SUPREME COURT OF THE UNITED STATES

No. 00–276

UNITED STATES AND DEPARTMENT OF AGRICULTURE, PETITIONERS *v.* UNITED FOODS, INC.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

[June 25, 2001]

JUSTICE BREYER, with whom JUSTICE GINSBURG joins, and with whom JUSTICE O'CONNOR joins as to Parts I and III, dissenting.

The Court, in my view, disregards controlling precedent, fails properly to analyze the strength of the relevant regulatory and commercial speech interests, and introduces into First Amendment law an unreasoned legal principle that may well pose an obstacle to the development of beneficial forms of economic regulation. I consequently dissent.

I

Only four years ago this Court considered a case very similar to this one, *Glickman* v. *Wileman Brothers & Elliott, Inc.*, 521 U. S. 457 (1997). The issue there, like here, was whether the First Amendment prohibited the Government from collecting a fee for collective product advertising from an objecting grower of those products (nectarines, peaches, and plums). We held that the collection of the fee did not "rais[e] a First Amendment issue for us to resolve," but rather was "simply a question of economic policy for Congress and the Executive to resolve." *Id.*, at 468. We gave the following reasons in support of our conclusion:

> "First, the marketing orders impose no restraint on the freedom of any producer to communicate any message to any audience. Second, they do not compel any person to engage in any actual or symbolic speech. Third, they do not compel the producers to endorse or to finance any political or ideological views." *Id.*, at 469–470.

This case, although it involves mushrooms rather than fruit, is identical in each of these three critical respects. No one, including the Court, claims otherwise. And I believe these similar characteristics demand a similar conclusion.

The Court sees an important difference in what it says is the fact that *Wileman*'s fruit producers were subject to regulation (presumably price and supply regulation) that "'displaced competition,'" to the "extent that they were 'expressly exempted from the antitrust laws.'" *Ante*, at 5 (quoting 521 U. S., at 461). The mushroom producers here, it says, are not "'subjected to a uniform price, . . . restrictio[n] on supply,'" *ante*, at 6 (quoting 197 F. 3d 221, 222, 223 (CA6 1999)), or any other "common venture" that "depriv[es]" them of the "ability to compete," *ante*, at 8. And it characterizes this difference as "fundamental." *Ante*, at 5.

But the record indicates that the difference to which the Court points could not have been critical. The Court in *Wileman* did not refer to the *presence* of price or output regulations. It referred to the fact that Congress had *"authorized"* that kind of regulation. 521 U. S., at 462 (emphasis added). See also *id.*, at 461 (citing agricultural marketing statute while noting that marketing orders issued under its authority "*may* include" price and quantity controls (emphasis added)). Both then-existing federal regulations and JUSTICE SOUTER's dissenting opinion make clear that, at least in respect to some of *Wileman*'s market-

ing orders, price and output regulations, while "authorized," were not, in fact, in place. See 7 CFR pts. 916, 917 (1997) (setting forth container, packaging, grade, and size regulations, but not price and output regulations); 521 U. S., at 500, n. 13 (SOUTER, J., dissenting) (noting that "the extent to which the Act eliminates competition varies among different marketing orders"). In this case, just as in *Wileman*, the Secretary of Agriculture is *authorized* to promulgate price and supply regulations. See *ante*, at 9 ("greater regulation of the mushroom market might have been implemented under the Agricultural Marketing Agreement Act of 1937"); 7 U. S. C. §§608c(2), (6)(A), (7). But in neither case has she actually done so. Perhaps that is why the Court in *Wileman* did not rely heavily upon the existence of the Secretary's authority to regulate prices or output. See 521 U. S., at 469 (noting statutory scheme in passing).

