



# **Farm Animal Welfare in Great Britain: Past, Present and Future**

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Hilary Benn MP, Department for Environment, Food and Rural Affairs, England  
Richard Lochhead MSP, Rural Affairs and Environment Department, Scotland  
Elin Jones AM, Department for Rural Affairs, Wales

Dear Minister,

I have pleasure in submitting the Council's Report 'Farm Animal Welfare in Great Britain: Past, Present and Future'. The Report offers evidence-based advice to Government and should also stimulate discussion amongst farmers, the wider food industry, citizens and consumers about the complex issues around farm animal welfare.

The Council has examined the effectiveness of British policy on farm animal welfare since 1965 and sets out a strategy that will lead to steady improvements in welfare over the next 20 years. Proposals are made for Government and commercial policies that will realise this aim. We have considered the ethical basis for the humane treatment of farmed animals and would wish to see identical standards applied to both home-grown and imported produce, difficult though the latter aspiration might be. We recommend that the current focus of policy moves beyond the absence of cruelty and unnecessary suffering - necessary as this is – and a duty to provide for an animal's needs, to ensuring an acceptable quality of life over an animal's lifetime.

If there is to be public confidence about standards of animal welfare and if progress is to be checked against strategic goals, then it is essential that welfare surveillance is undertaken regularly by Government and the farming industry. Welfare assessment should emphasise animal-based outcomes and not be based solely on resource inputs. The greatest need is to ensure that welfare measures are valid; further research is needed on this.

Successful implementation of the proposed policy will require strong support by all within the food supply chain, serving not only their own interests but also those of the consumer. Conflicts of interest may arise amongst commercial organisations and independent guardianship of welfare by the Government is needed to protect farm animals. At present, the potential of market mechanisms that allow the concerned consumer to make an informed choice about food and other products from livestock is mostly unrealised. What is needed is education about food and farming and impartial information about farm animal welfare, including approval and verification of marketing claims about welfare standards above the legal minimum.

If this strategy and policy are adopted then there will be greater confidence that each and every farm animal used for our benefit will have had a life worth living while a growing number will have experienced a good life.



Professor Christopher Wathes  
Chairman



## EXECUTIVE SUMMARY

1. This Report considers whether the vision implicit in the Brambell report of 1965 has been realised for animals farmed either intensively or extensively. It examines the development of Government and commercial policies on farm animal welfare since that seminal report and looks forward over the next 20 years. The effectiveness of Government policy, its implementation and the enforcement of laws and regulations are examined, along with the development of private sector initiatives to ensure a high standard of welfare for farm animals. The Report explores the ethical principles underpinning farm animal welfare and sets strategic goals.

### **Progress since the Brambell report**

2. The Brambell report led to or inspired: strong legislation to protect farm animals; Codes of Recommendations for the Welfare of Livestock; significant advances in the science of animal welfare; greater emphasis on welfare in the curricula of agricultural and veterinary students and in training programmes for farmers and stockmen; development of farm assurance schemes; regular surveillance of farm animal welfare by Animal Health and other agencies; independent advice about farm animal welfare to the Government; general improvements in farming systems and animal husbandry; and raised awareness and expectations of some consumers about farm animal welfare.

3. The major developments in livestock farming since 1965 have been as follows.

- i. The widespread availability of safe food at a low price. Undoubtedly, farmers and the food supply chain have responded well to the Government's call from the 1950s onwards for the supply of cheap food. The benefits of cheap food to consumers have been achieved with standards of farm animal welfare that some believe are unacceptable.
- ii. Home production of milk, beef, lamb and chicken meat has increased substantially in most cases while that of pork and eggs decreased. Currently domestic demand outstrips supply for all commodities, partly because of the preferences of British consumers for certain cuts of meat; shortfalls are made up by imports. In common with other countries, the Government is becoming increasingly concerned about (global) food security.
- iii. Substantial changes in business structure from one dominated by the small farm to the large scale, vertically integrated farming company employing mainly intensive production methods, especially for pigs and poultry, and more recently, but to a lesser extent, dairy cows.
- iv. A major transfer of economic power within the food supply chain from the supply to the demand side, driven by reform of the Common Agricultural Policy and the growth of supermarkets.

4. However, these achievements should be set against the current status of farm animal welfare within Great Britain: limited, independent information about the welfare of farm animals, i.e. restricted primarily to the annual reports of the Chief Veterinary Officer; an over-complex 'delivery landscape' for Government policies on animal health and welfare; perceived variance between local authorities in enforcement of welfare regulations; a static level of non-compliance with legislation over the past decade; loss of boundary controls at

European ports, since restrictions on imports cannot generally be made on the grounds of the system of production, which would include welfare; insufficient progress in the resolution of lingering problems of poor welfare, e.g. lameness in cattle and broiler chickens; continued reliance on (lawful) mutilations and behavioural restrictions in some systems of husbandry; lack of confidence amongst British farmers to invest in their businesses to improve standards of welfare through new technology or husbandry systems due to poor profitability and foreign competition; and failure of market mechanisms that allow the concerned consumer to make an informed choice about the welfare provenance of animal products because of an absence of welfare labelling.

5. There is therefore strong evidence of significant improvements in livestock welfare since the Brambell report of 1965. However, further progress is needed, such that British citizens can be assured that each and every farm animal has had a life worth living.

### **Welfare policy and guardianship**

6. The quality of life of farm animals is determined by legislation, husbandry, stockmen, and market demand by the consumer. In Great Britain, there is strong welfare legislation with good compliance generally; there are many reasons why the legislative burden should not be increased unilaterally, e.g. the cost of development and implementation, harmonisation with EU legislation for minimum standards, and gold plating. Most farmers have made determined efforts to ensure an acceptable quality of life for farm animals, e.g. through stockman training, development of husbandry systems and animal breeding. However, the power of the concerned consumer (through market demand) is mostly unrealised because of the lack of information at the point of sale that allows an informed choice to be made.

7. A farmer is legally responsible for his animals' welfare and has a duty to provide for their needs under the Animal Welfare Acts. Independent guardianship of the welfare of farm animals is the Government's responsibility. Guardianship embraces policy and its implementation, public welfare surveillance and provision of information to citizens. In the context of a future strategy and policy, there is still more to do to ensure that farm animal welfare is given proper consideration as part of a thriving livestock industry. A significant deficiency is the lack of independent information about farm animal welfare, including approval and verification of marketing claims about higher welfare standards. This should be remedied by the establishment of an independent service that would provide citizens with authoritative, accurate and impartial information about farm animal welfare.

### **Legal minimum standard of welfare – beyond the Five Freedoms**

8. The most important ethical issue relating to farm animal welfare is the minimum acceptable treatment of farm animals. In addressing this, FAWC has accepted Banner's principles: *i) "harms of a certain degree and kind ought under no circumstances to be inflicted on an animal; ii) any harm to an animal, even if not absolutely impermissible, nonetheless requires justification and must be outweighed by the good which is realistically sought in so treating it; and iii) any harm which is justified by the second principle ought, however, to be minimised as far as is reasonably possible"*.



9. Current legislation on the minimum standard of welfare is based on the avoidance of unnecessary suffering and the provision of needs. The Five Freedoms themselves concentrate on suffering and needs. This focus reinforces the negative image of farming and food production. FAWC proposes that the minimum should be defined in terms of an animal's quality of life over its lifetime on the farm, during transport, at gatherings and at the abattoir, including the manner of its death. Our proposal is that an animal's quality of life can be classified as: a life not worth living, a life worth living and a good life. Giving an animal a life worth living requires good husbandry, considerate handling and transport, humane slaughter and, above all else, skilled and conscientious stockmen.

10. The quality of an animal's life should be defined by an independent body. Marketing claims to the higher standard, corresponding to a good life, ought to be verified independently for both home-produced and also imported food because the concerns amongst British citizens about animal welfare do not only relate to products of British farming, even though independent audit of claims about imported food will be difficult. Recognition of customer preferences for 'welfare-friendly' products ought to result in uniform standards being applied to all livestock products on sale. Clear and informative labelling that reflects the welfare characteristics of food products (and country of origin where this indicates the standard of welfare) will ensure consumers that they are buying the kind of products they prefer.

11. Welfare ought to be monitored regularly over an animal's life on the farm, during transport, at animal gatherings and at the abattoir, including the manner of death. Welfare surveillance ought to be based on valid measures that have been proven to be reliable and feasible to measure. Welfare assessment should record both the positive and negative experiences of farm animals. There is an opportunity to develop 'iceberg' indicators of welfare, i.e. key indicators that reflect good and poor welfare at various times over an animal's life. It is very important that welfare surveillance is audited independently and the findings are published.

### **Policy goal**

12. Specifying the minimum standard of welfare in terms of quality of life and using market forces alongside farmers' efforts and legislation will allow British citizens to set standards with which they are satisfied. In essence, this new approach aims to reassure British citizens that all farm animals have a life worth living and a growing number have a good life. The necessary conditions for ethical consumerism and improved farm animal welfare are:

- i. The Government to act as the guardian of farm animal welfare
- ii. Standards for a good life to be defined by an independent body
- iii. Minimum welfare standards to be defined by an animal's quality of life
- iv. Stockmen to be educated and trained to a high standard about animal welfare
- v. Welfare assessment to be valid, feasible and rigorous with independent audit
- vi. The food supply chain to show due diligence with marketing claims verified
- vii. Citizens to be educated about food and farming from childhood
- viii. Animal products to be labelled according to welfare provenance to provide consumer choice



## PART I – INTRODUCTION

1. The Farm Animal Welfare Council (FAWC) was established in 1979<sup>1</sup>. Its terms of reference are to keep under review the welfare of farm animals on agricultural land, at animal gatherings, in transit and at the place of slaughter; and to advise the Government and devolved administrations of any legislative or other changes that may be necessary. The Council can investigate any topic falling within this remit; communicate freely with outside bodies, the European Commission and the public; and publish its advice independently.

2. The aim of this Report is to set out a strategy for farm animal welfare in Great Britain for the next 20 years or so. It reviews the progress that has been made since the publication of the Brambell report in 1965<sup>2</sup>. The Brambell Committee was most anxious that its report should not be taken as a condemnation of the attitudes of farmers in general. FAWC shares this concern and endorses the original point, “*we would most emphatically wish to state, however, that in our opinion the great majority of farmers are concerned to ensure the welfare and health of their stock*”.

### FAWC’s philosophy of approach

3. Animals are kept for various purposes and, in return, provision should be made for their needs. Farm animals are recognised as sentient beings within the EU Treaty of Amsterdam 1999: the Animal Welfare Act 2006 (and similar legislation in Scotland) defines a duty to provide for the needs of domesticated animals that depend on man. FAWC believes that our obligations include not causing certain serious harms to farm animals and, when deciding on our actions, endeavouring to balance any harms against the benefits to humans, to the animals affected and to other animals. At a minimum each farm animal should have a life that is worth living to the animal itself, and not just to its human keeper.

4. Deciding how to treat farm animals requires ethical decision-making. One can be most confident about an ethical conclusion if the arguments that lead to it are supported convincingly by facts, scientific deductions, reason and ethical argument, and arise from a process of genuine discussion and debate.

5. In considering what provisions should be made by those who use farm animals in order to avoid unnecessary suffering and to promote good welfare, the Council is guided by the Five Freedoms.<sup>3</sup>

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<sup>1</sup> Written reply by the Rt. Hon. Peter Walker, M.P., Minister of Agriculture, Fisheries and Food to a question by Miss Janet Fookes, M.P., in the House of Commons on 25th July 1979, amended 4th December 1979. Farm animals are defined here as those kept for the production of meat, milk, fibre and eggs, and other rural purposes, e.g. conservation grazing.

<sup>2</sup> Report of the Technical Committee to enquire into the welfare of animals kept under intensive livestock husbandry systems. Chairman: Professor F. W. Rogers Brambell. Cmnd. 2836, December 3 1965. Her Majesty’s Stationery Office, London. Referred to hereafter as the Brambell report.

<sup>3</sup> Farm Animal Welfare Council; <http://www.fawc.org.uk>

**Freedom from hunger and thirst**, by ready access to water and a diet to maintain health and vigour.

**Freedom from discomfort**, by providing an appropriate environment.

**Freedom from pain, injury and disease**, by prevention or rapid diagnosis and treatment.

**Freedom to express normal behaviour**, by providing sufficient space, proper facilities and appropriate company of the animal's own kind.

