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RESEARCH ARTICLE

Dairy Pride: Hypocognitive Rhetoric and the Battle for Dairy's Name

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ABSTRACT

In this essay, I utilize the U.S. Congress' DAIRY PRIDE Act to critique the animal-sourced dairy industry's use of legislative and nutritional discourse to claim the name "dairy" and its analogs. Contextualizing the role of naming, re-naming, and un-naming in environmental communication, I begin with an overview of the U.S. animal-sourced dairy industry's effort to suppress plant-based alternatives through strategic un-naming practices. I call this genre of un-naming "hypocognitive rhetoric." I problematize hypocognitive rhetoric by demonstrating how the U.S. animal-sourced dairy industry uses this rhetorical strategy to obfuscate alternative (more specifically, plant-based) agricultural futures. In claiming dairy's name and painting industrialized, animal-sourced dairying practices as natural, normal, and necessary for human advancement, the animal-sourced dairy industry not only renders invisible the human inequities inherent in animal-sourced dairy production and consumption, but also cloaks the experiences the nonhuman animals used for lactation.

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In 2017, U.S. Senator Tammy Baldwin introduced The Defending Against Imitations and Replacements of Yogurt, Milk, and Cheese to Promote Intake of Dairy Everyday Act – the "DAIRY PRIDE Act" for short. The Act's stated goal was "to require enforcement against misbranded milk alternatives" (DAIRY PRIDE, 2021, p. 1). The text mandated that non-animal sourced dairy products based of nuts, plants, seeds, or other plant-based ingredients no longer be labeled with dairy terminology (e.g. milk, cheese, yogurt). The authors argued that plant-based dairy is a contradiction in terms, constituting an illegal market name. "Imitation" plant-based dairy, after all, contains no animal-sourced milk and is thus misbranded under the Food and Drug Administration's (FDA's) "standards of identity." The DAIRY PRIDE Act called thus for more consistent and rigorous enforcement of the FDA's definitions of dairy.

The initial iteration of DAIRY PRIDE failed to pass in Congress. It was instead referred to the Subcommittee on Health, Education, Labor, and Pensions. For several months after, the FDA collected public comments about how plant-based dairy alternatives should be labeled. FDA commissioner Scott Gottlieb resigned in 2019 while this project was in progress, stalling it. Advocacy for the bill, however, did not stop. In February 2020, executives from the National Milk Producers Federation (NMPF) testified to the congressional subcommittee on behalf of DAIRY PRIDE. In 2021, Senators Baldwin and James Risch reintroduced the legislation in the Senate while Representatives Peter Welch and Mike Simpson introduced it in the House. Baldwin asserted: "imitation products have gotten away with using dairy's good name for their own benefit, which is against the law and

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… hurts our dairy farmers. That's why I'm reintroducing the bipartisan DAIRY PRIDE Act to take a stand for Wisconsin farmers" (para.2).

If passed, the DAIRY PRIDE act would mandate the FDA to issue nationwide guidance for and enforcement of "mislabeled" dairy products within 90 days. After two years, the FDA would report this work to Congress. "Mislabeling" would refer to a product being in violation of the FDA's "standard of identity". Currently, about 300 common grocery-store food items have standards of identity codified in FDA regulations. A large proportion of these items of these are animal-sourced products (Bousquet, 2020).

US dairy farmers are generally thrilled with the possibility of this legislation. Brody Stapel, president of Edge Dairy Farmer Cooperative, said "We are excited to see Senator Baldwin re-introduce this bill, telling the makers of plant-based imitations that they need to play by the rules, while supporting real dairy products produced by Wisconsin's farmers" (qtd. in Fatka, 2021, para.17) The National Milk Producers Federation (NMPF) maintained that products like plant-based milk and butter were no more than "margarine with better marketing" (qtd. in McKeen, 2020, para.6). However, many lawyers, plant-based food companies, and animal activists have criticized DAIRY PRIDE, calling it an affront to free commercial speech. After all, the act would take away power from the FDA by shifting its regulatory powers to the legislature (Harris, 2018). Jessica Almy of the Good Food Institute quipped: "rather than woo customers back with better offerings, the proponents of cow's milk have increasingly turned their attention to promoting draconian restrictions on the words that the competition can put on their labels" (Almy, 2018, para.16). In other words, "if you can't beat 'em, censor 'em" (para.17).

Sociopolitical struggles over the advent and dissemination of plant-based dairy are not only premised upon the alternative source or molecular structure of the products, but also the rhetorical constitution of dairy's *name*. In keeping with environmental communication's "ethical duty" as a "crisis discipline" (Cox, 2007), this essay takes a critical rhetorical approach to the DAIRY PRIDE act. More specifically, I engage with the discursive construction of dairy through the lens of critical animal studies. At the crux of critical animal studies is a critique of "speciesism" – the unjust elevation of the *homo sapien* species over other species and the subsequent exploitation that goes alone with it (Singer, 1975). Recognizing the normalization of speciesism in everyday discursive contexts is essential to the dissolution of nonhuman animal exploitation, which CAS takes as a moral imperative (see Almiron et al., 2018). Further, pinpointing how speciesism affects *human* animals through processes of dehumanization and/or animalization is necessary for communication scholarship interested environmental & food justice (see Nibert, 2002).

Discourse constitutes and is constituted by the more-than-human world. Dairying discourses cut across issues like sustainability, development, animal welfare, and human health. Thus, this essay also invokes Garrett Broad's assertion that the agriculture industry's discursive circulation of information regarding how food is produced, distributed, and consumed plays a quintessential role in shaping an "eating public's knowledge" (Broad, 2016, p. 44). Dairy production is at the center of global food systems and "the site of significant contestation on account of its social, environmental, public health, and ethical implications" (p. 44). Environmental communication scholarship must assess how industrial drives to curb the language alternative dairy "shape what we do and do not know about these animal production processes" (p. 44).

Central to this study is a cognitive linguistic concept called *hypocognition* – the idea that "the outcomes of human events often turn not on the ideas that people possess but rather on notions for which they have no conception" (Wu & Dunning, 2018, p. 25). Little scholarship in environmental communication has focused on industrial quests to *un-name* agricultural products. Much of the canonical work on environmental naming has focused on the impact of names in dictating public responses to places, spaces, and more-than-human beings (see Endres, 2009; Milstein, 2011). Other works have emphasized how deceptive naming practices such as "greenwashing" can trick publics into believing products are ecologically friendly (see Delmas & Burbano, 2011; Plec &

Pettenger, 2012). However, these works remain fundamental to understanding industrial drives to un-name plant-based dairy.