Regardless, it is difficult to understand why the presence or absence of price and output regulations could make a critical First Amendment difference. The Court says that collective fruit advertising (unlike mushroom advertising) was the "logical concomitant" of the more comprehensive "economic" regulatory "scheme." *Ante*, at 6. But it does not explain how that could be so. Producer price-fixing schemes seek to keep prices higher than market conditions might otherwise dictate, as do restrictions on supply. Antitrust exemptions are a "logical concomitant," for otherwise the price or output agreement might be held unlawful. But collective advertising has no obvious comparable connection. As far as *Wileman* or the record here suggests, collective advertising might, or might not, help bring about prices higher than market conditions would otherwise dictate. Certainly nothing in *Wileman* suggests the contrary. Cf. 521 U. S., at 477 (SOUTER, J., dissenting) (criticizing the Court for not requiring advertising program to be "reasonably necessary to implement the regulation").

By contrast, the advertising here relates directly, not in an incidental or subsidiary manner, to the regulatory program's underlying goal of "maintain[ing] and expand[ing] existing markets and uses for mushrooms." 7 U. S. C. §6101(b)(2). As the Mushroom Act's economic goals indicate, collective promotion and research is a perfectly traditional form of government intervention in the marketplace. Promotion may help to overcome inaccurate consumer perceptions about a product. See Hearings on H. R. 1776 et al. before the Subcommittee on Domestic Marketing, Consumer Relations, and Nutrition of the House Committee on Agriculture, 101st Cong., 1st Sess., 99 (1989) (hereinafter Hearings) (statement of Rep. Grant) (noting need to overcome consumer fears about safety of eating mushrooms and that per capita mushroom consumption in Canada was twice that of United States). Overcoming those perceptions will sometimes bring special public benefits. See 7 U. S. C. §§6101(a)(1)–(3) (mushrooms are "valuable part of the human diet," and their production "benefits the environment"). And compelled payment may be needed to produce those benefits where, otherwise, some producers would take a free ride on the expenditures of others. See Hearings 95–96 (statement of James Ciarrocchi) ("The . . . industry has embarked on several voluntary promotion campaigns over the years. . . . [A] lesson from every one . . . has been unreliability, inefficiency, and inequities of voluntary participation").

Compared with traditional "command and control," price, or output regulation, this kind of regulation– which relies upon self-regulation through industry trade associations and upon the dissemination of information– is more consistent, not less consistent, with producer choice. It is difficult to see why a Constitution that seeks to protect individual freedom would consider the absence of "heavy regulation," *ante*, at 6, to amount to a special, determinative reason for refusing to permit this less intrusive pro-

gram. If the Court classifies the former, more comprehensive regulatory scheme as "economic regulation" for First Amendment purposes, it should similarly classify the latter, which does not differ significantly but for the comparatively greater degree of freedom that it allows.

The Court invokes in support of its conclusion other First Amendment precedent, namely, *Abood* v. *Detroit Bd. of Ed.,* 431 U. S. 209 (1977), *Keller* v. *State Bar of Cal.,* 496 U. S. 1 (1990), *West Virginia Bd. of Ed.* v. *Barnette,* 319 U. S. 624 (1943), and *Wooley* v. *Maynard,* 430 U. S. 705 (1977). But those cases are very different. The first two, *Abood* and *Keller*, involved compelled contributions by employees to trade unions and by lawyers to state bar associations, respectively. This Court held that the compelled contributions were unlawful (1) to the extent that they helped fund subsidiary activities of the organization, *i.e.*, activities *other than* those that legally justified a compelled contribution; and (2) because the subsidiary activities in question were political activities that might "conflict with one's freedom of belief.'" *Wileman*, *supra,* at 471 (quoting *Abood*, *supra*, at 235). See *Keller*, *supra*, at 15 (communications involving abortion, prayer in the public schools, and gun control); *Abood*, *supra,* at 213 (communications involving politics and religion).

