

<b>COMPLAINT NUMBER</b>	20/086
<b>COMPLAINT ON BEHALF OF</b>	Direct Action Everywhere New Zealand (DxE NZ)
<b>ADVERTISER</b>	SPCA
<b>ADVERTISEMENT</b>	SPCA website
<b>DATE OF MEETING</b>	21 April 2020
<b>OUTCOME</b>	Not Upheld No further action required

### **Summary of the Complaints Board Decision**

The Complaints Board did not uphold a complaint about the website advertisement for the SPCA Blue Tick standard. The Complaints Board said the Advertiser has substantiated the claims that farms with the SPCA Blue Tick maintain standards that go beyond what is mandated in the Codes of Welfare.

### **Description of Advertisement**

The SPCA Blue Tick is given to egg and meat products that have been farmed to SPCA standards. The website advertisement for the SPCA tells the consumer to “Feel good about high animal welfare”. A video about Farmer Dave shows Dave’s chickens walking on the grass outside their enclosure.

### **Summary of the Complaint**

The Complainant was concerned the advertisement made misleading claims about the standard of animal welfare at SPCA Blue Tick farms.

### **Issues Raised:**

- Truthful presentation

### **Summary of the Advertiser’s Response**

The Advertiser defended the advertisement. The Advertiser acknowledged the challenges in farming conventional chicken breeds but said at present, slower growing breeds are not commercially available in New Zealand.

The Advertiser said the SPCA has developed science-based standards that go beyond what is mandated in the Codes of Welfare, in order to deliver better welfare outcomes for the meat chicken breeds that are currently farmed in New Zealand.

## 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.

### Relevant precedent decision

In considering this complaint the Complaints Board referred to a precedent decision, Decision 20/087, which was Not Upheld.

The full version of this decision can be found on the ASA website:

<https://www.asa.co.nz/decisions/>

**Decision 20/087** concerned a website advertisement for Inghams Waitoa free range chicken. The Complaints Board noted the Complainant's concerns stemmed from the particular genetic make-up of the breeds used for chicken meat production and what the Complainant considered to be failures in the current animal welfare code and an animal welfare accreditation scheme in New Zealand. The Complaints Board confirmed these matters are outside its jurisdiction.

The Complaints Board said the statements describing how Inghams Waitoa free range chickens are farmed to the high animal welfare standards associated with the SPCA Blue Tick were not misleading.

### Complaints Board Discussion

#### *Consumer Takeout*

The Complaints Board agreed the consumer takeout of the advertisement was consumers can feel good about buying products with the SPCA Blue Tick. The SPCA Blue Tick is given to egg and meat products that have been farmed to SPCA standards. The standards focus on access to an outdoor area with shade, shelter, natural light, appropriately trained staff and a relatively low stocking density.

#### *Certain Matters outside Jurisdiction*

The Complaints Board referred to precedent Decision 20/087, which was made by the same Complainant, and is directly relevant to this Complaint. The Board said in both complaints the Complainant's concerns about the genetic make-up of the breeds used for chicken meat production, and what the Complainant considered to be failures in the current animal welfare code and accreditation scheme in New Zealand, were outside its jurisdiction.

#### *Is the advertisement misleading?*

The Complaints Board said the advertisement was not misleading. The Complaints Board said the Advertiser has substantiated the claims that farms with the SPCA Blue Tick maintain standards that go beyond what is mandated in the Codes of Welfare.

The Complaints Board noted the Advertiser had acknowledged the challenges in farming conventional chicken breeds but at present, slower growing breeds are not commercially available in New Zealand.

The Complaints Board said taking into account context, medium, audience and product the advertisement 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](http://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
- 

### Appendix 1

#### COMPLAINT

**Nature of advertisement:** Corporate website. ([www.spcabluetick.co.nz](http://www.spcabluetick.co.nz))

**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 la knowledge. This includes by implication, inaccuracy, ambiguity, exaggeration, unrealistic claim, omission, false representation or otherwise.”

