

The Commodification of Breast Milk: Recent Issues, Ethical Concerns, and a Call for Regulation

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INTRODUCTION

In recent months, a controversy surrounding the commodification of breast milk has resurfaced, indicating that the currently uncontrolled market may need regulation.¹ In autumn 2014, a corporation called Medolac Laboratories sought to purchase breast milk from low-income African American mothers in Detroit.² Unfamiliar with the benefits that breast milk could provide their infants, some mothers were led to believe that they must either give the milk to their children or pump milk for money.³ While Medolac pledged to “increase breastfeeding and economic empowerment in urban areas” and promote “wealth creation among intercity mothers,” community activists, including the nonprofit Black Mothers’ Breastfeeding Association (BMBFA), alleged that Medolac was (i) targeting breast milk providers based on race and income levels and (ii) exploiting a group of women whose breastfeeding rates are significantly below the national average.⁴ In partnership with community members and local lawmakers, BMBFA launched a public accountability campaign, which effectively ended Medolac’s recruiting attempts in January 2015.⁵

ANALYSIS

The commodification of breast milk has been trending in popular culture and online. A recent storyline in Showtime’s *Shameless* portrays a lucrative breast milk sweatshop that operates in the attic of a fictional Chicago bar, and online community forums entice stay-at-home moms to “turn their extra milk into extra cash” at up to \$23,000 per year.⁶ Indeed, the digital age has made breast milk more accessible; however, online sales are unregulated and do not necessarily screen milk for contamination or tampering, which is often unbeknownst to buyers.⁷ In fact, recent studies have uncovered dangerous levels of salmonella, staph, and strep in unscreened breast milk that was sold in several leading online marketplaces, as well as instances of intentional tampering—including the addition of illicit drugs, cow’s milk, or water.⁸ Undeniably, casual exchanges or sales of breast milk can be precarious, since there is no way for consumers to verify the quality and safety of unscreened milk.

A scenario of this nature materialized in February, when a nursing woman sold her breast milk to the highest bidders on Craigslist.⁹ While this person sells to mothers incapable of nursing, she apparently also sells to bodybuilders who believe that the properties of breast milk will optimize their energy levels.¹⁰ She advertises “I do not drink, or do drugs, and I take a multivitamin daily,” yet the milk she sells is not tested for disease, in contrast to donor milk at licensed milk banks.¹¹ The consumption of unscreened milk could pose serious health risks for infants and adults alike, thus leading to a high risk of disease transmission.¹²

CONCLUSION

Recent issues plaguing unregulated sales of breast milk should serve as a call to action for healthcare professionals and policymakers. While licensed donor-based breast milk banks comply with FDA and state regulations regarding tissue banking, the absence of federal or state regulations specific to breast milk sales is alarming.¹³ Thus, policymakers should take swift action to safeguard the secure collection, processing, and shipping of human milk.¹⁴ Furthermore, healthcare professionals should be urged to inform nursing mothers of the benefits that breast milk can provide to help ensure that they will not be exploited in the production of their breast milk. Though the cost-effective attributes of the online breast milk market may appeal to mothers who produce excess breast milk or who experience difficulty with breastfeeding, relying on a medium of exchange with no regulatory standards presents more risks than benefits. In the meantime, those in need of breast milk should heed safer alternatives to the current online market, such as licensed breast milk banks, until regulations are developed to ensure the integrity of the breast milk trade.

¹In this article, the “commodification of breast milk” and breast milk “market” or “trade” refer to the trading, buying, and selling of breast milk, especially through online platforms.

² Medolac Laboratories partnered with Mothers Milk Cooperative for this milk banking enterprise. See WDIV Local 4/Click on Detroit News, “Company Offering to Buy Breast Milk Creates Controversy,” January 13, 2015, accessed March 20, 2015, <http://www.clickondetroit.com/news/company-offering-to-buy-breast-milk-creates-controversy/30684026> and PR Newswire, “Medolac Laboratories and Mothers Milk Cooperative Announce Agreement,” October 17, 2013, accessed March 14, 2015, <http://www.prnewswire.com/news-releases/medolac-laboratories-and-mothers-milk-cooperative-announce-agreement-228218701.html>.

³ Robin Erb, “Detroit Moms Protest Breast Milk Banking Effort,” January 14, 2015, accessed March 15, 2015, <http://freep.com/story/news/health/2015/01/13/breast-milk-bank-protest-detroit/21702019/>.

