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SUBMISSION TO:

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To whom it may concern:

As the author of the enclosed report I declare that I have no vested interest, financial or otherwise in egg production facilities in preparing this report and it contains totally independent views on cage hen welfare and the package labelling dilemma together with strategic suggestions on addressing both issues.

This report has been prepared out of concerns particularly in relation to layer hen welfare.



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INTRODUCTION.

The CSIRO, RSPCA and CHOICE would be amongst the most respected organisations, particularly in relation to scientific research and evaluation, animal welfare and consumer protection.

In the main I have sourced information for this Submission from papers provided by the RSPCA and CHOICE.

These two respected organisations, RSPCA and CHOICE have provided various advice and guidelines in formulating policy regarding animal welfare (in this case laying hens via the RSPCA) and providing consumer advice (via CHOICE) to consumers that they may have confidence that the egg packaging provides an accurate description of the product and its source.

From what I have observed it would appear that the concerns and various recommendations from these organisations is largely being ignored, even though pressure is mounting in Australia to ban caged eggs with the vast majority of consumers calling for these caged practices to be banned.

In addition to many countries and an increasing number, some of the world's largest international marketing companies are making or have already made commitments to cage free egg supply.

How any thinking person can condone the cruelty inflicted on hens, particularly in battery cages is beyond comprehension, however these cage/barn producers appear not to be concerned about hen welfare but simply to preserve their high dollar return for the least effort.

The RSPCA Paper tends in some cases to be contradictory in terms of what would appear to be the stance on hen welfare e.g. *"We need to get them out of cages altogether..."* and then there is varying sort of support for barn laid eggs, without any mention of the need for access to outdoors for barn laid hens.

Additionally, certain operators have taken advantage of the RSPCA 'Cage Free' stance in "interpreting" this as referring ONLY to Battery cage and allowing them to claim BARN LAID as 'Cage Free'.

There is concern in many quarters that the new standard fails to meet consumer's understanding of what Free Range actually means and that the new standard for Free Range eggs allows a maximum stocking density of 10,000 birds per hectare with no specific requirement for the birds to go outside.

From a consumer perspective and a major point of concern is that *'While stocking densities need to be printed on pack, there is no requirement for this information to be displayed consistently or in a way that would help consumers compare Free Range egg products'*.

... Eggs that are pasture-raised have now become the gold standard. Chickens are raised in a grass environment during the day and are commonly housed in mobile sheds overnight, with free access to roam and scratch. Some free range farmers have considerably less than 10,000 hens/hectare.

INTRODUCTION (Cont.)

There have been concerns expressed over a period of time by CHOICE and the RSPCA regarding the Many times misleading packaging displays causes great confusion amongst consumers and the uncertainty that consumers are receiving what they have paid for.

The worst example I could find in a fairly extensive review would be that indicated here shown as ATTACHMENT 'A'.

There is no indication by these particular producers to embrace any Government guidelines relating to layer hen welfare or consumer labelling concerns.

If you don't want to comply and set your own rules then you obviously go to any lengths to avoid the spotlight.

The only way to avoid any 'investigation' or overview of the operation was to remain under the radar – don't try for RSPCA or CHOICE endorsement because it's more than likely it would be rejected.

Additionally, to further frustrate any enquirer you don't have a brand name – you simply use a generic description on the packaging viz: 12 Cage Free Eggs.

Visually the packaging (ATTACHMENT 'A') has been INTENTIONALLY DESIGNED TO MISLEAD AND DECEIVE VIZ:

1. To claim 'Cage Free' in large caps then in very small lettering 'Barn Laid'.
2. To claim 'naturally grown' is intended to convey what?
3. To show old farm barn(s) surrounded by large areas of open, grassed areas and blue skies would be sufficient to convey to any thinking person that this is the unencumbered environment that these 'CAGE FREE' laying hens enjoy.
4. It does not show any indication of stocking levels e.g. per square metre of 'barn' space, let alone prominently displayed.
(A maximum stocking density (that is, a maximum number of birds per square metre of floor space is set to avoid overcrowding).
The respected RSPCA describes the 'Cage' egg industry as a classic example of factory farming where the only real consideration is the number of eggs per dollar at the end of the day. Forget hen welfare. 'Cage' eggs have less nutritional value as the diet of caged birds contains no fresh food or grass.
5. It is anti-competitive by design.