DAIRY PRIDE relies upon the discursive strategy of *hypocognitive rhetoric*. My analysis samples for environmental communication scholars how to integrate this concept into our "arsenal of analysis" (Wu & Dunning, 2018, p. 32). Since "the co-production of knowledge and non-knowledge has been … one of the defining features of contemporary global society" (Broad, 2016, p. 45), the fusion of hypocognition as rhetorical strategy complicates the means of having and conveying knowledge. Hypocognitive rhetoric constitutes a subsection of a broader "rhetoric of agribusiness" that "creates a promissory discourse that represents global 'livestock' corporations as somehow benign or even philanthropic providers" (Twine, 2012, p. 20). By addressing what is said and strategically rendered unsaid through dairying practice and policy, scholars can better contextualize what Twine described as "the use of animals as food not primarily within a rubric of inadequate ethical frameworks but as a part of the wider mechanics of capitalism and its normalizing potential." (pp. 15–16). As a result, we can better identify whose interests are served by the "animal industrial complex" and how that complex might be changed with the emergence and adoption of alternative products.

In the following sections, I contextualize the role of naming, re-naming, and *un-naming* in environmental communication scholarship. Then, I offer an overview of the U.S. dairy industry's rationale for and efforts to quash alternative products through un-naming practices. Finally, I rhetorically critique the DAIRY PRIDE Act and the multitudinous discourses surrounding it. In doing so, I problematize the consequences of the dairy industry's broader rhetorical strategy of hypocognitive rhetoric – namely, how such rhetoric obfuscates agricultural possibilities beyond the animal-industrial complex by claiming dairy's "true" name and painting industrialized animal-sourced dairy as natural, normal, and necessary for human flourishment. In doing so, the industry not only renders invisible the human inequities and institutionalized duplicities inherent in animal-sourced dairy politics, but also cloaks the experiences of nonhuman animals used for their lacteal secretions.

Naming, framing, and un-naming: hypocognition as rhetorical strategy

Environmental communication scholarship has long been concerned with the constitutive power of naming. Naming is important to both the "psychological process of invention" and "the social process of discourse community" (Coe, 1993, p. 368). Words "always connote, always embody biases about what matters, about what is valuable" (p. 371). Names "generate knowledge; they inform what we pay attention to, what questions we ask, what lines of research we pursue" (Barnett, 2019, p. 289). Naming thus has ideological consequences that impact "how we comprehend our place relative to others within shared worlds" (p. 289). Naming is an act of terministic screening in which "even if any terminology is a reflection of reality, by its very nature as a terminology it must also be a selection of reality; and to this extent it must function also as a deflection of reality" (Burke, 1966, p. 45). No name "can be said to transparently describe reality" because "no matter how neutral it may seem, is invested in some orientations rather than others" (Barnett, 2019, p. 289). Thus, names draw attention to, distract from, and symbolically shape perception.

The rhetorical power of naming has documented neurological roots. Another name for the act of strategic (re)naming in communication theory is "framing." A *name* is not a *frame*, but acts of *strategic naming* are often acts of *framing*. When one states "don't think of an elephant!," the brain necessarily thinks of the elephant. Specific name clusters activate specific frames. Grouping words like elephant, red, military, Donald Trump, and pro-life might activate a U.S. American's political framing of conservatism, despite the political orientation itself never being said by name (Lakoff, 2014). Framing draws upon the brain's tendency to create "schemata," which are "the workhorses of competent cognitive function" (Wu & Dunning, 2020, p. 26). Schemata allow people to:

> make inferences and predictions about the objects, people, and events they encounter. They direct attention and assist the absorption of new information. They aid memory, although they sometimes inspire false memory, distorting accounts of past events to better fit the schema … they aid conversation (p. 4)

All knowledge makes use of frames, and "every word is defined through the frames it neutrally activates" (Lakoff, 2010, p. 71). Constant repetition of terminology leads to terms becoming "normal language."

Social change cannot occur without systematic changes in frames. Benford and Snow (2000) suggest frames are central to "the struggle over the production of mobilizing and countermobilizing ideas and meanings" (p. 613). Framing for social change involves "the generation of interpretive frames that not only differ from existing ones but that may also challenge them" (p. 614). Changing frames therefore require systematic and strategic changes in names. However, given linguistic constraints, introducing new language is not always possible (Lakoff, 2010). New language must make sense in terms of existing discursive systems and allow "for sufficient spread over the population, sufficient repetition, and sufficient trust" (p. 72). Changing names and changing frames is a slow process, particularly since master frames become reified through institutions, industries, and cultural practices.

The politics of naming and re-naming are of paramount importance in discussions about the more-than-human world. Environmental discourse is "attuned to the way that naming affects our perceptions of and responses to non-human others and phenomena" because "what we choose to call a particular place, being, or phenomenon influences the way it is treated" (Barnett, 2019, pp. 289–90). Per Barnett (2019):

> The more detached we are from our earthly cohabitants and our ecological surroundings, the less likely we are to know and to utter the names of the non-humans with whom we share our home. Conversely, our capacity to address the animate earth and our cohabitants by name may bring us into closer connections with these others … Only when we are able to address non-human others by name can we expect to feel and to know the full weight of our earthly responsibility. (p. 298)

Environmental naming is thus an "identification practice" central to an ecological-individual dialectic (Milstein, 2011). Environmental rhetoricians must study naming as not only "a means of persuasion" but also "the way we come to socially construct and know our natural world" (Oravec & Clarke, 2004, p. 3).

When one name dominates others, the environmental consequences can be severe.

Shiva (1993) decried the state of global industrialized agricultural as colonial and androcentric, arguing that indigenous women's agricultural traditions had been superseded by a singular narrative on food production and consumption. The consequence was a "monoculture of the mind" in which only a *singular* agricultural reality seemed possible and practicable. Carrie Packwood Freeman further suggested that environmental social movements – particularly those concerned with animal rights and/or liberation – often reduced their messages to the point of ideological inauthenticity to cater to dominant animal welfare master-frames (Freeman, 2010).