By contrast, the funded activities here, like identical activities in *Wileman*, do *not* involve this kind of expression. In *Wileman* we described the messages at issue as incapable of "engender[ing] any crisis of conscience" and the producers' objections as "trivial." 521 U. S., at 471, 472. The messages here are indistinguishable. Compare Brief for Respondent 10–11 (objecting to advertising because it treats branded and unbranded mushrooms alike, associates mushrooms "with the consumption of alcohol and . . . tout[s] mushrooms as an aphrodisiac"), with *Wileman*, *supra,* at 467, n. 10 (dismissing objections to advertising that suggested "'all varieties of California fruit to be of

equal quality,'" and included "'sexually subliminal messages as evidenced by an ad depicting a young girl in a wet bathing suit'") (quoting District Court opinion). See also Appendix, *infra*. The compelled contribution here relates directly to the regulatory program's basic goal.

Neither does this case resemble either *Barnette* or *Wooley*. *Barnette* involved compelling children, contrary to their conscience, to salute the American flag. 319 U. S., at 632. *Wooley* involved compelling motorists, contrary to their conscience, to display license plates bearing the State's message "Live Free or Die." 430 U. S., at 707. In *Wileman* we found *Barnette* and *Wooley*, and *all* of "our compelled speech case law . . . clearly inapplicable" to compelled financial support of generic advertising. 521 U. S., at 470. See also *Zauderer* v. *Office of Disciplinary Counsel of Supreme Court of Ohio,* 471 U. S. 626, 651 (1985) (refusing to apply *Wooley* and *Barnette* in a commercial context where "the interests at stake in this case are not of the same order"). We explained:

> "The use of assessments to pay for advertising does not require respondents to repeat an objectionable message out of their own mouths, cf. *West Virginia Bd. of Ed.* v. *Barnette*, 319 U. S. 624, 632 (1943), require them to use their own property to convey an antagonistic ideological message, cf. *Wooley* v. *Maynard*, 430 U. S. 705 (1977); *Pacific Gas & Elec. Co.* v. *Public Util. Comm'n of Cal.*, 475 U. S. 1, 18 (1986) (plurality opinion), force them to respond to a hostile message when they 'would prefer to remain silent,' see *ibid.*, or require them to be publicly identified or associated with another's message, cf. *PruneYard Shopping Center* v. *Robins*, 447 U. S. 74, 88 (1980). Respondents are . . . merely required to make contributions for advertising." *Wileman, supra*, at 470–471.

These statements are no less applicable to the present

case. How can the Court today base its holding on *Barnette*, *Wooley*, *Abood*, and *Keller*– the very same cases that we expressly distinguished in *Wileman*?

II

Nearly every human action that the law affects, and virtually all governmental activity, involves speech. For First Amendment purposes this Court has distinguished among contexts in which speech activity might arise, applying special speech-protective rules and presumptions in some of those areas, but not in others. See, *e.g.*, *Board of Regents of Univ. of Wis. System* v. *Southworth,* 529 U. S. 217, 229 (2000) (indicating that less restrictive rules apply to governmental speech); *Central Hudson Gas & Elec. Corp.* v. *Public Serv. Comm'n of N. Y.,* 447 U. S. 557, 564 (1980) (commercial speech subject to "mid-level" scrutiny); *Pickering* v. *Board of Ed. of Township High School Dist. 205, Will Cty.,* 391 U. S. 563, 568 (1968) (applying special rules applicable to speech of government employees). Were the Court not to do so– were it to apply the strictest level of scrutiny in every area of speech touched by law– it would, at a minimum, create through its First Amendment analysis a serious obstacle to the operation of well-established, legislatively created, regulatory programs, thereby seriously hindering the operation of that democratic self-government that the Constitution seeks to create and to protect. Cf. Post, The Constitutional Status of Commercial Speech, 48 UCLA L. Rev. 1, 9–10 (2000).

That, I believe, is why it is important to understand that the regulatory program before us is a "species of economic regulation," *Wileman*, 521 U. S., at 477, which does not "warrant special First Amendment scrutiny," *id.*, at 474. Irrespective of *Wileman* I would so characterize the program for three reasons.