**Freedom from fear and distress**, by ensuring conditions and treatment, which avoid mental suffering.

6. The concept of the Five Freedoms was implicit in the Brambell report<sup>4</sup>: subsequently the idea was refined greatly and published in the late 1970s in a form that is very similar to the current version<sup>5</sup>. The Five Freedoms have achieved public recognition worldwide and can be found in national legislation, marketing and farm assurance schemes, sometimes with minor modifications. They have withstood much criticism and, within Great Britain, are the cornerstone of Government and industry policy and the Codes of Recommendations for the Welfare of Livestock.

7. One criticism of the Five Freedoms is their focus on poor welfare and suffering. This focus was undoubtedly appropriate at the time they were devised but the requirement to provide for an animal's needs in the new Animal Welfare Acts implies that good welfare should be an ambition too. A common misconception is that the Fourth Freedom is to express natural rather than normal behaviour. Normal suggests behaviour<sup>6</sup> that is not abnormal; stereotypic and other abnormal behaviours such as tail chewing are undesirable and a sign of poor welfare. Although domesticated farm animals usually retain the ability to show the natural behaviour of their progenitors, their behavioural needs and repertoire on a farm can differ markedly from those of their ancestors.

8. Achievement of high standards of animal welfare by all who are responsible for the supervision and care of farm animals requires not causing unnecessary suffering and provision of an animal's needs and some, but not all, of its wants. Some pain and distress are unavoidable in livestock husbandry with current knowledge and farming practice but the goal should be to minimise their occurrence. Difficult ethical and agricultural decisions have to be made when dealing with suffering, sometimes by imposing a lesser act that may still cause pain or

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<sup>4</sup> Although not explicitly defining 'freedoms', the Brambell report called for various conditions to be met to ensure good welfare, e.g. *"an animal should at least have sufficient freedom of movement to be able without difficulty, to turn round, groom itself, get up, lie down and stretch its limbs; ... companionship; ... adequate food and drink to prevent (it) suffering hunger and thirst"*.

<sup>5</sup> When asked to revise the Welfare Codes in 1979, FAWC wished the revised Codes to provide farm animals with *"freedom from hunger; thirst or malnutrition; appropriate comfort and shelter; prevention, or rapid diagnosis and treatment, of injury and disease; freedom to display most normal patterns of behaviour; and freedom from fear"*.

<sup>6</sup> In its original form, the Fourth Freedom was 'to display most normal patterns of behaviour'; it is not known when the wording was changed.

distress but provide long-term relief for the individual or group. Tail docking of lambs to minimise the risk of fly strike and beak trimming of laying hens to mitigate injurious pecking are examples. The long-term goal should be to eliminate the source of the problem through improved husbandry and breeding rather than to ameliorate the pain and distress, necessary as this is. Good welfare therefore requires skilled and conscientious stockmanship; responsible, planned animal management; appropriate living conditions; prevention of disease; considerate handling and transport; and humane slaughter. These requirements are consonant with the Animal Welfare Act 2006, which imposes a duty on a person responsible for an animal to ensure welfare by taking “such steps as are reasonable ... to ensure that the needs of an animal ... are met to the extent required by good practice”. The needs are based on the Five Freedoms and are prescribed as a suitable environment, a suitable diet, the ability to exhibit normal behaviour patterns, housing with - or apart from - other animals as appropriate, and protection from pain, suffering, injury and disease.

9. There have been many attempts to define animal welfare. A description adopted by the OIE<sup>7</sup> in May 2008 is that “*animal welfare means how an animal is coping with the conditions in which it lives. An animal is in a good state of welfare if (as indicated by scientific evidence) it is healthy, comfortable, well nourished, safe, able to express innate behaviour, and if it is not suffering from unpleasant states such as pain, fear and distress. Good animal welfare requires disease prevention and veterinary treatment, appropriate shelter, management, nutrition, humane handling and humane slaughter/killing. Animal welfare refers to the state of the animal; the treatment that an animal receives is covered by other terms such as animal care, animal husbandry and humane treatment*”. Marion Dawkins<sup>8</sup> defines welfare by way of two questions: “*are the animals healthy; do they have what they want?*” John Webster’s<sup>9</sup> definition is even simpler, “*good welfare is fit and feeling good*”: operationally there may be difficulties in determining whether an animal is “feeling good”. In our view, welfare principally concerns both physical and mental health, which is largely determined by the skills of the stockman, the system of husbandry and the suitability of the genotype for the environment.

10. These considerations lead to other questions relating to an animal’s quality of life. For example, would it be right to produce, whether by conventional breeding or modern biotechnology, a pig unable to feel pain and unresponsive to other pigs<sup>10</sup>? If that were possible, such a pig would not be able to suffer and its use might lead to significant productivity gains. Someone arguing that such a course of action would be wrong, would not be able to argue thus on the grounds of animal suffering. Other criteria would have to be invoked. It might be argued that such a course of action would be disrespectful to pigs, that is not respecting their integrity (i.e. telos), or that it would involve treating them only as means to human ends and not, even to a limited extent, as ends in themselves. While the application of science offers many opportunities to improve animal welfare, FAWC does not favour the use of animal breeding practices and technologies, including genetic modifications, new or existing, that would decrease the sentience of farm animals, e.g. their ability to feel pain or experience distress<sup>11</sup>.

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7 Formerly the Office International des Epizooties, OIE, now the World Organisation for Animal Health.

8 Dawkins M.S. 2008. The science of animal suffering. *Ethology*, 114: 937-945.

9 Webster A. J. F. 2005. *Animal welfare - Limping towards Eden*. Blackwell Publishing.

10 FAWC. 1998. Report on the implications of cloning for the welfare of farmed livestock.

11 FAWC. 1993. Second report on priorities for research and development in farm animal welfare.

11. These definitions of good welfare do not place an explicit moral value on maintaining or extending the lifespan of a farm animal. This is not necessarily the case for other animals; many owners of companion animals place a high value on keeping animals alive. There is disagreement as to the moral significance of the quantity – i.e. duration – of life for farm animals. On the one hand it seems to many people to be commonsense that healthy animals, experiencing a good quality of life, lose out by having their lives prematurely terminated. On the other hand, farm animals clearly cannot imagine the future to anything like the extent that humans can. In that sense, it is widely held that they lose very little by having their lives prematurely terminated so long, of course, as that is done humanely.

12. When assessing any welfare problem, it is necessary to consider the extent of poor welfare, the intensity and duration of suffering, the number of animals involved, the alternatives available, and the opportunities to promote well-being. Welfare concerns individual animals within herds and flocks. Where welfare is poor, the more animals that are affected, the greater is the concern. Equally important is the need to resolve any problems and improve welfare through sound husbandry: the importance of stockmanship cannot be overestimated<sup>12</sup>. Some problems are avoidable while others may be intrinsic to the production system.

13. In order to offer appropriate advice about the welfare of farm animals, FAWC takes account of scientific knowledge from scientists, veterinarians and others and the practical experience of those involved in agriculture. A broad-ranging approach, drawing on all relevant views and attempting to take account of human interests with a concern to ensure that the animal's interests remain to the fore, is used in the formulation of FAWC's advice and recommendations. Whatever the reason, the animal should be given the benefit of any doubt.

### **Scope and structure of this report**

14. In late 2005, the Farm Animal Welfare Council established a working group to review strategy and policy for farm animal welfare in Great Britain. While this Report's aim is to offer advice to Government, the Council also hopes that it will stimulate discussion amongst farmers, the wider food industry, citizens and consumers of the complex issues around farm animal welfare. Its approach is strategic and, following a historical review of progress since 1965, looks forward over the next 20 years.

15. A public consultation was carried out in September 2006 and written evidence was received from 27 organisations and individuals. In addition, oral evidence was taken from the livestock industry, academic and research institutions, veterinary groups, retailers, consumers and animal protection organisations. We are grateful to all who participated in the study; those who gave evidence or assistance are listed in Appendix II.

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<sup>12</sup> FAWC. 2007. Report on stockmanship and farm animal welfare.

16. In essence, this Report considers whether the vision implicit in the Brambell report has been realised, not just for farmed animals kept intensively but those kept extensively too. It examines the development of Government and commercial policies on farm animal welfare since that seminal report. The effectiveness of Government policy, its implementation and the enforcement of regulations are examined, along with the development of private sector initiatives to ensure a high standard of welfare of farm animals. The Report explores the ethical principles underpinning farm animal welfare and sets strategic goals.

17. Where we refer in this Report to ‘Government’ we are addressing ourselves to the Department for Environment, Food and Rural Affairs in England, the Scottish Government’s Rural Affairs and Environment Department, the Welsh Assembly Government’s Department for Rural Affairs and other responsible Government Departments and Agencies.

## PART II – BACKGROUND

### The Brambell report – 44 years on

18. The Brambell report was published in December 1965. The enquiry was prompted by a critique of intensive livestock farming by Ruth Harrison<sup>13</sup>. The Committee addressed the general concept of the welfare of farm animals and how it might be affected in intensive husbandry systems. All the major species were covered with the exception of dairy cows since few were kept intensively at that time. The report stressed the importance of stockmanship, education and training and, for the first time in a Government publication, introduced the concepts of sentience and animal welfare.

19. The report stated that farm animals were sentient, “*animals show unmistakable signs of suffering from pain, exhaustion, fright, frustration ... and can experience emotions such as rage, fear, apprehension, frustration and pleasure*”. It recommended new legislation to protect the welfare of farmed animals and the establishment of an advisory committee to advise Ministers on farm animal welfare. Many of its recommendations about the conditions in which farm animals ought to be kept in intensive husbandry systems have been incorporated in legislation or the Codes of Recommendations for the Welfare of Livestock. The beneficial impact of the Brambell report on the welfare of many millions of farm animals in Great Britain and abroad cannot be overstated.

20. Implicit in the Brambell report was a set of strategic goals in farm animal welfare. The Committee of Enquiry foresaw an accelerating trend towards intensive animal production and that this would be accompanied by “*a continuing development of concern for animal welfare and that conditions which appear to us tolerable today may come to be considered intolerable in the future*”. The Committee expressed its dislike for mutilations in principle, especially those resulting in permanent disabilities that affect the normal behaviour of an animal. The report concluded reluctantly that the battery cage should not be prohibited owing to the lack of a better alternative and instead recommended strict limits on cage design. Other recommendations were prohibition of de-beaking of chickens and tail-docking of pigs; and bans on tethers and stalls for pregnant sows and on calf stalls that restricted movement. Implementation of some of these recommendations has taken many years, and of others is still incomplete, primarily for economic reasons.

21. The major developments in livestock farming since 1965 have been as follows.

- i. The widespread availability of safe food at a low price; the average percentage of household expenditure on food and drink in the home has fallen from 21% in 1965 to 9% in 2007<sup>14</sup>. Over a similar period, the total income from farming per head of the agricultural workforce (at 2007 prices) has fluctuated greatly; £26k in 1973, £11k in 1985, £29k in 1995 and £13k in 2007; the profitability of livestock farming is now low across all sectors. Undoubtedly, farmers and the food supply chain have responded well to the Government’s call from the 1950s onwards for the supply of cheap food. The benefits of cheap food to consumers have been achieved with standards of farm

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<sup>13</sup> Harrison, R. 1964. *Animal machines*. Vincent Stuart.

<sup>14</sup> Figures that are directly comparable are unavailable. Source: 1965 – Total consumer expenditure on food. Marks, H. F. 1989. *A hundred years of British food and farming*. Taylor and Francis. 2007 – Household expenditure on food and drink, excluding alcohol. Agriculture in the UK. <https://statistics.defra.gov.uk/esg/publications/auk/default.asp>



animal welfare that some believe are unacceptable.