In addition to the true Free Range producers they would also take business off other cage egg producers by this dishonest claim that they are 'CAGE FREE'.

It would be nigh on impossible to measure the effect on other egg producers in terms of lost sales when placed in the same retail environment.

Most concerning is the number of people/purchasers who have been misled by this deceptive packaging, and the adverse sales effect it would have had and continue to have on 'legitimate' Free Range producers.

OBJECTIVES.

1. To provide the means whereby layer hens can be best provided with a good life viz:
"RSPCA" – For a hen to have a good life they need the freedom to move and make choices about when and where to nest, stretch, flap their wings, perch and dust bathe which they can't do in a caged environment. And seek to implement stocking levels in line with CSIRO **Model Code of Practice.**
2. To provide the necessary guidelines by which packaging display reflects the true product source and which overcomes many current labelling practices which are causing confusion and mistrust amongst consumers i.e. what is and isn't allowed on pack and to remove the ambiguity and confusion surrounding 'Cage Free' claims by removing from egg packaging any and all reference to 'Barn Laid'.

SUGGESTED STRATEGY INPUT.

- To have ENACTED, the respective 'elements' as contained in the Australian Consumer Law Information Standard 2017 issued by authority of the Minister for Small Business.
(NEXT PAGE)
- All egg producers who supply retail outlets must prominently display stocking levels on pack (in line with Info Standard 2017)
- Those same egg producers must provide audits as required by an authority as defined by (hopefully) new legislation.
- All egg producers be required to have their facilities open for inspection by the appropriate authorities (to be defined).
- Retailers be advised that it is (now) unlawful to display/sell eggs (packaging) that does not conform to the new disclosure standards on pack.
- Appropriate product endorsement (by bodies such as RSPCA and CHOICE be provided for signage on pack to those producers who provide all the required welfare and labelling requirements.

EXPLANATORY STATEMENT

Issued by authority of the Minister for Small Business
Competition and Consumer Act 2010

Australian Consumer Law (Free Range Egg Labelling) Information Standard 2017.

Background

Eggs are labelled in a variety of ways, and the words used to label them influence the choices that consumers make. Some labels represent eggs as produced by hens that are 'Free Range', 'Barn' or 'Caged'. Other variations such as 'Happy Hens', 'Free to Roam', 'Pastured' and 'Farm Fresh' are used to suggest that hens are less confined than Barn or Caged hens without explicitly making a Free Range claim. Some packaging also shows pictures of hens in open pastures instead of, or as well as, a Free Range claim.

Many consumers favour eggs labelled as 'Free Range'. An increasing number of consumers are prepared to pay more for eggs that have been laid by freely ranging hens – due to personal and ethical preferences – than for 'Barn'.

... As a Free Range egg is not observably different from a Cage or Barn Laid egg, consumers must rely on the label. Eggs labelled as Free Range sell at a higher price because the production systems can be more expensive to manage and operate and consumers can place an additional value on non-observable factors, such as perceived improvement in the well-being of laying hens.

...Some eggs labelled as Free Range have been found to come from hens that have not had meaningful and regular access to the outdoors. It is relatively easy to mislead consumers and there may be a financial incentive for producers to do so.

Consumers lose out when eggs labelled as Free Range (or Cage Free) are sold at a higher price but the conditions under which they are produced do not meet their expectations. Producers of Free Range eggs who provide hens with appropriate access to the outdoors also lose.

Section 8 - Labelling requirements.

To be compliant with the labelling requirements, the stocking density must be prominently displayed on the packaging, so that a person reading the label can easily read it when inspecting the packaging.