First, the program does not significantly interfere with protected speech interests. It does not compel speech

itself; it compels the payment of money. Money and speech are not identical. Cf. *Nixon* v. *Shrink Missouri Government PAC*, 528 U. S. 377, 388–389 (2000); *id.*, at 398 (STEVENS, J., concurring) ("Money is property; it is not speech"); *id.*, at 400 (BREYER, J., concurring) ("[A] decision to contribute money to a campaign is a matter of First Amendment concern– not because money *is* speech (it is not); but because it *enables* speech"). Indeed, the contested requirement– that individual producers make a payment to help achieve a governmental objective– resembles a targeted tax. See *Southworth*, 529 U. S., at 241 (SOUTER, J., joined by STEVENS and BREYER, JJ., concurring in judgment) ("[T]he university fee at issue is a tax"). And the "government, as a general rule, may support valid programs and policies by taxes or other exactions binding on protesting parties." *Id.*, at 229 (majority opinion). Cf. *Regan* v. *Taxation With Representation of Wash.*, 461 U. S. 540, 547 (1983) ("Legislatures have especially broad latitude in creating classifications and distinctions in tax statutes").

Second, this program furthers, rather than hinders, the basic First Amendment "commercial speech" objective. The speech at issue amounts to ordinary product promotion within the commercial marketplace– an arena typically characterized both by the need for a degree of public supervision and the absence of a special democratic need to protect the channels of public debate, *i.e.*, the communicative process itself. Cf. Post, *supra*, at 14–15. No one here claims that the mushroom producers are restrained from contributing to a public debate, moving public opinion, writing literature, creating art, invoking the processes of democratic self-government, or doing anything else more central to the First Amendment's concern with democratic self-government.

When purely commercial speech is at issue, the Court has described the First Amendment's basic objective as

protection of the consumer's interest in the free flow of truthful commercial information. See, *e.g.*, *Edenfield* v. *Fane,* 507 U. S. 761, 766 (1993) ("First Amendment coverage of commercial speech is designed to safeguard" society's "interes[t] in broad access to complete and accurate commercial information"); *Zauderer,* 471 U. S., at 651 ("[T]he extension of First Amendment protection to commercial speech is justified principally by the value to consumers of the information"); *Central Hudson,* 447 U. S., at 563 ("The First Amendment's concern for commercial speech is based on the informational function of advertising"); *First Nat. Bank of Boston* v. *Bellotti,* 435 U. S. 765, 783 (1978) ("A commercial advertisement is constitutionally protected not so much because it pertains to the seller's business as because it furthers the societal interest in the 'free flow of commercial information'") (quoting *Virginia State Bd. of Pharmacy* v. *Virginia Citizens Consumer Council, Inc.,* 425 U. S. 748, 764 (1976)). Unlike many of the commercial speech restrictions this Court has previously addressed, the program before us promotes the dissemination of truthful information to consumers. And to sustain the objecting producer's constitutional claim will likely make less information, not more information, available. Perhaps that is why this Court has not previously applied "compelled speech" doctrine to strike down laws requiring provision of additional commercial speech.

Third, there is no special risk of other forms of speech-related harm. As I have previously pointed out, and *Wileman* held, there is no risk of significant harm to an individual's conscience. *Supra*, at 5–7. The program does not censor producer views unrelated to its basic regulatory justification. *Supra*, at 2. And there is little risk of harming any "discrete, little noticed grou[p]." *Ante*, at 4. The Act excludes small producers, 7 U. S. C. §§6102(6), (11) (exempting those who import or produce less than 500,000 pounds of mushrooms annually)– unlike respon-