- ii. In tonnage terms between 1965 and 2007, home production of milk, beef, lamb and chicken meat increased substantially in most cases while that of pork and eggs decreased. However, currently domestic demand outstrips supply for all commodities, partly because of the preferences of British consumers for certain cuts of meat; shortfalls are made up by imports. In common with many other countries, the Government is becoming increasingly concerned over (global) food security<sup>15</sup>.
- iii. Substantial change in business structure from one dominated by the small farm to the large scale, vertically integrated farming company employing mainly intensive production methods, especially for pigs and poultry, and more recently, but to a lesser extent, dairy cows. By way of illustration, the median size of the UK ewe flock has increased from 217 in 1965 to over 500 head since 1995 while the rise in intensive farming has been accompanied by a steady decline in the proportion of the population directly involved in agriculture. In 1978 1.2% of the British population were employed in farming; by 2007 this had fallen to 0.78%<sup>16</sup>.
- iv. A major transfer of economic power within the food supply chain from the supply to the demand side, driven by reform of the Common Agricultural Policy and the growth of supermarkets.

22. Undoubtedly, the Brambell report was the most influential investigation of the welfare of farm animals kept intensively in the 20<sup>th</sup> Century. It raised awareness of farm animal welfare and encouraged farmers, Government and others to make significant improvements in the welfare of farm animals. It led to:

- i. strong legislation to protect farm animals in the Agriculture (Miscellaneous Provisions) Act 1968, particularly by granting powers of entry to premises to check animal welfare;
- ii. publication of a Code of Recommendations for the Welfare of Livestock for all the major categories of farm animals, based largely on the Council of Europe Conventions and FAWC reports;
- iii. significant advances in the science of animal welfare, particularly behaviour and physiology, principally funded by the Ministry of Agriculture, Food and Fisheries (and its successor Defra) and complementary departments in the devolved administrations, often with the support of the agricultural industry;
- iv. greater emphasis on welfare in the curricula of agricultural and veterinary students, and in training programmes for stockmen, reflected in beneficial changes in attitudes towards welfare;
- v. development of farm assurance schemes, which provide consumers with audited claims about food safety, environmental protection, and animal welfare;
- vi. regular surveillance of standards of farm animal welfare by the Animal Health agency<sup>17</sup>, the Meat Hygiene Service and local authorities;
- vii. major changes in farming systems and animal husbandry, e.g. bans on gestation crates and sweat boxes for pigs, battery cages for laying hens (from 1<sup>st</sup> January 2012) and crates for veal calves; ending of the use of antibiotics as growth promoters; development of vaccines and anthelmintics; and guidelines for humane stunning and slaughter; and

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<sup>15</sup> Defra. 2008. Ensuring the UK's food security in a changing world.

<sup>16</sup> Digest of agricultural census statistics, United Kingdom 1995, The Stationery Office, London. Agriculture in the UK 2008, Defra, London.

<sup>17</sup> formerly the State Veterinary Service.

- viii. raised awareness and expectations of some consumers about farm animal welfare, who have altered their purchases (e.g. from eggs produced by hens in barren battery cages to those laid by hens kept on free range), thereby positively affecting standards of farm animal welfare.
23. However, these achievements should be set against the current status of farm animal welfare within Great Britain:
- i. limited, independent information about the welfare of farm animals, i.e. restricted mainly to the annual report of the Chief Veterinary Officer;
  - ii. a plateau of improvement in the standard of welfare on farms, as shown by Animal Health's surveillance<sup>18</sup>;
  - iii. a perception of variance between local authorities in enforcement of welfare regulations;
  - iv. loss of boundary controls at European ports, since restrictions on imports cannot generally be made on the grounds of system of production, which would include welfare conditions<sup>19</sup>;
  - v. insufficient progress in the resolution of lingering problems of poor welfare, such as lameness in dairy cows and broiler chickens, with a continued reliance on (lawful) mutilations and behavioural restrictions in some systems of husbandry;
  - vi. lack of confidence amongst British farmers to invest in their businesses to improve standards of welfare through new technology or husbandry systems due to poor profitability and foreign competition; and
  - vii. failure of market mechanisms that should allow the concerned consumer to make an informed choice about the welfare provenance of animal products because of an absence of welfare labelling.<sup>20</sup>

### **National regulations relating to farm animal welfare**

24. Few would argue that the welfare of farm animals should not be regulated by the Government because of the economic pressures that could lead to unacceptable standards, but regulation<sup>21</sup> must be consistent, fair and proportionate to the risks, benefits and costs. Legislation protecting the welfare of farm animals has evolved over the past century. The Protection of Animals Act 1911 was followed by the Agriculture (Miscellaneous Provisions) Act 1968 (as amended; with

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<sup>18</sup> Surveillance findings are summarised in the CVO's annual reports. Although there have been steady improvements in the standard of farm animal welfare since 1967, progress appears to have stalled recently. Farms are assessed for compliance with legislation and welfare codes and whether there is unnecessary distress. The surveys show that welfare is poorest on beef cattle, calf, and sheep (and goat) farms. The main reasons are due to inadequate treatment of disease and (poor) record keeping. The annual reports show few, if any, concerns about welfare of farm animals at markets.

<sup>19</sup> A good example is importation of pork from third countries where pregnant sows can be kept in crates or in tethered systems that have been banned in Great Britain since 1999. Partly as a result of national legislation, home production of pigs has fallen sharply with the national sow herd falling from 688,000 head just before the ban in 1999 to 455,000 sows in 2007. The shortfall in home production has been made up by imports of pork, ham and sausages that have usually been derived from pigs born from pregnant sows kept in gestation stalls or crates.

<sup>20</sup> The call for 'country of origin' labelling is based on the premise that standards of welfare in Great Britain are higher than those elsewhere. While this can be demonstrated in some cases, e.g. pigs, there is insufficient evidence to draw a general conclusion across all livestock sectors.

<sup>21</sup> The Government can employ 11 policy instruments, ranging from primary legislation to direct action. (FAWC. 2008. Opinion on policy instruments for protecting and improving farm animal welfare.)

similar legislation in Scotland). The latter made it an offence to cause or permit livestock on agricultural land to suffer unnecessary pain or unnecessary distress (UPUD); its principles have now been extended to all kept animals in the Animal Welfare Act 2006 in England and Wales, with similar legislation in Scotland. This legislation: enables preventative action to be taken before suffering occurs; imposes a duty on those responsible for animals to do all that is reasonable to provide for the needs of their animals; extends the protection of the law to all kept animals; strengthens enforcement and penalties; and simplifies legislation for enforcers and animal keepers by consolidating more than twenty pieces of legislation.

25. Responsibility for policy relating to the welfare of farm animals lies with the Department for Environment, Food and Rural Affairs in England, the Scottish Government's Rural Affairs and Environment Department, and the Welsh Assembly Government's Department for Rural Affairs. These departments are also responsible for the welfare of companion animals and wild animals, kept in either zoos or private collections. The Home Office is responsible for the welfare of animals used in scientific research under the Animals (Scientific Procedures) Act 1986. The reasons for this separation of administrative responsibilities are historical but may relate to the significant funding of research on farm animals by Defra, thus avoiding a potential conflict of interest.

26. The Conventions of the Council of Europe relating to the protection of animals provide additional safeguards for the welfare of animals in Great Britain. The Conventions relate to the protection of animals during international transport (1968, revised 2003), protection of animals kept for farming purposes (1976, protocol of amendments 1992), protection of animals for slaughter (1979), protection of vertebrate animals used for experimental and other scientific purposes (1986, protocol of amendments 1998) and protection of pet animals (1987). A number of recommendations of the Committee of Ministers for the protection of particular species or during particular procedures have been published within the framework of the Conventions.

27. The Codes of Recommendations for the Welfare of Livestock, which have the approval of Parliament, take account of the Five Freedoms and set out statutory requirements and best practice for keeping livestock. They provide essential guidance to stockmen and all those with responsibility for farmed animals. While not directly enforceable, failure to observe their provisions can be used as supporting evidence to establish guilt in a prosecution for causing unnecessary pain or unnecessary distress to livestock. They are also educational and aspirational by recommending and illustrating good agricultural farming practices.

28. Increasingly, much farm animal welfare legislation emanates from the European Community in the form of Directives and Regulations. Regulations are directly applicable into British, English, Scottish and Welsh law. The EU also has a Community Action Plan on the Protection and Welfare of Animals, which was published in 2006 and sets out five primary objectives:

- *“Define more clearly the direction of Community policies on animal protection and welfare for the coming years;*
- *Continue to promote high animal welfare standards in the EU and at the international level;*
- *Provide greater co-ordination of existing resources while identifying future needs;*

- *Support future trends in animal welfare research and continue to support the 3Rs principle ...;*
- *Ensure a more consistent and co-ordinated approach to animal protection and welfare across Commission policy areas, also taking into account aspects such as the socio-economic impact of any new measures”.*

29. Animal welfare now features strongly alongside animal health in the OIE’s Strategic Plan for 2006-2010. The OIE has produced welfare standards for transport by land and sea, for slaughter for human consumption, and killing for disease control purposes. They can be used in bilateral and multilateral negotiations about animal welfare.

30. The Brambell report recommended the establishment of a statutory Farm Animal Welfare Advisory Committee (FAWAC) to advise Ministers on legislation and regulations to safeguard the welfare of farm animals. FAWAC was established in 1968 and succeeded by the Farm Animal Welfare Council<sup>22</sup> in 1979. Most of FAWC’s advice has been published in reports (over 30 since 1979). The results of its investigations are generally endorsed by the livestock industry, animal welfare campaigning groups and others. However, not all its advice has been accepted by Government because economic, cultural and other considerations come into play when political decisions are made. FAWC also provides an effective means by which information about farm animal welfare is communicated, particularly via its website (<http://www.fawc.org.uk>); on average 6,700 copies of its reports are downloaded monthly while the page describing the Five Freedoms is the most popular and is accessed 89 times daily.

### **Sustainable livestock farming**

31. Many developments worldwide may affect livestock husbandry and the welfare of farm animals over the next 25 years. There is now general acceptance that climate change will affect society significantly because of global warming. Deforestation, the rising consumption of fossil fuels, and the use of land for livestock with its attendant large carbon footprint, will all affect agriculture in Great Britain. Other major concerns include the direct and indirect effects of climate change on animal health, productivity and disease, e.g. the spread of microbial pathogens and disease vectors; the increase in the global demand for meat, eggs and other animal products by a growing world population of increasing affluence; and alternative uses for cereals and other arable crops. While the direct effects of climate change on livestock farming are likely to be slow, indirect effects will be rapid.

32. These environmental issues will have direct and indirect consequences for the supply of animal products in Great Britain, either from home production or imports. There may be a trend to larger, more intensive livestock production systems to minimise environmental impact, water and energy use, and carbon and nitrogen footprints while raising the efficiency of cereal and protein utilisation.

33. The continued reform of the Common Agricultural Policy, globalisation of livestock production and the liberalisation of world trade are other factors that will affect the welfare

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<sup>22</sup> FAWAC’s remit covered animals on farms; this was broadened to farm animals at markets, in transit, and at abattoirs when FAWC was established.

provenance of ‘the food that we eat’ in Great Britain. For example, the growth of intensive methods of egg production in other countries will have repercussions for British farmers as they switch to enriched cages or other systems when battery cages are banned after 2011.

34. Globalisation of food production and sourcing of food from suppliers throughout the world mean that it is increasingly difficult for consumers to be confident that animals have been raised under acceptable conditions. Concerns and doubts can be allayed by labelling of produce according to its welfare provenance<sup>23</sup>, provided of course that consumers have been educated about livestock farming and therefore demand products of a particular standard, and there is a willingness by the food supply chain to satisfy this demand.

### **Summary**

35. There is therefore strong evidence of significant improvements in livestock welfare since the Brambell report of 1965. However, further progress is needed, such that British citizens can be assured that each and every farm animal has had a life worth living.

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<sup>23</sup> FAWC. 2006. Report on Welfare Labelling.

### PART III - ETHICAL PRINCIPLES FOR THE HUMANE TREATMENT OF FARM ANIMALS

36. To be concerned about welfare is to be concerned about the quality of life of individual animals. There are three scientific approaches to understanding animal welfare. The first emphasises the importance of how an animal feels, i.e. emotions such as pain, boredom and contentment. The second focuses on biological function in which an animal's fitness is assessed by productivity indices such as growth, milk yield, reproduction, as well as disease and injury. The final approach is a concern for naturalness, i.e. an animal should be kept in an environment within which its species has evolved and with respect for its nature, or telos.

