

<b>COMPLAINT NUMBER</b>	20/076
<b>COMPLAINANT</b>	Direct Action Everywhere New Zealand (DxE NZ)
<b>ADVERTISER</b>	Ingham's Enterprises (NZ)
<b>ADVERTISEMENT</b>	Ingham's Website
<b>DATE OF MEETING</b>	4 March 2020
<b>OUTCOME</b>	No Grounds to Proceed

**Advertisement:** The Ingham's website (<https://ingham.co.nz/working-at-ingham/>) includes a statement under the heading "Animal Welfare" that states: "At Ingham's, we're committed to caring for our animals at all times. Our comprehensive animal welfare programs are developed in collaboration with international animal welfare experts, retailers and regulatory authorities."

**The Chair ruled there were no grounds for the complaint to proceed.**

**Complaint on behalf of Direct Action Everywhere New Zealand (DxE NZ):**

"Nature of complaint: Breach of Rule 2 (b) of the Advertising Standards Code  
In particular, we refer to the following:

**INGHAM'S CLAIM**

"At Ingham's, we're committed to caring for our animals at all times. Our comprehensive animal welfare programs are developed in collaboration with international animal welfare experts, retailers and regulatory authorities."

**DxENZ RESPONSE**

The modern vertically integrated meat chicken industry is designed to breed chickens as fast as possible to make money, and there is no consideration of animal welfare. The modern Cobb and Ross bird used in the industry world wide (including at Tegel) is a genetic freak. It is bred to be top heavy and fast growing, so it can come to maturity in 6 weeks. Tegel chickens are still immature [1].

World wide studies by the type of 'international animal welfare expert' Inghams mentioned have shown that lameness is a problem for meat chickens. In Europe, typically anywhere from 3% to 30% of chickens are in pain from lameness for the last week of their lives [2].

In New Zealand, a government report found that the proportion of lame birds was even higher. Up to 38% of meat chickens suffered from lameness [3].

Other issues directly arising from the top heavy Cobb and Ross breeds are metabolic diseases, sudden death syndrome and skeletal disorders. This comes about because the birds' hearts cannot stand the strain. The fast growing birds are also continually hungry. The breeding stock are not fed sufficiently, to avoid them becoming too large. The massive birds also suffer a high level of broken bones when being slaughtered [4].

Since chicken welfare compromises are problems with genetics, they cannot be mitigated by giving the birds more space or by any other rearing conditions. "Organic" and "Free range"

meat chickens use the same top-heavy and fast growing breeds. Their suffering is just as intense.

It is no wonder that Dr John Webster, 'international animal welfare expert' and professor of animal welfare at Bristol University, describes broiler chicken production as "in both magnitude and severity, the single most severe, systematic example of man's inhumanity to another sentient animal. [5]"

Chickens in commercial systems such as those practised by Inghams have none of the The Five Freedoms. These were 1979 UK Farm Animal Welfare Council following the publication of Ruth Harrison's *Animal Machines* in 1964, an expose of factory farming. They therefore have regulatory status and are supposed to be adhered to under the Animal Welfare Act. The associated Codes of Welfare, including the Meat Chicken Code however often ignore these in favour of increasing production [6].

Birds in Ingham's factory farms are lame, hungry and overweight. They certainly do not have freedom from hunger and thirst; freedom from discomfort; freedom from pain injury and disease; or freedom from fear and distress.

Chickens also have no freedom to express normal patterns of behaviour. The Code of Welfare allows a stocking density of 38kg of birds per square metre. A six week old meat chicken weighs approximately 2kg, so around 19 of these are legally allowed to be crammed in a square metre. There is no way that sick, lame and overweight birds crammed together so tightly can express any normal behaviour. The Code of Welfare for Meat Chickens describes 'normal behaviour' for chicken as including "feeding, drinking, sleeping, preening, walking, scratching, ground pecking, leg stretching, and vocalising."

Chickens that are collapsed in agony on the floor of an ammonia-riddled barn, and getting hock burn as a result, can express none of these behaviours.