For example there is 'Barn Laid' which is sometimes called 'Cage Free'. This means that all the hens are housed inside the 'Barn'. They do not go outside.

HEN WELFARE.

With more consideration for animal welfare in recent times, Free Range egg consumption has increased to more than 40 per cent of total egg sales, while Caged Eggs are now taking up less and less space on supermarket shelves. What the experts say, however, is that not all labels are created equal. With advertisers keen to make use of all the space on the carton, all sorts of marketing terms are wheeled out alongside the imagery of rolling fields - but without an accreditation label, these often have little bearing on the welfare of the flocks. PLEASE REFER TO ATTACHMENT 'A'.

The respected RSPCA describes the 'cage' egg industry as a classic example of factory farming where the only real consideration is the number of eggs per dollar at the end of the day. Forget hen welfare. VERY IMPORTANTLY 'cage' eggs have less nutritional value as the diet of caged birds contains no fresh food or grass.

Anything other than free range is incapable of providing a hen with a good life as drafted by the RSPCA under Hen Welfare viz:

"For a hen to have a good life they need freedom to move and make choices about when and where they nest, stretch, flap their wings, perch and dust bathe..." enjoying access to the great outdoors during the day the way nature intended.

Having read a transcript of the '7.30 Report' of Thursday 21st December, 2017 it opened my eyes (I must admit for the first time) to the cruelty inflicted on caged hens.

JED GOODFELLOW, POLICY OFFICER, RSPCA AUSTRALIA: They are essentially a small cage where the hens have less than an A4 size sheet of paper, of floor space to exist for their entire lives.

An extremely confined space.

They can't even extend their limbs inside the stocking densities within these cages and that is causing them to suffer.

In the case of caged birds (barn laid) a maximum stocking density (that is, a maximum number of birds per sq metre of floor space) must be set to avoid overcrowding and restriction of movement.

It would horrify the community at large if they understood that so-called free range layer hens are allowed a lousy 1 square metre each and that battery hens have no room for any movement, confined to a space the same size as an A4 sheet of paper for their entire lives.

These cage farming practices should be banned here as is the case in many other countries, and any practice that confines these birds to a caged environment such as claimed 'cage free' but also presented as 'barn laid' – these hens have no access to outdoors.

As in the definition of 'caged' they live in confinement.

Free range producers who follow the CSIRO **Model Code of Practice** will only allow a stocking density of 1500 hens per hectare (equivalent to a king size bed per hen).

Unfortunately the current 'agreement' allows for certain producers to claim Free Range at a stocking rate of up to 10,000 hens per hectare or 1 square metre per hen which is farcical and does nothing for hen welfare and is totally out of line with providing hens '*with a good life and providing a product in line with consumer expectations of free range*'.

A claim of 'cage free' for 'barn laid' is not only untruthful it is anti competitive and would have caused loss to those producers who abide by the CSIRO **Model Code of Practice**, Australian Consumer Law Standards 2017, have independent audits and provide layer hen welfare in accordance with consumer expectations.

Managing Director of Sunny Queen Australia, John O'Hara in one article gave some pointers on what to look out for.

"There are a hell of a lot of labels on eggs in the supermarket, and it really helps to know what they all mean so that consumers are getting what they pay for."

*"For consumers, the important thing to do is to read the labels on the eggs that they're purchasing. Check out the credentials of the farm they are purchasing from – like Sunny Queen Farms – are they ECA accredited, HACCP accredited, are they independently audited? Do they comply with the **Model Code of Practice for the Welfare of Animals**?" Mr. O'Hara said.*

"The other important thing to look out for is stocking density".

- But what about all those other labels such as Barn Laid?

'There are a number of production systems to look out for. You've got 'barn laid' for instance, which is sometimes called Cage Free. Basically this means that all the girls are housed inside the barn, they don't go outside' O'Hara explained.

There can be only two categories – caged (where there is NO access to outdoors) and/or Free Range (as defined by the INFORMATION STANDARD 2017)

PRODUCT LABELLING.

