

FACTORY FARMING: A WORLDWIDE CRISIS



Photo: Jo-Anne McArthur, We Animals, weanimals.org

Joyce Tischler, founder, general counsel

ANIMAL LEGAL DEFENSE FUND





Shallow retaining lagoon
Where manure sits before
being sprayed on
surrounding fields

Hog barns
(1 site of 9 with 8,832
hogs per site)

More hog barns
and lagoons

Aeration basin
Where manure goes after
the lagoon

20 million gallon
manure "lagoon"

Six million sows



Photo: <http://www.animalwelfareapproved.org/consumers/factory-farms/>



"So our animals can't turn around for the 2.5 years that they are in the stalls...I don't know who asked the sow if she wanted to turn around."

— National Pork Producers Council statement (from *The National Journal*, July 24, 2012)



Facebook.com/HCSofUSA

Source: Humane Society of the U.S.

Gestation and farrowing crates: containers with metal bars and concrete flooring.

Crates measure under 7 feet long by a little over two feet wide.

Sow cannot turn around or walk.

Sixty million pigs per year

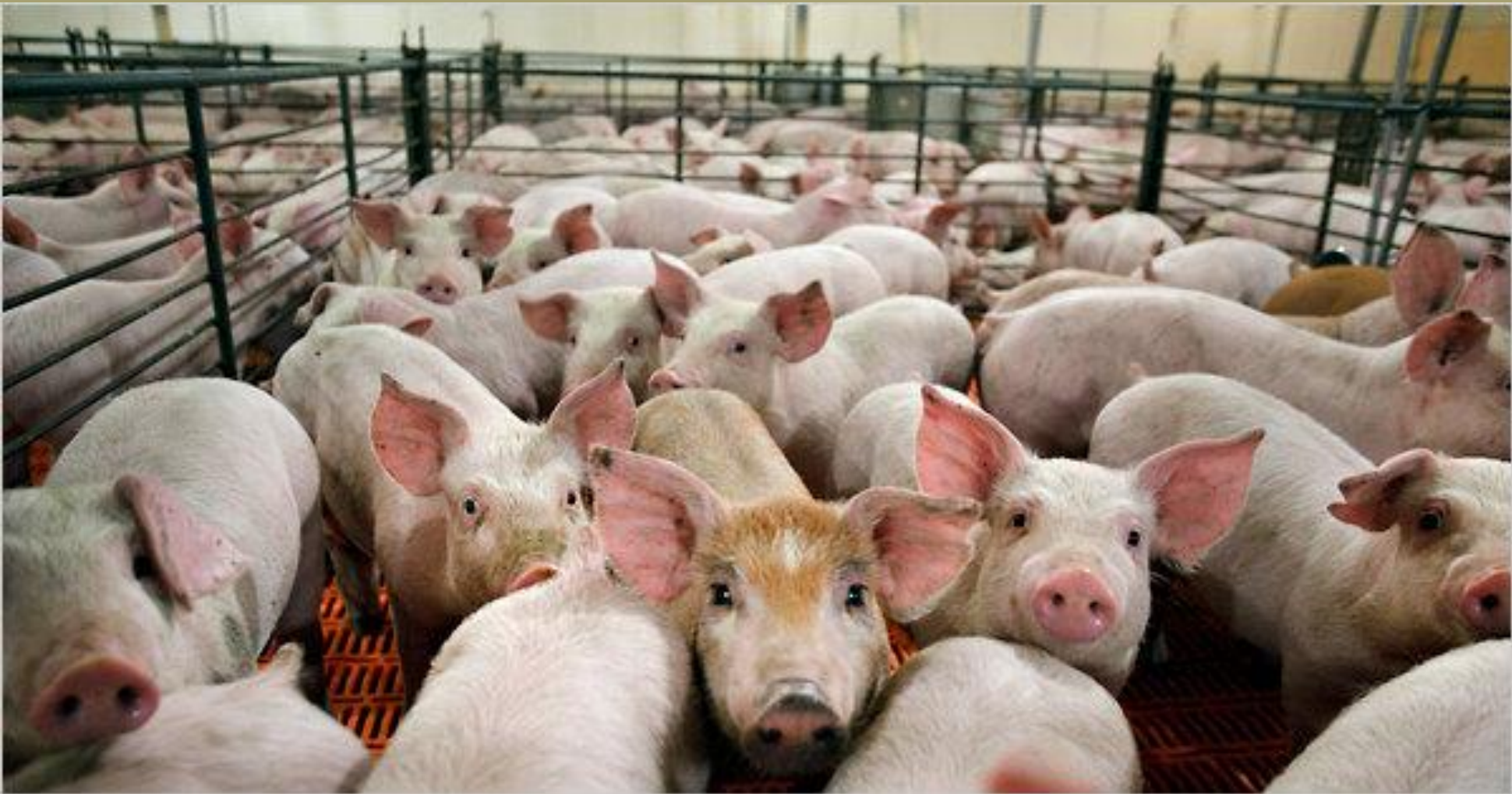


Photo: www.planetoftheanimals.blogspot.com

Chickens reach market weight and are sent to slaughter when they are seven weeks old. In the past 50 years, the rate at which they grow has increased by 300%.



