *for* the ban. Gass has attempted to correct this, but the USDA spurned his offers to testify during the hearings on DES. In 1975, Dr. Gass was asked to repeat his 1964 study at the government's National Center for Toxicology Research. The study again showed that on lower doses fewer mice got cancer, and more slowly, than the control group. The government refuses to publish these results.