37. Although welfare scientists may emphasise different elements of each approach, in practice all three are relevant to an animal's quality of life and relate in various ways to the Five Freedoms. Hunger, thirst, discomfort, pain, fear, frustration and distress are all emotions or aspects of mental state while injury and disease are directly relevant to physical fitness. Normal behaviour is based, in part, on the evolution of animal behaviour in the natural environment of the progenitor species.

38. How should we, that is British citizens, treat<sup>24</sup> farm animals? The answer to this broad question can be addressed by the following questions: i) Is it right for us to use any animals? ii) How can we decide what uses are right and what are wrong? iii) What should be the minimum acceptable treatment of farm animals? and iv) How should we aspire to treat farm animals? In general terms, these questions have been addressed in the Council of Europe Conventions<sup>25</sup>. Of course, we are concerned not just with produce from farm animals raised in Great Britain but also with imports, since animals reared abroad are a part of 'the food that we eat'. The second question is generic to moral philosophy: a simplified answer relating to farm animal welfare is given in Appendix IV.

39. Ethical issues relating to livestock were covered in a general sense in the Brambell report. When examining evidence for suffering, the Brambell Committee considered "*that it is morally incumbent upon us to give the animal the benefit of doubt and to protect it so far as is possible from conditions that may be reasonably supposed to cause it suffering, though this cannot be proved*". While the ethical principles on which the Report's conclusions were based were not stated explicitly, it is clear that when kept for farming the animal's interests were to the fore, a position with which FAWC wholeheartedly concurs.

40. In the European Union, a Protocol annexed to the Treaty of Amsterdam recognises that animals are "*sentient beings*"<sup>26</sup>. The essence of this Protocol has been incorporated as an Article within the Lisbon Treaty, now awaiting ratification by Member States. The importance of this

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<sup>24</sup> Treat, i.e. the means by which farm animals are kept and husbanded.

<sup>25</sup> The relevant Conventions relate to international transport of animals (ETS 65, 1976 and revisions), protection of farmed animals (ETS 87, 1992) and slaughter (ETS 102, 1979). The ethical principle is that, "*for his own well-being, man may, and sometimes must, make use of animals, but that he has a moral obligation to ensure, within reasonable limits, that the animal's health and welfare is in each case not unnecessarily put at risk*". Once ratified, the Conventions have legal effect in signatory Member States. <http://conventions.coe.int/Treaty/Commun/ListeTraites.asp?CM=8&CL=ENG>

<sup>26</sup> The Treaty of Amsterdam. Protocol on Protection and Welfare of Animals. Official Journal C 340, 10 November 1997.

Annex is that it requires the Commission and Member States<sup>27</sup> to take animal sentience into consideration whenever legislation is being drafted, i.e. to recognise that animals can suffer and that their welfare should therefore be a prime concern.

### **Is it right for us to use any animals?**

41. It can be useful to distinguish between whether it is right to take an animal's life, e.g. for the provision of meat, and whether it is right to use animals in other ways, e.g. as draught or companion animals. Until a few decades ago, only a very small minority of people would seriously have asked whether it is right to use animals but this view has changed because of our knowledge about the capacities of sentient animals. The distinction, in terms of the capacity to suffer and to feel pleasure between 'higher' animals and ourselves seems less clear-cut. Difficulties in measuring scientifically the mental state of pleasure in farm animals exacerbate this confusion. The portrayal of animals by the media, anthropomorphism, and the high value placed upon companion animals has not helped as they bias people's views.

42. The current consensus on the use of animals has not altered since the earliest legislation protecting domestic animals was passed in Great Britain. For a century, Parliament has accepted the principle that "*while man is free to subjugate animals, it is wrong for him to cause them to suffer unnecessarily*".<sup>28</sup> Clearly from time-to-time, Parliament may reconsider the moral and other issues relating to the various uses of animals in Britain and may decide another principle.

### **What should be the minimum acceptable treatment of farm animals?**

43. The fact that farm animals are, by definition, a product of domestication raises the question as to what, if anything, should be special about our treatment of them. One possible answer to this question is 'nothing' but another is that we have a greater duty to the farm animals we use for food, clothing and other purposes than to animals in the wild. Furthermore, this argument seems to apply not only to farmers but to all who benefit from farming animals including retailers and the great majority of us as consumers.

44. Ethical principles have been established in other circumstances of animal use and are pertinent here. The Banner Committee<sup>29</sup> proposed three principles to be followed before any new technology was used in breeding farm animals; the first is "*harms of a certain degree and kind ought under no circumstances to be inflicted on an animal*". What we seek to achieve here is agreement on how severe such harms can be. The second and third principles are: "*any harm to an animal, even if not absolutely impermissible, nonetheless requires justification and must be outweighed by the good which is realistically sought in so treating it*"; and "*any harm which is justified by the second principle ought, however, to be minimised as far as is reasonably possible*". FAWC believes that the Banner principles should apply to livestock farming (see also Appendix IV).

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<sup>27</sup> The Treaty of Lisbon. Article 6b. Official Journal C 306, 17 December 2007.

<sup>28</sup> The Brambell report 1965.

<sup>29</sup> Banner, M. 1995. Report of the committee to consider the ethical implications of the emerging technologies in the breeding of farm animals. HMSO, London.

45. So what, then, should be the minimum treatment for farm animals? In accordance with Banner's principles, FAWC argues that as a minimum each farm animal should have a life worth living, from the animal's perspective. Any farm animal that does not have a life worth living would be literally better off dead. It should either have its quality of life speedily enhanced, e.g. through veterinary attention or a change in its husbandry, or it should be killed promptly and humanely.

### **A life worth living**

46. A life worth living is a statement about an animal's quality of life. Any definition implies a judgement that is necessarily made by man, acting on behalf of the animal's interests. Where there is doubt, then the animal should have the benefit. At one level - though this is not sufficient by itself - the balance of an animal's experiences must be positive over its lifetime. Any pain, suffering, distress or lasting harm must be necessary, proportionate and minimal, and the system of husbandry and care should provide for the animals' needs and certain wants<sup>30</sup>.

47. Physiological needs of animals are those that keep an animal healthy and fit. For example, the provision of feed and water, certain vitamins and minerals, and shelter are encompassed in the First and Second Freedoms. It is obviously not in the interests of either the farmer or the animal for these to be ignored.

48. Mental needs are more complex and difficult to measure, with less consistent effects on productivity if not met. They are as important as physiological needs in ensuring welfare and may also contribute to another sort of fitness. Their identification is also more difficult: considerable progress is being made, e.g. by preference testing, but care is often needed in interpretation of the results. Examples of mental needs include the strong motivation of sows to find materials such as straw to build nests around the time of farrowing; and the searching for the teat by newborn, coupled with the 'mothering' behaviours of the dam. Some of these are instinctive and not learned behaviours: animals will work very hard to access suitable resources and may show stereotypic behaviours if these are not available.

49. Assessment of an animal's quality of life should cover its welfare throughout its life, up to and including the manner of its death. For example, the welfare of a lamb at the time of castration without anaesthesia is poor. However, after a few days of transient pain and discomfort, the animal might then experience a good quality of life until it was killed. Transport to markets and the abattoir may again cause a temporary state of poor welfare, but overall the lamb's life at pasture would provide sufficient positive experiences to suggest that its quality of life over its lifetime was acceptable. That is, it had a life worth living.

50. Conversely, a lamb, calf or piglet that is weak at birth, deprived of colostrum, and hypothermic and yet is allowed to suffer further by lack of a stockman's attention has a very poor welfare at that time. If that state was to continue, many would conclude that its life was

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<sup>30</sup> These can be either physiological or mental. Mental needs are often treated incorrectly as synonymous with behavioural needs. Their fulfilment contributes to mental health and is part-and-parcel of many regulations relating to farm animal welfare.



not worth living. Similarly, a broiler chicken that starts to become lame between the second and fourth week of its life (which typically lasts six weeks) and then deteriorates further until it dies because it cannot reach drinkers and feed troughs would experience significant, unremitting pain and distress for about half its lifetime. For this animal, its life, too, was not worth living.

51. Achievement of a life worth living requires provision of an animal's needs and certain wants, and care by all involved. Wants are those resources that an animal may not need to survive or to avoid developing abnormal behaviour, but nevertheless improve its quality of life. They may well stem from learned behaviours so that once an animal has become accustomed to their provision then withdrawal may lead to an adverse mental experience. They may also be innate such as space to play, to groom or engage in other normal behaviours. Giving an animal a life worth living therefore requires skilled and conscientious stockmanship above all else, together with good husbandry, considerate handling and transport, and humane slaughter.

52. We propose that full compliance with the law should mean that an animal has a life worth living. Quality of life should be assessed regularly from birth to death and both positive and negative experiences should be counted. This classification accepts implicitly that some farming practices may cause suffering that is unavoidable, such as vaccination and transport, but on balance the positive experiences should still outweigh the negative over the animal's lifetime.

53. 'The lesser of two evils' is the argument used for mutilations. This is covered by Banner's second principle: the harm requires justification and must be outweighed by the good. Thus tail-docking piglets to 'prop' up a poor system of husbandry would not be an adequate justification. But under certain circumstances, the risk to welfare of not carrying out the mutilation could be greater than that due to the mutilation itself. Farmers and stockmen should review the use of mutilations with the farm's veterinary surgeon.

54. A difficult ethical question is whether one brief bad experience during or at the end of a good life, e.g. castration without anaesthesia and analgesia, should outweigh all other positive experiences in that animal's life. One simple utilitarian answer is that a brief period of pain lasting a few minutes or hours is acceptable when weighed against the positive experiences gained over months or years of a life that was otherwise worth living.

### **A life not worth living**

55. The notion of a life not worth living is one with which veterinarians and many livestock farmers are familiar in the context of disease or injury. How can we usefully determine when an individual animal – rather than a group of animals - has a life that is not worth living? The term 'worth' is a measure of value to the animal so the guiding principle should be to determine the extent and balance of an animal's quality of life.

56. Of particular relevance are the following. Does the system or practice induce severe negative mental states, frustrate normal behaviour, preclude positive experiences or cause physical debilitation? Does the system fail to meet the physiological and mental needs of the animal? Examples of a life not worth living are an animal suffering a severe debilitating disease

that is untreatable, a severe physical state such as starvation or dehydration, and severe negative mental states, such as chronic, intense pain, fear or distress. In each case, a good stockman would either treat the animal swiftly or euthanize it promptly and humanely.

### **A good life**

57. For some farm animals, their standard of welfare may be substantially higher than any legal minimum. This is an aspiration of some farmers and the welfare requirements of some farm assurance schemes, such as the RSPCA's Freedom Food, go well beyond the minimum. The concept of 'a good life' recognises the distinction that an animal's quality of life is over and beyond that of a life worth living.

58. The requirements for a good life go well beyond those for the lower level. Not only must there be full compliance with the law but also with examples of good practice described in the Welfare Code. In addition, good welfare should be a main aim of husbandry with disease controlled by the strictest measures and with minimal prevalence, normal behaviour, availability of environmental choices and harmless wants, a ban on most, if not all, mutilations, certain husbandry practices (including the manner of death) prescribed or forbidden, opportunities provided for an animal's comfort, pleasure, interest and confidence, and the highest standards of veterinary care. Above all else, the highest standard of stockmanship has to be provided.

59. The notion of a good life can be considered in terms of the Five Freedoms. For example, in the First Freedom the provision of food should be promoted as a pleasurable experience; in the Second, environments should be provided that animals seek out and enjoy; and adequate anaesthesia and pain relief should be provided for necessary surgical mutilations, as required by the Third Freedom. There should be no imposed circumstances in which the animal is in a prolonged state of fear or distress, thereby satisfying the Fifth Freedom.

60. The Fourth Freedom is to express normal behaviour. Positive behaviours, such as play or social grooming, are important indicators of normal behaviour and good welfare and are encouraged by good stockmen. They only occur when immediate physiological needs have been met and the potential benefit to an animal's fitness is high. As Webster<sup>31</sup> states, "*it requires a very strange and stern mind to conclude that puppies, kittens or lambs at play are not having fun*". This explanation is important for welfare policy as it suggests that opportunities for enjoyment and the associated behaviours are indications that all is well and that more basic needs have been met. Conversely, the absence of play cannot necessarily be taken to indicate poor welfare.