dent, a large, influential corporation. The Act contains methods for implementing its requirements democratically. See §§6104(b)(1)(B), (g)(2) (Mushroom Council, which sets assessment rate, is composed entirely of industry representatives); §§6105(a), (b) (referendum required before Secretary of Agriculture's order can go into effect and five years thereafter, and producers may request additional referenda). And the Act provides for supervision by the Secretary. §6104(d)(3) (requiring Secretary to approve all advertising programs). See also *Wileman*, 521 U. S., at 477 (refusing to upset "the judgment of the majority of market participants, bureaucrats, and legislators who have concluded that [collective advertising] programs are beneficial"). These safeguards protect against abuse of the program, such as "making one entrepreneur finance advertising for the benefit of his competitors." *Ante*, at 2 (STEVENS, J., concurring). Indeed, there is no indication here that the generic advertising promotes some brands but not others. And any "debat[e]" about branded versus nonbranded mushrooms, *ante*, at 5 (majority opinion), is identical to that in *Wileman*. *Supra*, at 5–6.

Taken together, these circumstances lead me to classify this common example of government intervention in the marketplace as involving a form of economic regulation, not "commercial speech," for purposes of applying First Amendment presumptions. And seen as such, I cannot find the program lacks sufficient justification to survive constitutional scrutiny. *Wileman*, *supra*, at 476–477.

The Court, in applying stricter First Amendment standards and finding them violated, sets an unfortunate precedent. That precedent suggests, perhaps requires, striking down any similar program that, for example, would require tobacco companies to contribute to an industry fund for advertising the harms of smoking or would use a portion of museum entry charges for a citywide campaign to promote the value of art. Moreover, because

of its uncertainty as to how much governmental involvement will produce a form of immunity under the "government speech" doctrine, see *ante*, at 10–11, the Court infects more traditional regulatory requirements– those related, say, to warranties or to health or safety information– with constitutional doubt.

Alternatively, the Court's unreasoned distinction between heavily regulated and less heavily regulated speakers could lead to less First Amendment protection in that it would deprive the former of protection. But see *Consolidated Edison Co. of N. Y.* v. *Public Serv. Comm'n of N. Y.*, 447 U. S. 530, 534, n. 1 (1980) (Even "heavily regulated businesses may enjoy constitutional protection") (citing, as an example, *Virginia Bd. of Pharmacy, supra,* at 763–765).

At a minimum, the holding here, when contrasted with that in *Wileman*, creates an incentive to increase the Government's involvement in any information-based regulatory program, thereby unnecessarily increasing the degree of that program's restrictiveness. I do not believe the First Amendment seeks to limit the Government's economic regulatory choices in this way– any more than does the Due Process Clause. Cf. *Lochner* v. *New York*, 198 U. S. 45 (1905).

III

Even if I were to classify the speech at issue here as "commercial speech" and apply the somewhat more stringent standard set forth in the Court's commercial speech cases, I would reach the same result. That standard permits restrictions where they "directly advance" a "substantial" government interest that could not "be served as well by a more limited restriction." *Central Hudson*, 447 U. S., at 564. I have already explained why I believe the Government interest here is substantial, at least when compared with many typical regulatory goals. *Supra*, at 4.

It remains to consider whether the restrictions are needed to advance its objective.

Several features of the program indicate that its speech-related aspects, *i.e.*, its compelled monetary contributions, are necessary and proportionate to the legitimate promotional goals that it seeks. At the legislative hearings that led to enactment of the Act, industry representatives made clear that pre-existing efforts that relied upon voluntary contributions had not worked. Thus, compelled contributions may be necessary to maintain a collective advertising program in that rational producers would otherwise take a free ride on the expenditures of others. See *supra*, at 4; *Abood*, 431 U. S., at 222 (relying upon "free rider" justification in union context).