Garrett Broad's study of "ag-gag" laws is a fruitful entry point to the visibility politics inherent in nonhuman animal consumption and the role of discourse in constituting invisibility. Broad named "agnotology" – the cultural production of ignorance (Proctor & Schiebinger, 2008) – as central to the U.S. meat industry's storytelling practices. Broad asserted that "ignorance can exist as a native state of non-knowledge, can arise through passively selective choices that produce lost realms of knowledge, or can be produced through strategic ploys that actively – and often mischievously – construct ignorance" (Broad, 2016, p. 45). Naming agnotology as a linguistic "black box," the narrative strategy central to slaughterhouse rhetoric shows how "knowledge and non-knowledge regarding vital industrial environmental systems are constructed in the contemporary risk society" (p. 50).

I draw upon agnotology from the perspective of hypocognition. Specifically, I assess hypocognition as a rhetorical device strategically applied by dairy-allegiant rhetors to stamp out alternative

food markets and make intangible the concept of plant-based futures. In his seminal essay on environmental framing, Lakoff (2010) warned of U.S. society's profound "environmental hypocognition." He defined the term as a "lack of the ideas we need." However, hypocognition is a much richer concept. Robert Levy coined the term to describe the deep phenomenology of "lack" as it pertained to the cognitive, linguistic representations needed to interpret an emotional experience. He described hypocognition as a form of social control (Levy, 1973). Wu and Dunning (2018) further advanced the term as "lacking a cognitive or linguistic representation of a concept" (p. 25). Or, to use cognitive linguistic terminology, hypocognition is "the absence of being schematic" (Wu & Dunning, 2020, p. 4).

Hypocognition is also, I posit, part of a larger strategy by the animal-sourced dairy industry to maintain hegemonic constructions of "food-ness" and to prevent the construction of new frames that might favor plant-based futures. To reiterate, the mind functions in terms of schemas (knowledge structures) that contain features representative of a concept and associations with that concept. Most people "have a schema for an apple, knowing that it is red, round, a fruit, edible, and sweet" (p. 4). To be hypocognitive is to "have an impoverished knowledge structure that contains only fragmentary aspects of a concept with few associations among its features" (p. 4). For example, whereas a U.S.-born person likely has high conceptual knowledge of an apple, they are less likely to easily conceptualize Southeast Asian durian fruit. Wu and Dunning (2020) found that U.S. Americans generally had "no network of associations needed to remember seeing it" such that,

when presented with a list of a durian's features (its yellowness, spikiness, unique scent, etc.), they did not even know that "those features connect to describe a specific type of fruit" (pp. 4–5).

Human communication – and by extension, environmental communication – relies upon cognition. Therefore, hypocognition has rhetorical and environmental consequences. Utilizing hypocognitive rhetoric means rhetoricizing how "people's finite conceptual horizons are a pervasive and powerful constraint on how they make sense of the world … the hard boundaries of where people's possible interpretation of their circumstances can go" (Wu & Dunning, 2018, p. 25). Because there are infinite possible ideas at any given moment, and because peoples' minds have a finite amount of space for those ideas, ignorance of possibilities is inevitable. After all, "an individual cannot sense a failure to recognize a concept lacking that concept in the first place" (Wu & Dunning, 2018, p. 27).

Such is the benefit of the dairy industry's politicized and economized hypocognitive rhetoric. I argue that strategically constructing a hypocognitive state through industrial narratives and public policy functions by stifling public contemplation about plant-based futures. In pursuit of profit, "entire communities may expressly dispel unwanted concepts by never elaborating on them" (p. 31). The dairy industry intentionally maintains an eating and drinking "so well-versed in the principles at the heart of their own [agri]culture that they lose conscious awareness of them … That is, they follow behavior, but fail to know understand why" (p. 31).

Hypocognition in U.S. dairy discourse: an overview

The DAIRY PRIDE act did not emerge by accident. In fact, the U.S. animal-sourced dairy industry is rightly concerned with the influx of plant-based dairy alternatives. Animal-sourced dairy consumption in the U.S has dramatically declined since the mid-twentieth century. Cow's milk consumption is down 42%, from 247 pounds per person in 1975 to 144 pounds in 2022. As a result of this decline (as well as vertical consolidation of the dairy industry by corporate mega operations), there are only half as many dairy farms today as in 2003, which amounts to a loss of over 38,000 farms (CBS Staff, 2022). U.S. American dairy farmers operate at a large deficit and are paid $1.45 per gallon of milk for every $2 spent to produce it (National Family Farm Coalition, 2020). Dean Foods, the biggest milk producer in the U.S., filed for bankruptcy in 2019 citing falling dairy prices, labor shortage, and trade problems (Lucas, 2019). In extreme cases, some dairies have converted to plant-based products altogether.[1]

In contrast, plant-based dairy products are more popular than ever (Harris, 2018). Clay et al. (2020) quipped: "Once sidelined in natural food stores and health food aisles, [plant-based dairy] has 'gone mainstream'" (p. 945) Younger generations are "getting away from eating cereal and milk, opting for other choices that are easier to eat on the run" (Stall & Adams, 2017, p. 16). Dairy UK chairman David Dobbin calling feared that this shift constituted a "demographic time bomb" (qtd. in Newky-Burden, 2017, para.8). There are a myriad of reasons as to why consumption of alternative dairy has increased. The first is related to generalized health concerns, such as lactose intolerance. Another reason is "pop-diet culture" – such as the proliferation of plant-based diets for weight loss and/or longevity. Plant-based dairy consumption is also attributable to the expansion of options in supermarkets – the coffee creamer section of a grocery store now has options ranging from traditional half-and-half to soy milk to pea milk sponsored by brands like Silk, Oatly, and Ripple. As a result of these options, purchasing plant-based dairy is more affordable and more amenable to an individual's taste preference. Still others (largely the exponentially increasing numbers of "ethical vegans") forego dairy out of concerns for farmed animal welfare and broader environmental degradation (Chalupa-Krebzdak et al., 2018).

