

COMPLAINT NUMBER	20/082
COMPLAINT ON BEHALF OF	Direct Action Everywhere New Zealand (DxE NZ)
ADVERTISER	Turk's Poultry Farm Ltd
ADVERTISEMENT	Turks, Website
DATE OF MEETING	26 May 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 advertisement for Turk's Poultry Farm. The Board said the Advertiser had substantiated the claims about animal welfare made in the advertisement. This is because Turk's farms are independently audited by AsureQuality to ensure they meet or exceed the New Zealand Animal Code of Welfare minimum standards.

Description of Advertisement

The Turk's website advertisement contains the following 3 statements:

1. "As responsible food producers, we wholeheartedly believe that what we put in is what we'll get out; the welfare of our chickens is top priority ..."
2. "We ensure our farms adhere to the 'Five Freedoms' of animal welfare"
 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
3. "All our farms are independently audited to ensure they meet the requirements of the New Zealand Animal Codes of Welfare and Biosecurity."

Summary of the Complaint

The Complainant is concerned the 3 statements are misleading. This is because 38% of meat chickens suffer from lameness. The Cobb and Ross bird used in the industry is bred to be top heavy and fast growing. They also have other genetic issues. The Complainant said the Codes of Welfare ignore the Five Freedoms of animal welfare by not restricting what breeds can be used, making the Codes flawed.

Issues Raised:

- Truthful Presentation

Summary of the Advertiser's Response

The Advertiser defended the advertisement. The Advertiser said Turk's adhere to the Meat Chicken Code of Welfare 2018, developed by the National Animal Welfare Advisory Committee (NAWAC), which considered all welfare science and did not find the lameness issue. Turk's is independently audited by AsureQuality to ensure that it meets or exceeds the NZ Animal Code of Welfare minimum standards.

If the Complainant has a critical view of the Code of Welfare, this concern should be addressed to the authorities that govern these, rather than companies like Turk's who comply with those regulations.

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 decisions

In considering this complaint the Complaints Board referred to two precedent decisions, Decision 20/087 and 20/075, both of which were Not Upheld.

The full versions of decisions since 2015 can be found on the ASA website:

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

Decision 20/087 concerned a website advertisement for Waitoa free range chicken. The Complainant was concerned the advertisement was making the following misleading claims:

- Claims of healthy chickens were incorrect as meat chickens are top heavy Ross & Cobb breeds which often have skeletal lameness and heart issues.
- Claims the birds are thriving when they are lame, in pain and constantly hungry are untrue.
- The Blue Tick certification does not provide assurance the birds are not in pain as it allows the fast-growing breeds to be used so is therefore no guarantee.

The Complaints Board said the claims made in the advertisement were not misleading and the statements had been substantiated. Decision 20/087 was appealed by the Complainant but dismissed by the Appeal Board who confirmed the Advertising Standards Authority's stance that it was not an arbiter of scientific fact nor was it within its jurisdiction to verify the efficacy of standards made by an independent body such as the SPCA Blue Tick accreditation certification.

Decision 20/075 concerned an advertisement for Tegel Chicken which promoted its commitment to animal welfare. The Complaints Board said the Advertiser had substantiated the claims about animal welfare made in the advertisement. This is because Tegel farms are independently audited by AsureQuality to ensure they meet or exceed the New Zealand Animal Code of Welfare minimum standards.

The Complaints Board said the claims made in the advertisement were not misleading and the statements had been substantiated. Decision 20/075 was appealed by the Complainant but dismissed by the Appeal Board for the same reasons as Decision 20/087.

Complaints Board Discussion

Consumer Takeout

The Complaints Board agreed the likely consumer takeout of the advertisement is Turk's Poultry Farms make chicken welfare a priority, are subject to the New Zealand animal welfare standards and independently audited by AsureQuality.

Relevant Precedent Decisions

The Complaints Board referred to precedent decisions, 20/087 and 20/075, and said they apply directly to this complaint.

The Complaints Board said the Complainant's concerns about this advertising also stemmed from the particular genetic make-up of the breeds used for chicken meat production, and what the Complainant considers to be failures in the current Animal Welfare Codes and animal welfare accreditation scheme in New Zealand.

The Complaints Board confirmed these matters are outside its jurisdiction. Its role is to consider the likely consumer takeout of an advertisement, taking into account context, medium, audience and product.

Is the advertisement misleading?

The Complaints Board reviewed each of the three statements in the advertisement in turn to consider whether the advertisement was misleading.

Statement One:

"As responsible food producers, we wholeheartedly believe that what we put in is what we'll get out; the welfare of our chickens is top priority"

The Complaints Board said this statement was not misleading. The Board said the claim is Turks ensures the welfare of chickens is their key priority and the quality of the end product is proof of this. The Complaints Board agreed the Advertiser had substantiated the claim because Turk's farms are independently audited by AsureQuality to ensure they meet or exceed the New Zealand Animal Code of Welfare minimum standards.