61. It is hard to conceive how certain systems of husbandry could ever satisfy the requirements of a good life because of their inherent limitations. Examples include the barren battery cage for laying hens, and the long-term housing of beef cattle on slats, denied access to pasture.

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<sup>31</sup> Webster, A.J.F. 1994. Animal welfare – a cool eye towards Eden. Blackwell Science.

## **Classifying an animal's quality of life**

62. Our proposal, therefore, is that an animal's quality of life can be classified as a life not worth living, a life worth living and a good life (Figure 1). Other classification schemes use four or more levels; three have the merit of simplicity and the basic notions are familiar in the human context.

63. The notions of a life worth living and a good life require both qualitative and quantitative judgements. The notions should be described in the Welfare Codes, have the support of the Government and the force of law, be reviewed regularly and be publicised widely. The Government will need to determine whether the introduction of these notions requires legislation; similarly, commercial policies and practices will need to be amended by the farming industry. It may be difficult to define each classification in statute law; expert opinion will be needed until case law is established by the Courts<sup>32</sup>.

64. These classifications of an animal's quality of life readily lend themselves to labels that could be applied to livestock products. It should not, of course, be necessary to label those products that have been produced in accordance with the law, though there may be a case to distinguish those that have been produced to the EU standard. In this case, the CE<sup>33</sup> or similar mark could be used as it is widely recognised and has legal status. Only one label is needed to identify those products from animals that have enjoyed a good life. This label should be protected legally, e.g. as for free range egg production or organic farming.

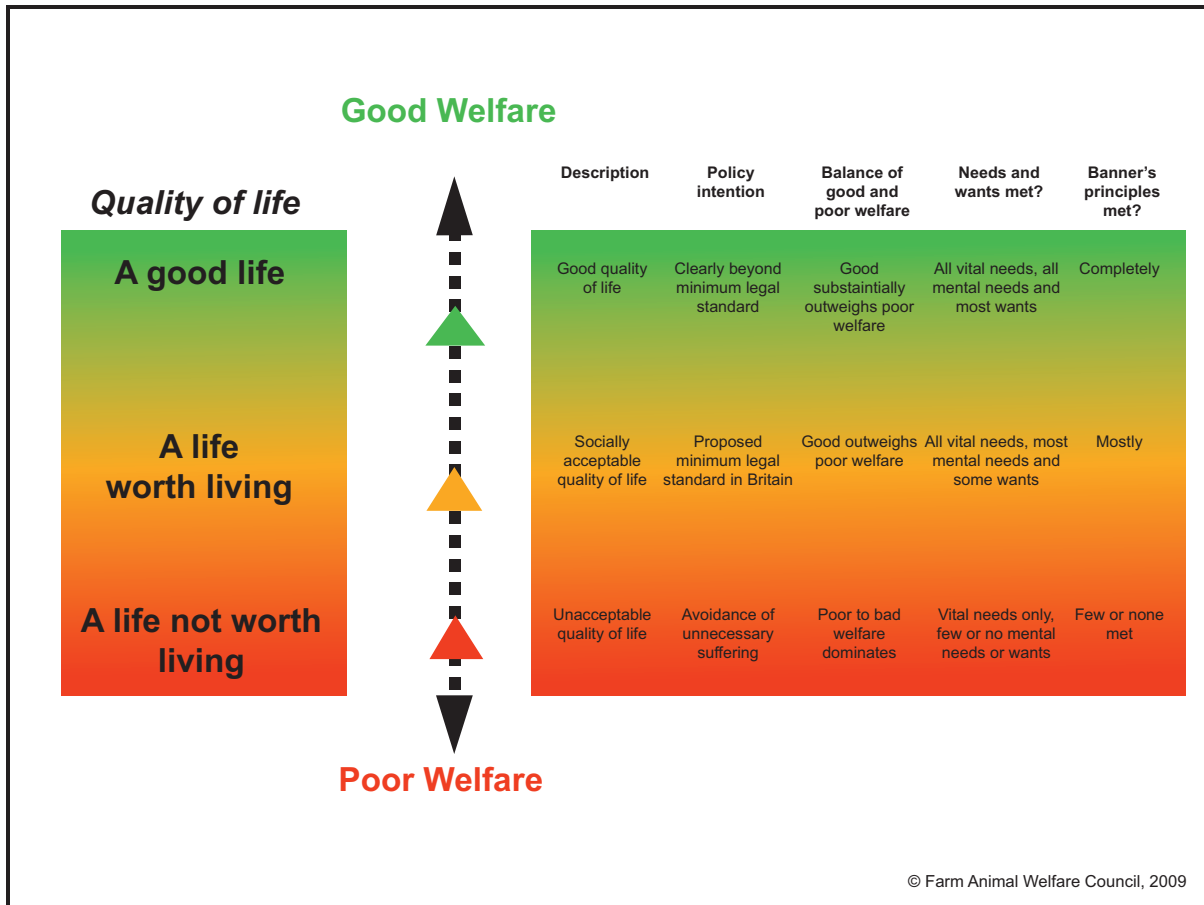
65. Claims that animals enjoy a standard of welfare higher than the legal minimum ought to be verified independently to protect the rights of consumers, farmers and retailers. Such claims are made regularly by various actors in the food supply chain. There is great potential for confusion amongst consumers when animal products are differentiated according to their welfare provenance, especially when it is unclear how welfare has been assessed or which body has set the standard. In all assurance schemes, independent audit is necessary to ensure compliance with the scheme's standards but for a higher level of welfare that is equivalent to a good life, FAWC believes that the technical standards themselves should be approved independently to ensure that the market is transparent for supplier and purchaser alike.

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<sup>32</sup> Even then such judgements will alter over time as husbandry systems are developed and knowledge on animal suffering, needs and wants advances.

<sup>33</sup> The CE (Conformité Européenne) mark is normally used for manufactured goods and not food but could, in principle, provide a mechanism by which a common European mark could be applied

Figure 1. The concept of quality of a life for a farm animal. An animal's welfare is assessed regularly and an overall judgement can then be made about the quality of its life. The triangular symbols indicate the approximate positions on a welfare scale that correspond with the different classifications. As new knowledge becomes available or moral positions alter, the 'sliders' may move along the welfare scale.



### The legal minimum and a higher standard of welfare

66. Currently, the legal minimum standard of welfare represents a balance between a concern for an animal's quality of life and economic forces, but environmental, cultural and other considerations are also pertinent. British legislation does not state or require, either implicitly or explicitly, that all farm animals must have a life worth living though recent legislation requires a farmer to provide for his animals' needs.

67. The minimum standard of welfare for domestic and captive animals aims to avoid 'unnecessary suffering' and provide an animal's needs. The various justifications for allowing an animal to suffer necessarily are clearly defined within the Animal Welfare Act 2006. For suffering to be necessary, the following considerations are relevant: was the action permitted by a relevant code of practice, was the suffering for a legitimate purpose and proportionate to

any benefit and, finally, were the actions of someone accused of causing the suffering those of a reasonably competent and humane person?

68. In relation to Banner's Principles, unavoidable suffering could be caused by an action that is worthwhile and can be justified, as specified in the second Principle. The third Principle is also invoked in that the means by which that end is achieved should be as humane as possible, e.g. humane slaughter or administration of anaesthesia and analgesia for a surgical procedure such as castration. In this case, the issue is whether the suffering could have been avoided if more care had been taken.

69. Given the progress made since 1965, we now believe that the focus of the Government and livestock industry should move beyond the absence of cruelty and unnecessary suffering and the provision of needs although, of course, they must remain as an absolute requirement whatever the circumstance. We propose that the minimum legal standard should be set at the test of whether a farm animal has had a life worth living. This policy would retain but go beyond the current test and should continue to emphasise the importance of stockmanship as the main guarantee of good welfare. Even so, what is taken as a life worth living today may not be the case in the future as new scientific information becomes available or societal concerns change: Government should therefore periodically review the basis of the proposed classification of an animal's quality of life.

70. Adoption of this new goal would require a substantial change of emphasis of Government and commercial policies about farm animal welfare. How to achieve this is addressed in the last part of this Report.

### **Recommendation**

71. *The intention of British policy should be that an animal kept in full compliance with the law should have a life worth living. This minimum should apply uniformly to all farm animals, regardless of their species or husbandry.*

## PART IV - CURRENT POLICIES AND THEIR IMPLEMENTATION

### Current Government policy on farm animal welfare and its implementation

72. The Government's policy on farm animal welfare has varied little since the Brambell report. The major developments and criticisms have been summarised in Part II, allaying the concerns of some but not all critics of modern livestock farming. At the 1997 general election, each of the main political parties published policies about animal welfare.

73. The Government's responsibility for animal health and welfare has been devolved since 1999. In England, "*improved welfare of kept animals*" is one of Defra's current sub-objectives<sup>34</sup>. The Welsh Assembly Government's Rural Affairs Department has a stated objective "*to help promote animal health and welfare*"<sup>35</sup>. Part of the vision set out by the Scottish Government is "*a prosperous and sustainable farming industry ... (which) should be: a major contributor to key objectives on animal health and welfare and human health and well-being*"<sup>36</sup>.

74. A Strategy for Animal Health and Welfare for Great Britain was published in 2004 by the Government and the devolved administrations. It was developed to answer calls for a new approach to animal health and welfare and in anticipation of the consolidation of legislation into new Animal Welfare Acts. The stated vision is for a sustainable future for animal health and welfare, maintaining and improving standards over 10 years:

- i. *"Animals in Great Britain kept for food, farming, sport, companionship, entertainment and in zoos are healthy and treated humanely"*
- ii. *"Our disease status is amongst the highest in the world, and we are able to trade our animals and animal products internationally"*
- iii. *"The costs of livestock health and welfare are appropriately balanced between industry and the taxpayer"*
- iv. *"All disease emergencies are dealt with swiftly and effectively using an agreed approach"*
- v. *"Consumers value the confidence they have in food produced safely from healthy animals that are well cared for. Consumers and retailers accept that higher standards of animal health and welfare are not cost free."*
- vi. *"Livestock keeping is part of a competitive British farming industry which succeeds by meeting the needs of consumers at home and abroad, producing food safely and to high standards of health and welfare"*.

75. The Strategy is applicable to nearly all animals under human control, including farmed livestock, where human actions affect their health and welfare or where there is a risk of wildlife transmitting disease to other animals or humans. A key theme is working in partnership. Government, the livestock industry, stockmen, animal owners and keepers, veterinary surgeons, etc. are expected to understand and accept their roles and responsibilities and to have sufficient

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<sup>34</sup> Defra - Departmental Objectives - <http://www.defra.gov.uk/corporate/what-do-we-do/index.htm>

<sup>35</sup> Welsh Assembly Government Rural Affairs Department objectives - <http://new.wales.gov.uk/about/departments/depc/?lang=en>

<sup>36</sup> A Forward Strategy for Scottish Agriculture: Next Steps March 2006 - <http://www.scotland.gov.uk/Resource/Doc/158242/0042839.pdf>

knowledge and skills to discharge these. On the basis that prevention is better than cure, much emphasis is placed on planning and proactive animal care in line with accepted standards of health and welfare. The Strategy aims to ensure a clear understanding of costs and benefits of animal care to acceptable standards and how these standards can be delivered and enforced effectively. To communicate and manage the Strategy, implementation plans have been drawn up by Defra and the devolved administrations: progress is monitored by committees<sup>37</sup> in each country.

76. Differences in the relative importance of livestock farming to the rural economy have led to different national priorities within England, Scotland and Wales but the overall aim is to drive the strategy in a co-ordinated manner. This makes sense because, for example, it would be less productive and inefficient if one monitoring committee advocated welfare assessment using a different set of measures to those used elsewhere. However, allocation of separate R&D budgets to national levy boards means that large, national projects on farm animal welfare are not necessarily supported because they are too expensive for any one board. It is essential that work on farm animal welfare is coordinated in the UK interest, while, at the same time, respecting devolved priorities.

