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Submission on application for "Certified Humane" certification trade mark (CTM 1914662)

Vegan Australia is pleased to have the opportunity to provide a submission to the consultation by the Australian Competition and Consumer Commission (ACCC) regarding the application by Humane Farm Animal Care to register a "Certified Humane" certification trade mark (CTM 1914662) in respect of farmed animals. We hope this submission assists in ensuring the best outcomes for both animals and consumers.

Vegan Australia is a national organisation that informs the public about animal rights and veganism and also presents a strong voice for veganism to government, institutions, corporations and the media. Vegan Australia envisions a world where all animals live free from human use and ownership. The foundation of Vegan Australia is justice and compassion, for animals as well as for people and the planet. The first step each of us should take to put this compassion into action is to become vegan and to encourage others to do the same. Veganism is a rejection of the exploitation involved in commodifying and using sentient beings.

Submission

Vegan Australia objects to Humane Farm Animal Care's application on the basis that the trade mark could mislead consumers. The proposed standards are not consistent with Australian consumers' expectations regarding the 'humane' breeding, raising and killing of farmed animals. Nor are the standards compatible with dictionary definitions of the word 'humane'.

Regarding animals, these definitions of 'humane' include such concepts as: showing 'tenderness', 'compassion', 'kindness' and 'sympathy', "showing concern for the pain or suffering of another" and "making sure that they do not suffer more than is necessary".

Our objection to the application can be summarised in the following argument:

- The definition of 'humane' includes the concept of not causing suffering more than is necessary.
- The consumption of animals or their parts is not necessary for human well being, as stated by the Australian Dietary Guidelines and many other sources.
- Animals have the ability to feel emotions, both positive and negative, such as happiness and pain.
- The proposed standards allow some suffering and the killing of animals.
- Because of the above, we can deduce that animal production covered by the standards are not 'humane'.

The fact that the proposed standards all permit the killing of animals is enough to reject the claim of 'humane' treatment. It is not possible to 'humanely' kill anyone (including an animal) who does not want to die. In addition, the proposed standards permit many forms of suffering, such as beak trimming, gas chambers, unavoidable 'cannibalism' and mass "depopulation" of birds. No amendments could be made to the standards to avoid suffering and killing and still allow for the commercial production of animal products. For an analysis of some of the proposed standards and how they permit suffering of animals, please see Appendix 1.

We note that the mission of the applicant, Humane Farm Animal Care, is "to improve the lives of farm animals in food production from birth through slaughter". If the welfare of farmed animals was paramount to the applicant, they would not be suggesting the use and killing of animals but rather promoting a plant based diet. The mission also mentions 'humane food production'. Again, if that was important to the applicant, they would promote the most humane food production system known, a plant based agricultural system.

As shown by the recent documentary Dominion, the suffering inherent in the animal agriculture industry is hidden from the general public, and so most people have a misguided, and usually optimistic, view of how farmed animals are treated. In addition, because of advertising by the animal products industry and a lack of education, many people do not understand the nutrition requirements of humans and so assume they 'must' eat meat, dairy and eggs to be healthy. If a 'humane' label is permitted on animal products, it would further mislead consumers into thinking it is possible to obtain animal products without suffering. We refer you to our previous in-depth submission which covers a similar application in 2016 for a Free Range Egg Labelling Information Standard (see References).

For evidence that the consumption of animals or their parts is not necessary for human well being, please see Appendix 2.

In addition to the suffering of farmed animals, the animal agriculture industry also causes massive environmental damage, directly causing suffering to native animals, and indirectly causing suffering to people and animals around the world by being a major contributor to the climate crisis and other environmental issues, such as land degradation, air and water pollution, introduction of invasive pasture grasses, loss of biodiversity, and destruction of the Great Barrier Reef. The public is becoming much more aware of these links now, with the UN stating that a shift toward plant-based diets is one of the most significant ways to reduce greenhouse gases from the agriculture sector. The fact that all animal agriculture contributes to this damage means that none of it can be considered 'humane'. See Appendix 3 for more information on the link between animal agriculture and environmental damage.

The consumption of animal products, whether 'humane' or not, causes many adverse health impacts to consumers. Oxford University researchers have estimated that if the global population were to adopt a vegetarian or vegan diet, more than 7 million lives would be saved per year due to reductions in the rate of chronic diseases such as coronary heart disease, stroke, cancer, and type 2 diabetes.

