

Oprah Winfrey is currently being sued by a group of cattle ranchers from Amarillo, Texas under a newly enacted Texas statute that creates legal liability for questioning a perishable food's safety without "sound scientific proof." Twelve other states have enacted similar laws. Oprah's case, however, is the first of its kind. On April 16, 1996 the price of cattle dropped a dramatic 1.5 cents per pound on the Chicago Mercantile Exchange after Oprah's program that day. The program, which occurred during the time that the British "mad cow" epidemic broke as big news, dealt with the safety of American beef. Oprah's guest, a former cattle rancher turned vegetarian, claimed that large numbers of cows that are "fine at night, dead in the morning" get ground and fed to other animals. According to the cattle ranchers who sued Oprah there is no evidence of mad cow disease in the United States. They protest that the "Oprah crash" on the Chicago Mercantile Exchange resulted in devastating financial loss for cattle ranchers.

Is the Texas Statute under which the cattle ranchers have sued Oprah Winfrey a reasonable law to protect the legitimate financial interests of food producers or does it encroach upon the fundamental right of free speech?

MODERATOR'S ANSWER: The Texas law under which the cattle ranchers have sued Oprah is unjustifiable. If inaccurate and irresponsible statements were made on Oprah's program, which adversely affected the price of beef, this is regrettable. The Texas law at issue in this case, however, poses dangers of harm that far exceed the cattle ranchers' economic loss. In this regard, the language in the law imposing liability upon persons who question the safety of perishable foods "without sound scientific proof" is deeply troubling. In many of the most important and intensely debated public issues over the past twenty five years, each side has charged the other with basing its position on inadequate scientific evidence, or using inaccurate or misleading data --e. g., disagreements over dumping of toxic wastes in diverse local communities, the safety of nuclear reactors, and the greenhouse effect. The Texas law in Oprah's case sets a dangerous precedent, potentially allowing various groups to protect their economic interests by, in effect, exercising a form of censorship, which would cut off the above described kinds of debates and discussions.

Case from the February 26, 1998 Intercollegiate Ethics Bowl. Copyright Robert Ladenson, Center for the Study of Ethics at the Illinois Institute of Technology, 1998.