SPCA Blue Tick have made claims about their commitment to animal welfare in broiler chickens that are false and/or misleading

In particular, we refer to the following:

SPCA BLUE TICK CLAIMS 1 (attached advertisement, top) [spcabluetick.org.nz](http://spcabluetick.org.nz)

‘GO SPCA Blue Tick. Feel good about high animal welfare’ (tab at top) “Feel good about baking, brunch and BBQs Feel even better about animal welfare”

SPCA BLUE TICK CLAIMS 2 (attached advertisement, bottom) [spcabluetick.org.nz/Go-SPCA-Blue-Tick](http://spcabluetick.org.nz/Go-SPCA-Blue-Tick) “Feel good about high animal welfare”

SPCA BLUE TICK CLAIMS 3 (attached screen shot of embedded YouTube video, linked from [spcabluecick.org.nz/Go-SPCA-Blue-Tick](http://spcabluecick.org.nz/Go-SPCA-Blue-Tick),

to [https://www.youtube.com/watch?time\\_continue=77&v=3b15eByylzM&feature=emb\\_title](https://www.youtube.com/watch?time_continue=77&v=3b15eByylzM&feature=emb_title)).

This shows a free range broiler chicken farm, with shots of chickens running around. The following commentary can be heard. Dave (farmer): “ ... allows the birds to display natural behaviours ... high animal welfare standard ... birds able to do what birds do ... (0:16-0:24). Anja Dale: (self-introduced as ‘Dr Anja Dale, Chief Scientific Officer’ at SPCA Blue Tick), “ ... evidence-based system ...” (1:04)

#### DxENZ RESPONSE

In the claims above, the SPCA are making statements about the welfare of all their Blue-tick accredited farms in which it is stated or implied that the animals have ‘high animal welfare standards’, and that the public can eat them with a clear conscience. introducing a scientist into the advertising mix, with her rhetoric of ‘evidence based systems’, this implies that the Blue T provides animals with a scientifically-proven high animal welfare standard.

DXE maintains that this is false and misleading, when applied to broiler chicken production, and to the Blue Tick chickens. The public are being deceived into paying a higher price for so-called ‘high welfare’ chickens that are only marginally better off than the non-certified alternatives.

The term ‘High welfare’ as the public generally understands it, means that animals are not suffering during the time they are reared. Animals are supposed to be able to enjoy the “Five Freedoms” below.

1. Freedom from hunger or thirst 2. Freedom from discomfort 3. Freedom from pain, injury or disease 4. Freedom to express normal behaviour 5. Freedom from fear and distress

These were adopted by the 1979 UK Farm Animal Welfare Council following the publication of Ruth Harrison's *Animal Mac* 1964, an expose of factory farming. They therefore have regulatory status and are also supposed to be adhered to under the New Zealand Animal Welfare Act (sections 4 and 10).

It is the fourth of these freedoms that Farmer Dave is referring to in the video.

To some extent improving husbandry techniques for layer hens and large mammals can assist producers in achieving the Five Freedoms [1].

This is not the case for broiler chickens, where the welfare issues are a direct result of genetics, not husbandry.

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. All commercial chicken producers in New Zealand, including free range and organic producers, use the Ross and Cobb breeds. These are genetically selected to be top heavy and fast growing, so they can come to maturity in 6 weeks [2].

World wide studies have shown that lameness is a welfare issue 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 [3].

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 [4].

Other issues directly arising from the top heavy Ross and Cobb 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 bone pain when being slaughtered [2,3].

Since chicken welfare compromises are problems with genetics, they cannot be mitigated by giving the birds more space or by other rearing conditions. "Organic" and "Free range" meat chickens use the same top-heavy and fast growing breeds. Their suffering is just as intense [2,3].

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

The Blue tick standard for broiler chickens does not require the use of slower growing breeds [6]. This means that the chickens in this system show the same conditions of lameness, skeletal deformities, ascites and hunger as any non-accredited bird. To put this into terms we can all understand, if you have a broken leg, feel constantly hungry and have pains in your chest from your heart working overtime, it would make very little difference to you whether you are suffering on litter close to your other suffering comrades, or if you are suffering in a relatively isolated spot of grass.