Conclusion

Commercial production of animal products in Australia is an ethically fraught endeavour. It necessarily causes harm to sentient beings regardless of the production system used. Allowing "certified humane" producers to position themselves as an ethical choice obscures the reality that, when it comes to the production of animal products, there is no ethical choice.

Vegan Australia proposes a phase out of animal agriculture in Australia over 10 years because we acknowledge the reality that there is no possibility of an ethical choice when it comes to using animals as production units. Public support of the animal agriculture industry is built on campaigns of miseducation, and information suppression, often supported by governments.

We propose that education campaigns be implemented to build public awareness of the inevitable suffering caused by the animal agriculture industry. These should be accompanied by campaigns to educate the public that there is no need to consume animal products and that consuming a plant based diet is simple, tasty and healthy.

The presence of the proposed certification trade mark on animal products may cause consumers to wrongly believe that the animal whose body parts or secretions they considering purchasing was treated 'humanely'. As we have shown above, the certification rules do not guarantee that these animals have been humanely bred, raised and killed. This would lead to consumers being misled and so we ask that the application be rejected.

Greg McFarlane
Vegan Australia

Appendix 1 Examples from proposed standards that permit suffering

The proposed standards cover many different animal species and animal products but offer only limited protection to animals. What the proposed standards have in common is that they permit some forms of pain and suffering to farmed animals and they permit the killing of all animals in the production process. No amendments could be made to the standards to avoid all suffering and killing and still allow for the commercial production of animal products.

We note that the proposed standards mostly relate to intensive and housed arrangements for farmed animals. These production systems intrinsically cause suffering to animals by being far from their natural environment.

Below we list some examples. This is not an extensive analysis of the proposed standards. When reading these we ask you to replace in your mind the farmed animals referenced with animals such as dogs or cats. Would any of these then be considered 'humane' practices?

- In the egg standard, no mention of is made of the breeding process, welfare of mother chickens or the killing of unwanted male chicks.

- The housing of thousands of animals in one area is permitted.
- Beak trimming of chickens is allowed.
- The gassing of chickens and pigs in gas chambers is allowed.
- The egg standard states that "Cannibalism is notoriously unpredictable and has been reported in all types of housing systems, including barns, aviaries and free-range systems." The standard accepts that cannibalism is likely even though it is not a problem with chickens living in a natural environment.
- The egg standard permits the mass "depopulation" of potentially thousands of birds at a time. The standard says nothing about how this should be done apart from "catching teams must never put speed of operation before hen welfare".
- Hens in a 'Certified Humane' system are allowed to be disposed of through non-certified means. This could mean the 'Humane Certified' label could be put on eggs which come from hens who are inhumanely treated and killed after they are spent.
- The standards are full of arbitrary numbers, such as the limit on the average beak trimming scores. This clearly allows some birds to suffer and yet the system to be certified.
- Nearly all animals who are part of this 'Certified Humane' system would have no normal family structure. Hens would never see a rooster, would never raise a chick. Mother cows, pigs and other animals would not raise their children. Clearly a system which permits this kind of separation and mass incarceration can not be labelled as 'humane'.
- In the dairy industry, calves can be taken from their mothers a few days after birth, which is highly traumatic for both mother and calf.
- The pig and chicken standards both state that "All slaughter systems must be designed and managed to ensure livestock do not experience unnecessary distress or discomfort." Since the purpose of the slaughter system is to end the life of the animals, we believe most consumers would not consider this a system where the animals do not experience 'discomfort'. Death is the ultimate 'discomfort'.
- At the slaughterhouse, the only instruction on how to remove chickens from the truck is "Care must be taken when removing birds from crates". It does not specify what kind of care, to what end, nor any suggested criteria to measure this.
- The chicken standard permits chickens to be hung in shackles and then dipped into an electrically live stunning bath so that a current passes through their bodies. Most consumers would not consider this 'humane'.
- Branding by hot irons and freezing is permitted.
- Farrowing crates for mother pigs are permitted. Farrowing crates are generally considered by the public as inhumane.
- Chickens can be kept indoors for their entire lives, without access to sunshine.
- Teeth can be clipped and tails removed without the use of pain relief.
- Castration is allowed without pain relief.

Animal science shows us that farmed animals feel the same level of pain as companion animal species. Again, we ask you if you would permit any of these procedures to be performed on your cat or dog?

There are many other permitted practices we could list that would not be seen as 'humane' by the average consumer. Having 'Certified Humane' labels on products

produced under these standards would mislead consumers.