77. In response to a perceived greater emphasis of the Animal Health and Welfare Strategy on disease, Defra has developed a supporting strategy for welfare<sup>38</sup>. This sets strategic goals for animal welfare in England:

- *“Those who care for or have contact with animals have the necessary skills and knowledge to ensure appropriate standards of animal welfare;*
- *Animal welfare policy is based on sound scientific research, practical experience and other relevant evidence;*
- *Economic markets function effectively and transparently allowing customers to make informed choices based on animal welfare standards;*
- *Compliance with welfare rules, underpinned by efficient and effective enforcement, using risk-based assessments which avoid placing unnecessary burdens on animal keepers; and*
- *Globally accepted animal welfare standards are embedded in international legislation and agreements and are enforced to the same standards.”*

78. In December 2003, the Scottish Executive Environment and Rural Affairs Department set out a ten year vision for higher standards of animal health and welfare and how this was to be delivered<sup>39</sup>. Key messages were the promotion of animal health and welfare; developing science and best practice and setting out delivery roles. Issues specific to animal welfare were: the implementation of Common Agricultural Policy cross-compliance requirements; reviewing the welfare codes of practice (including creating one for farmed fish); working with the SSPCA/ Crimestoppers’ initiative on animal cruelty; and developing best practice guidance for each sector or species. One Scottish initiative is public funding of the costs of preparation of health

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<sup>37</sup> Animal Health and Welfare Strategy, England Implementation Group (disbanded September 2009); the Scottish Animal Health and Welfare Strategy Advisory Group; and the Welsh Animal Health and Welfare Strategy Steering Committee

<sup>38</sup> Defra. 2007. Animal Welfare Delivery Strategy

<sup>39</sup> Animal Health and Welfare in Scotland – Implementing the Animal Health and Welfare Strategy

and welfare plans by the farmer and veterinary surgeon, which facilitates a regular veterinary presence on the farm. We also commend the recent initiative to raise the standard of farm animal welfare through the Animal Welfare Management Programme of the Scotland Rural Development Programme<sup>40</sup>.

79. In Wales, the Animal Health and Welfare Strategy has been followed by annual action plans. Key elements have included: policy development and responses to animal welfare complaints; on-farm welfare checks in partnership with local authorities; liaison with FAWC; guidance on injurious weeds; working with Defra on revisions to Welfare Codes on sheep, dairy and beef cattle, ducks, turkeys and goats; and the implementation of new EU transport regulations and raising awareness amongst the industry of their requirements.

80. FAWC endorses these strategies; it is too early to state whether their implementation has satisfied their strategic goals.

### **Enforcement of legislation and regulations**

81. In Great Britain, enforcement of legislation and regulations relating to farm animals is undertaken by a number of organisations including Animal Health, local authorities, the Meat Hygiene Service and, in some instances, animal welfare charities. In most cases, the expert opinion of a veterinary surgeon is required before action is taken.

82. On-farm surveillance is mainly the responsibility of Animal Health. Legal powers of entry to farms for official veterinary inspection were granted under the Agriculture (Miscellaneous Provisions) Act 1968. This has allowed public surveillance of farm animal welfare to be carried out, thereby allowing trends to be monitored. In selecting farms for surveillance, a risk assessment is undertaken, including the farm's previous history, the numbers and species of animals and the general status of animal health and disease in the country or locality.

83. In England and Wales, local authorities deliver and enforce animal health and welfare policy under a very comprehensive Framework Agreement<sup>41</sup>. One of the intended outcomes of this agreement is improved animal welfare. Local authorities have significant responsibilities for enforcement of legislation and regulations relating to farm animal welfare. Close relationships are maintained with Animal Health and the Meat Hygiene Service to inform the assessment of risks to farm animal welfare. Through a memorandum of understanding between LACORS and Assured Food Standards (AFS), and when taking any legal action against any AFS producer, local authorities should inform AFS immediately when the legal proceedings are in the public domain. Local authorities have a statutory responsibility to enforce legislation covering farm animals in transport and at gatherings, but enforcement of the Animal Welfare Act and regulations relating to the welfare of animals on farms is at their discretion. Veterinary surgeons, working for Animal Health, may provide expert veterinary advice to trading standards officials. Powers of entry, inspection and, if necessary, seizure of records are given through primary legislation

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<sup>40</sup> On an annual basis, this requires an animal welfare review; animal welfare monitoring and benchmarking; an animal welfare management plan, and a minimum of three specific actions to improve welfare. The programme applies to cattle, sheep and goats at present.

<sup>41</sup> <http://www.defra.gov.uk/animalh/ahws/pdf/frameworkagreement5-1.pdf>



and have been in place for many years. Details of inspections and enforcement actions are held by individual local authorities and an annual return is made to Defra, though this does not include warnings, advice or other sanctions aimed at improving compliance with legislation. By accepting a caution, a farmer acknowledges that an offence has taken place and commits to compliance.

84. Responsibility for animals arriving at slaughterhouses lies with inspectors employed by the Meat Hygiene Service (part of the Food Standards Agency), who are required to perform *ante-mortem* and *post-mortem* examinations before any meat may lawfully enter the food supply chain.

85. A detailed review by David Eves of the delivery of animal health and welfare policy in England was published in 2006<sup>42</sup>. The report concluded *“the animal health and welfare delivery landscape is too complex and fragmented and [is] in need of reform. It is intended to work within an agreed national strategy for achieving defined policy outcomes, but it is not capable in its present form of being managed as an entity, nor is it delivering consistent results efficiently and effectively.”*

86. The Eves report raised a number of important issues relating to the implementation of Government policy on farm animal welfare. Of particular concern were the criticisms of weak measurement of performance, the lack of robustness of the delivery system, and the lack of a unified national inspectorate for animal health and welfare. Eves identified that Defra’s systems for performance management, audit and accountability were also weak, reporting was variable and there was insufficient transparency to be confident about what was actually being delivered. Because of these and other criticisms, Eves concluded, *“... leaving things as they are is not an acceptable option. The economic, social and political risks, whether to the reputation of the Competent Authority (i.e. Defra in the UK), to animal health and welfare or to human health, in the event of another major crisis following BSE and FMD, are simply too great”*.

87. One of Eves’ key recommendations was formation of a national inspectorate within the “Defra family” with Animal Health at its core to create a stronger centre of authority for inspection and enforcement relating to animal health and welfare. This is consistent with the seven thematic regulators proposed in the Hampton report<sup>43</sup>, which was accepted in full by the Government. This recommendation has been developed further by the proposal for a new organisation within England that would take over responsibility for animal disease leaving animal welfare within Defra. FAWC endorses the need for a delivery landscape that is more efficient and effective and looks forward to the outcome of the current consultation on the desirability of a separate ‘animal health’ body.

88. Various remedies were proposed by Eves and the Government has consulted on its response to the report’s recommendations. An action plan has been published that sets out in detail how Defra will take forward each of Eves’ recommendations<sup>44</sup>. FAWC endorses many of Eves’ recommendations, in particular the need to improve measurement of performance.

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<sup>42</sup> Eves, D. 2006. A review of the animal health and welfare delivery landscape (in England).

<sup>43</sup> Hampton, P. 2005. Reducing administrative burdens: effective inspection and enforcement. H.M. Treasury.

<sup>44</sup> [http://www.defra.gov.uk/animalh/ahws/deliver/action\\_plan180108.pdf](http://www.defra.gov.uk/animalh/ahws/deliver/action_plan180108.pdf)

89. Whilst the scope of the Eves review was limited to England, it was clear to the devolved administrations in Wales and Scotland that they would need to keep abreast of the review and the downstream changes, even if it was not intended to replicate it in full. For example, the Local Government Act is under review with regard to cross-border working.

90. While it is commendable that national strategies and policies for farm animal welfare have been, or are being, put in place – and it is premature to judge their success – FAWC believes that their work has to be well coordinated. Agreement should be reached quickly on indicators of farm animal welfare and targets. These indicators should form the basis of a British system of public welfare surveillance; this proposal is considered in detail later.

### **Recommendation**

91. *Policies for farm animal welfare and their implementation in England, Wales and Scotland should be coordinated by national and local authorities so that they act in the British, as well as the English, Scottish and Welsh interest. Enforcement of legislation and regulations relating to the welfare of animals on farms should be a statutory responsibility of local authorities.*

### **The European Community and farm animal welfare**

92. The Community Action Plan on the Protection and Welfare of Animals (2006 to 2010) was adopted by the European Commission in January 2006 and sets out various initiatives on animal welfare. It also responded to the principles set out in the Protocol on the Protection and Welfare of Animals (annexed to the EC Treaty by the Amsterdam Treaty), which recognised that animals are sentient beings and obliges European institutions to pay full regard to animal welfare when devising and implementing Community legislation.

93. Some of the main areas of action identified in the Community Action Plan are:

- i. “upgrading existing minimum standards for animal protection and welfare;*
- ii. giving a high priority to promoting policy orientated future research on animal protection and welfare and application of the ‘Three Rs’ principle;*
- iii. introducing standardised animal welfare indicators;*
- iv. ensuring that animal keepers/handlers as well as the general public are more involved and informed about current standards of animal protection and welfare and fully appreciate their role in promoting animal protection and welfare; and*
- v. continue to support and initiate further international initiatives to raise awareness and create a greater consensus on animal welfare”.*

94. To take these actions forward there will need to be: updating and clarification of some Community legislation; production of legislation for areas not already covered; ongoing evolution of animal welfare as a scientific discipline; assessment and inclusion into legislation of animal welfare indicators; improved marketing, labelling and communication strategies; and support for international animal welfare activity. The Plan also lists specific activities intended to take place up to 2010. FAWC encourages the Government to continue to support this Action Plan.

95. A critical question is whether membership of the European Union has ensured a standard of farm animal welfare for animals reared in Great Britain, and for imported animal products too, that meet British as well as EU requirements (where they exist). ‘Gold-plating’ EU directives is usually avoided since it may disadvantage the British farmer or consumer (though previously Great Britain did ‘gold-plate’ by banning crates for veal calves and stalls and tethers for gestating sows). In the absence of labelling according to welfare provenance – or at the very least by country of origin where it is indicative of the standard of welfare - the concerned consumer is unable to distinguish British from imported products that may have come from animals reared to standards different from those in Great Britain. Additionally, a product may be processed in Britain, even though the animal was raised abroad. The benefits of subsidiarity are therefore lost unless products are labelled clearly according to their welfare provenance.

96. Furthermore, the very nature of political negotiations amongst so large a group as the EU implies that specific proposals on farm animal welfare may become part-and-parcel of other considerations, leading to a lowest common denominator in terms of policies or allowable practices. The last-minute changes made in the recent EU Council Directive 2007/43/EC of 28<sup>th</sup> June 2007 laying down rules for the protection of chickens kept for meat production are a good example. Thus, UK government policy on farm animal welfare appears to follow – but should in some cases set - the European lead.

### **The role of private farm assurance and disease recording schemes**

97. Farmers play a central role in ensuring acceptable standards of welfare. Some problems, e.g. lameness in dairy cattle and broiler chickens, are best tackled by improvements in management and careful choice of breeding stock. Education and training of stockmen, driven by a desire for self-improvement, the demands of assurance schemes, or incentive payments by processors in the food supply chain, are all means to implement change and are as powerful as the legislative stick.

98. The majority of livestock on UK farms are raised according to the requirements of a farm assurance scheme (by proportion of production in 2006/2007<sup>45</sup>; poultry and dairy 95%; pigs 92%; beef 85%; and sheep 65%). These are a welcome initiative by the private sector but animal welfare is only one of the criteria by which compliance is judged. The costs of compliance are significant and mainly borne by farmers; suspension from a scheme is a serious sanction that greatly curtails a farmer’s ability to market his produce. FAWC is highly supportive of farm assurance schemes and values their contribution to farm animal welfare. We would wish to see similar support given by the food supply chain to retain the farmer’s enthusiasm and commitment and give the consumer some assurance about farm animal welfare<sup>46</sup>.

99. There are a few schemes, e.g. the RSPCA’s Freedom Food, which operate to a welfare standard well above the legal minimum. This is a good example of a free market operating in the common interests of farmers, consumers and animals.

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<sup>45</sup> Defra Animal Health and Welfare Strategy, England Implementation Group data on welfare indicators – <http://www.defra.gov.uk/animalh/ahws/eig/indicators/5-2.htm>

<sup>46</sup> FAWC. 2005. Report on welfare implications of farm assurance schemes.