Photo: CAFO, www.cafothebook.org/theissue_2.htm#up

A century ago, egg laying hens produced 100 eggs per year. CAFO hens have been selectively bred to produce more than 250 eggs per year. This is very hard on their bodies. Their natural life span is 5-8 years, but after 1-2 years, these hens produce fewer eggs, so they are sent to slaughter to become frozen dinners, pot pies or fertilizer.



Photo: Jo-Anne McArthur/We Animals, weanimals.org

Dead and dying male chicks



Photo: Farm Sanctuary



Photo: Rainforest Action Network,

www.understory.ran.org/2011/08/19cargill%E2%80%99s-not-so-cold-turkey-bad-habits-in-the-global-food-chain/

Feedlot



Photo: Natural Grocers by Vitamin Cottage

<http://www.naturalgrocers.com/nutrition/dispelling-myths-about-industrial-animal-meat-system>

Today's CAFO dairy cows have been selectively bred to produce twice as much milk as they did forty years ago. This massive increase in milk production takes its toll on their bodies. While a cow could live to be 15- 20 years, after three or four years of producing huge volumes of milk, most dairy cows are sent to slaughter and made into hamburger.



[Photo: www.harmonist.us/2010/06/fighting-cafos](http://www.harmonist.us/2010/06/fighting-cafos)

Veal calves



Photo: Farm Sanctuary

Humane Transport Act, aka 28 Hour Law, 49 USC §80502

When transporting animals interstate, “may not confine animals in a vehicle or vessel for more than 28 consecutive hours without unloading the animals for feeding, water, and rest.”



Humane Methods of Livestock Slaughter Act, 7 USC §§ 1901-1907 :

Requires that livestock be quickly rendered insensible to pain before being slaughtered. Excludes poultry and animals killed for ritual slaughter.

--Only applies to slaughter, not to animals in CAFOs (factory farms).



Animal Welfare Act, 7 USCS § 2132(g)

“The term ‘animal’... excludes... (3) other farm animals, such as, but not limited to livestock or poultry, used or intended for use as food or fiber, or livestock or poultry used or intended for use for improving animal nutrition, breeding, management, or production efficiency, or for improving the quality of food or fiber.”



Do state anti-cruelty laws apply to farmed animals?

The majority specifically exempt farmed animals and/or standard, normal or customary practices. Farming practices that are common or “normal” in U.S. –dehorning, debeaking, forced molting...



Dehorning of cattle



FORCED MOLTING: “... hens are deprived of water and food for up to 14 days at a time in order to shock their bodies into a period of increased [egg] laying. This extremely cruel practice, called “forced molting,” causes birds to lose their feathers and a significant percentage of their body weight, and many birds die from hunger and dehydration. This hen was rescued from a factory farm after her body was devastated by forced molting. Source: [/thecleanse.wordpress.com/2008/02/05/some-disturbing-news-about-organic-meat-products/forced-molting/](http://thecleanse.wordpress.com/2008/02/05/some-disturbing-news-about-organic-meat-products/forced-molting/)

State Legislation Banning Abusive Farmed Animal Practices

2012: Rhode Island outlawed gestation crates, veal crates and cattle tail-docking.

2010:

California outlawed sale of whole eggs from caged hens.

Ohio Farm Bureau (by regulation) outlawed gestation and veal crates and placed moratorium on construction of new battery cage facilities.

2009:

California outlawed cattle tail docking.

Michigan outlawed gestation crates and veal crates.

Maine outlawed gestation crates.

2008:

California outlawed battery cages, gestation crates and veal crates.

Colorado outlawed gestation crates.

2007: Oregon outlawed gestation crates.

2006: Arizona outlawed gestation crates and veal crates.

2004: California outlawed the production and sale of foie gras.

2002: Florida outlawed gestation crates.

**PeTA v. CA Milk Producers Advisory Board,
125 Cal. App. 4th 871 (2005)**



“Great cheese comes from happy cows.
Happy cows come from California.”

Reality



California Business & Professions Code §17200.

“As used in this chapter, unfair competition shall mean and include any unlawful, unfair or fraudulent business act or practice and unfair, deceptive, untrue or misleading advertising and any act prohibited by Chapter 1 (commencing with Section 17500) of Part 3 of Division 7 of the Business and Professions Code.

CA Bus. & Prof. Code § 17500.

“It is unlawful for any person, firm, corporation or association, ... with intent directly or indirectly to dispose of real or personal property or to perform services, ... to make or disseminate ... any statement, concerning that real or personal property or those services, ... which is untrue or misleading...”

