



CATTLE COUNCIL OF AUSTRALIA

SUBMISSION

22 July 2020

Mr David Hatfield
Director, Adjudication
Australian Competition and Consumer Commission
Level 17, 2 Lonsdale St
MELBOURNE VIC 3000

Via email: CTMs@acc.gov.au

Dear Mr Hatfield

Re: CTM 1914662 – Humane Farm Animal Care

Cattle Council of Australia (CCA) is the peak industry organisation representing Australia's grass-fed cattle producers. Established in 1979, CCA brings together all state-based farming organisations representing cattle producers in their jurisdiction, associate member organisations with close connections to the cattle industry, and individual cattle producers. CCA welcomes the opportunity to provide a second submission to the ACCC for the Humane Farm Animal Care (HFAC) application to register Certification Trade Mark (CTM) No. 1914662.

In its response to the ACCC's negative ruling on its initial application "Certified Humane" (CTM Application No. 1914662), HFAC has gone some way to addressing the points raised by CCA in our first submission (dated 29 August 2019) but falls short of alleviating all our concerns. The following comments relate to HFAC's proposed 'Beef Cattle' manual.

1. Potential for consumer misinterpretation

As stated in our first submission, it is important to note that all cattle producers in Australia must, by law, meet all elements of the Animal Welfare Standards for Cattle that are being implemented consistently by jurisdictional governments. The Standards were crafted on the basis of available animal-welfare science and with the co-operation of the dairy, lot-fed and grass-fed cattle sectors and the federal and state/territory governments; and were formally endorsed by AGMIN in 2016.

The red meat industry's commitment to these Standards is underpinned by the Livestock Production Assurance (LPA) program which among other things includes modules related to animal welfare, safe and responsible animal treatments, biosecurity, and preparation for the despatch of livestock.

CCA considers that any claims by HFAC about animals raised under its proposed standards must be demonstrably above those of the Animal Welfare Standards for Cattle and the relevant modules of the LPA program and that HFAC must be able to substantiate these claims. If HFAC is unable to do so, these claims should be considered invalid and in breach of laws in place to protect consumers from being misled about

the products they purchase. Further, these invalid claims would be consistent with the example used for environmental ('green') claims as described as false or misleading advertising by the ACCC.

If beef-related products are allowed to be retailed as "Certified Humane", unbranded product will almost certainly be misinterpreted as resulting from 'inhumane practices', which clearly would be false, consequently creating a false impression. Therefore, there remains a high risk of consumers being misled.

2. Australian Standards versus others

Despite various amendments by HFAC to its earlier draft, CCA believes its standards remain strongly US-centric and currently inappropriate for direct application under Australian conditions.

In response to industry submissions, HFAC has peppered its standards with references to Australia's Animal Welfare Standards and Guidelines for Cattle; however, these references appear somewhat superficial and random, designed to 'tick the box' rather than convert the HFAC standards to a document of genuine appeal to the Australian industry. As examples:

- a) there remains consistent use of North American vernacular ("barns", "corrals") and spelling ("liters", "feces", "esophageal", "odor", etc.);
- b) imperial measures are used throughout the document as primary references (degrees Fahrenheit, "quarts", "miles", etc.);
- c) "wattling (waddling)" is stated as banned, but this is a practice that has been illegal and not used in Australia for many decades so is virtually unknown;
- d) HFAC has retained specific reference to the US production system, e.g. "[conditions] in the northern part of the US" (E 16: Windbreaks, p. 10) and "Any medicines used in the U.S. must be licensed for use in the U.S." (H 11, p. 26).

HFAC makes the point that its standards "are based on the Royal Society for the Prevention of Cruelty to Animals (RSPCA) [UK] guidelines" (p. i). Clearly the conditions applying for animal production in the UK differ markedly from those applying in Australia.

Finally, and importantly, HFAC makes reference in its standards to a body condition score (BCS) scale of 1-9 (FW 5c, p. 2). This scale applies in North America. Australia uses a different BCS framework.

3. Australian expertise

HFAC has listed members of its Scientific Committee on p. ii. HFAC was made aware that the 39 members of its committee comprised experts from countries around the world, except from Australia where its draft standards are intended to apply.

In correcting this clear anomaly, HFAC has post-scripted (in different font) the addition of Dr Ellen Jongman, who will be the lone member with specific expertise in the conditions applying in Australia. From CCA's perspective, this is totally unsatisfactory for covering the country's practical needs. Dr Jongman's credentials are not in question, but there are numerous animal welfare experts in Australia, some of international repute, who could join with Dr Jongman to provide the type of expert advice clearly needed.

4. Other matters

- a) In the first paragraph under *Part 3: Environment* (p. 7), HFAC states, "These standards are written for beef cattle, which are raised outdoors on range or pasture." Puzzlingly, it then proceeds at various points throughout the document to list standards that would apply to cattle housed and/or raised in "buildings" and/or "feedyards".
- b) Several references are made to animals being transported, yet no mention is made of Australia's Animal Welfare Standards and Guidelines for Land Transport of Livestock or the *Is It Fit To Load?*

Guide, the latter being one of the most used animal-welfare tools in the Australian livestock sector and which is far more comprehensive than the HFAC standards.

- c) HFAC discusses feed and water requirements without any reference to 'curfews'. As an explanation of curfews, the following note appears on p. 20 of Australia's Animal Welfare Standards and Guidelines for Land Transport of Livestock:

Water and feed curfews can be an important part of livestock management for transport, depending on the species and pasture conditions. Issues include faecal and urine contamination of livestock, vehicles and roads, and slipping and falling of livestock in wet livestock crates. Water curfews must be managed in the context of the total time off water.

CCA continues to oppose the approval by the ACCC of the application for CTM 1914662 – *Humane Farm Animal Care*, even in its amended form.

CCA acknowledges the ACCC's preference for making submissions publicly available via its Online Consultation Hub and has no objections in the case of this submission.

If there are any queries about this submission, please do not hesitate to contact our office on 1300 653 038 or email cca@cattlecouncil.com.au.

Yours sincerely

Travis Tobin
Chief Executive Officer