From 2016 to 2020, global plant-based milk consumption increased by **7.2%**. As of December 2021, the global plant-based dairy market was valued as $12.1 billion. Current estimates suggest that by 2031, this valuation will be closer to $29.5 billion. Plant-based milk consumption accounts for between **50%** and **60%** of the global dairy alternatives market and comprises over 10% of total milk sales nationally in the US. Of these milks, soy is mostly demanded plant base, constituting **36.9%** market value (Persistence Market Research, 2021). However, almond milk is the most popular in U.S. markets, with the product accruing upwards of $1.5 billion in profit between 2020 and 2021. And, since 2020, consumption of beverages like oat milk increased 95% (Cernivec, 2021). Companies successfully engage in food "mimicry" to entice consumers to choose plant-based products in which products like almond milk or oat-based dairy are "both exactly like and better than the real thing" (qtd. in Wyatt, 2021, para.3). Whereas once a plant-based diet might have meant "sacrificing something for your values," now "the promise is there shouldn't be any sacrifice" (para.3).

That said, animal-sourced dairy has a broad cultural history in the U.S., which may explain the Congress' passionate appeal for DAIRY PRIDE. "Managing food," Clay and Yurco (2020) explained, "is often part of broader strategies and agendas of managing life" (p. 11). Throughout the twentieth century, social-reformers, farmers, politicians, and health experts platformed cow's milk as "nature's perfect food" (Clay et al., 2020). Cow's milk's historical importance cut across race, gender, and class. It filled a nutritional gap for infants born to impoverished parents and among wealthy women on diets (Clay & Yurco, 2020). During WWII, milk factory laborers posed for photographs with milk labeled as "white ammunition" (Gaard, 2013). In the 1990s, the *Got Milk* ad campaign "enticed everyone … to pose with milk mustaches" (Deane & Schultz, 2021, p. 197). The scale of animal-sourced dairy production and consumption is a "product of industrialization, urbanization, culture, and economics" and a manifestation of the human drive toward "triumph over nature" (Gaard, 2013, p. 597).

Furthermore, farmers and industry executives have a long history of advocating for federal intervention in the dairy industry and the labeling of dairy products. The late-nineteenth and early-twentieth centuries saw "butter wars" fought between dairy farmers and margarine producers. Thirty-two states regulated the color of margarine by mandating that producers dye it pink. Some states imposed extra taxes on margarine and six even banned the sale of margarine outright. These "pink laws" were eventually struck down by the Supreme Court in 1898, but Wisconsin did not repeal its pan on yellow margarine until 1967 (McKeen, 2020).[2]

The DAIRY PRIDE Act is another iteration of legislative efforts launched on behalf of Big Dairy to stifle plant-based alternatives – what Taylor (2020) dubbed the "dairy wars." The FDA's "standards of identity" were established in the early twentieth century in response to food producers diluting food products with water and other fillers. Milk is defined as "the lacteal secretion,

practically free from colostrum, obtained by the complete milking of one or more healthy cows" (21C.F.R.§ 31.110). Cheese standards vary based on the "type," with some cheeses like asiago specifying cow's milk only and others including goat's or sheep's milk. Butter must be made exclusively from milk or cream, contain no less than 80% by weight of milk fat.

In contrast to animal-derived milk, plant-based milk consists of a water-based extract. They are produced by soaking and blending substances like almonds or oats and straining the pulp, which is then fortified, sweetened, and/or flavored. Plant-based cheeses, typically made or soy, coconut, or nuts, involve adding bacteria to the plant base to separate the proteins and the addition of thickeners like agar and flavorings like nutritional yeast to mimic textures and flavors. Plant-based butter functions similarly to margarine and develops from combining water with a plant-derived oil (Wyatt, 2021).

Historically, however, the FDA's enforcement of its own standards of identity have been limited and even contradictory. Whereas milk's standard of identity defines milk as cow-based lactations, sheep and goat's milk is legally sold in grocery stores without conflict regarding names or nutritional value (Wyatt, 2021). Nonetheless, in 2000, the NMPF sent a letter to the FDA asking them to better regulate the term "milk" in plant-based products. However, the FDA took no action. In 2008 and 2012, the FDA did send warning letters to Lifesoy, Inc. and Fong Kee Tofu company warning them about their usage of "milk" in soy products. However, the FDA ultimately did not act on their own warnings and let the companies continue unhindered (Harris, 2018). The FDA's inconsistent and confounding (non)enforcement of its standards of identity has resulted in a rhetorical confusion not only annoying to the animal-industrial complex, but also to alternative plant-based producers. Companies like the Soyfoods Association have also filed petitions with the FDA demanding changes in labeling practices. However, their demands have also gone unheeded. The Soyfoods petition was filed over two decades ago, and to date the FDA has made no decisions (Harris, 2018).

As a result, many companies and individuals have filed lawsuits against plant-based companies to get around the lax enforcement of the FDA's standards of identity. In *Kelley v. WWF Operating Co.,* the plaintiff accused the defendant of unfair competition and false advertising violations, alleging "consumer confusion" due to almond milk labeling that made out the plant-based product as more nutritious than cow's milk. However, the Judge declined to interfere, explaining that the FDA had primary jurisdiction over such regulations, and thus terminologies like "milk" were not the judiciary's place to decide (Harris, 2018). In *Painter v. Blue Diamond,* the plaintiff similarly alleged that Blue Diamond's almond-based milk was deceptively named and nutritionally inferior. Eight months before Baldwin and her peers reintroduced the DAIRY PRIDE Act, a Federal court granted the plant-based dairy company Miyoko's Kitchen's motion for a preliminary injunction to prevent California from banning the company's use of the terms "butter," "lactose-free," and "cruelty-free." The case, formally dubbed *Miyoko's Kitchen Inc. v. Ross et al.,* originated in the U.S. District Court for the Northern District of California and was filed in response to a warning letter from the California Department of Food and Agriculture. The letter stated that Miyoko's labels were misbranded not only under FDA requirements, but also the California Food and Agriculture Code, which restricts dairy-based language and images on alternative product labels. Miyoko's Kitchen argued that the letter was a violation of free speech as well as evidence that the state government had "bowed to pressure" from dairy industry lobbyists (qtd. in McKeen, 2020, para. 4).

