

COMPLAINT NUMBER	20/079
COMPLAINT ON BEHALF OF	Direct Action Everywhere New Zealand
ADVERTISER	New Zealand Pork
ADVERTISEMENT	New Zealand Pork website
DATE OF MEETING	7 April 2020
OUTCOME	Not Upheld No further action required

Summary of the Complaints Board Decision

The Complaints Board did not uphold a complaint about the website for New Zealand Pork. The Board said the advertisement was not misleading and the statements about the pork industry were well substantiated.

Description of Advertisement

The website for New Zealand Pork contained four statements that are the subject of this complaint:

- “Fresh New Zealand pork comes from ‘finisher’ pigs that have been reared in a social environment in group housing systems. No commercially raised fresh pork in New Zealand comes from pigs that have been raised in crates or stalls.”
- “Gestation stalls are banned in New Zealand but pork is imported from many countries that still use them to house pregnant sows.”
- “New Zealand pigs are not castrated and some countries that import pork into New Zealand are allowed to castrate piglets without pain relief, which is illegal here.”
- “New Zealand pig farmers can demonstrate high on-farm animal welfare standards through the PigCare™ certification programme.”

Summary of the Complaint

The Complainant was concerned the advertisement was misleading because pigs can be kept in stalls for seven days in each cycle for mating purposes and Minimum Standard 16 of the Pigs Code of Welfare allows castration.

Issues Raised:

- Truthful presentation

Summary of the Advertiser's Response

The Advertiser said the information provided on their website was correct. However, in response to the complaint the Advertiser made some amendments to the website, to provide further clarification.

Relevant ASA Codes of Practice

The Chair directed the Complaints Board to consider the complaint with reference to the following codes:

ADVERTISING STANDARDS CODE

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.

Complaints Board Discussion

Consumer Takeout

The Complaints Board agreed the consumer takeout of the website was New Zealand Pork has confidence in its product and supports high standards of animal welfare.

Is the advertisement misleading?

The Complaints Board considered each aspect of the complaint in turn to consider whether the advertisement was misleading.

“Fresh New Zealand pork comes from ‘finisher’ pigs that have been reared in a social environment in group housing systems. No commercially raised fresh pork in New Zealand comes from pigs that have been raised in crates or stalls.”

The Complaints Board said these statements were not misleading. The Board noted that some pigs may have spent up to seven days twice a year in mating stalls. The Board agreed that this did not mean the animals had been “raised in crates or stalls”. The Board noted the Advertiser had provided additional clarification, after receiving this complaint, by adding the following paragraph to the website: “However some of the processed pork products you eat (for example, small goods such as sausages and salamis) will have come from breeding stock. Depending on the farming system used, some of these animals may have spent time in farrowing pens with crates **and /or mating stalls**”.

“Gestation stalls are banned in New Zealand but pork is imported from many countries that still use them to house pregnant sows.”

The Complaints Board said this statement was not misleading. The Board noted the explanation provided by the Advertiser, that gestation stalls are banned in New Zealand, but mating stalls may be used “for up to 7 days per reproductive cycle.” The Board noted the Advertiser had provided additional clarification, after receiving this complaint, by adding the following sentence to the website: “Some sows in New Zealand may be housed in mating stalls for up to 7 days per reproductive cycle”.

“New Zealand pigs are not castrated and some countries that import pork into New Zealand are allowed to castrate piglets without pain relief, which is illegal here “

The Complaints Board said while this statement could have been more clearly expressed, it was not misleading. The Board noted that in New Zealand it is illegal to surgically castrate

pigs without pain relief. The Board noted the Advertiser had replaced the original wording on the website and it now reads: "Pigs from PigCare™ certified farms are not castrated. At least 95% of New Zealand's commercially farmed pigs are from PigCare™ certified farms. Some countries that import pork into New Zealand are allowed to castrate piglets without pain relief, which is illegal here."

"New Zealand pig farmers can demonstrate high on-farm animal welfare standards through the PigCare™ certification programme."