Statement Two

"We ensure our farms adhere to the 'Five Freedoms' of animal welfare"

The Complaints Board said this statement was not misleading. The Board said the Advertiser had substantiated the above claim because the Codes of Welfare are designed to meet the Five Freedoms and Turk's farms are independently audited by AsureQuality to ensure they meet the Codes of Welfare.

Statement Three

"All our farms are independently audited to ensure they meet the requirements of the New Zealand Animal Codes of Welfare and Biosecurity."

The Complaints Board said this statement was not misleading. The Board said the Advertiser was meeting or surpassing the requirements dictated by current New Zealand's animal welfare standards. The Complaints Board reiterated that rather than any individual claims made in the advertisement, the Complainant appeared to have fundamental concerns based on perceived flaws in the overall welfare standards under which the poultry industry is held to account in New Zealand.

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

Nature of advertisement: Corporate website. (<https://turks.co.nz/our-free-range-farms-faq/>)

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.”

Turks have made claims that are blatantly untrue, and others which are technically true, but are misleading.

In particular, we refer to the following claims from their website

<https://turks.co.nz/our-free-range-farms-faq/>

TURKS CLAIM 1 – FALSE

“As responsible food producers, we wholeheartedly believe that what we put in is what we’ll get out; the welfare of our chickens is top priority ...

DXE RESPONSE

False: Welfare of chickens is not top priority.

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 Cobb breed that Turks admit they use 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 fast growing Cobb and Ross 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. A government report found that 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 [1].

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, 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. [4]”

In conclusion, any claim that Turks show any concern at all for animal welfare ' is blatantly false.

TURK'S CLAIM 2: FALSE

We ensure our farms adhere to the 'Five Freedoms' of animal welfare

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

DXENZ RESPONSE

The Five Freedoms described above were adopted by the 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 however often ignore these in favour of increasing production [5].

Cobb birds, including free range birds, are lame, hungry and overweight (see above). Any claims that chickens have freedom from hunger and thirst; freedom from discomfort; freedom from pain injury and disease; and freedom from fear and distress, are blatantly false.

Chickens also have no freedom to express normal patterns of behaviour. The Code of Welfare for Mat 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 ground can express none of these behaviours.

In conclusion, any claim that Turks adhere to the Five Freedoms is totally untrue. None of the Five Freedoms are adhered to.

TURKS CLAIM 3: MISLEADING

All our farms are independently audited to ensure they meet the requirements of the New Zealand Animal Codes of Welfare and Biosecurity.

This may or may not be true. However, it is misleading. The Code of Welfare places no restrictions on the breeds used. This means it is not concerned with disorders, lameness and other suffering associated with the choice of fast-growing top heavy genetic stock such as the Cobb breeds used by Turks.

Turks emphasise the free range nature of their birds, but because the disorders associated with chicken production are inherent in the top heavy breeds used, husbandry conditions have very little effect. Free range birds suffer in the same way as barn raised ones.

Any statement that Turks complies with a flawed Code of Welfare or that it is independently audited to ensure compliance with this flawed Code is misleading the public into believing the chickens are well looked after, when their lives and deaths are nothing but misery.

The public are furthermore being misled into paying more for 'free range' chickens under the erroneous impression that these birds were happier when they were alive.

Relief sought

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

References:

[1] 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

[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] Webster, J. (2004). *Animal welfare: A cool eye towards Eden*. Oxford: Blackwell

[5] Morris, M.C. (2011). The use of animals in New Zealand: regulation and practice. *Society and Animals* 19, 366-380.

Appendix 2

RESPONSE FROM ADVERTISER, TURK'S POULTRY FARM LTD

We wish to defend this complaint. Our rebuttal of the DxE's three claims are as follows:

1.DxE CLAIM

"In conclusion, any claim that Turk's show any concern at all for animal welfare is blatantly false."

TURKS RESPONSE

Welfare of chicken is top priority – Turks adhere to the Meat Chicken Code of Welfare 2018 developed by NAWAC. The development process of the Code includes consideration of all welfare science including the Government report referred to which did not find the lameness findings referred to in the complaint. Turks undertake internal welfare auditing and also contract NZ's leading agricultural auditing external organisation, i.e. AsureQuality to undertake welfare audits. This shows their commitment to the welfare of their chickens.

2.DxE CLAIM

"In conclusion, any claim that Turks adhere to the Five Freedoms is totally untrue. None of the Five Freedoms are adhered to."

TURKS RESPONSE

Five Freedoms – the complaints are entirely subjective. The Codes of Welfare are designed explicitly to meet the Five Freedoms, and all are met by the NZ meat chicken industry including Turks.

3. DeX CLAIM: Misleading

TURKS RESPONSE

Misleading – Turks undertakes independent auditing by AsureQuality. The complainant has a critical view of the Code of Welfare that he can take up with NAWAC but cannot sustain his complaint that Turks are misleading in their advertising.

Additional Information:

Attached is a copy of the Code of Welfare: Meat Chicken, October 2018.
Please feel free to contact me if you require any further information.