



Rose Acre Wins \$6 Million Federal Judgment

A judge has sided with Rose Acre Farms in its 12-year dispute with the federal government over food safety regulations. Judge Bohdan Futey with the U.S. Court of Federal Claims in Washington ordered the government to pay \$6.1 million, plus 12 year's interest to Rose Acre. The judge said the government must compensate the family-owned business for losses tied to regulations to prevent poisoning from salmonella.

"The court concludes the regulations were misguided because they relied on ineffective testing methods," said Futey.

The government claimed they traced salmonella outbreaks in three states in 1990 to eggs from three of Rose Acre's Indiana farms. Regulators refused to allow the company to sell eggs in the shell from the farms, thereby forcing the company to divert eggs into lower-priced breaking markets.

The judge said the government never tested any Rose Acre eggs for salmonella during or after the outbreaks. Therefore, regulators could not be sure whether the bacteria were present when the eggs were shipped, or if salmonella was introduced elsewhere.

Egg Beaters Introduces Bold Flavor at Breakfast

Americans now more than ever are demanding foods with more flavor that are both healthy and convenient. ConAgra Foods answers this consumer demand with new Egg Beaters® Garden Vegetable and Southwestern varieties.

Using a patented process, new Egg Beaters Garden Vegetable and Southwestern varieties represent a category breakthrough. Made with real eggs, real vegetables and just the right blend of seasonings, these convenient, ready-to-heat refrigerated egg products provide great taste consumers want.

New Egg Beaters Garden Vegetable is made with real eggs, a blend of crisp green and red peppers, celery, flavorful onions, and just the right blend of herbs and seasonings for a quick and delicious omelet or scrambled egg dish. New Egg Beaters Southwestern offers bolder flavor with a combination of real eggs, green and red peppers, zesty onions, flavorful chillies and authentic Southwestern spices for breakfast burritos and omelets.

UEP Animal Care Certification Logo

Consumers and retailers concerned about animal welfare can now easily spot eggs produced using the United Egg Producers (UEP) new animal care guidelines. The UEP has unveiled a new certification logo that will appear on egg cartons from farms that adhere to new animal care guidelines announced in June. Egg producers representing more than 200 million layers or 80 percent of the industry have already signed on to participate in the program.

Participating producers will be audited yearly through an independent certification program to ensure the new standards are being met.

"Since June, we have been overwhelmed by calls from consumers, retailers and restaurants wanting to know how they can get eggs from certified farms. This new certification logo makes it easy," said Ken Klippen, vice president of the United Egg Producers.

The Food Marketing Institute and National Council of Chain Restaurants announced the UEP guidelines as part of a comprehensive animal welfare program that included several meat-related industries in June. The UEP guidelines are based on recommendations from an independent scientific advisory committee commissioned in 1999 to review the treatment of egg-producing hens. The committee included representatives from the USDA, scientists, U.S. Humane Association and academics.

The guidelines place top priority on the comfort, health and safety of the chickens, and include:

- Increased cage space per hen, which is being phased in to avoid market disruptions;
- Standards for molting procedures based on the most current, verified scientific studies;
- Standards for trimming of chicks' beaks, when necessary, to avoid pecking and cannibalism;
- Maintaining constant supply of fresh feed, water and air ventilation throughout the chicken house, and monitoring for ammonia;
- Standards for daily inspection of each bird as well as proper handling and transportation;
- Availability of a new training video to instruct producer staffs on the proper handling of chickens to avoid injury to the animals.

See UEP... on page 3



If Those Were Dogs and Cats in Cages...

By Charles Olentine

No issue poses greater challenges to the egg industry than that of animal welfare. Singled out as the epitome of factory farming, it is an easy target for those wanting to paint the issue with emotional strokes. Production practices such as cage density, molting, beak trimming and air quality are just a few of the topics receiving considerable attention by the media. Add to that the recent trend for food retailers to impose guidelines on animal production practices and the recent trends in European regulation, and there is plenty of reason for concern.

Last year *Egg Industry* magazine held a Summit on welfare issues as they relate to the commercial layer industry. It brought together over 110 attendees representing all ideologies and agendas. Probably no one was converted in the discussions, but it did bring a divergence of thoughts and provided the industry an exposure to representatives of organizations that actively seek change in the way birds are raised and used.

Egg Industry recently sat down with two of those activists who attended the Summit and also with two representatives of national broadbased organizations who are active in the welfare arena. Paul Shapiro, Vice President for Compassion Over Killing (COK), and Karen Davis, founder of United Poultry Concerns (UPC), attended last year's Summit. Representing the Humane Society of the United States (HSUS) for this article were Dr. Michael Appleby, Vice President for Farm Animals and Sustainable Agriculture, and Wayne Pacelle, Senior Vice President. To provide the PETA perspective, we met with Bruce Friedrich, Director of Vegan Outreach.

To set the stage, one needs to differentiate between the concepts of animal welfare versus animal rights. While it might seem an easy thing to do, the more one evaluates the differences, the more complicated it gets. One thing is for certain. Those who label themselves advocates of animal rights are very focused on their cause.

From the PETA perspective, "Animal rights means that animals deserve certain kinds of consideration—consideration of what is in their own best interests regardless of whether they are cute, useful to humans, or an endangered species and regardless of whether any human cares about them at all (just as a mentally-challenged human has rights even if he or she is not cute or useful or even if everyone dislikes him or her). It means recognizing that animals are not ours to use—for food, clothing, entertainment, or experimentation.

"Animal welfare theories accept that animals have interests but allow these interests to be traded away as long as there are some human benefits that are thought to justify that sacrifice.

"Animal rights means that animals, like humans, have interests that cannot be sacrificed or traded away just because it might benefit others. However, the rights position does not hold that rights are absolute; an animal's rights, just like those of humans, must be limited, and rights can certainly conflict."