The Complaints Board said this statement was not misleading. The Board noted the Advertiser's comment that "New Zealand pig farmers demonstrate commitment to providing an assurance of New Zealand's high animal welfare standards (the standards in the Pigs Code of Welfare 2018 and the Animal Welfare (Care and Procedures) Regulations 2018) through the PigCare™ certification programme."

In summary

The Complaints Board said the advertisement was not misleading, taking into account context, medium, audience and product and was not in breach of Principle 2 or Rule 2(b) of the Advertising Standards Code.

Outcome

The Complaints Board ruled the complaint was **Not Upheld**.

No further action required.

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 calendar days of receipt of this decision.

APPENDICES

- 1. Complaint**
 - 2. Response from Advertiser**
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Appendix 1

COMPLAINT

Name of Complainant: Direct Action Everywhere New Zealand (DxE NZ).

Name of Respondent: New Zealand Pork

Nature of advertisement: Corporate website.
<https://www.nzpork.co.nz/pigcare/pigcare-accredited-pork/>

Nature of complaint: Breach of Rule 2 (b) of the Advertising Standards Code
 Rule 2(b) of Advertising standards code
 "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."
 The New Zealand Pork Board 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:

NZ PORK BOARD CLAIM

"Fresh New Zealand pork comes from 'finisher' pigs that have been reared in a social environment in group housing systems. No commercially raised fresh pork in New Zealand comes from pigs that have been raised in crates or stalls."

DXENZ RESPONSE Technically true, but misleading. The Code of Welfare for Pigs allows sows to be confined in farrowing crates, and it allows sows to be confined in stalls for 7 days in their pregnancy cycle.

This means that while the pig flesh that one buys has not come from pigs in crates or stalls, the mother of that pig is very likely to have been raised in a stall or crate. Confinement in stalls and crates is aversive and leads to stereotypical behaviour [1]. The The National Animal Welfare Advisory Committee (NAWAC) only allows farrowing crates as a compromise measure. In their notes on the Code of Welfare for Pigs, NAWAC express their desire that farrowing crates should not be used at all.

PORK BOARD CLAIM

"Gestation stalls are banned in New Zealand but pork is imported from many countries that still use them to house pregnant sows."

DXENZ RESPONSE Totally untrue. Minimum Standard no. 11 of the Code of Welfare for Pigs allows pigs to be kept in stalls for 7 days in each cycle for mating purposes. The use of sow stalls compromises welfare.

PORK BOARD CLAIM

"New Zealand pigs are not castrated and some countries that import pork into New Zealand are allowed to castrate piglets without pain relief, which is illegal here "

DXENZ RESPONSE Totally untrue. Minimum standard 16 of the Pig Code of Welfare allows castration, including surgical castration. In addition, tail docking, teeth clipping or grinding, and insertion of nose rings can be applied legally without pain relief.

PORK BOARD CLAIM New Zealand pig farmers can demonstrate high on-farm animal welfare standards through the PigCare™ certification programme.

DXENZ RESPONSE This is untrue. Sow stalls (for 7 days), farrowing crates, surgical castration and mutilations are all allowed under New Zealand law.

Relief sought Immediate removal and retraction of the offending statements, and any other statements or photographs that either state directly or imply that New Zealand raised pigs have high standards of welfare.

References: [1] Weaver, S.A. and Morris, M.C. (2004). Science, pigs and politics: a New Zealand perspective on the banning of sow stalls. *Journal of Agricultural and Environmental Ethics* 17, 51-66.

Appendix 2

RESPONSE FROM ADVERTISER, NZPORK

Thank you for the opportunity to respond to the complaints you have received on NZPork's website coverage in respect of New Zealand pig farmers' animal welfare standards and practices.

NZPork (the operating name of the New Zealand Pork Industry Board) is a statutory body established under the Pork Industry Board Act 1997. Its object is to represent the interests of commercial pig farmers to support a sustainable future for the industry.

Among other things, NZPork has facilitated the development and implementation of the PigCare™ animal welfare assurance programme. PigCare™ is an independently managed and expertly verified assurance programme that has continued to evolve since its inception in 2010. It provides an assurance of animal welfare of New Zealand farmed pigs to consumers and society. It now covers more than 95% of New Zealand's commercial pork production and is the only whole of industry welfare assurance programme in New Zealand.

