

'We will continue,' farmer vows after raw-milk conviction

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Michael Schmidt says he'll again handle his own defence at next trial.

Supporters lift glasses of 'real milk' from his farm to salute defiant Schmidt after Newmarket verdict

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Soon after dairy farmer Michael Schmidt was found in contempt of court yesterday for distributing raw milk, he joined supporters in a toast outside the Newmarket courtroom.

The glasses were filled with fresh, creamy, unpasteurized milk.

"Here's to the real milk," said Judith McGill, one of a dozen on hand to support the farmer at his first of two trials focused on raw milk distribution.

"Here's to everybody," said Schmidt, taking a sip of the liquid pumped at his farm that morning. "We will continue with what we're doing."

Last month Schmidt went on trial after the Region of York filed a contempt charge against him for failing to obey a May 2007 court order not to distribute raw milk within its borders.

Schmidt runs a co-operative venture near Owen Sound with about 150 cow-share members. He said he does not sell or distribute, but simply provides the raw milk to the cows' owners, who pay to board the 300 cows at his farm.

The sale of untreated milk is illegal across Canada. Health officials say it carries the risk of

salmonella, E. coli and Listeria monocytogenes.

Justice R. Cary Boswell found Schmidt in contempt, but reserved sentencing for a later date.

In his decision, Boswell said his ruling was not on whether people have the right to consume raw milk, but whether Schmidt intentionally defied the court order to stop selling it.

Dan Kuzmyk, lawyer for the region, suggested a \$5,000 fine and payment of the region's \$53,000 legal bill.

"I think that Mr. Schmidt should be given the opportunity to purge his contempt," said Kuzmyk.

"We asked specifically that the court consider incarcerating him for four to six months. (But) in the meantime, give him a chance to comply to the order, get legal counsel ..."

Schmidt represented himself in the three-day hearing in September.

The farmer said he was willing to bear whatever punishment gets imposed on him, including jail time – challenging the judge to levy "the highest penalty you can find."

"I'm prepared to pay any amount," said Schmidt. "It's ridiculous people in this country can't decide what they want to drink and eat," he said.

In court, after Boswell rendered his decision, Schmidt spoke out in support of raw milk, likening his movement to that of Mahatma Gandhi and civil rights activist Martin Luther King.

"It's not the milk, it's the principle that people need to make the decision what they put in their bodies. When government tells them what they are allowed to eat or not eat, that's a very sacred thing," said Schmidt, elaborating outside the courtroom.

The farmer said he intends to again handle his own defence in the next trial, scheduled for 2009, involving 20 charges laid by the Ministry of Natural Resources and the Grey-Bruce Health Unit after a raid at his farm in 2006.

The charges centre on the storage, production and distribution of raw milk.

Schmidt says he'll await sentencing on yesterday's verdict and plans to appeal it.

In the meantime, he vowed the milk on his farm will continue to flow.

With files from The Canadian Press