100. Another welcome development has been schemes for recording disease prevalence and incidence, either on the farm or at the abattoir. Most are producer-funded, through either direct subscription or levy. Pre-farm gate, the voluntary National Animal Disease Information Service (NADIS) scheme monitors disease in cattle, sheep and pigs and has a good track record of disease surveillance since its formation in 1995, with benefits for knowledge transfer and bench marking.

101. The pig industry provides a good example of best practice in disease recording. With support from the British Pig Executive (BPEX), coverage in NADIS has been extended to over 30% of pig units in the UK, though the farms are not necessarily representative of all pig farms due to the selection method used. The scheme provides information on disease surveillance to detect outbreaks, changes in patterns of disease and emerging threats, thereby monitoring welfare indirectly. Rapid identification, diagnosis and treatment of disease aid stockmanship and improve welfare.

102. At the abattoir, BPEX has established the British Pig Health Scheme, which follows a successful initiative by Quality Meat Scotland. The scheme is voluntary with regular assessment of disease in carcasses in participating abattoirs by trained veterinarians. Currently, approximately 80% of businesses, covering 64% of assured units, participate in the scheme. The principal advantages are the quality of the information and its rapid dissemination back to the producer. The reports also provide regional and national comparisons that facilitate benchmarking.

103. Nevertheless, in terms of welfare, the results of disease recording schemes should be treated with caution, as even simple data such as mortality are derived differently within different systems, depend on accurate regular stock counts and can carry different interpretations. For example, proactive culling may be essential for good welfare but will apparently elevate mortality, unless there is a proper explanation.

104. Welfare monitoring schemes are not used at markets. The FAWC Report on Gatherings<sup>47</sup> highlighted a need for a system to monitor welfare, e.g. the incidence of injuries and death, and the use of sticks and goads.

105. The benefit of welfare and disease recording is principally that progress can be measured. Farm assurance and disease recording schemes are welcome initiatives by the private sector and play an important part in marketing food from animals. They could do more to reassure the consumer about animal welfare, if they publicised the results of inspections. For some consumers, these schemes will also have to demonstrate that technical standards exceed statutory minima.

## **Recommendation**

106. *The Government should continue to support initiatives by the livestock industry and others to develop farm assurance and disease recording schemes. In particular, it should assist scheme operators to incorporate comprehensive, rigorous, reliable and validated protocols for*

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<sup>47</sup> FAWC. 2005. Report on the welfare of farmed animals at gatherings.

*welfare assessment into their schemes, and should work with the industry to coordinate analysis of results and facilitate year-on-year comparisons.*

### **Trends in the quality of life of farm animals since 1965**

107. Some information on the trends in quality of life can be gleaned from the annual reports of the Chief Veterinary Officer in the UK. These are based on the annual surveys by Animal Health and show that reported levels of unnecessary pain and unnecessary distress have been fairly constant for some time.

108. The significant growth in farm assurance schemes since the early 1990s has introduced a new means by which standards of on-farm animal welfare are monitored. With a few exceptions, the technical requirements set by farm assurance schemes are based on UK legislation and codes of practice. Over the years, standards have been enhanced by expert stakeholders from across the industry so that they have become a compilation of current good practice. The schemes provide assurance to the downstream food supply chain and consumers and information is primarily used as part of food marketing. The normal sanction for non-compliance is corrective action. Ejection of scheme members is also an option for serious or repeat offences.

109. Finally, studies of welfare at irregular intervals since 1965 provide additional evidence. For example, there appears to have been little progress in reducing the incidence of lameness and mastitis in dairy cattle over the past 20 years or more<sup>48</sup>.

110. We stated earlier that there have been many significant improvements in livestock welfare since the Brambell report in 1965. This is mainly due to a strong legal framework for farm animal welfare, the efforts of skilled stockmen and widespread adoption of assurance schemes in Great Britain. Nevertheless, there is still room for improvement in the standards of welfare on farms, during transport and at markets and abattoirs.

### **Improving the quality of life of farm animals**

111. The quality of life of farm animals is determined by legislation, husbandry and market demand by the consumer. There is strong welfare legislation with good compliance throughout Great Britain and there are many reasons why the legislative and regulatory burden should not be increased unilaterally, e.g. the cost of development and implementation and gold-plating. In terms of animal husbandry, most farmers make strenuous efforts to ensure an acceptable quality of life for their animals, e.g. by stockman training. However, the power of the concerned consumer (through market demand) is mostly unrealised due to the lack of information generally and at the point of sale that allows an informed choice to be made.

112. The Government sets a minimum standard of farm animal welfare by legislation and other policy instruments. The standard is set increasingly at a European level, implying that,

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<sup>48</sup> Whay, H. R. et al. 2006. The development of a lameness control programme for dairy heifers. *Cattle Practice*, 14: 157-159. Green, M.J. et al. 2005. Where are we with mastitis control? Current thoughts and preliminary findings from a national research project. *Cattle Practice*, 13: 127-129.

in the future, the minimum is likely to be determined from a European rather than a British perspective. While, in the past the UK Government has imposed standards above the European consensus, this is rarely now the case. Increasingly, standards above the minimum are left to market forces where retailers and farm assurance schemes play a dominant role<sup>49</sup>.

113. In the UK, food sales are dominated by four retailers. The number of small, independent butchers has declined from 45,000 in the 1960s to 7,100 in 2007 as large retailers have increased their market share<sup>50</sup>. This concentration means that a small number of retailers' buying desks link about 126,000 livestock holdings (and about 344,000 farmers, partners, directors and spouses) to shops where consumers purchase the bulk of their groceries.

114. The fragmented nature of British farming means that farmers are in a weak bargaining position with retailers; farmers typically receive 37% of the retail price<sup>51</sup>. Indeed, over the past decade the price received has sometimes been less than the cost of production. Given their dominant position in the supply chain and through their product specifications, retailers and the food service sector exert huge, direct and indirect influence on livestock farming at home and abroad.

115. This economic power has been subject to a recent inquiry by the Competition Commission. A summary<sup>52</sup> of the Commission's roundtable discussion with primary producers concerning the Supermarkets' Code of Practice stated that their main concern was the transfer of risk and unexpected costs by the supermarkets to suppliers; importation of produce that did not meet British standards (of welfare) was an example of other behaviour by the major supermarkets that was also of concern. This practice not only affects British producers that have to meet more stringent requirements than foreign suppliers but may also mislead consumers.

116. The final Competition Commission Report on the Supply of Groceries in the UK Market has been published recently<sup>53</sup>. The Commission found that, in many important respects, competition in the UK groceries industry was effective and delivered good outcomes for consumers, but not all was well in two principal areas. First, several grocery retailers had strong positions in a number of local markets placing barriers to the entry of competitors. Second, the transfer of excessive risk and unexpected costs by grocery retailers to their suppliers through various supply chain practices would, if unchecked, have an adverse effect on investment and innovation in the supply chain, and ultimately on consumers. The Commission recommended that a competition test be applied as part of the planning process and that the Supermarkets' Code of Practice be strengthened and its requirements be overseen by an Ombudsman.

117. Related to this is the report submitted in evidence by the Church of England to the Competition Commission inquiry that argued that livestock farmers are handicapped in their

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49 The economics of farm animal welfare is currently the subject of a major investigation by FAWC.

50 Competition Commission Report on the Supply of Groceries in the UK Market, 30 April 2008.

51 Agriculture in the UK 2007. Chart 7.7. The average share has declined steadily from 47% in 1988.

52 [http://www.competitioncommission.org.uk/inquiries/ref2006/grocery/pdf/hearing\\_summary\\_primary\\_producers\\_remedies.pdf](http://www.competitioncommission.org.uk/inquiries/ref2006/grocery/pdf/hearing_summary_primary_producers_remedies.pdf)

53 [http://www.competition-commission.org.uk/rep\\_pub/reports/2008/fulltext/538.pdf](http://www.competition-commission.org.uk/rep_pub/reports/2008/fulltext/538.pdf)

negotiations with processors and retailers by their weak bargaining power<sup>54</sup>. This report identified a number of invisible and pernicious practices of which the consumer is largely unaware and which have been accepted by farmers as a *fait accompli* as part of the price of doing business. These included: products labelled as British but often only processed or packaged in Great Britain, obscuring the country of origin of the primary ingredients; flexible contract terms that seldom work to the advantage of the farmer; flexible payment terms subject to arbitrary change that often put farmers to an increased cost or financial loss; facilitation payments, deductions and a range of financial inducements paid to the retailer or processor at the farmer's expense; and little evidence that retailers share the benefits of promotions with farmers, and much evidence that farmers, in the main, bear the costs.

118. The commitment by retailers to the welfare of farm animals is variable with some demonstrating strong support with comprehensive schemes. There are similar signs of commitment in the food service sector. A number of retailers, however, claim that their buying policies are determined by the extent to which their customers demand particular welfare standards. In the absence of a strong demand, they see little reason to invest in matters relating to animal welfare. This explanation is unconvincing since the majority of consumers are unable to make informed decisions about food and animal welfare, because of either insufficient knowledge or the lack of product labelling.

119. Nevertheless, some consumers do influence the quality of life of farm animals through their purchasing decisions and their demands can influence retailers' offerings. The results of an European survey<sup>55</sup> of UK respondents ( $\approx$  1300) were: although 82% knew either a little or nothing at all about farming in the UK, 41% would like to be more informed about the conditions under which animals were farmed; 68% thought that the welfare protection of farm animals should be improved while a similar percentage thought that it had improved or remained about the same over the last 10 years; the internet, television and daily newspapers were the most common sources of information; an equal division between those who thought that there was a sufficient choice of animal welfare friendly products and those that did not; 39% were satisfied that current labels allowed welfare friendly production systems to be identified (though systems are not synonyms for welfare); and 71% believed that farmers should be financially compensated for any higher production costs linked to farming animals under more welfare friendly systems.

120. The potential for consumers to influence positively the way in which farm animals are treated is great but the market mechanisms are not working, except in a few cases such as shell eggs sold by retailers. Discrepancies between the professed level of support for products of specific welfare provenance, and the degree to which that interest is translated into purchases, may indicate that products are labelled inadequately. While some consumers may wish to know about price, animal welfare and other requirements, the concerned consumer is unable to make an informed choice due to a lack of information at the point of sale. It is important that this

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<sup>54</sup> *Fairtrade begins at home: Supermarkets and the effect on British farming livelihoods* submission to the Competition Commission by the Church's Ethical Investment Advisory Group (EIAG). November 2007 <http://www.cofe.anglican.org/info/ethical/policystatements/fairtrade.pdf>

<sup>55</sup> Eurobarometer, March 2007. Attitudes of EU citizens towards animal welfare

information is based on science; some consumers tend to overemphasise naturalness that could override other more important welfare concerns. The solution is to label products according to their overall welfare provenance; at the very least, they should be labelled by their country of origin where this indicates the standard of welfare.

## **Recommendation**

121. *Market forces are a powerful yet largely unrealised mechanism for improving farm animal welfare. Retailers, the food service sector, the livestock industry and the Government should address the potential of market mechanisms to cater for the concerned consumer, who wishes to make an informed choice about his or her purchase of livestock products, especially those of 'high' welfare provenance. The Government should give its strongest support for labelling of livestock products according to their welfare provenance.*

## **Guarding the welfare of farm animals**

122. While it is clear that farmers are legally responsible for the welfare of their animals, independent guardianship of welfare is needed to ensure that animals' interests are safeguarded independently<sup>56</sup>. While some would argue that farm assurance and disease monitoring schemes satisfy this need, FAWC believes that guardianship should be independent of those with vested interests and should be the Government's responsibility, acting in the public interest.

123. In its broadest sense, guardianship requires:

- i. Sound Government policy on farm animal welfare that is based upon evidence, supported by independent advice.
- ii. Effective implementation of Government policy through efficient procedures and processes, including regular monitoring of performance.
- iii. Public surveillance of standards of welfare of farm animals using scientific methods with independent audit and publication of the findings.
- iv. Availability of accurate, impartial information about farm animal welfare, including approval and verification of marketing claims about higher welfare standards.