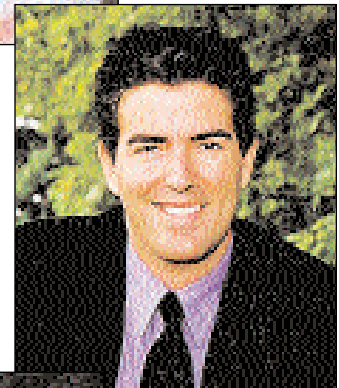
Bruce Friedrich (PETA) adds another perspective. "Chickens are a bit harder for most people to empathize with, but the fact is chickens have individualities, every bit as much as cats or dogs. They



Bruce Friedrich is Director of Vegan Outreach for PETA.



Dr. Michael Appleby, Vice President, Farm Animal and Sustainable Agriculture, HSUS was Senior Lecturer in Applied Ethology at the University of Edinburgh prior to coming to HSUS.



Wayne Pacelle is Senior Vice President for HSUS focusing on Communications and Government Affairs.



Karen Davis, founder of United Poultry Concerns, operates a poultry sanctuary located in eastern Maryland.



Paul Shapiro is Vice President for Compassion Over Killing (COK).

Welfare and the Egg Industry

are as intelligent, as interesting. It goes all the way back to the Bible, the concept of a hen's love for her brood, the social relationships that are codified in the concept of the pecking order. When I go into a battery shed or see the videos of them, I see all of these hens in these cages and think about the degree to which there would be a societal outrage that if those were cats or dogs in those cages. There is no difference, morally speaking. I really wonder how anybody can justify supporting that degree of suffering, that degree of denial of everything these animals were created to do; everything that is natural to these animals. It is animal cruelty and it doesn't strike me that it is ever acceptable."

Shapiro (COK) explains, "All animal rights advocates agree that our goal is to end the treatment of animals as mere commodities. Given how strong our feelings of human supremacy are, we realize that total animal liberation will not come overnight. Because of this, some animal rights advocates use tactics that will help alleviate some of the suffering endured by animals today (e.g., the current fast-food reforms), but the goal remains the same: ending animal exploitation."

The issue of animal rights versus animal welfare is put in a different perspective by the HSUS. Wayne Pacelle states, "We use the term animal protection. In some ways the terms animal welfare and animal rights have been loaded up with meaning by folks on both sides. Sometimes folks in animal industry say that they support animal welfare as a counterpoint to animal rights. Those involved with animal rights are too laden with some of the philosophical arguments that get tied up in places that we don't necessarily want

Continued on page 14

THE HUMANE SOCIETY OF THE UNITED STATES

Humane Society of the United States: The largest of the animal protection organizations

The Humane Society of the United States (HSUS) states that its mission is to create a humane and sustainable world for all animals, including people, through education, advocacy and the promotion of respect and compassion.

Founded in 1954 after splitting from the American Humane Association, it is a nonprofit charitable organization that has grown to be the largest animal protection organization with nearly seven million members. In its efforts to promote the protection of all animals, HSUS devotes its resources to "provide legal, educational, legislative and investigative means to relieve animal cruelty, abuse, neglect and exploitation." Its mission carries across wildlife, pet care and management and animal-related agriculture.

In 2001 the organization brought in more than \$48 million in contribution and grants. In that year, it devoted over \$18 million for public education, membership information and publications. Close to \$1.7 million was spent on animal research issues and bioethics and farm animals.



Compassion Over Killing: Demonstrating that you do not need to be big to have an impact

Compassion Over Killing (COK), based in Tacoma Park, MD, was founded in 1995 with the goal of creating a kinder world for all of us, both human and nonhuman. It currently has two full-time staff members. In 2001, COK's annual budget was just under \$90,000.

Its primary focus involves conducting investigations, organizing public demonstrations and other educational activities and actively working to bring about "a world for all of us, both human and nonhuman."

The organization may be short of staff but has effectively gotten the public's attention through the media. As recently as July 15, the *Baltimore Sun* ran an extensive article on the group and how it is aiming to further its agenda towards improved treatment of chickens. Last year, COK received considerable attention in the media after it provided a video expose on an ISE facility in Maryland. The videotape showed dead birds in cages with live birds, birds caught in cages and birds with various types of injuries.

Paul Shapiro, Director and spokesman for the group, is unabashedly vegan. "Being vegan is a powerful way to improve the lives of animals, the planet, and ourselves," he states. "We should all be able to agree that animals should not be abused and killed unnecessarily. No one needs eggs to survive. In fact, health experts agree that we should cut back on high-cholesterol foods like eggs, meat, and dairy products. So, the question becomes, how can we justify inflicting pain and death upon literally billions of animals for unnecessary products?"

However, Shapiro is pragmatic in his approach. He knows that the "system" cannot be changed overnight, but is taking a logical approach in his arguments in order to chip away at factory farming and affect change where he can with the hope that over time the ultimate objectives will be attained.

Welfare and the Egg Industry

Continued from page 12

to go. So we prefer to use animal protection, but these are all very nebulous terms at some level.”

UPC's Karen Davis takes a more back to nature approach to the issue of rights and welfare. “What I want is for chickens to be chickens. Just let them be chickens. Ideally for me, they would live in the jungles of Southeast Asia; they would raise their families; they would have a life of a chicken. I am not interested in anthropomorphism. However, I do feel we can have bonds because I have had very close bonds with chickens and they can become very warm and very affectionate.

“There are two kinds of anthropomorphism: one is placing human traits on other animal species; the other is seeing traits that we have in common with our fellow creatures of other species.. There is a perception based on the continuity of all animal species which includes us. We have insights, we have perceptions, we have intuitions and we can observe behavior and a just conclusion.

