



Nov. 6 - Today, the [Kansas Justice Institute](#) won a major free-speech victory by striking down a ban on raw milk advertising. The lawsuit resulted in a quick and decisive win for Kansas Justice Institute. Kansas Justice Institute overturned a state law that prohibited off-farm advertising of raw milk.

Kansas milk producers, Mark and Coraleen Bunner, sued to overturn the State's prohibition against advertising raw, unpasteurized milk away from the farm. The suit was filed on their behalf in the District Court of Shawnee County (Topeka).

In Kansas, it's perfectly legal to sell raw milk to consumers on the farm. However, it was a crime to advertise the sale of raw milk away from the farm. This prevented small farmers from advertising their raw milk online, posting flyers at local businesses, talking about the selling of their raw milk to friends or family (off the farm), or emailing about the product.

The plaintiff on the case, Coraleen Bunner, says, "It's frustrating not to be able to talk about our product. We work hard, our animals work hard, and we want the freedom to talk about our product off our farm."

The suit said the ban violates the free speech rights of Mark and Coraleen Bunner, owner of Shepherd's Gate, LLC, a small dairy farm in Pfeiffer, Kansas. The ban made it difficult for the Bunnors and other farmers to sell their products and prevented consumers from getting truthful information about the milk.

"It would be nice to have the freedom to talk about what we do. We throw out excess milk on a regular basis because we can't talk about it," says Coraleen Bunner.

The suit was filed by the Kansas Justice Institute, a public-interest litigation firm which seeks to protect freedoms guaranteed by the Kansas and United States Constitutions. This victory represents the initial effort of KJI, which launched earlier this year by Kansas Policy Institute.

"The government's speech-ban was offensive. This quick and decisive victory is a win for the speech rights of all Kansans. The Bunnors have the absolute right to advertise raw milk. I believe that if we do not stand up for our rights, we lose them. That's why we filed this case on behalf of not just the Bunnors, but all Kansans. The government cannot be permitted to censor speech", says Samuel MacRoberts, Litigation Director for KJI.

MacRoberts continues, "Rather than digging in and spending money defending government censorship, the Attorney General agreed with the Kansas Justice Institute and protected the 1st Amendment rights of Kansans."

The suit was filed in state court in Topeka, against Mike Beam, the Secretary of the Kansas Department of Agriculture. The Kansas Department of Agriculture was charged with enforcing the Raw Milk Advertising Ban. The Attorney General's Office consented to a judgment declaring the raw milk advertising ban unconstitutional based upon the First and Fourteenth Amendments to the United States Constitution and Section 11 of the Kansas Constitution Bill of Rights.