Many legislative efforts and court cases have failed or been dismissed on constitutional grounds. For instance, the court's September 2020 decision in Miyoko's favor barred California from enforcing against the company's use of dairy terminology. However, not all legal decisions, political policies, and cultural trends have gone in plant-based dairy's favor. In response to the aforementioned suits, stores like Trader Joes are cautiously opting for terms like "non-dairy beverage" as opposed to [plant]-milk. In the European Union, "mylk" and other neologisms must be used instead of "milk." There is even a push in the EU to prevent plant-based dairy alternatives from using adjectives or

even containers reminiscent of dairy (Wyatt, 2021). U.S. dairy companies have seen this precedent and hope to mimic this success. It remains to be seen if US companies will see the same success.

Hypocognitive consequences: un-Planting seeds of doubt in dairy

The DAIRY PRIDE Act is a poignant representation of the animal-sourced dairy industry's invocation of hypocognitive rhetoric through strategic un-naming. Through the rhetoric of hypocognition, the industry works against the possibility of a "post-milk imaginary" (Clay et al., 2020, p. 947). Within and surrounding the text of DAIRY PRIDE are implicit and explicit attempts to forbid "unpalatable ruminations" (p. 956) regarding what constitutes "real" dairy and if animal-sourced dairy is essential for human flourishment.

The 2021–22 iteration of DAIRY PRIDE is just over 700 words in length. It is composed of four sections. Section 1 is a brief paragraph called "Short Title" that, in keeping with the bill's genre, gives the full name of the Act. Following is a section titled "Findings" composed of ten subsections. Each subsection lists an identified issue with the current state of affairs. The first five subsections name animal-sourced dairy as an essential component of human health that is sadly lacking in U.S. populations. The next five name plant-based dairy as an accomplice in this epidemic of nutritional deficits because of its different ingredients and misleading label. The third section, labeled "Purpose," is a single reiterating that no food may enter interstate commerce systems as a dairy product without sufficiently meeting the FDA's standards of identity. The final section, titled "Enforcement of Definition," offers a solution to the aforementioned issues. Specifically, the bill calls for an amendment of Section 403 of the Food & Drug Cosmetic Act. This amendment would mandate that dairy be concretely defined and better enforced as a lacteal secretion from hooved animals. Within 90 days, the Secretary of Health & Human Services would have to deliver guidance for carrying out these regulations and within two years report their work to Congress for accountability.

The explicit prose and implicit arguments are as complex as the DAIRY PRIDE Act is concise. Hypocognitive rhetoric functions in the bill by obscuring the possibility of plant-based futures. Specifically, it does so by propagating the narrative of animal-sourced dairy being what Joy (2011) called the "3 N's" – natural, normal, and necessary. Through the dairy industry's hypocognitive rhetoric, publics are forced to use their "tapestry of existing notions, theories, metaphors, and heuristics to work around gaps in direct knowledge … but not without risk" and, as a result, "claim knowledge they cannot possible have … *overclaiming*" animal-sourced dairy as natural, normal and necessary (Wu & Dunning, 2018, p. 28). Because publics cannot use concepts they do not have to explain phenomena they encounter, these three N's function as "workaround knowledge" that "can conspire to produce specious explanations of events" (p. 30). In so doing, dairy rhetors render invisible not only the suffering of farmed animals, but also the oppressive human consequences of unquestioned dairy production and consumption.

(Un)natural dairy

Hypocognition "leads to the potential overuse of other concepts that are familiar and complex," (p. 30) such as the constitution of animal-sourced dairy as "natural." Outside of temporary human breastfeeding, dairy intake is generally associated with the consumption of nonhuman animals. During the 2021 reintroduction of DAIRY PRIDE to Congress, Senator Simpson claimed, "For years I have been sounding the alarm to [the FDA] for accurate labeling in the dairy industry, only milk comes from a cow – not an almond or a coconut or any other fruit or vegetable" (qtd. in Fatka, 2021, para.9). Senator Risch concurred: "If it's not milk, don't call it milk … Idaho's dairy farmers are rightfully proud of their high-quality dairy products. It's only fair that dairy terms be reserved for genuine dairy products" (para. 4). Within the text of DAIRY PRIDE's 2021 iteration, the Act names plant-based dairy as "misbranded milk alternatives" or "imitation dairy products." Animal-sourced milk, however, was labeled as "real." Specifically, *real* dairy is "the lacteal secretion,

practically obtained by the complete milking of one or more hooved animals" (DAIRY PRIDE, 2021, p. 1, 6). Plant-based dairy thus lacks what Senator Welch called the "unique attributes" of genuine dairy (Leach, 2021, para. 6). NMPF President Jim Mulhern concurred that the FDA "must enforce its own standards and regulations to ensure the market transparency and product integrity and safety Americans need to make informed choices about what they feed themselves and their families" (qtd. in Fatka, 2021, para. 10).

While dairy is certainly a "natural" product insomuch as it is "naturally" produced by female mammals during the reproductive process, the rationale provided within and outside of DAIRY PRIDE's text is flawed. Human females – who are definitively not hooved mammals – produce dairy when they have children. *All* milk, after all, is "breast milk." Animal-sourced dairy is an *innovation*, not an *inevitability*. Millennia ago, genetic mutations among humans in particular geographies (e.g. Northern Europe and Central Asia) resulted in the persistence of the lactase enzyme. Humans from traditional dairying geographies generally able to digest milk until age seven at which point many become sensitive to lactose, milk's principal sugar. Dairying societies overcame this issue by creating fermented products like yogurt and cheese, which makes lactose easier to digest (Clay & Yurco, 2020). However, identifying contemporary dairy consumption with typical environmental processes is "one of the greatest corporate-sponsored scams against humanity every successfully conducted" (Wrenn, 2017, p. 78).

Further, dairy's ubiquity and quantity in stores is hardly a "natural" process. The unnaturalness of dairy production has been naturalized through the ideograph of naturalness. In her defense of DAIRY PRIDE, Senator Baldwin argued: "Dairy farmers in Wisconsin work tirelessly every day to ensure that their milk meets high standards" (qtd. in Leach, 2021, para.2). Zippy Duval of the American Farm Bureau Federation echoed Baldwin, saying that farmers, unlike plant-based dairy producers, "have earned the trust of America's families" given the "growing interest among consumers in where their food comes from". However, far from U.S. dairy production being a peaceful, pastoral farm-to-table process, modern cows are "techno-scientific objects, literally conceived and treated as 'milk machines.'" (Cohen, 2017b, p. 519). The unnaturalness of contemporary dairy is largely thanks to nineteenth century industrialization and urbanization, in which animal milk "began to be consumed far from its source, both in space and time" (p. 475). Dairy is "naturally" perishable. Without human intervention, dairy "must be consumed immediately, on the spot … Milk can neither wait not travel. If not ingested immediately, it spoils" (p. 475). This changed due to the development of sterilization and pasteurization technologies in the 1920s. An "elaborate social-technical regime," the combination of innovations in food science and new technologies like railroads and refrigeration allowed humanity to overcome "milk's material limits" (Clay & Yurco, 2020, p. 3).

