## **Duck Season!**

## By Reg P. Wydeven June 30, 2012

One of my favorite 'Seinfeld' episodes involved Elaine panicking after the FDA banned the brand of sponge that she used as her favorite prophylactic. She hoarded them by buying out the stock of every local pharmacy. From then on, she carefully screened potential lovers to determine if they were "sponge-worthy."

In 2005, to commemorate the release of 'Star Wars: Revenge of the Sith,' Kelloggs released a limited edition flavor of Pop-Tarts: Lava Berry, inspired by the volcanic locale featured in the saga's final installment. In addition to being cool, the toaster pastries actually tasted really good.

Because they were a limited edition, like Elaine, I stockpiled our pantry with boxes of the breakfast treat. As I learned in Economics 101, when our favorite products are in limited supply, our demand for them skyrockets. That's why many California residents are on a wild goose chase today.

Starting tomorrow, the state will impose the nation's first ban on foie gras, an expensive French delicacy made from the livers of fattened ducks or geese.

Animal rights activists have been calling for the ban for years, citing the allegedly cruel process by which it is obtained. Foie gras has been coined the "delicacy of despair," as ducks and geese are usually force fed corn to fatten their livers. It will be interesting to see if the controversial measure gets repealed or if other states will flock to the ban.

The law was pushed through the California legislature by former State Senate President John Burton, who even garnered support from several chefs, including Wolfgang Puck. Although Burton admitted that he has never actually witnessed the feeding process known as gavage, he felt very strongly about the law. "I know what I'm banning," Burton insists. "I'm banning putting tubes down ducks and geese throats and forcing food into them, into their esophagus. That's what I'm banning. I don't have to see it to know that."

But many fans of the cuisine are crying 'fowl,' most notably Guillermo Gonzalez and his family. Gonzalez owns a farm in Farmington, where he has been making foie gras for 26 years. He is the largest manufacturer of the product, and has had as many as 30,000 ducks in his orchard. As a result of the ban, Gonzalez had to close his business.

Gonzalez claims people like Burton truly do not understand the feeding process. He explains that it's actually very natural as it mimics the gorging the birds do in the wild just prior to migrating. Geese and ducks have no gag reflex and they can store lots of food in their esophagus before digesting it. I learned this by watching 'The Simpsons,' for in one episode Homer is accused of eating like a pig. Homer's friend corrects the accuser, stating Homer eats more like a duck, as pigs tend to chew their food.

Unlike Wolfgang Puck, many other chefs are fighting the ban and asking for the law to be repealed. Several chefs actually feature foie gras as the main ingredient in their dishes, such as Michael Voltaggio's signature Foie Gras Waffles.

But it's California diners whose feathers are ruffled the most. Many proprietors of foie gras are already sold out, so hungry residents are scrambling to stock up. Because foie gras costs \$50 a pound or more, few people can pay cash to buy it in bulk. So like the duck who bought Chapstick, the Californians are saying, "just put it on my bill."

This article originally appeared in the Appleton Post-Crescent newspaper and is reprinted with the permission of Gannett Co., Inc. © 2012 McCarty Law LLP. All rights reserved.