There have been concerns experienced over a considerable period of time on behalf of consumers and CHOICE members regarding the many misleading packaging displays causing great confusion amongst consumers furthering the uncertainty among the consumers that their expectations are being met.

For eggs to be labelled Free Range the CSIRO **Model Code of Practice** says that there should be a maximum of 1500 hens per hectare. But many commonly available 'Free Range' brands do not conform with this instead many producers prefer to opt for the 'farcical' (yet still legal) option of one square metre per hen or up to 10,000 hens per hectare.

With 65% of Australians opting to buy Free Range eggs in the past twelve months, it is becoming the fastest growing egg sector. But the labelling debacle has created uncertainty for consumers who wish to purchase genuine free-range eggs.

The current rules fail the common sense test. All you need to do is look at egg cartons labelled Free Range in any major supermarket to see how these products are marketed to Australians with pictures of chickens outside etc. including 'Barn Laid' (per ATTACHMENT 'A')

'Many consumers are paying extra assuming hens are staying in the equivalent of a comfortable bed and breakfast, but instead they're stuck in a crowded backpacker hostel' CHOICE Director of Campaigns and Communications, Matt Levey reportedly said.

Eggs that come from hens that don't go outside and have high stocking densities (e.g. BARN LAID) don't meet consumers' expectations and not only don't they deserve the Free Range label but should be prohibited from even implying such by their packaging design.

The packaging should also prominently display 'stocking density' allowing consumers to more easily choose their preference. (INFORMATION STANDARD 2017)

Much confusion amongst consumers still exists not only in terms of what is defined as Free Range but that reference to 'Cage Free' does not appear to take into consideration that the definition should include those (Particularly so-called 'Barn Laid') that do not have access to outside range.

There appears to be a clear intention by these 'cage' producers to continue to ignore all the findings that support change to provide hen welfare and the growing demand of consumers to have any cage facility banned.

It is unacceptable to allow these operators to outdo the true Free Range producers who abide by all the codes and provide the highest standards of hen welfare and consumer benefit.

Currently there is no protection for egg producers who adhere to the various codes regarding layer hen welfare and proper and appropriate product description.

If eggs other than Free Range eggs are being displayed at or near the display of Free Range eggs, the display of Free Range eggs must be separate from the display of other eggs, so that a person at or near the displays can reasonably distinguish between eggs to which the Free Range sign relates, and other eggs. INFORMATION STANDARD 2017. (The product as shown in ATTACHMENT 'A' abutted a Pace Free Range display in the IGA Store at Galston).

No consistency in package displays of 'hens/hectare' e.g. Sunny Queen proudly display 1500 hens/hectare where Pace Farm in a very small space (barely readable) one bird per sq. metre (i.e. 10,000 hens/hectare) but overall on-pack dominance is Free Range. Sadly this is what will influence purchase.

ATTACHMENT 'B' - SUNNY QUEEN FARMS is a good example of packaging design with appropriate content. It is uncluttered, unambiguous in its message and prominently displays its stocking rate of 1500 hens/hectare.

ATTACHMENT 'C' - PACE FARMS is probably a classic case of too much unnecessary detail which does nothing to help the consumer make an informed choice. Further its stocking rate is not prominently displayed, not surprisingly because it is required to show it as 1 bird per square metre.

To adopt the proper measure (in line with Sunny Queen Farm it would need to show 10,000 hens/hectare).

ATTACHMENT 'D' - MANNING VALLEY. The only problem here is that (like Pace Farms) there is NO prominent display of stocking levels. (In fact there is no display at all. They obviously suffer from consumer negative response when having to show 10,000 hens/hectare).

IN SUMMARY:

Egg packaging labelling as it stands at the moment is a hodge podge of confusion.

If there is currently any regulation or agreement regarding egg packaging display including very importantly hen stocking levels then it is being very largely ignored.

Specific guidelines are urgently needed to address this issue in furthering hen welfare and to fulfil the obligation to consumers ensuring that they are protected from unclear, confusing and false and misleading claims on pack.