Appendix 2 Evidence that animal products are not necessary for health

Vegan Australia's recommendation to phase out animal agriculture implies a change to a plant-based diet for the people of Australia. Nutritional science shows that humans have no need for farmed animal food products. In fact, there is a solid body of peer-reviewed scientific evidence to confirm that it actually benefits human health to consume a primarily plant-based diet. Changing to a plant-based diet can help people live a longer, healthier life, and significantly reduce risk of falling victim to many of the serious health threats facing Australians today.

Australia's peak health body, the National Health and Medical Research Council, recognises that a vegan diet is a viable option for all Australians. Australia's top health experts agree with those in other parts of the world that well-planned vegan diets are safe and healthy for all age groups. The Australian Dietary Guidelines state that alternatives to animal foods, such as nuts, seeds, legumes, beans and tofu, can "increase dietary variety and provide a valuable and affordable source of protein and other nutrients found in meats."

According to the US Academy of Nutrition and Dietetics, "Appropriately planned ... vegan diets are healthful, nutritionally adequate, and may provide health benefits for the prevention and treatment of certain diseases. These diets are appropriate for all stages of the life cycle, including pregnancy, lactation, infancy, childhood, adolescence, older adulthood and for athletes."

Not only are animal products unnecessary for optimal health, an increasing number of nutritionists and health professionals are acknowledging animal products are harmful to our health. This is supported by decades of good research. A healthy vegan diet helps reduce the risk of heart disease, stroke, cancer, obesity, and diabetes, some of Australia's top killers. The World Health Organisation has stated that processed meats such as bacon cause cancer and the red meat is a probable cause of cancer.

A recent issue of the Medical Journal of Australia, dedicated to the question "Is a Vegetarian [including vegan] Diet Adequate?", included the following statements. "A varied and balanced plant-based diet can provide all of the nutrients needed for good health." "Most vegans meet the recommended daily intake for protein." "Vegan diets generally contain just as much or more iron than mixed diets containing meat." "BMI and obesity was lowest for vegans."

The China Study by T Colin Campbell is one of the most comprehensive studies on nutrition ever done. Campbell provides compelling evidence linking animal products to disease, including cancer, heart disease, osteoporosis, diabetes, etc.

Every current vegan, by simply being vegan, proves that causing harm to sentient farmed animals is not necessary.

Appendix 3 Impact of animal agriculture on the environment

The havoc caused to the world environment by the billions of animals we raise and kill for food each year is huge. The U.N. has identified the animal industries as 'one of the

most significant contributors to today's most serious environmental problems', including global warming, species extinction, loss of fresh water, rainforest destruction, spreading deserts, air and water pollution, acid rain, soil erosion and loss of habitat. Vast areas of forest are cleared to grow crops to feed farmed animals. The methane produced by these animals is the largest single cause of global warming, larger than all transport worldwide. Large quantities of excrement produced by animal industries leak into rivers and oceans as pollution.

Instead of growing crops to feed animals who we then eat, it would be much more efficient and cause less harm to the environment if we consumed the plants directly. This would feed five times as many people, make available significant amounts of fresh water, help reverse global warming, use less fossil fuels and allow large areas of land to be reforested.

Most people today recognise the importance of considering the environment in their daily lives, by saving water and energy, driving more fuel efficient cars and using renewable energy. However, one of the simplest and yet most significant choices we can make to reduce our environmental impact is to switch to a vegan diet.

Animal agriculture is the leading cause of global warming. We are all concerned about climate change and most people support the move to renewable energy. But many of us are unaware of the catastrophic effect meat, dairy and egg production is having on global warming and other environmental issues.

As Australian Professor Ian Lowe says, "Producing meat turns vegetable protein very inefficiently into animal protein, using large amounts of energy and water in the process. Ruminant animals also produce large amounts of methane, a much more potent greenhouse gas than carbon dioxide. Meat production is a serious contribution to greenhouse gas pollution and hence global warming."

Over a twenty year time-frame, animal agriculture emits half of Australia's greenhouse gases. This is more than all other sources, including energy generation and transport using fossil fuels. Animal agriculture produces greenhouse gases through land clearing for grazing, methane produced by cows and sheep, savanna burning for clearing and emissions from manure. When looked at globally, half of worldwide emissions can also be attributed to animal agriculture.

We also refer you to a previous submission to an inquiry into Australia's faunal extinction crisis which looks at how animal agriculture is damaging native animal species through land clearing. (see References).

References

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