“Birds are falsely anthropomorphized to the extent that says they are happy in the cages. The layer industry will say to me, ‘Oh you claim the birds are miserable in their cages, their body language says it.’ Industry will say we are anthropomorphizing. At the same

PETA: Outrageous but highly effective



Of all of the animal rights organizations, People for the Ethical Treatment of Animals (PETA) has probably the highest profile. It was founded in 1980 by Ingrid Newkirk and Alex Pacheco. Prior to establishing PETA Ingrid Newkirk had turned the Washington DC Humane Society around from being a dilapidated operation into one of the best in the country. Alex Pacheco was a volunteer there with both individuals becoming heavily influenced by Peter Singer's book, *Animal Liberation*, which made the connection that if we are going to have compassion for dogs and cats, we also must have compassion for all animals. On these principals PETA was started with the “simple principal that animals are not ours to eat, wear, experiment on, or use for entertainment.”

The organization cites a number of accomplishments over the years, starting with cofounder Alex Pacheco's uncovering of abuse in animal -based research in 1981. This led to the Silver Spring monkeys case leading to the first arrest and conviction of an animal experimenter in the US on charges of cruelty to animals.

Unabashedly vegan in its agenda, the organization has been on the forefront of pressuring retail food companies to adopt animal welfare guidelines to be imposed on their respective suppliers.

In its fiscal 2001 year, PETA brought in over \$13 million in contributions. It devoted close to \$3.9 million for international grass-roots campaigns; \$3.6 in public outreach and education; and \$3.0 million in research, investigations and rescue.



United
Poultry
Concerns:

A special interest with a true special interest

Karen Davis a lady with a mission. It does not take a person long to realize that Davis lives and breathes but does not eat poultry.

While working on her PhD in the early 1980's at the University of Maryland, Davis and her husband got actively involved with PETA. The experience brought about an activism that included entering NIH buildings in the mid-1980's to protest the use of monkeys in bioresearch. At the same time she was doing volunteer work at a farm sanctuary. In the process, she was drawn to the “plight of farm animal and poultry” and subsequently focused her efforts at farm animal issues, as the largest number of exploited animals are seen in today's agricultural environment.

In 1990 she started United Poultry Concerns as a national nonprofit organization that “addresses the treatment of domestic fowl in food production, science, education, entertainment and human companionship situations. Its goal is to make the public aware of how poultry are treated by our society seeking to inform people and promote alternatives.” This is accomplished through extensive investigations, a chicken sanctuary, public talks, writings, mailings, conferences, information displays and film presentations. In 1996 Davis published a book entitled *Prisoned Chickens, Poisoned Eggs: An Inside Look at the Modern Poultry Industry* in which she says “the industry makes its case for us.”

Today UPC has 15,500 members, 13,000 of which receive hard copies of the organization's information and another 2,500 who receive information via e-mail. In addition to the extensive travels, writings and efforts of Davis, UPC has staff members dealing with internet research, website administration, sanctuary management and general administration.

time they say they are happy in their cages; they don't mind being there. Oh, that kind of anthropomorphism is OK. Or you are just being emotional. OK. The emotions of conquest and success and achievement are acceptable emotions but the emotions of compassion and empathy and empathizing with victims aren't OK.”

Give Me Land, Lots of Land

Intensive farming is perceived by many to be impersonal and one that treats animals as biological machines. Producers can be characterized as factory managers putting inputs into birds which yield outputs on an economic-only model. As one looks at the issues facing the egg industry, everything from genetics through production practices are being called in question on a welfare basis.

UPC's Davis bristles at the mention of biological machines. "They are not a biological machine. The bird does not experience itself as a biological machine. All of the behavior that birds engage in when they have some choices shows that they are not a biological machine. That's an imposition upon them that goes with what they are and who they are."

"Chickens," states COK's Shapiro, "cannot lead good lives while in cages. Even the 'enriched cages' being used in the European Union have serious problems, as is now being pointed out by Compassion in World Farming. Really, the best way to help hens is to simply not eat eggs."

As industry looks to alter its practices based on "science-based" decisions, the term science-based is one open to interpretation by those in animal welfare. Each side of the issue feels it can support its positions with data and research.

Friedrich (PETA) states, "We go with what science indicates about bird stress and bird welfare. In terms of the animal welfare improvements that we support, our goal is to decrease animal suffering. I think the industry, to some degree, has shown a little bit more interest in animal welfare, again kicking and screaming, but industry's goal is maximum production. Maximum production generally doesn't jibe with animal welfare."

Science in terms of making decisions is dependent on whose research you are looking at. "The problem is that some things are being said by people who aren't very familiar with the science so they can still use it to advance their agenda," explains HSUS's Pacelle. "For example, that common understanding of animal well being in the industry has limited it to physical things; are they growing well? Are they surviving, laying eggs or whatever? Now there's a huge amount of science about animal feelings and animal suffering with which people in the industry have, in general, not been very familiar. So, if



Needless to say, a bird without feathers is fodder for welfarists. (Photo from "rescued birds" by Compassion Over Killing)

someone objects that a hen in a cage is suffering or talks about some other issue like frustration, people in the industry sometimes dismiss that and say, 'Let's stick to science', as if their view of science was the accurate one. On the other hand, scientists working in the behavior field might have a different picture. If people said let's stick to science-based approaches and then seriously listened to scientists, we would make some progress.

"They don't do a lot of measuring of stress; they do a measuring of growth and production, physical aspects."

Dr. Michael Appleby adds, "As I sometimes phrase it, intensive agriculture has tended to move away from a biological approach into a technological approach, measuring inputs/outputs, economic performance and has sometimes tended to forget that biological viewpoint. Industry tends to forget that these are animals, and our approach is clearly to concentrate on the animals as animals solely. It does give you a different take on how we should be keeping them."