While dairy is available daily in every U.S. grocery store, it requires months of gestation to produce. Since milk is only produced from pregnancy, cows are required to be pregnant most of the year. Starting from age 1, cows are artificially inseminated with bull semen. Some farmers force female cows into a narrow space called a "cattle crush" where she is impregnated by force. Giving birth does not end dairy's unnatural life story. Naturally, a cow only produces two liters of milk in her udders maximum, but now she may carry over twenty at one time (Newky-Burden, 2017). However, milk's output increased from 2000lbs/year to 50,000lbs/year (Gaard, 2013). Much of this increase resulted from breeding "turbow cows": cattle standardized in size, shape, weight, and color and genetically engineered to produce high volumes of milk (Cohen, 2017b). Bovine growth hormones, reproductive hormones, and antibiotics ensure every cow "is kept in a condition to produce an unnatural amount of milk" (Newky-Burden, 2017, para.5). As a result, cow udders become so heavy that the animal can develop painful mastitis. While the normal life cycle of a cow is twenty-five years, she is now "spent" and slaughtered by age five.

Futhermore, Grossman (2014) explained, "while milk carton imagery pictures bucolic small farms" reminiscent of early human societies or contemporary pastoral nomads, "more than 50% of U.S. milk is now produced by just 3% of the country's dairies" (para.2). Modern farms keep

between 1,000 and 15,000 cows at one time, resulting in unnatural methane, nitrous oxide, and carbon dioxide emissions (greenhouse gases) and unsustainable levels of toxic pollution. With 9.3 million dairy cows in the US producing 17 gallons of urine and manure per cow per day, dairy now accounts for 2% of US greenhouse gas emissions (World Wildlife Fund, 2019). Long ago, dairies might use cow manure as a "natural" fertilizer, but now there is too much to use at one time. The manure from only 200 milking cows results in as much sewage as a community of 5–10,000 humans (Grossman, 2014). Deane and Schultz (2021) summarized:

> there is nothing natural about the way cows' milk is produced. Although yielding milk is an inherent biological capacity of the dairy cow, systematically breeding female cows, confining them to stalls, attaching them to automatic milking systems, and commercializing their yield as a consumable product is not an act of nature: it is an act of the industrialized political economy. (p. 202)

(Ab)normal dairy

Hypocognitive rhetoric is a speech act that functions by producing a dearth of concepts. The discursive construction of this dearth is embedded in the same processes through which oppressive systems strategically embed themselves in the apparent normalcy of white supremacist capitalist patriarchy (see hooks, 2009 and Nakayama & Krizek, 1995). As such, de-normalizing dairy mandates a critical analysis of the ways in which milk functions as a symbol of oppression (Deane & Schultz, 2021). The foundations of DAIRY PRIDE are premised upon the idea that there are two victims of plant-based dairy labels: animal-sourced dairy farmers and consumers who purchase plant-based dairy. Senator Baldwin complained that "mislabeling of plant-based products as 'milk' hurts our dairy farmers … I'm reintroducing the bipartisan DAIRY PRIDE Act to take a stand for Wisconsin farmers and the quality products they make" (qtd. In Leach, 2021, para. 2). Meanwhile, the bill's text reads "Plant-based products labeled as milk are misleading to consumers" (DAIRY PRIDE, 2021, p. 4). Senator Welch argues that by banning dairy labels from plant-based products, "consumers can make more informed choices" (qtd. In Leach, 2021, para. 6). If these rhetors are to be believed, therefore, DAIRY PRIDE is a heroic attempt to save a public harmed by mislabeling practices.

However, there are longer-lasting, farther-reaching violences at play in animal-sourced dairy that ought not to be branded as normal. But, blinded to privilege, many "lack the cognitive architecture necessary to identify [it] … to recognize instances of someone else's disadvantage, to remember it, to recognize its significance, to acknowledge its prevalence and systemic nature, or to enter discussions of it" (p. 2). Hypocognition therefore leads to gaps in attitudes toward discrimination. Those from dominant groups benefit from identities that are "regarded as neutral and unmarked" (Wu & Dunning, 2020, p. 9). Thus, their circumstances "recede into the background" (p. 9).

Dairy is intimately intertwined with the history of colonialism. Colonial histories are by their its very nature hypocognitive insomuch as "colonial archives" repress narratives of colonized subjects in favor of historical storytelling that paints colonial violence as normal (see Stoler, 2002). Some name the intersection of dairy politics and global colonization "animal colonialism" or "milk colonialism." These concepts elucidate colonialism and speciesism as "a dual phenomenon" of "using animals to colonize lands, native animals, and people" while "imposing foreign legal norms and practices of human-animal relationships upon communities and their environments" (Cohen, 2017a, p. 37). Across spaces and places, "colonists used animals to conquer ecosystems" (p. 37). Prior to global colonization, dairying cultures were not as ubiquitous as they are today. They were mostly confined to central and northern Europe, the Middle East, sub-Saharan Africa, Central Asia, and the Indian subcontinent. However, livestock was a key part of transatlantic trade routes. Dutch settlers exported cows to New York in 1629. Meanwhile, China had no semblance of a dairy industry until American missionaries and foreign businessmen came calling (Cohen, 2017a).