At the same time, those features of the program that led *Wileman*'s dissenters to find its program disproportionately restrictive are absent here. *Wileman*'s statutory scheme covered various different agricultural commodities and imposed a patchwork of geographically based limitations while "prohibit[ing] orders of national scope"— all for no apparent reason. 521 U. S., at 499 (SOUTER, J., dissenting). The law at issue here, however, applies only to mushrooms, and says explicitly that "[a]ny" mushroom order "shall be national in scope." 7 U. S. C. §6103(a). Cf. *Wileman*, *supra*, at 493 (SOUTER, J., dissenting) ("[I]f the Government were to attack these problems across an interstate market for a given agricultural commodity or group of them, the substantiality of the national interest would not be open to apparent question . . .").

Nor has the Government relied upon "[m]ere speculation" about the effect of the advertising. *Wileman*, *supra*, at 501 (SOUTER, J., dissenting). Rather, it has provided empirical evidence demonstrating the program's effect. See Food Marketing & Economics Group, Mushroom Council Program Effectiveness Review, 1999, p. 6 (Feb. 2000), lodging for United States (available in Clerk of

Court's case file) (finding that "for every million dollars spent by the Mushroom Council . . . the growth rate [of mushroom sales] increases by 2.1%"). In consequence, whatever harm the program may cause First Amendment interests is proportionate. Cf. *Bartnicki* v. *Vopper*, 532 U. S. ___ (2001) (BREYER, J., concurring).

The Court's decision converts "a question of economic policy for Congress and the Executive" into a "First Amendment issue," contrary to *Wileman*. 521 U. S., at 468 (internal quotation marks and citation omitted). Nor can its holding find support in basic First Amendment principles.

For these reasons, I dissent.

[Appendix to opinion of BREYER, J., follows this page.]

APPENDIX TO OPINION OF BREYER, J.

Romance is about the little things you do to show your love for the special one in your life. It doesn't have to be showy, expensive or complicated. In fact, a special meal can be the simplest and most personal way to romance the one you love. Remember, the old saying doesn't just apply to men, the way to **anyone's** heart is through their stomach. The following tips, menus and recipes will help your love mushroom year-round. Bon Appetit!

Setting the Mood

Candlelight is a must, casting a warm glow over the entire room. For something different, place fragrant gardenias and floating votives in a bowl of water.

Flowers: Don't only put them on the table — strategically place bouquets of your partner's favorite flower around the house. You'll fill the air with romance and fragrance.

Guests aren't the only ones deserving of your best china. Set an elegant table from fine linens to polished silver and your message of care will be evident.

Never underestimate the power of the written word. Sending a formal invitation will help set the mood.

Thumb through your music collection and select romantic CDs. Play them softly throughout your meal.

Don't limit yourself to dinner only. Surprise your loved one with a romantic breakfast in bed, picnic lunch or late-night snack.

Simple Pleasures

Remember it's not necessarily what you cook or how expensive the ingredients but the care and time you put into making it and the reason why you're doing it.

Don't always stick to the traditional, be creative! Serve an entire meal of finger foods and feed each other. Try raw vegetables with a zesty cracked peppercorn dip, stuffed mushroom caps, jumbo prawns and cocktail sauce, a variety of olives, pickles, breads and cheeses and decadent fudgy brownies for dessert.

Selecting the Menu

Consider likes and dislikes when scanning recipes. Keep in mind what's currently in season and what can be prepared ahead of time. Mushrooms lend gourmet appeal for little cost and are available year-round.

Keep it simple. Pick up deli-prepared roasted chicken and potatoes when there's no time to cook. Add a tossed green salad and serve a bakery-prepared fruit tart for dessert.

Your menu doesn't have to be complicated or fancy. Buy a heart-shaped pan to add instant amour to baked dishes or desserts.

Make a homemade pizza with mushrooms arranged on top in the shape of a heart. Remember it's the little things you do.

Finishing Touches

Dress for the occasion. Put on your favorite dress or sportscoat and tie and ask your partner to do the same. Formal attire in itself lends romance and excitement to the occasion.