UPC's Karen Davis takes a more cynical view. "I have heard the term science-based a zillion times, and I would be very happy if I never heard it again because it is a political

term. It's just saying that we are going to make all these decisions on economic bases. The fact is there is a whole ton of science which shows that chickens are miserable in cages, that their respiratory systems are not suitable to ammonia fumes, that their behavior results from being crowded. They are not intended to be crowded, and they don't choose to be crowded if they have a choice.

"There's a real gap between 'science' and reality. That's the problem. I'm not concerned about science.



Bird overcrowding as cited by COK from its raid on ISE. (Courtesy of COK)

I'm concerned about what's going on here. To the extent that science actually seeks to clarify and describe and to show in a clear way what is happening or what is needed, that's fine. But when science is used to just protect business and to prolong suffering, we stand up for the facts, for what we know, against the flimflam."

Space to move around

The first area and most obvious area of concern in cage layer operations involves space allocations for birds. And the welfarist means more than just space. They want an environment whereby the bird can exercise its innate behavior. Karen Davis elaborates, "You can have chickens in a situation where they have a little more space and nothing to do in it. A chicken has patterns of behavior that is defined as a chicken. They have to do things that interest chickens in that space. They can't just be there. They have to scratch because they want to do those things; they get to the point of pulling out each other's feathers. It's not cannibalism, they are trying to take a dust bath and the only material there is each other's feathers to try to rake in a dust bath. It is unethical to deprive an individual creature the opportunity to practice bodily hygiene. The fact is that these birds can never clean themselves. Our birds dust bathe all the time or if a bird is brought here who has traveled awhile in a cage, that's their first act - to have a dust bath. It's just like us, we take a shower or bath. They want to clean themselves. We don't have any right to deprive a creature of their method of practicing bodily hygiene."

Molting

Probably the hottest topic today dealing with cage layer welfare is the practice of forced molting. While new regimens of molting are being researched (such as low nutrient dense diets), there is a clear consensus among the welfare/rights groups that the practice must be stopped.

When asked about the HSUS position of forced molting, Pacelle responded, "We also believe the animals should be provided with consistent feeding and watering. We think the issue of forced molting must be addressed."

Dr. Appleby adds, "I would say that forced molting cannot be acceptable. The word forced suggests that you are doing something very acute to the animals. The single biological feature which would encourage birds to cause birds to stop laying and to molt their feathers is day length and we know it is possible to have birds molting and then starting again by using day length.

"I don't know of any feeding regimen that would do it without an element of 'force.' If you give them entirely new food, you're not withholding food, but they simply don't eat it. You are, in fact, withholding food. I certainly wouldn't know that it could be done readily in a hurry and this is one issue that the industry could stop quite quickly while it looks for alternative methods.

"One disappointment with the UEP guidelines is it says, 'Let's look for other methods', but in the meantime it is going ahead and using forced molting. Let's look for other methods and consider them as to whether they are acceptable. In the shorter term, we could move away from forced molting.

"Of course, there are other issues than just the effect on the birds. We know the risk of salmonella infection goes up with forced molting and there are all these other issues

as well. It was done quickly by McDonald's and the other chain restaurants. UEP guidelines could have taken a much stronger position."

Pacelle stated, "In general, the issue does not pass the 'smell test' for the American public. It sounds out of bounds to deprive animals of necessary sustenance whether it is nutritionally deficient food or no food at all."

Davis from UPC is a fervent opponent to molting. "I started the campaign against forced molting. Molting is a natural process but forced molting is not. All birds are going to start to molt, and they will all start to lose their feathers in a course of a year. Some birds, particularly domesticated species, in an area of four clear seasons, show it in autumn. The idea is that in the spring the day gets longer, and the bird responds. This is the time to raise chicks; this is when nature is teaming with greens, bugs and warm weather, and all the things that optimize raising young. So, all of their biological resources go into raising chicks and brooding chicks. As days begin to get shorter, attention is turned to the biological demand of replacing feathers. The birds are concentrating on keeping warm and growing their new plumage for winter. That's a natural process. That's quite different from forced molting and the artificially long 'summer' days in the layer house that deplete the birds' biological resources and provide an excuse for starving them: using one punitive regime - relentless lighting - as an excuse to impose another - food deprivation.

"No form of forced molting is an acceptable practice. First of all, these houses are loaded with pathogens. I've been in a lot of battery cage houses. I've broken into them. I think they are the most awful place that you could ever put an enemy. You are nauseated with the ammonia fumes, these birds are miserable, and the young ones are jumping all over each other. When you go through with your camera, what is even more horrifying is seeing the ones that have been in there for a number of months and are not even responding, like they have learned helplessness - their combs are hanging way over their face and their combs are all doughy and white. It's a horrible scene. It's not clean in these places. They are filthy and manure is coming down and crusted and hanging down over the bars. The place is so full of ammonia you can't bear it in there. You have to really make yourself bear it in there. So to even suggest that that is a hygienic environment is nonsense. It's a totally filthy environment.

"Here the birds are locked up, trapped twice, doubly trapped. First you are in a cage, and then you are in this building loaded with all these pathogens and flies and toxic gases and light burning in a stinking cobwebby gloom. There is an endless sound of machines and distressed birds all around you. You can't even describe it to people. What we need in addition to video footage is for something to enable people to smell what it is like in there. These birds are creatures with wings and legs. To take a creature with wings and legs and never let them take a step is horrible."

COK's position is that inducing molting without starving birds is clearly preferable to starving them, but molting unfortunately forces hens to endure their horrible lives in battery cages for that much longer.

Spent hens

Welfare and the Egg Industry

The spent hen issue is a difficult one for the industry today. If molting were abandoned, it would become even more acute. Everyone concerned with bird welfare, industry and activists alike, recognize the problem that has few solutions.

Davis stated, "I don't know quite what the answer is on spent hens. We tell people, don't eat eggs. Among all the other problems you are contributing to, you are contributing to all these birds being trucked to Canada, ground up, buried alive, half gassed with carbon dioxide and buried alive.

