



The **Commercial Egg Producers'**
Association of Western Australia (Inc)

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PROOF – Pasture Raised on Open Fields Certification Trade Mark Application No 1635381 Interested Party Consultation

Due: 27 July 2015
Our Ref: 053

Contact:

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Submitted to:

The Australian Consumer and Competition Commission
By email: CTMs@acc.gov.au
Reference: CTM 1635 381 – PROOF – comment

1. About The Commercial Egg Producers Association of WA (Inc).

The Commercial Egg Producers Association of Western Australia (Inc) (CEPA) is the leading representative body for Western Australian commercial egg producers. CEPA members produce approximately 85 per cent of eggs in Western Australia using caged, barn and free range production methods. Majority of commercial egg producers in the State are members of CEPA.

2. The Objectives of CEPA are to:

1. To proactively represent and promote the best interests of Commercial Egg Producers in dealings with Government, non-government bodies and their representatives.
2. To secure uniformity of action on matters affecting the common interest of Commercial Egg Producers.
3. To promote and uphold industry codes of practice for animal welfare, quality assurance, bio-security, environmental, labelling and transport of live poultry.
4. To promote the consumption of Western Australian laid eggs.

3. CEPA is a member of:

- WA's leading State farm lobby group The Western Australian Farmers Federation.
- Egg Industry national peak body Egg Farmers of Australia Inc.
- Egg industry Research, Development and Marketing Company, The Australian Egg Corporation Ltd.

4. Egg Production in Western Australia

There are 186 registered businesses in Western Australia (WA) that produce eggs. Only 30 produce eggs as their primary business which represents 99% of total WA egg supply. The WA egg industry only supplies 66% of eggs sold in WA meaning 34% of eggs are supplied from interstate.

5. Background to the submission

Australian Consumer and Competition Commission (the ACCC) is considering an application to register a certification trade mark (CTM) from Pasture Raised On Open Fields Pty Ltd (PROOF). The ACCC is undertaking an "interested party consultation" on the matter. PROOF CTM is intended to provide consumers with "proof" that the produces bearing one of the symbols on offer have been produced from animals that have been treated ethically and raised in a free range production system. The CTM rules provide a set of core values that apply to all categories of livestock and four separate standards setting out the minimum requirements for the farm practices relating to the production of pigs, poultry, meat sheep and beef cattle.

6. COMMENTS

Misleading/Deceptive conduct - Core values

- The standard refers about the fact that “all animals are able to range freely in open fields or paddocks.” However, the standard then stipulates that this is the case “** with the exception of young birds that are not sufficiently feathered.” The standard will be misleading the public in that consumers would be asked to believe that “all animals” were able to “range freely”, when in fact they are not.
- All animals are able to.....”carry out natural behaviours”. Again, if a natural behaviour of an animal is to go outside each day for about 8 hours and “not sufficiently covered animals” do not, then this is misleading consumers into thinking that all animals are able to go outside when in reality they are not.
- It is unclear as to what the definition of “open field” as in versus a “closed field”.
- How will animals be measured for “coping” versus “thriving” in their environment?
- Most of the animal welfare aspects are covered by the various State animal welfare legislation and national codes of practice already.
- The standard shows that the proponents are out of touch with current production methods. De-beaking of poultry does not take place in the commercial egg industry in Australia.
- “Pastured free range should be environmentally and socially sustainable” how will this be put in place and audited?

Range Management:

- Most of the statements are “feel good” with little detail as to what requirements are to be met. This whole section is open to interpretation by the producer, auditor or owner of CTM.
- Who will develop and approve a pasture management program for each property using the CTM? What qualifications will these individuals have?
- Poultry should be “encouraged” to spend time outside. Does that mean that hens will be forced to go outside during times of the day or weather conditions during which they do not wish to?

Animal Husbandry

- The egg industry in Australia does not “de-beak” hen’s beaks.

Anticompetitive behaviour

- “Purchase point of lay pullets that have not been sourced from a PROOF certified supplier will be excluded from certification for a period of four weeks from delivery on farm” is anticompetitive and restrictive. This section of the standard is contradictory in that a CTM will be granted to a producer “if evidence is provided that this transition is already underway”.

Having a producer using this CTM while going against the core value of the Standard is not acceptable and is misleading the public.

- All State egg organisations have recently agreed to a definition of free range including stocking densities through egg industry peak body Egg Farmers Australia Inc. This definition has been supplied to the Minister for Fair Trading in NSW. The definition of “Free range” is currently being developed by the Federal Government in Association with all State Consumer and Agriculture Ministers. This work is being carried out by the NSW Fair Trading. The process to define “free range” will be concluded by February 2016.
- There is currently an ACCC investigation against a WA egg producer in relation to “definition of free range eggs”. It is difficult to ascertain whether or not the hens are “free range” when there is no current definition in Australia.
- The Standard makes reference to layer stocking rates “not exceeding 1,500 hens per hectare”. It is unclear as to what this figure was based on, other than the fact that it is in the Australian Model Code of Practice for The For the Welfare of Animals – Poultry 4th Edition. The Model code is currently undergoing a review in order to create the new National Animal Welfare Standards and Guidelines for Poultry through Animal Health Australia.

7. RECOMMENDATION

The Commercial Egg Producers Association would suggest that ACCC reject the application for CTM No 1635381 based on the following:

1. There is no current definition of free range in Australia. This process is to be completed in February 2016 by NSW Fair Trading.
2. The Australian Model Code of Practice for the Welfare of Animals – Poultry 4th Edition is under review and will be remodelled to the National Animal Welfare Standards and Guidelines for Poultry by Animal Health Australia.
3. There are too many ambiguities and poorly formulated standards within the proposal leading consumers to be misled or deceived.

8. CONCLUSION

We wish to be informed on the ACCC initial assessment on this matter for further comment and final assessment as follows:

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