CA Bus. & Prof. Code § 17580.

(a) Any person who represents in advertising or on the label or container of a consumer good that the consumer good that it manufactures or distributes is not harmful to, or is beneficial to, the natural environment, through the use of such terms as "environmental choice," "ecologically friendly," "earth friendly," "environmentally friendly," "ecologically sound," ... "green product," or any other like term, shall maintain in written form in its records the following information and documentation supporting the validity of the representation...”



“From 2002 to 2005, the majority of U.S. egg producers labeled their egg cartons with a logo that read “Animal Care Certified.”

“In 2003, COK filed legal petitions with federal agencies and the Better Business Bureau, alleging that these producers were engaged in misleading advertising.

“...COK conducted investigations inside so-called “Animal Care Certified” egg farms, argued its case two times before the Better Business Bureau, lobbied federal agencies, produced damning media exposes...

“... on September 30, 2005, the Federal Trade Commission (FTC) announced that the United Egg Producers’ deceptive logo would no longer be stamped on egg cartons nationwide, as soon as April 1, 2006.

Source: **Compassion Over Killing**, <http://cok.net/camp/victories/animal-care-certified-eggs-exposed/>

United States of America ex rel. The Humane Society of the United States v. Hallmark Meat Packing Company; Westland Meat Company, Inc., No. 08-0221 (U.S. Dist. Ct., C.D. Cal., 2013).



Hallmark Slaughterhouse

Photos: Humane Society of the U.S.



Challenging foie gras as an adulterated food:

ALDF v. Hudson Valley Foie Gras,
No. C 12 5809 DMR (N.D. Cal., 2013)

HVFG advertises that its foie gras is “The Humane Choice”

Allegations: false and misleading advertising under federal Lanham Act, 15 USC § 1051 et seq., Cal. Bus & Prof. Code, §§ 17200, 17500



ALDF (COK, FS) v. USDA, (U.S. Court of Appeals, 9th Cir.)

Require FSIS to comply with its statutory obligation under the Poultry Products Inspection Act to prevent adulterated poultry products (the livers from force fed ducks) from being used for human food.



Photo: Andwar, Creative Commons

**Association des Éleveurs de Canards et d'Oies du Quebec v. Harris:
Status: 729 F.3d 937 (2013) Current status: back in Court of Appeals,
9th Cir.**

California passed Health & Safety Code §§ 25980 et seq., a ban on the production and sale of foie gras. Members of foie gras industry sued the State of California to overturn the ban.

***ALDF v. Lt. Napa Partners (La Toque) No. 26-61166*
Superior Court, Napa County, California**

Violation of Cal. H&S Code § 25982 (prohibits sale of products from force fed birds).



AG-GAG

Idaho Code § 18-7042: A person commits the crime of interference with agricultural production if the person knowingly: (a) is not employed by an agricultural production facility and enters an agricultural production facility by force, threat, misrepresentation or trespass; ... (c) obtains employment with an agricultural production facility by force, threat, or misrepresentation with the intent to cause economic or other injury to the facility's operations . . . (d) Enters an agricultural production facility that is not open to the public and, without the facility owner's express consent or pursuant to judicial process or statutory authorization, makes audio or video recordings of the conduct of an agricultural production facility's operations; or (e) Intentionally causes physical damage or injury to the agricultural production facility's operations, livestock, crops, personnel, equipment, buildings or premises.

Union of Concerned Scientists: *CAFOs Uncovered: The Untold Costs of Confined Animal Feeding Operations*, 2008:

“The costs we pay as a society to support CAFOs...is much too high.”
“...undesirable form of animal agriculture ...”

The Pew Commission on Industrial Farm Animal Production: *Putting Meat on the Table: Industrial Animal Farm Production in America* (2008):

CAFOs “threaten public health, the environment, animal health and well-being, and rural communities. ”

“...one of the most serious unintended consequences of [CAFOs] is the growing public health threat...”

Foundation for Deep Ecology: *CAFO: The Tragedy of Industrial Animal Factories* (Daniel Imhoff, Editor), 2010:

“Our domesticated livestock have never been as cruelly confined or slaughtered in such massive quantities in all of history.”

“...the world’s lands and waters are being overwhelmed by animals that consume vast amounts of energy, foul the environment, and when eaten excessively , degrade our health.”





Photo: Visionshare , Creative Commons



Photo: The Heart of Barkness, <http://www.ketzel.com/2010/08/what-to-feed-vegan.html>
Vegan Paella



HOWIE

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J. Tischler, B. Myers, *Animal Protection and Environmentalism: The Time Has Come to be More Than Just Friends*, in **WHAT CAN ANIMAL LAW LEARN FROM ENVIRONMENTAL LAW?** Prof. R. Abate, Ed.