

## Free range egg labelling – Submission

### Introduction

The consultation paper is very long and detailed. This may seem good in that it provides a great deal of information and a fair analysis of a number of different options, but it is actually a very bad thing. I say this because there are very many Australians who are deeply concerned about this issue and the majority of them will be deterred from putting in a submission because of the length and complexity of the consultation paper. This is likely to skew the results in favour of the big players in the industry who have the resources to make their positions heard most forcefully. Like the president (Ken Klippen) of the USA Association for Egg Farmers, for example, who claims chickens kept in cages are happier and healthier than those in a free range environment, and wants to run an “education campaign” to prove it.

I am one of many consumers who stand perplexed and bemused and often furious in the aisles of supermarkets, confronted by shelf after shelf of so-called free range eggs. In my local Woolworths no fewer than 7 of the available “free range” brands are produced by Barry Cocking of Swan Valley Eggs, and his children, Ellah (Eggs by Ellah) and Alex (the Good Farmer). The eggs are in different boxes, with different names, colours, photographs, and marketing blurbs. This packaging purports to be giving me a choice, but this is an illusion because the eggs in all 7 packages come from the same conglomerate.

This is just one example of many. If a brand calls itself Eco-something, and is in a nice recyclable box, does this mean anything? If it has a picture of happy hens on the box, is this a photograph of the hens that laid the eggs in the box? If the box is pink and glossy and talks about “my girls” being raised on good food “and a little love”, is this a representation I can rely on?

In Woolworths I found only one brand that put the stocking density of the hens on the box. There were no brands accredited by Humane Choice. The supervisor looked at me with a vacant look when I asked him what the stocking density for Woolworths own Select brand was (this was some time ago – I now know that it’s 10,000 hens per hectare). Like most consumers who buy free range eggs, I am willing to pay a premium for them, and I want to get what I pay for – eggs laid by genuinely free range hens. I want to be able to have confidence in that label.

Because the consultation paper is so long and so complicated, with so many questions and options and variables, too many people who care about this issue will not have their say. I have waded through most of it, and it seems to boil down to **how best the legitimate interests of consumers, producers and animal welfare can be balanced, at a cost that is reasonable**. I have tried to keep this premise in mind in my submission.

### The problem

**Do production system claims for eggs such as ‘free range’ sometimes mislead consumers?**

Clearly yes, and these claims are very often misleading, not just sometimes.

to include on the packaging words to the effect that *“this product complies with the model code of practice for the welfare of domestic poultry”* would be very helpful. Any producer wishing to go further by putting additional information on the egg packaging (such as the outdoor stocking density, or information about beak trimming and forced moulting as suggested above) would be free to do so, provided it was not misleading.

## **Defence**

The rather complicated possibilities in the consultation paper about mounting a defence to any action for misleading and deceptive conduct would not be necessary since producers able to show compliance with the Model Code would have a defence to such an action.

## **Do production system claims for ‘barn’ or ‘cage’ eggs mislead consumers?**

Claims for barn and cage laid eggs are less likely to be misleading because the differences in those production systems probably don’t vary as wildly as those in free range systems. Having said that the conditions in some barn systems are pretty appalling and there should be basic enforceable standards for those systems too, such a maximum indoor stocking density and requirements for litter, perches and nests.

If the recommendations of the Model Code in relation to barn and cage systems were made mandatory this problem would also be solved.

## **Detriment to consumers, producers and retailers of false “free range” claims**

Every time consumers pay a premium for free range eggs that are not free range they have been cheated. I have no idea what this adds up to nationwide but over the many years that it’s been happening it must add up to billions of dollars, with no prospect of compensation.

Genuine free range producers have also suffered a huge detriment as the market has been taken over by large commercial producers making false credence claims about their product being free range. The playing field has become steadily less level over the years.

I don’t know about retailers. Coles and Woolworths have been put on notice about the false claims of some of their producers but have continued to sell their products, apparently with impunity. Their defence may be that the producers are innocent until proven guilty, but this very laudable principle fails on two counts. Firstly the supermarkets have failed to satisfy themselves as to the veracity of the claims and make a judgment call accordingly. Secondly the principle does not protect the innocent consumer who is duped every single day without any prospect of being compensated for their monetary loss.

Coles now discloses the stocking densities used by suppliers to its own brand but a) few consumers know what 10,000 hens per hectare looks like on the ground (a dust bowl) and b) there are many criteria for free range (as set out in the Model Code) other than the outdoor stocking density.

## **ACCC test**

The ACCC test for free range, namely that *“most hens go outside on most ordinary days”*, is inadequate. Any producer seeking to rely on it would have to monitor the movements of thousands of hens over an extensive period of time. If the recommendations of the Model Code are followed about indoor and outdoor stocking densities, the quality of the outdoor range, the number of

[REDACTED]