The Code of Welfare for meat chickens makes no mention of the suffering caused by choice of breeds, and it doesn't cover breeding stock. But even the Ministry of Primary Industries cannot ignore the effect that high stocking density has on ability of chickens to express normal behaviour, stating.

"Fully-housed production systems risk producing birds that are unable to develop and display normal behaviours. The industry needs to take steps to ensure these trends do not create future welfare problems that will be ethically unacceptable to New Zealanders."

In conclusion, any claim that Inghams are committed to 'caring for our animals at all times' is blatantly false. We are not suggesting that Inghams is not following the law. But the Code of Welfare is a flawed piece of legislation that allows genetic freaks to be bred in suffering and to die in suffering.

#### Relief sought

Immediate removal and retraction of all offending statement, and any other similar untrue or misleading statements on all advertising literature providing misleading implications that chickens and turkeys do not suffer in Tegel production facilities.

#### References:

- [1] Morris, M.C. (2009). The ethics and politics of animal welfare in New Zealand. Broiler chicken production as a case study. *Journal of Agricultural and Environmental Ethics* 22, 15-30
- [2] Scientific Committee of Animal Health and Animal Welfare (SCAHAW). (2000). The welfare of chickens kept for meat production (broilers). Brussels: European Commission.
- Sanotra, G. S., Berg, C., & Lund, J. D. (2003). A comparison between leg problems in Danish and Swedish broiler production. *Animal Welfare*, 12, 677-683.

- [3] Bagshaw, C. S., Matthews, L. R., & Rogers, A. (2006). Key indicators of poultry welfare in New Zealand. Unpublished client report to MAF policy.
- [4] Weeks, C. A., & Butterworth, A. (2004). Measuring and auditing broiler welfare. Wallingford: CABI Publishing.
- [5] Webster, J. (2004). Animal welfare: A cool eye towards Eden. Oxford: Blackwell.
- [6] Morris, M.C. (2011). The use of animals in New Zealand: regulation and practice. *Society and Animals* 19, 366-380.

**The relevant provisions were Advertising Standards Code - Principle 2, Rule 2(b);**

**Principle 2: Truthful Presentation:** Advertisements must be truthful, balanced and not misleading.

**Rule 2(b) Truthful Presentation:** Advertisements must not mislead or be likely to mislead, deceive or confuse consumers, abuse their trust or exploit their lack of knowledge. This includes by implication, inaccuracy, ambiguity, exaggeration, unrealistic claim, omission, false representation or otherwise. Obvious hyperbole identifiable as such is not considered to be misleading

**The Chair** noted the Complainant's concerns the website advertisement is misleading as they consider any claim the Advertiser is "caring for our animals at all times" to be false as the relevant Code of Welfare allows practices that result in animal suffering.

The Chair noted the statement subject to complaint is on the Ingham's website, in a section headed "Working at Ingham's" and the page includes information on jobs at Ingham's and the company's mission and values.

In considering the likely consumer takeout of the statement about animal welfare, the Chair said it expresses a company commitment and the involvement of experts, retailers and regulatory authorities in its animal welfare programmes.

The Chair noted the Complainant's concerns stemmed from what they considered flaws in the current animal welfare code, but she said the positioning statement from Ingham's about animal welfare did not make any specific claims about the welfare of chickens raised under the Ingham's brand and did not meet the threshold to mislead or deceive consumers.

The Chair said the advertisement was not misleading and was not in breach of Principle 2 or Rule 2(b) of the Advertising Standards Code. The Chair ruled there were no grounds for the complaint to proceed.

**Chair's Ruling: Complaint No Grounds to Proceed**

**APPEAL INFORMATION**

According to the procedures of the Advertising Standards Complaints Board, all decisions are able to be appealed by any party to the complaint. Information on our Appeal process is on our website [www.asa.co.nz](http://www.asa.co.nz). Appeals must be made in writing via email or letter within 14 days of receipt of this decision.