⁴ Medolac stated that paying intercity women for excess milk will create a financial incentive to continue nursing, and provide much-needed money to nursing moms and milk to newborn babies, while community activists retorted that women will be coerced into diverting milk that would otherwise feed their own babies. See Kimberly Seals Allers, “Inviting African-American Mothers to Sell Their Breast Milk, and Profiting,” the New York Times online, December 3, 2014, accessed March 16, 2015, http://parenting.blogs.nytimes.com/2014/12/03/inviting-african-american-mothers-to-sell-their-breast-milk-and-profiting/?_r=0 and “The Surgeon General’s Call to Action to Support Breastfeeding,” 2011, accessed March 14, 2015, <http://www.surgeongeneral.gov/library/calls/breastfeeding/calltoactiontosupportbreastfeeding.pdf>

⁵Black Mothers’ Breastfeeding Association, “Open Letter to Medolac Laboratories from Detroit Mothers,” January 12, 2015, accessed March 17, 2015, <http://blackmothersbreastfeeding.org/2015/01/open-letter-to-medolac-laboratories-from-detroit-mothers/>.

⁶ See Laura Agadoni, “Got Breast Milk? How Some Moms Earn \$60 a Day Selling ‘Liquid Gold,’” August 28, 2014, accessed March 20, 2015, <http://www.thepennyhoarder.com/sell-breast-milk/> and The Penny Hoarder Twitter Account, August 29, 2014, <https://twitter.com/thepennyhoarder/status/505379458359255040>.

⁷ Web platforms such as onlythebreast.com connect lactating women who want to sell/donate their milk with prospective buyers. Onlythebreast.com founder Glenn Snow has stated that the company does “not mind men seeking milk for health or wellness needs.” See Hannah Ongley, “Move Over, Coconut Water: Breast Milk Is This

Season's Hottest Health Drink," Styleite.com, May 28, 2014, accessed March 22, 2015, <http://www.styleite.com/news/move-over-coconut-water-breast-milk-is-this-seasons-hottest-health-drink/>.

⁸ See Nicholas Bakalar, "Breast Milk Donated or Sold Online is Often Tainted, Study Says," the New York Times online, October 21, 2013, accessed March 29, 2015, <http://www.nytimes.com/2013/10/21/health/breast-milk-donated-or-sold-online-is-often-tainted-study-says.html>; Sarah Keim et al., "Microbial Contamination of Human Milk Purchased Via the Internet," *Pediatrics* 132, no. 5 (2013), accessed March 30, 2015, <http://pediatrics.aappublications.org/content/early/2013/10/16/peds.2013-1687.full.pdf+html>; and Sarah Keim et al., "Breast Milk Sharing Via the Internet: The Practice and Health and Safety Considerations," *Maternal and Child Health Journal* 18, no. 6 (2014): 1471–9, doi:10.1007/s10995-013-1387-6.

⁹ Advertisement was posted in spite of Craigslist's terms that expressly prohibit the sale of "body parts/fluids." See <https://www.craigslist.org/about/prohibited>.

¹⁰ While participants in online milk marketplaces are typically confined to mothers, nontraditional consumers have become apparent, raising eyebrows in the medical community. See Chavie Lieber, "Meet the Men Who Drink Breast Milk," *New York Magazine*, May 28, 2014, accessed March 22, 2015, <http://nymag.com/thecut/2014/05/meet-the-men-who-drink-breast-milk.html>.

¹¹ "Roseville Mom Sells Breast Milk Online for Bodybuilders," February 18, 2015, accessed March 16, 2015,

¹² There are serious known risks of consuming unscreened breast milk, including exposure to hepatitis, HIV/AIDS, and syphilis. See Keim et al., "Breast Milk Sharing Via the Internet: The Practice and Health and Safety Considerations," 1471–9. The donation of breast milk is not regulated by the government as are donations of other bodily fluids, such as blood or semen, which is one reason that the breast milk trade has significantly grown. See Judy Dutton, "Liquid Gold: The Booming Market for Human Breast Milk," *Wired* online, accessed March 20, 2015, http://www.wired.com/2011/05/ff_milk/.

¹³ The FDA has not issued any formal regulations concerning breast milk sales or suppliers, and only a handful of states regulate donor-based milk banks. According to the Human Milk Banking Association of North America (HMBANA), nonprofit milk banks serve cities across the United States. Existing HMBANA standards and FDA regulations regarding tissue banking requirements help ensure safe donor milk and support breastfeeding. See <https://www.hmbana.org/>; Phoebe Ramsey, "The Breast Milk Market and the Need for Clearer Rules," October 23, 2013, accessed March 23, 2015, <http://www.oneillinstituteblog.org/breast-milk-market-need-clearer-rules/>; and Pauline Sakamoto, HMBANA Advisory Committee Meeting Presentation, <http://www.fda.gov/downloads/AdvisoryCommittees/CommitteesMeetingMaterials/PediatricAdvisoryCommittee/UCM235619.pdf>.

¹⁴ Sarah Steele, Jeanine Martyn, and Jens Foell, "Risks of the Unregulated Market in Human Breast Milk," *The BMJ* 350 (2015): h1485, doi:<http://dx.doi.org/10.1136/bmj.h1485>.