Dairy is also embedded in patriarchy, another system reliant upon hypocognition to maintain its power. In particularly, dairy makes manifest what Singer (2020) called "androcentric anthropocentrism" – a cisgender masculinity-centered manifestation of human-centered speciesism that hypocognitively cloaks itself through the "historical degendering of environmentalism" (p. 283). Deane and Schultz (2021) argued "we cannot attend to the experience of women nor the problematic universality of the male position without the milk of mothers" (p. 201). The growth of the dairy industry has been a part of "modernizing maternity" in which the human breast was replaced by cow's milk (Cohen, 2017a, p. 41). Demand for cow's milk spiked in the US not only due to pasteurization technologies, but also due to "shifting social norms that reduced the prevalence of breastfeeding" (Clay & Yurco, 2020, p. 3). Human mothers' milk has long been sexualized: In France and the U.S., "women used to be advised to abstain from sex while breastfeeding on the premise that sexual excitement could be detrimental to their milk's quality and harm their babies" (Cohen, 2017b, pp. 515–16). In the 1990s, Karen Carter was charged with sexual abuse for admitting to feeling aroused when breastfeeding. There remains to this day "a pervasive unease" with human milk "as a female bodily fluid" and "with breasts as a sexual appendage" (p. 516). Cow's milk's "humanization" reinforces "the scientific and medical control over infant feeding" by mandating that cross-species milk consumption requires "scientific processing and medical supervision" (p. 521).

Patriarchy crosses species lines. Industrialized dairy consumption functions only through "breaking" the "bio-psycho-social bonds" between mother and child (Gaard, 2013, p. 613). Humans "use the image of the content mother cow, happy to remain in martyrdom for the nourishment of the other" (Deane & Schultz, 2021, p. 206). The reality is different, for "inside each glass of milk is the story of a nursing mother separated from her offspring" (Gaard, 2013, p. 613). Milk is meant for calves, so cows must produce young to produce milk. Calves are typically removed from their mothers within 36 h of birth so that farmers can take the mother's milk (Newky-Burden, 2017). In other words, "dairying severs the nursing relationship" (Cohen, 2017a, p. 40). Mother cows bellow and scream for their babies for days, sometimes vocalizing more than 120 times in twenty minutes (Gaard, 2013). This agentic "bovine resistance to commercial milk production" is concealed in industry narratives of what it means to produce and consume dairy (Gaard, 2013, p. 613). Patriarchal oppression does not stop at the mother's separation her calf. The sex of the calf matters too. If male, he will either be shot and tossed away like trash or sold to be force-fed in crates for veal. If the calf is female, the abusive reproductive cycle begins anew to replace her "spent" mother: "forced impregnation, the theft of her baby, and the return to the cattle crush" (Newky-Burden, 2017, para.3). However, due to the narrative force of hypocognition, many consumers will never make the connection between dairying and reproductive violence.

(Un)necessary dairy

The DAIRY PRIDE Act further constructs animal-sourced dairy as "necessary" through an oversimplified appeal to health and wellness that homogenizes (and ideologically whitens) the human animal. Considering animal-sourced dairy's longtime place in the minds and stomachs of the U.S. American public, it is unsurprising the bill asserts "Dairy products are an important part of a healthy diet for both children and adults" (DAIRY PRIDE, 2021, p. 1). Animal-sourced dairy is framed as nutritionally essential to the maintenance of a human body due to its "critical nutrients for human health," including vitamin D, potassium, and calcium (p. 2). By contrast, plant-based milks "do not have an overall nutritional content similar to real milk" (p. 4). They have significantly less protein than animal-sourced dairy and must be fortified with calcium and vitamin D to come close to that of "real" milk, cheese, and/or yogurt. This is a problem, the act argued, because the consumption of animal-sourced dairy lowers risks of diseases like "diabetes, metabolic syndrome, cardiovascular disease, and obesity" (p. 2). What is more, the very vitamins and minerals present in milk "are under consumed by people of the United States" (p. 2) – at

least according to the referenced Dietary Guidelines for Americans, 2020–2025, a publication by the Department of Health and Human Services that offers "recommended intake for the dairy food group" (p. 2).

Wu and Dunning (2018) noted that experts experience their own form of hypocognition: "When interpreting a situation, they may overuse the constricted set of concepts salient in their own profession while neglecting a broader array of equally valid concepts" (p. 30). It is thus important to note that lactase persistence – the ability to digest lactose – is a historic mutation contingent upon geographic histories of animal domestication. Thus, *not all humans can digest lactose* – in fact, *a great many can't*. Approximately 75% of humans are not lactase persistent (Cohen, 2017a). Some studies suggest that up to 50% of South Americans and Africans lack lactase persistence. In the U.S., while only 20% of Caucasians cannot digest lactose, over 50% of Mexican-Americans, 75% of African-Americans, and 80% of Native Americans are lactose intolerant (Bayless et al., 2017; Wrenn, 2017). The Food Empowerment Project, a U.S.-based food justice organization, argued that since most humans are do not digest lactose well, a better term for it would be "lactose normal" (Food Empowerment Project, n.d.). Ironically, communities of color are those most likely to lack dairy alternatives where they live. Lactose normalcy is a "normal biological process associated with weaning" (Wrenn, 2017, p. 73). However, it is "medicalized and made deviant because it is not part of the white experience" (p. 73).

Even if these racial and ethnic disparities did *not* exist, the construction of dairy as essential for human health would be problematic. People "more easily communicate – and receive – those ideas for which they have rich representations" (Wu & Dunning, 2018, p. 29), and for dairy, many of these representations are built through scientific narratives and visual representations of health. Nutritional science is ambivalent on dairy's necessity outside of infanthood. There is ongoing debate over milk's nutritional value, with some scientists promoting full-fat dairy, some low-fat, and some warning that dairy should be avoided altogether (Solan, 2019). There is not enough scientific evidence to support "such large amounts" of dairy consumption (qtd. in Heid, 2016, para.10). Even for those with lactase persistence, nonhuman animal milk is a significant source of cholesterol, lacks fiber, and has been linked to antibiotic resistance (Wrenn, 2017). For those with certain medical conditions, dairy ought to be avoided entirely. A well-balanced diet ought not to rely too much on dairy when leafy green veggies and nuts might be better suited to getting necessary calcium and protein: "when it comes to overall health benefits, it seems that dairy is neither a hero nor a villain" (qtd. in Solan, 2019, para.9).