In conclusion, hens that are in continual pain from skeletal deformities, including lameness, cannot be described as having 'high welfare'. They do not meet any of the 'Five Freedoms' required in sections 4 and 10 of the Animal Welfare Act. Claims of high welfare are therefore false and misleading.

The suffering caused by genetic selection of fast breeds is supported by peer reviewed science from experts in the field [2 claims that the SPCA Blue Tick accreditation is 'evidence based' is therefore false and misleading.

#### Relief sought

The best remedy would be for the Blue Tick accreditation to include a requirement that slower growing breeds such as the Label Rouge be used, since these do not suffer from the same deformities [6]. Until this is put in place, all Blue Tick accreditation of broiler farms needs to be withdrawn, and all the offending statements concerning the Blue Tick accreditation for broiler chickens needs to be removed. DXE notified SPCA of their concerns on 25th January. A representative finally got back to us one hour before the deadline we of 11 February at 5pm, but made no attempt to remedy the situation.

#### References:

- [1] Weaver, S.A. and Morris, M.C. (2004). Science, pigs and politics: a New Zealand perspective on the banning of sow stalls. of Agricultural and Environmental Ethics 17, 51-66.
- Morris, M.C. (2006) The ethics and politics of the layer hen debate in New Zealand. Journal of Agricultural and Environmental Ethics 19,495-514
- [2] K.M. Hartcher & H.K. Lum (2019) Genetic selection of broilers and welfare consequences: a review, World's Poultry Science Journal, DOI: 10.1080/00439339.2019.1680025
- Morris, M.C. (2009). The ethics and politics of animal welfare in New Zealand. Broiler chicken production as a case study. Jo Agricultural and Environmental Ethics 22, 15-30.
- [3] 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 produ Welfare, 12, 677–683.
- [4] Bagshaw, C. S., Matthews, L. R., & Rogers, A. (2006). Key indicators of poultry welfare in New Zealand. Unpublished clien to MAF policy.
- [5] Webster, J. (2004). Animal welfare: A cool eye towards Eden. Oxford: Blackwell.
- [6] The Welfare Standards for Free Range Poultry, covering broiler chickens, can be found at [http://spcabluetick.org.nz/Portals/0/Documents/SPCA%20Blue%20Tick%20Free%20Range%20Chicken%20Standards.pdf?ver=2015\\_11-07-062634-987](http://spcabluetick.org.nz/Portals/0/Documents/SPCA%20Blue%20Tick%20Free%20Range%20Chicken%20Standards.pdf?ver=2015_11-07-062634-987)

## Appendix 2

### RESPONSE FROM ADVERTISER, SPCA

Email from the Advertiser:

Attached, in both PDF and Word versions, is the official SPCA response to the complaint against the Blue Tick website made by Direct Action Everywhere New Zealand. I note from the original complaint that copies of the relevant files were already provided to you, so have not attached them here.

I have, however, attached full copies of the references used in our response, with the relevant sections highlighted, as *per* ASA guidelines. I hope that they are useful, noting that they are just a sample of the current literature on meat chicken welfare, rather than the sum of all knowledge on the subject.

Letter from the Advertiser:

Thank you for your letter of 10 March 2020, alerting SPCA to the complaint made by [...] Direct Action Everywhere New Zealand. As an organisation dedicated to the protection of all animals and the advancement of animal welfare for over one hundred years, SPCA is deeply concerned by the allegations made by Direct Action Everywhere New Zealand and wishes to defend the complaint.

Direct Action Everywhere New Zealand alleges that SPCA has lied about its commitment to animal welfare and has made false/misleading claims on its Blue Tick website, because it does not require the use of slower growing breeds of meat chicken, which have fewer animal welfare problems than conventional breeds.

SPCA does not contest the fact that conventional meat chicken breeds face welfare challenges and that genetics plays a major role in contributing to those challenges. However, at this point in time, slower growing breeds are not commercially available in New Zealand, so requiring their use in its Blue Tick certification programme is impractical. Instead, SPCA has focused its efforts on developing science based standards that go beyond what is mandated in Codes of Welfare, in order to deliver better welfare outcomes for those meat chickens that we do have in New Zealand.