"There's no place for them to go. I'm not an economist and I don't even pretend to understand the economics of the egg industry. Ever since I started the United Poultry Concerns, there's been this discussion about too many hens and trying to find renderers to take them off their hands. Why don't they cut back on the number of hens? It seems to me like a huge situation that is out of control."

In our discussion with HSUS the question came up as to whether the abolition of forced molting were to take place would that, in fact, aggravate the spent hen problem. Dr. Appleby responded, "Two comments here - two wrongs don't make a right. Just because we've got ourselves into a corner where we trapped ourselves into an economic necessity doesn't make a cruel process less cruel. That's one point. Secondly, yes, in general we would like to see farm animals living a long life rather than being cut off short. Dairy cows are an obvious example. We moved to a ridiculous position where cows are kept for only 3 or 4 lactations, sometimes even less. There should be concentration of breeding animals and management techniques where we could keep them for a more decent length of life.

"Economic competition has driven us into this corner and, to a considerable extent, I feel that agriculture has shot itself in the foot here. They have gone along with stressing cheap food so willingly that they have driven their own incomes down and have painted themselves into an economic corner.

"The spent hen issue is part of the same picture because it has become an issue because broilers have become so cheap. It is difficult to sell a spent hen because broiler meat is so cheap."

The European experience

HSUS's Dr. Appleby provides an approach to housing that reflects what has been discussed in Europe. "I've been working in this area for 20 years and one of the issues is there is no ideal housing system that is possible on a commercial scale. That led to a lot of research in Europe, and it is slowly picking up here as well. These efforts led most recently to the directive (on egg production practices) in 1999. We do not have a single recommended housing system. We do not say that everybody should go to free range just now and it is partly for that reason. There are problems in free range just as there are in cages.

"I would turn it around and say we should consider the birds and what their needs are rather than just simply making one simple recommendation for housing system. In Europe that has been translated into their directive stat-

ing that simple barren battery cages will no longer be acceptable. If birds are going to be kept in cages, they will need more area, more height, a perch, a litter area and a nest box which address the fundamental needs of the animal. If they get into other systems, there are also needs for specifications. For example, to date, the perchery systems haven't been required to have litters. Those will be required to have litter as well. So again to address the needs of the birds, it is not obvious in the medium term that we expect the industry to be able to move away from the cages. In the longer term, it might well be. Again that's partly a question of priorities. The biggest single problem in non-cage systems is cannibalism as we do not care for the main method of avoiding that which is debeaking or beak trimming."

Home on the Range

In many industry discussions about bird welfare, the issue of free-range has come up. There is a perception in industry that the alternative to cage systems is free-range. Welfare activists have issues with free range also.

Shapiro of COK clearly points out that, "What is considered 'open' by the industry really isn't. Even 'free-range' hens are overcrowded, albeit in barns rather than cages. Many are denied the freedom to leave the barn and are forced to live in their own excrement. When allowed to live their lives in a more natural, non-commercial setting, hens have a much greater level of immunity to problems such as disease and parasites. This, of course, begs the question of whether it is possible to feed an entire nation of egg-eaters without causing cruelty. Again, the most ethical choice is simply not to eat eggs."

UPC's Davis concurs, "What the industry is calling free range is just an extremely crowded floor system or possibly an extremely crowded outdoor system. There needs to be small places where the birds have lots of room. If they don't have lots of room and they are defecating in the small spot, you're going to have a build up of parasites. Chickens are designed to have space around them. You must have the kind of caretaker who wants to be with them and recognizes that you have to keep the place clean. You can't have any creatures too crowded. What are you going to do with the feces?"

What constitutes free range is an international dilemma. PETA's Friedrich cites a bird investigation that the BBC did on so-called free range. It showed that the RSPCA has a cage free program that, from a bird welfare standpoint, was found in some instances to be even worse than battery cage systems. A welfare group in Australia went into Pace Farms, the biggest egg farm in Australia, and found that the conditions for the cage free in many instances were even worse than birds in cages.

Continues Friedrich, "That doesn't say to me, don't just take them out of cages. It is analogous the beef industry saying that beef isn't worse for you than chicken. Well, yes, but that doesn't mean that beef is good for you. It just means that chicken is also horrible for you. You can take them out of cages and dump a million of them in a swimming pool and they are out of cages, but that is not going to improve their welfare. It just means that as we move toward animal welfare improvements, simply taking them out of cages is not going to be enough."

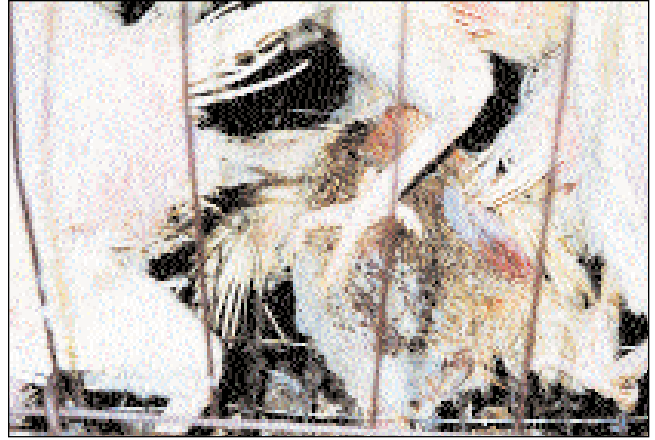
Activism: Do the Ends Justify the Means?

How does one affect change? With the dawn of the computer age, relatively small organizations can make major impacts. News and exposes can go worldwide instantaneously. The print and broadcast media are constantly looking for investigative reporting stories.

A classic example of David trying to bring down Goliath is seen with the efforts of Compassion Over Killing. In its spring/summer newsletter much of the copy was devoted to its 1-year anniversary of the open rescue of eight hens from ISE-America's egg farm in Cecilton, MD. Last year the group made its way into the facility and took numerous pictures and produced a video of what they felt were welfare abuses. The video was widely distributed and the expose made national news.

