



Australian Chicken Meat Federation (ACMF) Inc

26 May 2017

To: Adjudication, ACCC

RE: ACMF submission on CTM application - Pastured Proof - Pasture Raised On Open Fields (CTM 1784876)

We refer to your letter dated 3 May 2017 inviting comment in relation the "Pastured Proof – Pasture Raised on Open Fields" certification trade mark application.

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

We welcome the opportunity to provide comment on this application.

The ACMF wishes to raise the following issues and concerns with respect to the "Pastured Proof" CTM insofar as it relates specifically to chickens raised for their meat:

1. The terminology "Pastured Proof", used in the trademark, is misleading

While some consumers might actually read the third tier messaging on the Trademark which spells out what the term "Proof" is an acronym for, the majority are unlikely to do so. The term "Pastured Proof" is open to misinterpretation by consumers as implying that this is the **only** program that provides some verification (or "**proof**") that the animals produced under it have had access to the outdoors. The implication given by the title of the program is that other programs do not or may not provide an equivalent level of "proof" of access to the outdoors, whereas there are other programs that provide at least equivalent levels of assurance that the animals have had access to the outdoors – for example the Free Range Egg & Poultry Australia program – which have more rigorous and frequent auditing requirements than are proposed in the "Pastured Proof" rules.

2. The terminology "Pasture Raised on Open Fields", used in the trademark, is misleading

The phrase "*pasture raised*" is itself misleading, at least as it applies to the poultry program, as it may convey to consumers that the products bearing the "Pastured Proof" mark have come from animals which have been raised on a diet that is predominantly pasture-based. Poultry standard 7.2 ("*Fresh feed that is appropriate to the nutritional needs of the birds shall be: 7.2.1. supplied in sufficient quantity to maintain the bird in good body condition and health*") in effect requires (for meat chickens at least) that a prepared

Level 7 122 Walker Street, North Sydney NSW 2060 | PO Box 579, North Sydney NSW 2059 |

T: 02 9929 4077 | F: 02 9925 0627 | www.chicken.org.au | acmf@chicken.org.au | Chook Infoline: 1300 424 665

feed that is formulated to meet the nutritional requirements of a growing meat chicken is provided to the birds, as a meat chickens cannot meet their nutritional needs from pasture alone. Therefore, the birds will consume the vast majority of their diet as the offered mixed feed, whereas the inference from the title of the scheme is that pasture is the major source of nutrition.

Furthermore, the terminology "*pasture raised on open fields*" clearly implies that the animals are on "open fields", whereas the reality is that they will need to be confined by some form of fencing. Indeed, if they weren't it would be impossible to ensure protection from predation, which is a requirement under the rules of the program, and the need for fencing is explicitly stated at rule 6.1 ("*Fencing must prevent the animals from straying and be designed to exclude feral animals and provide protection from predators*"). It would be less misleading if the title of the program simply referred to "paddocks" rather than "open fields", as most people would accept that the term "paddocks" refers to a fenced area or enclosure. Indeed, the overall "Core Values" of the program, as stated in the rules, and species specific standards do refer to the concept of paddocks as an alternative to "open fields". Unfortunately, the title of the program itself doesn't reflect this.

In the overarching definitions applying to the overall program, "Pastured" is defined as follows: "*All animals are born and raised outdoors with continuous and unconfined access to pasture throughout their life time. They are kept at a stocking intensity that will ensure forage is always available in a sustainably managed rotational grazing system. Exception; young birds that are not yet fully feathered and poultry that must be protected from predation at night*".

While some consumers might make the effort of acquainting themselves with the details of the "Pastured Proof" program, its rules and definitions, and exemptions to these, the majority are unlikely to do so.

In the context of the standards as they apply to meat chickens, in particular, there are so many stated and unstated exceptions to the definition of "Pastured" and the "Core Values" as to render them meaningless to anyone unfamiliar with the finer details of the standards under the rules.

There are significant contradictions between what consumers may interpret the meaning of "Pastured" to be and the reality of the rules as they apply to poultry at least. Some examples:

- There is an exemption to the definition of "Pastured" as it applies to poultry ("*All animals are born and raised outdoors with continuous and unconfined access to pasture throughout their life time*") for young birds that are not sufficiently feathered. To be clear, we have no objection to the exemption and this standard itself. Indeed, **this standard is in line with other certification systems and represents industry best practice**. Nevertheless, it directly conflicts with the definition in three respects. The birds are clearly not "***born and raised outdoors with continuous...access to pasture throughout their life time***"
- There is an exemption to the definition of "Pastured" for poultry that must be protected from predation at night, and combined with poultry standard 5.1 ("*All birds will have access to weatherproof housing at all times*"), the rules clearly make provision for enclosed housing for poultry. Furthermore, poultry standard 3.3 ("*Animals will have access to paddocks and pasture for a minimum of 8 hours each day*") implies that birds may be **confined** inside such housing for up to 16 hours. Once again, **we fully support the need for standards that allow birds to have access to housing in which they can either voluntarily seek protection from predators or from adverse weather, or indeed be confined for their own protection where predation, weather conditions or disease situations put their health and welfare at risk**. Nevertheless, 8 hours of access per day is not "***continuous access***".
- While the definition of "pastured" and core values of the program do not make a specific exemption for poultry not being "***born outdoors***", the standards do recognise the reality that this is unlikely to be possible in most circumstances. For example, poultry standard 3.5 states that "*Day old chicks and ducklings may be purchased from any reliable ...*" and in the case of meat chickens, poultry standard 3.6 only requires that "*Meat birds must be raised on farm from chicks*". The standard is silent on where these birds must have been "born" ie hatched. Unless chicks used have been hatched naturally under a hen, outdoors (as opposed to being hatched indoors in an incubator), then they clearly don't meet the definition of having been "***born***" outdoors. We cannot

envisage that any commercial meat chicken farm, no matter its size, (at least in the case of meat chickens) could practically be stocked using chicks that have been hatched outdoors.

Therefore, despite the stated exemptions in rules of the program as they apply to poultry, we would contend that most consumers are unlikely to familiarise themselves with the actual standards and exemptions to definitions, and therefore the program will fail to deliver upon the expectations raised by its title and the Trademark itself.

Summary

The ACMF contends that the “Pastured Proof” Trademark, the acronym used as the descriptor of the program (*Pasture Raised on Open Fields*), the stated core values of the program and the definition of the word “Pastured” will be misleading to consumers in respect to how they would be applied in poultry production.

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

Yours faithfully,

A handwritten signature in black ink, appearing to read 'V Kite', written in a cursive style.

Dr Vivien Kite
Executive Director