



HUMANE SOCIETY INTERNATIONAL

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David Hatfield
Director, Adjudication
Australian Competition & Consumer Commission
23 Marcus Clarke Street
CANBERRA ACT 2601

By email: CTMs@accc.gov.au

28 August 2019

Dear Mr Hatfield,

Certification Trade Mark Application No. 1914662 lodged by Humane Farm Animal Care

Following receipt of your letter dated 2nd August 2019 (Your Ref: CTM-R-70007), thank you for inviting us to provide comments on the application from **Humane Farm Animal Care (HFAC)** to register Certification Trade Mark (CTM) No. 1914662 (**HFAC CTM**). We are responding on behalf of both Humane Society International (**HSI**) and Humane Choice, our accreditation program for free range meat and egg producers.

As you specified in your letter, HFAC was established in the USA and has operated there for some time. During that time, HSI has worked with them extensively in many regions, most recently in South East Asia, helping to progress animal welfare and certify several cage-free farms. HFAC commonly present at HSI events overseas, and the working relationship we have with them is valued and appreciated.

Whilst we support and recommend that HFAC are trademarked in Australia, we note that there are some areas that would require significant and necessary amendments in order for them to be functionally appropriate for use within the Australian market and supportive of basic animal welfare measures. For example, in the **HFAC Standards for Pigs** it states in Part 7 S.3 that, "Producers must use processors who follow American Meat Institute (AMI) guidelines for processing pigs." This would not be appropriate for the Australian market.

Some other points we would like to raise along with our suggested recommendations are listed below:

- The **HFAC Laying Hen Standards** includes their definition of 'free range' which allows a "...*minimum outdoor space requirement of 2 square feet (0.19 square meters) per bird to meet the Animal Care Standards for Free Range.*" Conversely, HSI Australia advocates strongly for a maximum outdoor stocking density for free range layer hens of 1,500 birds per hectare and we calculate the above HFAC definition to equate to 52,631 birds per hectare. This stocking density is significantly higher than even the information standard made under the Australian Consumer Law in 2016, defining free range eggs as coming from hens with 'meaningful and regular access to the outdoors and stocked at a rate up to 10,000 hens per hectare. HSI Australia does not support such high stocking densities for laying hens due to the negative impact on the welfare of the birds.

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- Error in G. Perches section of **HFAC Laying Hen Standards**: In section G on 'Perches' there is a typo in part E 27(c) which states than perches must be provided at not less than 6" (15 m) per hen, but this should state, "... 6" (15 cm) per hen."
- The **HFAC Standards for Production of Sheep** specify in *H6: Controlling parasites*, that measures must be taken to prevent or control external and internal parasitic infestations, and when infestations such as flystrike are likely, sheep must be given routine treatment such as regular dipping or other effective methods. Given that flystrike is a serious animal welfare issue impacting millions of lambs in Australia, unlike in the USA, HSI Australia strongly advocates for the use of genetic selection as a means of flystrike mitigation to breed sheep that are highly resistant to all forms of flystrike and eliminate the need for painful mutilations such as mulesing or Steining (liquid nitrogen application to the breech area). We would recommend for this solution to be incorporated into the **HFAC Standards for Production of Sheep**.
- **Sheep – Tail docking**: The **HFAC Standards for Production of Sheep** allow tail docking of sheep with details discussed in part *H14: Physical alterations*. It states in 2(b) that, "When necessary, tail docking must be performed on lambs that are between 24 hours and 14 days old. The procedure must be performed using either a rubber ring or a hot docking iron (thermocautery)." We would object to this rule and recommend for tail docking to instead be listed as a procedure that is not permitted, along with mulesing and dehorning. Further, it does not specify the use of any pain relief for instances where tail docking is permitted.
- **Castration of lambs**: The **HFAC Standards for Production of Sheep** allows the castration of lambs when necessary, as described in part H14 1(a). HSI Australia advocates for the use of pain relief when castration is required.
- **HFAC Standards for Pigs**: HSI Australia recommends that the HFAC Standard for Pigs are amended to prohibit the use of stalls or crates, tail docking and teeth clipping. Surgical castration should only be permitted in conjunction with the use of a local anaesthetic.
- **Independent Third-Party Auditing**: The *'Inspector Information Manual'* specifies the inspection process and related expectations. However, it does not define the specific auditor requirements in terms of who is eligible as an auditor for the program in Australia. Third-party certifiers supply credibility, information, food safety, and quality assurance to customers. In general, a third-party auditor is more experienced, more highly trained, and has pledged to uphold a particular code of ethical conduct in the performance of the audit. They work for a quality register that also has policies, rules, and regulations to which the auditor must abide. They can also provide a competitive edge over rivals, as certification through a third-party organisation creates a premium on these products. Producers are now increasingly claiming that their produce is of a higher quality than those a consumer could purchase elsewhere. Third-party certification has the benefit of transparency and gives consumers the level of trust that they would expect from an ethical producer. It is much more trustworthy than self-certification and gives consumers greater confidence. This is key for animal produce in particular where animal welfare, environmental impact, food safety and food quality play an important role in consumer purchasing decisions.

In conclusion, although HSI Australia supports the HFAC trade mark in Australia in principle, we recommend that appropriate amendments are made in order for them to support improved animal welfare practices and for them to be written using appropriate language and measures for the Australian market. Thank you again for inviting us to comment on this CTM Application.

Yours sincerely,



Georgie Dolphin
 Program Manager – Animal Welfare
 Humane Society International (HSI) Australia