When asked whether the end justifies the means as regards to break-ins in order to do investigative reporting, COK's Shapiro replied, "A similar question could be posed to egg producers: Does the end (profit) justify the means (abusing and killing millions of animals)? Does terrorizing animals by mutilating them without painkillers (debeaking), forcing them to live with virtually no opportunity to move, depriving them of sunlight and fresh air, starving them (forced molting), and gassing them to death by the millions warrant our concern? Is it ethical to torment those who are weaker than us to make money?"

"When Martin Luther King, Jr., was criticized for using tactics beyond the law, his response—through his famous Letter from a Birmingham Jail—was that



Mortality is to be expected in large operations but the sight of dead birds provides dramatic ammunition for the welfare movement (Courtesy of COK).

'one has a moral responsibility to disobey unjust laws.' Thoreau's response, in his Civil Disobedience: '[If the law] is of such a nature that it requires you to be the agent of injustice to another, then, I say, break the law. Let your life be a counter friction to stop the machine.' Do we look back on Harriet Tubman and other Underground Railroad activists who trespassed onto plantations to 'steal' slaves as reckless law-breakers or as freedom fighters? As long as animals remain enslaved, there will be those who are willing to do what it takes to expose the animals' misery and rescue as many as possible."

PETA's Friedrich follows the same philosophical lines of thought as Shapiro. He adds, "Our country was founded on civil disobedience. It goes all the way back to Moses and the Golden Calf and Jesus turning over the tables, the Civil Rights movement, the underground railroad, look-

ing at what was happening with the people like the anti-Nazi clergyman, Dietrich Bonhoeffer and Nazi resistance; therefore, it is a reasonable thing in order to focus attention on one's cause. I think civil disobedience is a time-honored tradition in our country. In the US it goes back to the Boston Tea Party."

PETA has been accused of advocating terrorist acts and/or supporting organizations that do. Friedrich denies this link. He told us, "It's certainly not something that PETA does. Obviously, we wouldn't exist if there were connections there."

PETA is on record as stating, "The animal rights movement is nonviolent. One of the central beliefs shared by most animal



Drooping combs and swollen eyes were mentioned by several of those interviewed as proof of less than ideal conditions existing in battery operations (Courtesy of COK).

rights people is rejection of harm to any animal, human or otherwise. However, any large movement is going to have factions that believe in the use of force.”

In reference to the Animal Liberation Front, PETA states, “The ALF, which is simply the name adopted by people acting illegally in behalf of animal rights, breaks inanimate objects such as stereotaxic devices and decapitators in order to save lives. It burns empty buildings in which animals are tortured and killed. ALF ‘raids’ have given us proof of horrific cruelty that would not have been discovered or believed otherwise. They have resulted in officials’ filing of criminal charges against laboratories, citing of experimenters for violations of the Animal Welfare Act, and, in some cases, shutting down of abusive labs for good.”

Many of the animal welfare groups find that change through the regulatory/legislative process is slow. As a result, recent efforts have centered on pressuring retailers of animal products to adopt production guidelines. Comments PETA’s Friedrich, “The Center for Public Integrity did a pretty amazing and comprehensive report, *Safety Last, The Politics Of The Meat And Poultry Industries*. They examined the connections between the meat industry and Congress and the Executive Branch, especially the USDA, and looked at the degree to which public safety has been backburnered as seen by things like the recent *E. coli* contamination and the recall in Colorado. The report basically paints a picture of a very tough row to hoe if one is going to attempt to work through Congress.

“We saw that with Jesse Helm’s continuing to defy logic by exempting rodents from the animal welfare act. We’ve got a government that doesn’t define rats, mice and birds as animals, which is flummoxing to anybody with the mind and a conscience. So, it just made more sense to target corporations where you can clearly get people turning away from the corporation. It is much harder to get somebody to stop buying IBP for example than it is to convince them to turn away from McDonald’s, Wendy’s or Safeway.”

The HSUS has actively sought to change production practices through both legislation and pressure on retail users of animal products. A lot of work has to be done on the state level as there is a patchwork of regulation that varies from state to state. Explains HSUS’s Pacelle, “On the state level, most states don’t have any laws to protect farm animals from the effects of certain confinement systems. There is a pressing need for cruelty statutes of those individuals who exhibit malicious or aggravated conduct towards farm animals. Many states have exemptions in their cruelty statutes for normal or routine animal husbandry practices. At the federal level there are essentially no laws to protect farm animals except the Humane Slaughter Act which has not been properly enforced. USDA hasn’t had enough people on the slaughter lines and favored post-mortem rather than ante-mortem inspections of the animals; however, this has been changing a little bit because of some of our efforts.

“In Florida we are co-sponsoring for a measure for banning the use of gestation crates for pigs. We are supporting a number of efforts in Congress. An effort nearly took off last year to ban the use of federal funds in national schools, breakfast and lunch programs to purchase eggs from producers who force molting in birds. In the US there

are 5,000 animal protection organizations. Every state has a cruelty statute, every state has anti-animal fighting laws and a host of other laws to protect animals. It would be astonishing if the American public were to say, ‘Well, we support protection of animals in all these areas but not any protection for animals on the farm.’ It’s just the logical extension of the larger sort of humane sensibility that has taken hold of our culture. And that is what these retail establishments are responding to; they recognize the basic sentiment is that even if the animal is raised for food they should be treated humanely.”

Dr. Appleby adds, “With regard to the ultimate customers, the retail sector has been very important in the last two years. PETA has played a part. They have clearly put pressure and there has been response to that pressure, but they haven’t been the only player in the field. We have been talking to people in the chain restaurant and other retail sector for some years and are continuing to do so and will continue to do so.

