



29 August 2019

Adjudication  
Australian Competition & Consumer Commission  
Level 17, 2 Lonsdale Street,  
Melbourne, 3000  
[CTMs@acc.gov.au](mailto:CTMs@acc.gov.au)

To: Adjudication, ACCC

## **RE: ACMF submission on Certification Trade Mark Application No 1914662 lodged by Humane Farm Animal Care**

We refer to your letter dated 2 August 2019 inviting comment in relation the "Humane Farm Animal Care" certification trade mark application.

The Australian Chicken Meat Federation (ACMF) is the peak coordinating body for participants in the chicken meat industry in Australia.

We welcome the opportunity to provide comment on this application.

The ACMF wishes to raise the following issues with respect to the "Humane Farm Animal Care" CTM insofar as it relates specifically to chickens raised for their meat:

### **1. Program Policy Manual**

#### *PART 2: The Certification Process*

#### *B. Billing rates for certification services*

##### *1.2. Inspection fee*

This section provides for shared inspection fees, such that producers in close geographical proximity can split the cost of inspection fees if inspections can be scheduled so that the inspector can visit the operations during one visit.

As there is no reference to biosecurity measures to be applied to such scheduling, it is not clear how these visits will be conducted – for example could poultry farms belonging to different supply chains be visited by the inspector on the same day? We believe that this presents a significant biosecurity risk and would not generally be permissible under our industry's biosecurity procedures.

The reason for the biosecurity measures around farm visits is to minimise the risk of introduction of disease to chicken farms and the spread and establishment of poultry disease across the broader poultry industry. It goes without saying that a diseased flock(s) is one that is not experiencing optimal welfare, so the rules of the CTM must address how these risks will be mitigated.

#### *PART 2: The Certification Process*

#### *D. Initial Certification*

##### *8. Monitoring Conditions Imposed for Correction of Minor Non-conformances*

and

#### *E. Renewal of Certification*

##### *7. Monitoring Conditions Imposed for Correction of Minor Non-conformances*

The Policy Manual is not clear with respect to what process will be followed to confirm that minor non-conformances have been corrected. Will this require a further inspection to confirm that appropriate corrective action(s) have been taken? Will the program simply accept the applicant's word for it (however, we note that later in the Manual – at Part 5: Continued Conformance - it is implied that evidence of successful corrective action is provided to HFAC)? Or will other means be used of confirming that corrective action has actually been taken (and if so, what procedures will be used)?

Interestingly, under *F. Certification Procedures for Pooled Product 8. Tracking Corrective Actions*, the Policy Manual states that "HFAC uses its usual procedures for tracking corrective actions,..." whereas, as explained above, the Policy Manual does not clearly describe what the procedure for tracking corrective actions is.

A procedure for monitoring corrective actions **does exist**, however, as it is described in the HFAC "Inspector Information Manual". The procedure described therein for monitoring corrective actions should be described in the Policy Manual however, so that it is transparent to all what the process will be.

## **2. Humane Farm Animal Care Standards August 2014 - Chickens**

### *Part 1: Introduction*

#### *B. Guide to the Use of the Animal Care standards*

- *Farmers must also comply with any local, state or federal mandates for egg and poultry production that affect the environment or safety of their product, as well as the Veterinary Practices Act in their State.*

While Veterinary Practices Acts exist in Australian legislation, our legislation around animal diseases, animal welfare and biosecurity is much broader than what is encapsulated by these Acts. The first part of this dot point should be expanded to cover, not just the environment or safety of the product, but any animal health, welfare and biosecurity requirements. We note that the HFAC has advised the ACCC of proposed amendments to the Proposed CTM Rules that go part way to addressing this deficiency, by inclusion of a general statement that "the CTM rules which are available to Australian farmers and/or suppliers are compliant with Australian Animal Welfare Standards and Guidelines and will be automatically modified in accordance with these standards".

### *Part 2: Feed and Water*

#### *A. Feed*

##### *FW 5: Substances prohibited in feed*

- No feedstuffs containing mammalian- or avian-derived protein are permitted with the exception of eggs and egg products*

We challenge the rationale for this requirement. Chickens are omnivores, not vegetarians. While in some countries there may be other reasons why such feed ingredients are excluded, it is **not** based on optimising the nutrition and welfare of the chickens.

