

COMPLAINT NUMBER	20/078
ADVERTISER	Restaurant Brands NZ Ltd
COMPLAINANT	Direct Action Everywhere New Zealand (DxE NZ)
ADVERTISEMENT	Restaurant Brands Website
DATE OF MEETING	4 March 2020
OUTCOME	No Grounds to Proceed

Advertisement: The Restaurant Brands corporate website included the company's Corporate Social Responsibility Report for 2018 for its New Zealand operations <http://www.restaurantbrands.co.nz/files/documents/corporateresponsibility/rb-csr-report-2018-v8/>. Under the heading "Ingredients" is the statement: "KFC chicken is grain-fed, barn-raised, hormone and steroid free, and is delivered fresh from Ingham's and Tegel. All our chicken is produced to rigorous standards overseen by the Poultry Industry Association New Zealand, the Ministry for Primary Industries and the National Animal Welfare Committee."

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

Complaint on behalf of Direct Action Everywhere New Zealand (DxE NZ): Complaint to the Advertising Standards Authority: Nature of complaint: Breach of Rule 2 (b) of the Advertising Standards Code

Restaurant Brands have made claims about their commitment to animal welfare, and animal welfare standards that are misleading and/or untrue.

In particular, we refer to the following:

RESTAURANT BRANDS CLAIM From page 3.

"KFC chicken is grain-fed, barn-raised, hormone and steroid free, and is delivered fresh from Inghams and Tegel. All our chicken is produced to rigorous standards overseen by the Poultry Industry Association New Zealand, the Ministry for Primary Industries and the National Animal Welfare Committee."

DXENZ RESPONSE

The code of Welfare for Meat Chickens is overseen by the Ministry for Primary Industries and the National Animal Welfare Committee, and sets out allowed husbandry processes for meat chickens in New Zealand. This is the 'rigorous standards' that the claim is referring to.

Like all Codes of Welfare, the Code for Meat Chickens does not reflect 'rigorous standards' in welfare science. It reflects a compromise position between genuine concern for the welfare of animals, and economic factors favouring the industry.

The principal act under which Codes of Welfare are set up is the New Zealand Animal Welfare Act (1999). This Act has exacting standards on how animals should be treated to ensure their physical and behavioural needs are met (Sections 4 and 10).

If the provisions of the Animal Welfare Act were properly adhered to, then no type of commercial animal farming would be allowed, since all of them involve some levels of suffering. In order to allow commercial farming to continue, the Animal Welfare Act allows Codes of Welfare for certain husbandry practices that do not fully comply with the principal act for reasons of “practicality and economic impact” (Section 73).

This is particularly the case for meat chicken production.

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 Inghams and Tegel) is a genetic freak. It is bred to be top heavy and fast growing, so it can come to maturity in 6 weeks [1].

World wide studies 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]”

Birds in 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 for Meat Chickens 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, the Code of Welfare for Meat Chickens, overseen by NAWAC and MPI, does not prevent extreme suffering of chickens.

Relief sought

Immediate removal and retraction of the offending statements, and any other statements or photographs that either state directly or imply that;

The Codes of Welfare are promulgated to provide best welfare outcomes

Restaurant Brands have any commitment to animal welfare.

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.

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 with regard to their commitment to animal welfare and animal welfare standards.

The Chair noted the statement subject to complaint is from a corporate social responsibility report sourced from the Restaurant Brands website. The report refers to the producers that supply the chicken and compliance with what it describes as the “rigorous standards overseen by the Poultry Industry Association New Zealand, the Ministry for Primary Industries and the National Animal Welfare Committee.”

In considering the likely consumer takeout of the statement about KFC ingredients, the Chair said it tells the consumer the type of fresh chicken its products are made from and that the producers comply with the animal welfare standards.

The Chair noted the Complainant’s concerns with the advertisement stem from what they consider to be flaws in the current animal welfare code. However, the Chair said the description of the type of chicken used by Restaurant Brands and the reference to the standards overseen by the Ministry of Primary Industries and the National Animal Welfare Committee 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. Appeals must be made in writing via email or letter within 14 days of receipt of this decision.