“What I think is very encouraging here is that, of course, the retail sector is taking a commercial view. They are responding to a wider public opinion. They wouldn’t be doing this if they just thought it was a small minority of extremists who have opinions. They are doing it because the public does care about welfare and will respond to it in a positive way. We have good evidence that the public does care about how animals are kept. The other structures involving government and regulations are not achieving a full safeguarding of animals, and for the retail sector to take an initiative to respond to these concerns is a very positive feeling.”

When challenged about whether the consumer is willing to pay for imposed production practices that raise the cost of production, both Pacelle and Appleby see a need for changing paradigms.

“I increasingly see that as the wrong question,” states Appleby, “because it puts all the responsibility on the shopper at the point of sale. We don’t put those responsibilities on the shopper for other things. I think given the public opinion, if you actually did a serious trial of prices with people really understanding what the prices in the shops meant, I think you would get support for that. The only occasion in history and in the world when this has actually been done, is in Switzerland, where they had a referendum to ban battery cages. They explained it would put the price of eggs up and the Swiss public said yes. They banned battery cages and the price of eggs went up. It’s the only time it’s been properly asked.

“My point is, it’s the wrong question. When you ask the consumer who should look after the animals, they say, of course, the farmers or others further up the chain. They expect it to have been done; they expect government to deal with it or the farming industry to deal with it. They don’t expect it to come down to them to be the decision-making process. That’s where it is interesting, the retail sector. I had the spokesman for the Burger King recently say their public expects them to look after the animals.

“There is a shift in thinking. For 40 years after WWII, government policy, research policy and, in fact, every policy, focused on the fact that we need more food and we need it cheaper. We have built an industry in which the whole mechanism is competition between producers for cheaper production and competition between retailers for

Welfare and the Egg Industry

cheaper supply. Of course, the shopper sees two similar products on the shelf and buys the cheaper one. Who could blame them for that? But I'm saying that the system of agricultural economics doesn't address concerns like pollution. Agriculture in the USA causes the third of all water pollution and when you add in all the industry and towns, it's a huge amount. And we haven't gotten a system that copes with that problem. I'm not saying that we can solve it tomorrow, but we need to start thinking in this different way about issues like animal welfare and animal protection.

"I moved here from Europe and Britain and our experience has been that people in industry regarded this welfare as an attack on them. They have gone along with regulation reluctantly; but they have turned it around to give it a positive spin and told the public we are looking after the animals. They have used it, if you like, in a relatively simple commercial way as part of the publicity. Most people who look after farm animals do it because they like animals but they are trapped in a system where they have to do it the cheapest way and they value the opportunity to get out of that."

On the retail side, the HSUS was critical of the stance taken by the Food Marketing Institute (FMI) which basically endorsed the UEP guidelines on welfare. Dr. Appleby explains, "The poultry industry has begun to address welfare. The FMI guidelines recognize that farm animal welfare is an issue and that the public is concerned about it. When they were actually published, I suppose not surprisingly, they largely consist of references to the different sectors of the market rather than producing a rival set of policies to UEP. They are working with UEP; so in that sense it's not surprising they would rely on what UEP does."

Pacelle elaborates, "We are pleased that there is an acknowledgement of the welfare issue because for so many years this was just viewed as something outside the bounds of industry consideration. This represents the recognition of the basic principal that animals should be safeguarded and their well being should be attended to; in that sense, we support it. In another sense we think it is far, far too little. It doesn't address the fundamental question of intensive confinement systems that compromise the animal's well being. That is why we were quite critical in the news release of the set of guidelines."

"The UEP guidelines and indeed the FMI guidelines are a start. We recognize them as an important start. We were disappointed, in that there was very little concrete in them. The simple main item in the UEP guidelines is an increase in space allowance. It's by no means as large an increase as we would like to see. Of course, we would like to see other issues addressed like nests, but those guidelines are a start because there can be future additions to those guidelines. One of the encouraging things of the preface to the FMI/NCCR guidelines is that it states that said this is the beginning of the process. It would be nice to see statements from UEP and, of course, from the National

Chicken Council which has not done as much as UEP to say, 'Yes, this is a start.' We'll see where we go in the future but we can envision further increases or changes as opposed to the one statement we saw that 'we had now done all that moderate people would expect and only extremists would expect us to do more.' This is simply an unreasonable statement."

Dr. Appleby brought into the discussion what is happening in Europe with retailers. He states, "The equivalent in Europe was the labeling of eggs because there was an increasing number of consumers who wanted to buy free range eggs but it wasn't clear what that meant. The issue was addressed by regulation. The European Union specified what free range meant and included several other categories. It didn't just affect the market; it affected how people kept their birds."

"I'm surprised that the market in the USA for free range eggs isn't bigger than what it is. I can buy free-range eggs if I go into a supermarket; it's hard work and you have to search through the shelf pretty thoroughly. Organic is, of course, coming but UEP could readily adopt a standard definition for free range and put pressure on its members to stick to that."

COK's Shapiro feels that the retail pressure is setting the stage for more change. In addition to changing production practices of its suppliers retailers will expand their respective menus to include more vegan items.

He was extremely disappointed in the FMI/NCCR guidelines. He explains, "A five-year phase-in period to get to 67 square inches of space per bird illustrates how little consideration the egg industry gives to the hens' needs. Even McDonald's has mandated more space than that, and with immediate implementation. Regardless, under any of the new welfare guidelines in the United States, the birds still cannot fully stretch their wings. They can't perform some of the most basic chicken behaviors such as roosting and dust bathing. They never see sunlight nor touch earth. According to *Poultry Digest* (May 1990: 44), a three- to four-pound hen needs 290 square inches merely to flap her wings. In short, hens in battery cages live in a perpetual state of frustration, both physical and psychological."