### *Part 2: Feed and Water*

#### *A. Feed*

##### *FW 8: Positioning feed and water stations*

*"Chickens must not have to travel more than 13 feet..."*

While this statement is sound practice, standards applied within Australia should adopt Australia units of measurement – in the case of distances, metres not feet. Many younger producers and their staff may not readily be able to visualise what 13 feet looks like.

The same principle applies in other parts of the rules and standards where standards are expressed in other than the metric system as adopted in Australia (e.g. at *E 31: Exits*).

*Part 2: Feed and Water*

*B. Water*

*FW 9: Water supply*

*“a. Chickens must have continuous access to an adequate supply of clean, fresh drinking water at all times, except when required by a veterinarian”*

There should be an additional exemption clearly written into this standard for flocks during pick-up/catching. If drinkers cannot be lifted immediately upon catching being initiated, there is a significant risk of birds injuring themselves by crashing into drinker lines and drinkers during catching, and also of fouling the litter through inevitably knocking drinker lines, causing spillage. As explained elsewhere in the standards, the importance of maintenance of litter quality (specifically minimising wet litter) is extremely important in ensuring bird welfare.

The need to lift drinkers during catching is recognised at two points elsewhere in the standards (e.g. at Part 6: Transportation; A. Depopulation; T2: Preparing for depopulation; a. *“All feeders, drinkers, and other obstacles must be raised or removed from the house prior to catching birds to minimize risk of bruising”*). For consistency, however, the exemption to continuous access to water during catching needs to be replicated in this specific standard.

*Part 3: Environment*

*G. Free-range/Pasture*

*E 33: Shade*

Insufficient emphasis is given to shade in the standards pertaining to free-range systems.

Under Australian conditions, shade is of critical importance in getting birds out onto the range and comfortable while out there, particularly in hot weather. We believe the standard should provide be more prescriptive re provision of shade and the amount provided.

*Part 3: Environment*

*H. Specific Provisions for Chicks*

*E 39: Thermal requirements*

*a. The brooder must be suspended above the center of the surround.*

This standard assumes that spot brooders are universally used, whereas many Australian farms adopt hot air brooders, which are located on the external walls of the shed and pump heated air into the shed - this achieves the same affect in terms of providing an optimal thermal environment for the chicks, but additionally provides a more even thermal environment to place birds into than is possible to achieve using spot brooders. The inference that spot brooders are the only way to provide for the thermal environment of chicks should be removed. This could best be achieved by inserting the words *“Where spot brooders are used...”*, in front of the standard which implies that they are the only system used e.g *“Where spot brooders are used, the brooder must be suspended above the center of the surround”*.

*Part 4: Management*

*M 2: Management and record keeping activities*

*Managers must:*

- 4 Maintain and make available to the Humane Farm Animal Care inspector records of production data and use of medications. These records must be dated and include documentation on:*
  - b) Mortality (reasons must be stated).*

To ask a farmer to account for the cause of every single mortality is both unrealistic and potentially undesirable in certain circumstances. Chicken farmers aren't veterinarians, and they should not try to be veterinarians by being forced to attempt to diagnose conditions. While the cause of mortality may be obvious in many cases (and could be recorded), it will not always be. If there is something going on in a flock which is resulting in unusual or unexplained mortalities, the grower should contact their company or

veterinarian to investigate, not try and diagnose it themselves. Indeed, this is recognised at a later standard M 10 (5. *Note the causes of illness and injury, when known, and..*.”

We would therefore suggest that point 4 b) under M2 should be revised to “Mortality (reasons, **where known**, must be stated).”

### 3. HFAC Inspector Information Manual

We have no suggestions or comments to make in respect to this Manual.

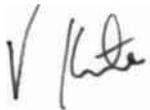
#### Summary

While the ACMF has not identified any clearly misleading aspects of the CTM proposal, it has identified several areas of the Policy Manual and chicken standards that would benefit from amendment from the perspective of transparency and/or consistency or where the standards have potential to result in perverse outcomes from an animal welfare perspective.

Please do not hesitate to contact me for clarification of any points raised in the above comments.

**The ACMF has no objections to this submission being made publicly available by placing it on the ACCC’s Online Consultation Hub**

Yours faithfully,



Dr Vivien Kite  
Executive Director

Dear Leigh

**SUBJECT: LOREM IPSUM DOLOR SIT AMET**

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