As a matter of some urgency this whole labelling dilemma needs to be addressed and extensively modified and simplified so that consumers can readily make a decision on what to buy.

Consumers don't have the luxury of time, nor the incentive to spend time going through and weighing up a plethora of competitive and conflicting claims.

INTERESTINGLY, OF VERY RECENT TIMES SOME OF THE LARGEST PRODUCERS HAVE DELETED ANY REFERENCE TO STOCKING LEVELS (POSSIBLY A REFLECTION BY CONSUMERS TO THESE HORRIFIC STOCKING LEVELS CONVEYED AS 'FREE RANGE'.)

BEST BEFORE

15 NOV

REFRIGERATE AFTER PURCHASE
Product of Australia
PRODUCED, PACKED AND PERFECTED BY
Jones Bros. Family Farm Pty.
Units 5 & 6, Blue Hill Agriculture Centre, 21 Norman Road
Box Hill NSW 2166, P. 02 9678 2922



700g
X-Large

12 Cage Free Eggs

100% Australian owned and grown

Jones Bros. Family Farm

X-Large Net Weight Pack

700g

Barn Laid Eggs

NUTRITION INFORMATION

	AVERAGE PER 100g	AVERAGE PER 100g	PER 12 EGGS (141mg)	PER 12 EGGS (1.68g)
ENERGY	278	55 kcal	2390g (12%)	136mg
PROTEIN	6.30	9.9g	2.4mg (24%)	230mg
FAT TOTAL	3.40	3.3g	97mg (48%)	93mg
SATURATED	1.40	1.3g	0.5mg (48%)	0.8mg
CARBOHYDRATE	0.30	0.3g	1.7mg (14%)	1.6mg
SUGARS				
VITAMINS				
VITAMIN A			141mg	136mg
VITAMIN E			2.4mg (24%)	230mg
FOLATE			97mg (48%)	93mg
VITAMIN B12			0.5mg (48%)	0.8mg
IRON			1.7mg (14%)	1.6mg

Don't take from 100%
Recycle Fibre
Fully Biodegradable

Commercial re-use of this carton is prohibited

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ATTACHMENT A

BEST BEFORE: 02 Feb 22



Free Range

Our free range farms have a maximum outdoor density of 1500 hens per hectare. That's more space per hen than a KING SIZE BED!

1500 HENS PER HECTARE
WHEN OUTDOORS

minimum net weight
700g
12 XLARGE eggs



Free Range

1500 HENS PER HECTARE
WHEN OUTDOORS

minimum net weight
700g
12 XLARGE eggs

ATTACHMENT B

BEST BEFORE

5731918 BF3 05
BEST BEFORE
11 NOV
2017



f /pacefarmeggs

<1 BIRD PER
100000 HENS
ON-ROOST
AVOID

Natural Living Eggs
PROUDLY FREE RANGE
• SINCE 1985 •

Free range

800g

- ✓ 100% Australian family owned & operated
- ✓ Supporting Australian Farmers
- ✓ Our hens have access to roam & forage outdoors during the day
- ✓ Our free range eggs are independently audited & accredited



800g



Natural Living Eggs PROUDLY FREE RANGE • SINCE 1985 •
Free range
TRUSTED QUALITY
FROM AUSTRALIAN FARMERS

12 EGGS
JUMBO
FREE RANGE



ATTACHMENT C

www.manningvalleyeggs.com.au



Nature's Intention®



VISIT
Free Range Cam!

Manning Valley Free Range Eggs



Nature's Intention®

The Free Range Eggs

Pasture based Farming System - preserving the past protecting the future

12 eggs

Minimum total mass

800g

100% Australian Family Owned

Manning Valley Free Range Eggs ONLY produces and packages premier free range eggs.

Our mission statement

"The real currencies of the future **CLEAN EARTH AIR** and **WATER** are found in abundance on our properties

The Manning Family



Minimum total mass

800g

Product of Australia

ATTACHMENT D