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Australian Pork Limited
ABN 83 092 783 278

PO Box 4746
Kingston ACT 2604

P 02 6285 2200
F 02 6285 2288

www.australianpork.com.au

David Hatfield
Adjudication Director
Australian Competition and Consumer Commission
GPO Box 3131
Canberra ACT 2601

By email: ctms@acc.gov.au

Dear Mr Hatfield

Certification Trade Mark Application No 1914662 – Humane Farm Animal Care

Australian Pork Limited (“APL”) seeks to provide a submission to the Humane Farm Animal Care (“HFAC”) application for a Certification Trade Mark (“CTM”). APL is the peak national representative body for Australian pork producers. It is a producer-owned company combining marketing, export development, research and innovation and strategic policy development to assist in securing a profitable and sustainable future for the Australian pork industry. The Australian pork industry employs more than 36,000 people in Australia and contributes \$5.2 billion in GDP to the Australian economy.

HFAC’s stated purpose “is to improve the welfare of farm animals by providing viable, credible, duly monitored standards for humane food production and ensuring consumers that certified products meet these standards.” Supporting its application are Pigs Standards, dated January 2018.

APL has concerns with the application made by HFAC for the following reasons:

- The certification of ‘humane’ standards infers other products are not humane.
- The standards supporting the application refer to requirements that are unable to be met in Australia and refer to inferior US standards.
- Consumers seeking a legitimate quality assurance standard may be misled, and there is potential to undermine independently audited QA systems.

The certification of ‘humane’ standards infers other products are not humane.

The term ‘humane’ is a unique concept with reference to animal husbandry. Australian pig producers must comply with legislation in their state or territory, which mandate the minimum animal welfare requirements of the *Model Code of Practice for the Welfare of Animals: Pigs* (“Model Code”). Indeed, many producers implement animal welfare requirements above this minimum legal standard, for example, the industry voluntary gestation stall phase out initiative, where 77% of sows are now housed in groups from five days after mating until one week before farrowing.

Australian consumers should have confidence that the Australian pork they consume has been raised to this minimum or higher standard. From this baseline, consumers may choose to buy free range or outdoor bred, if it more closely aligns with their preferences. The availability of different production methods for different purposes does not assume that conventional production is not humane and to make this claim is misleading to consumers and contrary to animal welfare research.

The standards supporting the application refer to requirements that are unable to be met in Australia

The Standards supporting the application are based on a template from HFAC's American certification scheme. References are variously made to the American Association of Swine Practitioners, National Pork Producers Council, National Pork Board, American Meat Institute and the USDA, as regulators or custodians of health and welfare standards. Every producer that is audited under these standards will therefore fail, as there is no capacity for Australian producers to meet standards set and/or audited by another jurisdiction. These must urgently be addressed and altered to refer to Australian standards.

Aside from the impracticalities of meeting American standards, Australia's legislated animal welfare laws far exceed those in the United States. Although the standards make reference to local laws, the thrust of the application is on certification, with no direct reference to the laws and standards that every Australian pork producer is required to follow.

The use of the term 'humane' has become synonymous with free-range livestock production, regardless of scientific research which shows that animal welfare can be impacted in indoor or outdoor production systems. This has created a commercial driver in a HFAC CTM being provided to a producer, which may result in overlooking their obligations under Australian animal welfare, biosecurity, environmental and other requirements. Not only would these violations affect the individual producer, they have the capacity to undermine Australian pig production more generally, should adverse media reporting conflate HFAC certification with pig production more generally.

Consumers seeking a legitimate quality assurance standard may be misled

APL represents and provides services to all pig producers in Australia through marketing, research and policy development. Regardless of size or production type, Australian producers are supported so that their business can be profitable and sustainable. Additionally, APL has developed a quality assurance system which audits farms through independent standards which go above and beyond the basic level of animal husbandry required under the Model Code. This system, known as the Australian Pork Industry Quality Assurance System or APIQ[✓]®, covers almost 90% of pigs produced in Australia.

Were this application to be approved, it would undermine legitimate, audited quality assurance programs such as APIQ[✓]®, and weaken the confidence that consumers have in the ACCC to adequately regulate anti-competitive and misleading conduct. The progress that the CTM application has already made to the consultation stage is of serious concern to the pork industry. APL urges the ACCC to protect the integrity of quality assurance programs generally, and the Certification Trademark Scheme specifically, from meaningless and misleading claims of animal welfare.

If you require further information or have any questions, please do not hesitate to contact Alister Oulton on 02 6270 8832 or alister.oulton@australianpork.com.au.

Yours sincerely



Deb Kerr
General Manager, Policy