Looking to the future for production guidelines, PETA's Friedrich views the recent trends with "cautious optimism." He states, "It seems to me that the free farm standards from the American Humane Association should be the bare minimum of minimums. It seems to me the science is there. I always find it quite amusing the degree to which the industry says, 'We don't want to do this based on emotionalism; we want to do it based on science.' Or they say that McDonald's, Wendy's, Burger King, Safeway are doing things more based on emotion than based on science. It's absurd. We completely and totally have the science on our side. It is the industry's screaming that has to do with basically being dragged, kicking and screaming, into any kind of improvements in farmed animal welfare."

The Best Defense is an Offense

Charles Olentine

Few in the commercial egg industry will argue the fact that bird welfare is the most pressing issue on the table. The key to the future is to identify the primary areas of concern and demonstrate to the customers and ultimately the consumer that the egg industry takes its stewardship role seriously and that it is willing to adapt. In my conversations with leaders of the welfare movement, I never got the feeling that the activists were bomb-throwing radicals. While there are radicals out there, the mainstream organizations have people that are articulate, educated and, most importantly, totally dedicated to their respective causes. However, they recognize that change will not be fast; there is considerable resistance to their causes. Nonetheless, they are willing to go for the small victories that *in toto* will add up to radical change in how eggs are produced.

What follows is a list of areas that provide a framework for strategic planning.

Change is inevitable.

The United Egg Producers should be commended for taking a proactive stance. Many of the other livestock and poultry organizations have not been aggressive in preparing for the debate on welfare. The organization took heat from some of its members that thought it was moving too fast. In fact, the guidelines provided by UEP helped to frame the dialog and helped to lessen the impact of some of the demands by retailers. However, the dialog will be on-going and what is recommended today is going to have to be modified down the road. Most activists will say the UEP guidelines do not go far enough. However, they do set the stage for discussion and evolution of production practices.

In the long run, molting, as we know it today, is dead.

This is a major issue with the activists. A picture of a bird in molt is an activist's delight from a PR perspective. None of the four organizations we spoke with were willing to accept molting, even through low nutrient density diets.

Size and density are not the only issue with cages.

To merely take a bird or two out of the cage will not defuse the cage debate. The activists are looking at addressing behavioral issues such as the ability to stretch out and have access to perches and dust baths. At this stage, we need to look to developments in cage design in Europe and be willing to take a close look at those cages that address these issues in a positive manner.

Free-range has its problems, too.

Industrial free-range systems have their respective limita-

tions from a welfare point of view. Just because it says free-range does not mean that it is welfare-friendly.



"Science-based" arguments may be missing the mark.

While industry strives to take a logical approach in defending and developing production practices, many activists state that the science being cited looks too much at production data such as egg production and mortality and largely ignores the behavioral science aspect. Each side of the argument says science is on its side. Activists cite the fact that when you take the bird out of the cage and put it in a barnyard environment, the bird reverts to an innate behavior much different to that shown in the cage. More research is needed to determine the behavioral impact of cage production. In some respects, we are addressing it through genetics. Several strains of birds now have been modified such that beak trimming is not necessary.

Industry has to do a better job with crisis management.

The recent public relations fiascoes associated with the Cypress Farms bankruptcy and Buckeye's constant battle with Ohio with regards to environmental issues have done little to reinforce a positive image on production practices in the eye of the consumer. The industry needs to address how it copes with disasters that affect the welfare of birds. If a tornado or a fire takes out an operation, how does the industry mobilize to show that it takes the welfare of the birds seriously?

The spent hen problem is one that requires serious research.

Both industry and the activists recognize that this is a difficult problem with no easy solution. If molting is abolished, there will be more birds put through the system because of shorter productive life spans. Killing and disposal are areas where the two sides can get together and review possible solutions.

The egg industry cannot match the resources of the "opposition."

There are too many special interest groups that have access to considerable financial and media resources for the egg industry to try to outdo. Each group has its own agenda with the goal of changing the system as we know it today. Additionally, these groups are well-networked and do a good job gathering information about the industry they are seeking to change. This means that the egg

Welfare and the Egg Industry

industry must utilize its available resources efficiently with a long-term strategic plan. The issue is going to be an on-going challenge. It is so pressing that the UEP and the AEB should have a full-time staff member to educate its members and work with task forces to address the issues as well as coordinate programs to get the message that producers care about their birds to customers and the consumer.

We cleared the cholesterol hurdle; let's focus on welfare.

The American Egg Board has done a great job addressing the message that eggs are good for you. Now the industry needs to let the consumer know how eggs are produced and how we care for our birds. If we feel uncomfortable educating the consumer as to how eggs are produced, maybe we need to look at how we are producing the eggs. Let's take some of the ad budget and change the focus to address welfare issues.

Be willing to work with the activists.

This is difficult because there are so many agendas out there. The spectrum ranges from the pragmatic to the radical. However, industry should identify groups with which they can sit down and work in an atmosphere of respect. The work with the American Humane Association on developing guideline for its label and auditing system is a step in the right direction.

Welfare and genetics is an issue that is arising.

The role of genetically modified crops is just a prelude of a future debate. What are the ethics of breeding "biological machines?" Industry needs to show that it views its birds as more than machines.

Economic models need to be developed.

As production practices are changed, we need to fund studies evaluating the economic impact on industry and the consumer. As consumers' attitudes change, will they be willing to pay more for eggs produced in less intensive systems? To date there has been a lot of speculation but little hard data. The European scenario can provide a good basis for evaluating economic models.

Look at Europe.

Many of the issues arising in the US have been discussed for years in Europe and a number of regulations have altered production practices. Let's see what works and what does not. Also, we need to see the impact of welfare politics. As we follow these trends, we can fine-tune our strategy.

And lastly, focus on what is good for the bird.

Industry needs to demonstrate good stewardship. If there is a decision to be made that can go one way or another, we need to be willing to ask ourselves, "What is best for the bird?"