More details are provided on NZPork's website (www.nzpork.co.nz/pigcare). This also draws some comparisons to animal welfare standards in other countries, which provide around 60% of pork offered for sale in New Zealand.

Fundamentally, NZPork stands by the information provided on its website, including the webpage referred to by the complaint, attached to this letter. This webpage remains on our website, with the addition of three small clarifications (covered below): refer <https://www.nzpork.co.nz/pigcare/pigcare-accredited-pork/> In response to the specific elements of the complaints that have been made:

Complaint 1:

"Fresh New Zealand pork comes from 'finisher' pigs that have been reared in a social environment in group housing systems. No commercially raised fresh pork in New Zealand comes from pigs that have been raised in crates or stalls."

This is true and is not misleading.

'Finisher' is defined in the Pigs Code of Welfare (2018) Schedule 1 – Interpretation and Definitions (p 34) as: Pigs that are generally 70kg liveweight, until they are sold or retained for breeding. The same meaning applies for pigs referred to as "finishing".

Furthermore, the paragraph following this one on the NZPork website states: "However some of the processed pork products you eat (for example, small goods such as sausages and salamis) will have come from breeding stock. Depending on the farming system used, some of these animals may have spent time in farrowing pens with crates".

It is possible that some breeding stock may also be housed in mating stalls for up to 7 days twice a year, or for up to 4% of their adult life on an annual basis. We have now added this clarification to the paragraph above on our website.

That is, the paragraph now reads: "However some of the processed pork products you eat (for example, small goods such as sausages and salamis) will have come from breeding stock. Depending on the farming system used, some of these animals may have spent time in farrowing pens with crates **and /or mating stalls**".

Complaint 2:

"Gestation stalls are banned in New Zealand but pork is imported from many countries that still use them to house pregnant sows."

This is true.

In New Zealand stalls are prohibited for any purpose other than mating. They are not permitted for **gestation**: refer regulation 27 of the Animal Welfare (Care and Procedures) Regulations 2018.

Under regulation 27, **mating stalls** are permitted for up to 7 days per reproductive cycle. We have now added this clarification which as per above might account for up to 4% of the year for some sows.

That is, the wording now reads: "Gestation stalls are banned in New Zealand but pork is imported from many countries that still use them to house pregnant sows. **Some sows in New Zealand may be housed in mating stalls for up to 7 days per reproductive cycle**".

Complaint 3:

"New Zealand pigs are not castrated and some countries that import pork into New Zealand are allowed to castrate piglets without pain relief, which is illegal here "

It is illegal in NZ to surgically castrate pigs without pain relief. Refer Minimum Standard 16 of the Pigs Code of Welfare 2018 and Regulation 55 of the Animal Welfare (Care and Procedures) Regulations 2018 which permit surgical castration in pigs ONLY if performed by a veterinarian (or a vet student under the direct supervision of a veterinarian) and pain relief MUST be provided.

At least 95% of commercially farmed pigs (confirmed by PigCare™ audit) are not surgically castrated.

That is, the wording now reads: "**Pigs from PigCare™ certified farms are not castrated. At least 95% of New Zealand's commercially farmed pigs are from PigCare™ certified farms.** Some countries that import pork into New Zealand are allowed to castrate piglets without pain relief, which is illegal here."

Complaint 4:

"New Zealand pig farmers can demonstrate high on-farm animal welfare standards through the PigCare™ certification programme."

This is true.

Over 60% of pork consumed by New Zealanders is imported, and no country providing imports meets New Zealand's welfare standards in all respects. New Zealand pig farmers demonstrate commitment to providing an assurance of New Zealand's high animal welfare standards (the standards in the Pigs Code of Welfare 2018 and the Animal Welfare (Care and Procedures) Regulations 2018) through the PigCare™ certification programme. PigCare™ also covers a wide range of elements including the farm buildings and facilities, stockmanship, management, and husbandry practices, as these factors support the ability of the farm to provide for welfare.

NZPork is committed to being open and transparent in its advertising and promotional activities. We are happy to make these clarifications and trust the ASA Complaints Board will be satisfied with this remedial action.