Rent a romantic movie for after your meal – *Casablanca, West Side Story, Ghost, When Harry Met Sally* and *Sleepless In Seattle* are all sure to inspire cuddling.

Clearing the table and doing the dishes together by hand can be fun and even romantic. There's a certain comfort to the phrase, *"You wash, I'll dry."*

A Passion For Mushrooms

- The ancient philosopher Petronius and many others proclaimed mushrooms as a potent aphrodisiac and popular "love" food.
- For centuries, legends have attributed mushrooms with special mystical powers that cure illness, prolong life and enhance sexuality.
- The Egyptian pharaohs, who were considered gods as well as kings, declared mushrooms sacred and reserved them for their own use.
- Brillat-Savarin wrote in *The Physiology of Taste* that certain varieties of mushrooms can make women more tender and men more apt to love.

"After a perfect meal we are more susceptible to the ecstasy of love than at any other time."
— Dr. Hans Bazli

"There is no love sincerer than the love of food." — George Bernard Shaw

MENU

GINGER-MUSHROOM STIR-FRY

Steamed Jasmine Rice

Lemon Sherbet with Mandarin Oranges

Fortune Cookies and Tea

GINGER-MUSHROOM STIR-FRY

3 tablespoons *each* lemon juice and soy sauce
1 tablespoon grated fresh ginger
2 cloves garlic, pressed
2 skinned and boned chicken breast halves, cut into strips about 1/2 inch thick
1/3 cup chicken broth or bouillon
2 teaspoons cornstarch
Vegetable oil
8 ounces fresh mushrooms, quartered
1 1/2 cups asparagus **or** green bean slices, about 1 1/2 inches long
3 green onions, sliced diagonally into 1-inch pieces
Toasted sesame seeds
Lemon slices
Cilantro **or** parsley sprigs

In bowl combine lemon juice, soy sauce, ginger and garlic. Add chicken, tossing to coat; set aside. Measure broth; dissolve cornstarch in broth. In skillet or wok heat 1 to 2 tablespoons oil to sizzling. Drain chicken, reserving liquid. Add mushrooms and chicken to skillet. Toss over high heat until chicken loses pink color. Add asparagus and onions; continue to toss over high heat until chicken juices run clear and vegetables are crisp-tender. Stir in broth mixture to thicken. Sprinkle with sesame seeds. Serve hot, over rice, if desired. Garnish with lemon slices and cilantro.

Makes 4 servings

MENU

MUSHROOM CAESAR SALAD

Sautéed Chicken Breasts with Lemon and Capers

Buttered Angel Hair Pasta

Strawberries Dipped in White Chocolate

MUSHROOM CAESAR SALAD

Garlic Croutons (recipe follows)
2 cloves garlic
1 can (2 ounces) anchovies, drained
1/2 cup olive oil
1/4 cup lemon juice
1/2 teaspoon Dijon-style mustard
1/2 teaspoon Worcestershire sauce
Coarsely ground black pepper, to taste
4 ounces fresh mushrooms, sliced
1 head romaine lettuce, washed and dried
1/2 cup drained marinated dried tomatoes (reserve oil)
1/4 cup grated Parmesan cheese

Prepare Garlic Croutons; set aside. To prepare dressing, pulse garlic and anchovies in container of electric food processor or blender until finely minced. Add oil, lemon juice, mustard and Worcestershire sauce; blend thoroughly. Season with pepper. Mix dressing with mushrooms. To serve salad, gently tear lettuce into salad bowl. Top with Garlic Croutons, tomatoes and cheese. Spoon dressing and mushrooms over salad. Toss and serve immediately.

Makes 4 to 6 servings

GARLIC CROUTONS: Preheat oven to 325 degrees. In large skillet over medium heat warm 3 tablespoons oil (from marinated dried tomatoes) and 2 cloves chopped garlic. Add 3 cups 1/2-inch bread cubes; toss to coat. Transfer to baking sheet in single layer. Bake, tossing occasionally, until crisp and golden, 12 to 15 minutes. cool.