DAIRY PRIDE, however, would have the U.S. public believe otherwise. The text warns that:

> Beginning at age 9 and persisting through out every subsequent life-stage, individuals in the United States on average fail to meet the recommended amount of dairy intake for their age group, according to the Dietary Guidelines. The Dietary Guidelines note the gap between recommended and current intake of dairy widens throughout life stages and find the age-related decreasing intake of dairy for youth ages 2 through 18 to be "notable and concerning". Overall, approximately 90 percent of the entire population of the United States does not meet the daily dairy intake recommendation. (DAIRY PRIDE, 21, pp. 2–3)

Wrenn (2017) described how "industries that exploit nonhuman animals are often legitimized when they are promoted by state, medical, and educational institutions that, conveniently enough, regularly receive funding from wealthy agricultural corporations". Much of this process is represented by the Department of Health and Human Services (HHS) dietary guidelines (which the DAIRY PRIDE Act explicitly draws upon) and the USDA Food Pyramid (which the act implicitly evokes). As Norris (2007) explained, "the political reality is that pressure from the food industry makes it very difficult to clearly say what is best for our health" because governmental dietary guidelines are not "simply about eating right. Money and politics play a big role" in these symbols (paras.29,1). Governmental dietary guidelines are often at odds with scientific evidence because, explained Marion Nestle, "food companies are upset [because] they don't want the government telling people to eat less of the products they manufacture" (qtd. in Norris, 2007, para.10). For example,

when the original food pyramid was due for release, the meat industry complained so much about the theme of "eating less" that the USDA redid its own work and released a new version (Norris, 2007). Nestle similarly described of her time at the USDA: "I was told we could never say 'eat less [animal products]' because USDA would not allow it" (qtd. in Heid, 2016, para.13).

With top-level agricultural executives advising and chairing the USDA and similar organizations, the odds of getting an unbiased view of what should *really* be consumed is minimal. Ultimately, the governmental health guidelines often function as something of an agricultural advertizer: "Its main function is to *sell more products*, not less. It's the fox guarding the chicken" (qtd. in Norris, 2007, para.25).

In summary, the U.S. animal-sourced dairy industry's rhetorical strategy of hypocognitive rhetoric purposefully obscures agricultural possibilities beyond the animal-industrial complex. By depicting its products as natural, normal, and necessary, the industry renders invisible the unnatural, abnormal, and unnecessary activities inherent in animal-sourced dairy production and consumption. Although DAIRY PRIDE and similar efforts seek to claim dairy's "good" name, this very goodness must be called into question. So too must the question of nonhuman animal production and consumption in contemporary dairying systems.

Concluding remarks

Wu and Dunning (2018) claimed that "what each individual person knows is considerable, but it pales against the entire landscape of concepts that are possible to know" (p. 25). The DAIRY PRIDE Act is but one of many legislative and judicial moves put forth by the dairy industry to stifle plant-based dairy alternatives. By claiming ownership of terms such as "milk," the industry naturalizes, normalizes, and deems its production and consumption essential for a human flourishment. Doing so, however, cloaks the material realities and inherent inequities of animal-sourced dairy. By engaging in what I called "hypocognitive rhetoric," politicians and dairy executives abuse "standards of identity" to limit public imagination of plant-based futures through the strategic production of ignorance through *un-naming*. This essay is hopefully one of many that will attend to questions of "what kind of world, what kinds of relations, a particular name brings into view, into being" and remain open to "the possibility that acts of naming might draw us into closer connections with the more-than-human world" (Barnett, 2019, p. 289). Further, by dis-identifying the norms of animal-sourced dairy production as natural, normal, and necessary, critics can engage in a "*systemic* and *intersectional* mode of critical analysis" and "a useful lived philosophy counter to anthropocentrism, hierarchy, and violence" (Twine, 2012, p. 19).

One caveat: despite the economic and social exploitation inherent in the dairy industry, merely converting every nonhuman animal-based production line into a plant-based one offers no guarantee of socially just futures or a "post-milk utopia" (Clay et al., 2020, p. 956). Just as environmental communication scholarship cautions against painting human and animal as rigid binaries, the same must be cautioned regarding animal-sourced dairy versus plant-based dairy. Pointing to Danone's acquisition of Silk products, Clay and Yurco (2020) cautioned that the agro-industry's increasing immersion into plant-based milk economies "raises questions about the degree of transformation offered by these products, including the claims of environmental sustainability that are often used to market plant milks" (p. 3). That being said, "there is no necessary reason why liquids derived from plants *cannot* give rise to environmentally beneficial, socially just, ethical, and nutritious ways of feeding people," but "assuring that they do requires attention to processes of production, distribution, and consumption" (Clay et al., 2020, p. 959).

In other words, producers and consumers of plant-based dairy ought not believe that individuals can simply *buy* their way out of nonhuman animal oppression and global environmental degradation. Food systems are just that: systems, so violence driving dairy production is thus *systemic*. The dissolution of systemic violence between and across species cannot occur without sufficient attention toward how language and master frames naturalize and normalize oppressive inter-

and cross-species violence. This attention, I argue, begins with the identification and deconstruction of hypocognitive rhetoric.

The cure for environmental hypocognition is not "a simple, short-term job to be done by a few words or slogans" (Lakoff, 2010, p. 74). Further, merely buying soy milk instead of cow's milk is not the magical panacea to the unchecked capitalism driving agriculture-based environmental degradation. Instead of a "simplistic valorization of non-animal products" (Twine, 2012, p. 19), what is needed is "a constant effort to build up the background … needed to understand the crisis, while building up neural circuitry" (Lakoff, 2010, p. 74). By defying the animal-sourced dairy industry's hypocognitive rhetoric, I argue that the scholars and the broader public can engage in the first steps of the complicated process of deconstructing the intersections of power, discourse, dairying, and more-than-human relationships.

Notes

1. However, while milk consumption is down, the dairy industry is not forecast to disintegrate any time soon. Globally, milk is the top agricultural product in terms of dollar value. Production is projected to increase 1.6% per year over the next decade and continue increasing through 2050. That said, demand from Asia particularly drives this this increase. Projected growth rates are especially high in Pakistan, Vietnam, and Laos (Pope et al., 2021). Further, while milk consumption is down, cheese consumption has doubled over the last forty years (CBS Staff, 2022).
2. This is not to suggest that dairy-producers were singular "bad actors" in the "butter wars." Since margarine often contained trans-fats, it posed significant issues from a nutritional standpoint. There is a similar case to be made about added sugars in plant-based milks not being labeled appropriately. This issue, however, is not unique to plant-based milk and is in fact endemic in the U.S. food industry due to lax sugar-labeling regulations and the historic power of the sugar industry in guiding U.S. food policy (see Pomeranz, 2012).

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