SPCA's standards are focused on giving meat chickens access to an outdoor area with shade and shelter. The general consensus among researchers is that this is highly beneficial to the welfare of the birds, both in terms of being able to express normal/natural behaviours and in improving leg health (Chen 2013, Dawkins *et al.* 2003, El-Deek & El-Sabrouh 2019, Hellstrom 2011\*, Nicol *et al.* 2017, Sossidu *et al.* 2011, Taylor *et al.* 2017, 2020).

Outdoor access also exposes meat chickens to natural light, which has been proposed as the single biggest factor, besides genetics, to improve their welfare (Anon 2017).

Meat chickens farmed in accordance with SPCA's Blue Tick standards must be cared for by appropriately trained people, which has been shown to have a beneficial impact on welfare (Nicol *et al.* 2017, Sossidu *et al.* 2011). Furthermore, they must be kept at a relatively low stocking density, which, while not being considered of major importance from the bird's perspective (Anon 2017, Dawkins 2004, Nicol *et al.* 2017), nonetheless gives them more room to move around and interact with their flock mates than birds kept in conventional indoor systems.

When taken together, the scientific evidence shows that meat chickens with outdoor access have a better level of welfare than their indoor counterparts. Therefore, SPCA does not believe that it has misled consumers with regard to the claims made on the Blue Tick website and looks forward to hearing the Complaints Board's decision on this matter.

In the meantime, SPCA will continue to advocate for the introduction of slower growing meat chicken breeds in New Zealand and will be the first to celebrate them, when they finally arrive.

## References

---

\* See page 7, which states that, based on the Bagshaw *et al.* 2006 study, leg health was better in New Zealand than European meat chickens.

Anon, (2017). European Broiler Ask – A review of relevant peer reviewed literature. 1-32. FAI Farms Ltd, UK.

Chen, X., Jiang, W., Tan, H. Z., Xu, G. F., Zhang, X. B., Wei, S. & Wang, X. Q. (2013). Effects of outdoor access on growth performance, carcass composition and meat characteristics of broiler chickens, *Poultry Science*, *92*, 435-443.

Dawkins, M. S., Cook, P. A., Whittingham, M. J., Mansell, K. A., & Harper, A. E. (2003). What makes free-range broiler chickens range? In situ measurement of habitat preference. *Animal Behaviour*, *66*(1), 151–160.

Dawkins, M. S., Donnelly, C. A., & Jones, T. A. (2004). Chicken welfare is influenced more by housing conditions than by stocking density. *Nature*, *427*(6972), 342–344.

El-Deek, A. & El-Sabrou, K. (2019). Behaviour and meat quality of chickens under different housing systems. *World's Poultry Science Journal*, *75*, 105-114.

Hellstrom, J. (2011). *Animal Welfare ( Meat Chickens ) Code of Welfare Report*. 1–11.

Nicol, C. J., Bouwsema, J., Caplen, G., Davies, A. C., Hockenhull, J., Lambton, S. L., Lines, J. A., Mullan, S., & Weeks, C. A. (2017). *Farmed Bird Welfare Science Review*. 1-321, Agriculture Victoria, Australia.

Sossidou, E. N., Dal Bosco, A., Elson, H. A. & Fontes C. M. G. A. (2011). Pasture-based systems for poultry production: implications and perspectives. *World's Poultry Science Journal*, *67*, 47-58.

Taylor, P. S., Hemsworth, P. H., Groves, P. J., Gebhardt-Henrich, S. G., & Rault, J. L. (2017). Ranging behaviour of commercial free-range broiler chickens 1: Factors related to flock variability. *Animals*, *7*(7), 1–14.

Taylor, P. S., Hemsworth, P. H., Groves, P. J., Gebhardt-Henrich, S. G., & Rault, J. L. (2020). Frequent range visits further from the shed relate positively to free-range broiler chicken welfare. *Animals*, *14*(1), 138-149.