MUSHROOMS

VARIETIES	FLAVOR	USAGE
Agaricus (button) 	Mild flavor which intensifies when cooked. Those with open veils have a richer, more intense taste.	Extremely versatile. Add to soups, sauces, salads and pasta. Serve raw with dips, or sauté to top meat or poultry.
Crimini 	Meaty, rich flavor; more intense than agaricus.	Substitute in any recipe calling for agaricus. Serve with beef, stir-frys and vegetable sautés.
Shiitake 	Full-bodied, meaty flavor and spongy texture when cooked.	Sauté in butter with garlic, grill or add to soups, seafood, poultry and meat dishes.
Oyster 	Soft, meaty texture and delicate flavor when cooked.	Slice raw in salads, add to sauces or cook with chicken, seafood, veal, pork, or vegetable dishes.
Enoki 	Light, mild flavor and crisp texture.	Toss in salads, tuck into sandwiches, and use as a garnish for soups.

MUSHROOM COUNCIL
2200-B DOUGLAS BLVD., SUITE 220
ROSEVILLE, CA 95661

Mushroom Tips

STORAGE

Store pre-packaged mushrooms in their original containers in the refrigerator and bulk mushrooms in a paper lunch bag. Unlike plastic, a paper bag allows them to "breathe" so they'll remain fresher longer. Stored properly, mushrooms keep for several days.

PREPARATION

To clean mushrooms, wipe with a damp cloth or rinse quickly in cool water. Be sure not to soak them since their porous nature absorbs liquid quickly.

Mushrooms are convenient to use because they require a minimum of preparation. Fresh mushrooms never need peeling thanks to their soft, thin skins.

ARITHMETIC

1 pound whole raw mushrooms = about 6 cups sliced, or 5 cups chopped.

1 pound sliced or chopped cooked mushrooms = about 2 cups.

SAUTÉED MUSHROOMS

Quickly sauté small whole, or sliced mushrooms in a little butter, margarine or olive oil. Season with your choice of chopped fresh or dried herbs, sliced green onions, lemon juice, hot pepper sauce, soy sauce or balsamic vinegar.

VERSATILE MUSHROOM KABOBS

Thread button mushrooms onto bamboo skewers with a selection of raw vegetable chunks. Serve as an appetizer or salad with a dip or two, or brush the kabobs with olive oil, season with salt and pepper and grill on a barbecue.

MUSHROOMS WITH PASTA AND PIZZA

Add sautéed mushrooms to prepared or homemade pasta sauces for superb flavor and "meaty" texture. With a generous amount of sautéed lowfat mushrooms on pizza, a little cheese can go a long way.

MENU

MUSHROOMS SANTA FÉ

Mesquite-Grilled Filet Mignon

Oven-Roasted Potato Wedges

Salad of Mixed Baby Greens

Bittersweet Chocolate Decadence Torte

MUSHROOMS SANTA FÉ

1 cup (4 ounces) shredded sharp Cheddar cheese
1/4 cup sour cream
3 tablespoons sliced green onions
2 1/2 tablespoons chopped cilantro **or** parsley
3 tablespoons canned diced, mild green chiles
1/4 cup butter **or** margarine
1 clove garlic, pressed
16 (8 ounces) 2-inch fresh mushroom caps
Grated fresh Parmesan cheese

In mixing bowl toss Cheddar cheese, sour cream, onions, cilantro and chiles to mix evenly; set aside. In small saucepan combine butter and garlic; warm over low heat to melt butter. Brush mushroom caps on both sides with garlic butter; place on baking sheet. Fill each cap with about 1 tablespoon cheese mixture. Sprinkle generously with Parmesan cheese. Broil until bubbly and golden, about 3 minutes. Serve immediately.

Makes 4 appetizer servings

LET YOUR LOVE *Mushroom!*