124. Earlier, we reviewed the development of Government policy since 1965. In our opinion, it has been soundly based on scientific evidence and practical experience, and proportionate to the issues at hand. However, it evolved in an era when the economic, agricultural and political issues were much simpler than they are today, and for much of the intervening period, the UK was not a member of the European Union, which drives so much of national policy nowadays. We therefore foresee that Government policy on farm animal welfare will have to take account of many more issues than those faced by previous administrations. This suggests that further improvements in the standard of farm animal welfare will be slow.

125. In terms of the implementation of Government policy, again much progress has been made since 1965: policy and its implementation are scrutinised by Parliament and the devolved administrations. Sound primary legislation has been passed, good secondary legislation has

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<sup>56</sup> A useful analogy is the treatment of mentally incapacitated persons under the Mental Capacity Act 2005.



been devised, the Welfare Codes are now widely available (though some should be revised), informative advisory campaigns have been carried out, and farmers and stockmen now recognise the importance of welfare in profitable livestock farming. Occasionally, a Parliamentary select committee may investigate the state of an agricultural sector, e.g. the pig industries in England and Scotland. These inquiries are extremely informative and provide a rounded assessment of the success of Government and commercial policies but they are infrequent. Furthermore, the recent Eves report was quite critical of the mechanisms by which Government policy on animal welfare was delivered. Although Eves' review was more concerned with the control of (notifiable) diseases of animals than animal welfare and with operational efficiency, there are also lessons to be learnt in implementation of public policy concerning farm animal welfare.

126. Public surveillance of animal welfare has been vital: if standards of farm animal welfare are not measured how then can progress be assessed? The Government has very wisely introduced welfare surveillance on a substantial scale that allows it to substantiate its claims. Later, we comment on the methods used by Animal Health, local authorities and the Meat Hygiene Service to assess welfare but suffice it to say here that a review should be undertaken to ensure that the methods used are efficient and effective.

127. The available evidence indicates that many, but not all, of Brambell's implicit goals have been met, particularly those relating to permissible systems of livestock husbandry. However, progress appears to have slowed recently: the proportion of farms that are classified as causing 'unnecessary pain or distress' in Animal Health's surveys has not changed for the past nine years. This evidence of poor welfare, the lingering problems of endemic disease, the continued reliance on mutilations and behavioural restrictions suggest that the standard of welfare of farm animals has yet to reach a satisfactory level. In this sense, and despite the considerable progress that has been made since 1965, some would argue that the Government has not fully discharged its responsibilities as the guardian of farm animal welfare in the UK. In the context of future strategy, policy and its implementation, there is more still to do to ensure that farm animal welfare is given proper consideration as part of a thriving livestock industry.

128. It is apparent that that the fourth requirement of guardianship (i.e. independent information about animal welfare) has not been met. This lack will ultimately disadvantage the citizen and consumer, and adversely affect the welfare of many millions of farm animals. There is a need for accurate, impartial and unbiased information about farm animal welfare. This will satisfy the demands of many citizens, who wish to be morally responsible. An independent information service would also help the development of market mechanisms that allowed the concerned consumer to make informed choices about purchases according to welfare provenance.

### **Recommendation**

129. *The Government, in conjunction with Parliament, should review the mechanisms for guardianship of the welfare of farm animals to ensure that they are effective and efficient. Furthermore, the Government should establish an independent service to provide citizens with accurate and impartial information about farm animal welfare.*

## PART V - WELFARE ASSESSMENT, INDICATORS AND SURVEILLANCE

### Welfare assessment

130. Assessment of welfare is critical to animal management, welfare surveillance, enforcement of legislation, compliance with farm assurance schemes, and welfare labelling. Scientific assessment of welfare is an important means of reducing bias in the debate over animal welfare<sup>57</sup>. A major benefit is that scientific approaches to welfare assessment are objective, though there can be difficulties in assessing mental health.

131. Several scientific approaches to welfare assessment have been developed using appearance, behaviour, physiology, productivity and disease; this diversity reflects the complexity of animal welfare. Critically, science has not yet been able to provide a gold standard measure of welfare against which new measures or approaches can be validated. Indeed, such a gold standard may be more of an aspiration than a realistic outcome of research but the lack of a gold standard is a major constraint to any validation of welfare measures.

#### *Validity, reliability and feasibility*

132. Measures of animal welfare must satisfy the major criteria of validity, reliability and feasibility. Of these, validity is the most important. The costs of measurement must also be reasonable and proportionate to the benefit.

133. The central importance of validity and reliability can be illustrated in the debate over gait score, which is used to assess lameness in broiler chickens. There is continuing controversy over the results because of the perception that gait score is imprecise due to its subjectivity and low intra- and inter-observer reliability and a lack of clarity about the score's interpretation, i.e. whether pain and/or distress is experienced.

134. Validity and reliability are as relevant for those outcomes that have an indisputable link to welfare, such as lameness, as for those where the link is less certain, e.g. stereotypic behaviours. The scientific literature suggests that many animal-based measures that are currently being used to assess welfare have not been tested thoroughly for validity and reliability, and in that sense could be seen as insufficiently robust, especially when setting international standards or labelling products.

135. There has been much experimental work on behavioural measures of welfare; examples include investigation of the needs of animals to access valued resources and the effects of poor housing on emotional states. Despite this work, there have been relatively few attempts to develop valid and reliable behavioural measures for use under field conditions. One problem is that they can be laborious and therefore costly.

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<sup>57</sup> Material from the annex on welfare assessment in the FAWC Report on the welfare implications of farm assurance schemes (2005) has been revised and incorporated herein.

136. There is also a need to address the problems caused by the lack of a gold standard against which measures of animal welfare can be validated. One solution could be to look for concordance in outcome measures such as disease, reproduction and productivity to validate other welfare measures, including behaviour, with the advantage that health and reproduction are important financially to farmers. However, to consider only validation against outcomes such as disease has the disadvantage of not placing sufficient emphasis on measures that are indicative of an animal's mental - as opposed to physical - health.

137. Welfare assessment has to be feasible. This requirement constrains the development of assessment methods as much as the scientific requirements of validity and reliability. In the early development of assessment methods, it led to a focus on the provision of resources available to an animal, since these could be assessed in a brief inspection lasting a few hours. Various initiatives to incorporate more animal-based measures into assessment schemes will very likely increase the length of an inspection and more reliance will have to be laid on management information (e.g. productivity and disease records) that is collected routinely by the farmer.

138. Ideally, all welfare measures would have proven validity, reliability and feasibility, and be of low cost. Some may argue that, in practice, there will be a balance to be struck between what can and what should be measured: others will insist rigidly on the use of valid measures, which are reliable and have been validated rigorously. FAWC's position is that a pragmatic approach should be used until a comprehensive set of reliable measures have been developed and validated, especially those measuring mental health.

### **Recommendation**

*139. Careful attention should be paid to the validity, feasibility and reliability of any measure of animal welfare. Research on valid measures of welfare, especially mental aspects, should continue to be given the highest priority by Government and industry. Validation of welfare measures should be undertaken both in the laboratory and under field conditions.*

### *Principles of welfare assessment*

140. Since there is no consensus yet amongst scientists, farmers and others on a single definition of welfare, a pragmatic approach taken by many scientists has been to assess welfare using many measures from which a conclusion can be drawn. The Five Freedoms are commonly used as a starting point; some have attempted to rank them in terms of their relative importance. This is a question of validity and interpretation and attempts to rank the Five Freedoms should be resisted: all are important.

141. Interpreting the results of an assessment using many welfare measures can be daunting. Integration into a single number or grade has been the subject of much discussion but is usually of little benefit. It is of very limited use when assessment is being used for animal management because producers need to manage individual components of welfare rather than an aggregated index. For compliance with regulations, integration is unhelpful and many welfare measures will be of the pass or fail type.

142. In general parlance, animal health is seen to be about the absence of disease and injury, whereas animal welfare encompasses both physical and mental health. The two terms are often treated incorrectly as synonyms: disease is nearly always a cause of poor welfare but its absence is a necessary but not a sufficient guarantee of good welfare. Animals may be in good physical health and yet experience poor welfare. This may be due to a failure to meet mental needs leading to abnormal behaviour, e.g. stereotypic behaviour in the gestating sow kept in a stall, a system which is unlawful in the UK. There are also circumstances where the welfare of animals is unrelated to either productivity or health, e.g. during stunning and slaughter.

143. Measures of good welfare are more difficult to identify than those of physical health, for which the incidence and prevalence of disease are normally sufficient. Productivity measures, such as weight gain, milk yield, reproductive patterns, egg output, etc. can be used but there are examples where they are unsatisfactory, e.g. the high yielding hen in poor body condition at the end of its productive life after the heavy metabolic demands of farming; a similar concern was raised in the Brambell report. Thus productivity may be only marginally affected, if at all, when animals are confined, e.g. veal calves in crates, laying hens in small battery cages, and cows tethered by the neck in byres; or when animals are in mild to moderate pain, caused by lameness, following surgery or after mutilations, for example. Productivity is often only affected when physical or mental health, and hence welfare, is compromised to a considerable degree. While low productivity often indicates poor welfare, the converse is not necessarily true, especially where behavioural needs are not met for space, nesting materials, companionship etc.

144. Mortality and morbidity are traditional measures of welfare, though care is required in their interpretation. A farmer who culls sick animals early on protects animal welfare better than one who culls them later or leaves them to die. Mortality rates may be the same or even lower for the farmer who values welfare less as some animals will survive in poor condition until killed.

145. Welfare can also be inferred from the production system. Animals that are tethered, crated or in barren cages and are unable to carry out normal behaviour, should automatically be a cause for concern, regardless of productivity. The bans on stalls and tethers for gestating sows, crates for veal calves and battery cages for laying hens are indicative of this concern.

146. The LayWel<sup>58</sup> project is a rare example of a successful attempt to use a combination of measures to assess the welfare of laying hens kept in different systems of housing. Welfare was assessed by: mortality, e.g. due to feather pecking and/or cannibalism; prevalence of red mite and bumble foot; feather loss; use of nest boxes and perches; foraging; dust bathing; air quality and water intake. The results were summarised as a “risk to welfare” for each measure in each housing system. Research by Dr Lesley Wiseman Orr at Glasgow University on the quality of life of pigs is another example of an integrated approach to welfare assessment.

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<sup>58</sup> LayWel project; [www.laywel.eu](http://www.laywel.eu)

### *Inputs and animal-based outcomes*

147. In broad terms, welfare can be assessed by evaluating both the inputs to a production system and animal-based outcomes. The first part of each of the Five Freedoms is an outcome (e.g. hunger, fear) and the second part (e.g. by prevention of disease) is the input. Inputs can be classified into those relating to the stockman, the environment, and factors intrinsic to the animal. The extent and type of knowledge, skills and personal qualities of the stockman are essential for good welfare<sup>59</sup>. Environmental inputs encompass pasture and housing, animal management, veterinary interventions and emergency resources such as standby generators. Intrinsic factors such as genetics are often overlooked but can be critical.

148. Animal-based outcome measures provide a direct assessment of welfare and there is now consensus that they are essential in any assessment scheme. However, it is difficult to argue that only outcome measures should be used. Outcomes are often based on an animal's physical condition, its behaviour and clinical signs of disease, while at the moment positive measures, such as social interactions and play, are difficult to standardise and assess. Furthermore, behavioural requirements are more easily assessed by evaluating resource inputs, such as space, group size, environmental enrichment and litter. Welfare assessment therefore needs to combine both resource-based and outcome measures.

### **Current schemes for welfare assessment**

149. The development of welfare assessment schemes involves a difficult balancing of practical constraints against the need for scientific validity and reliability. FAWC sees the desired outcome of research on welfare assessment as a set of standardised, validated measures that can be used by farmers to improve the welfare of their stock, and by inspectors to assess welfare for regulatory, marketing or other purposes. We would encourage researchers and those involved in welfare assessment to work together to ensure that welfare assessment is done using common methods. This will reduce the inspection burden and give greater confidence in the results obtained and their interpretation.

### *Welfare assessment for regulatory purposes by the Government and local authorities*

150. Animal Health has undertaken a regular survey of the welfare of farm animals in Great Britain since 1968. In 2007, there were 125,683 livestock holdings in Great Britain; Animal Health carried out welfare inspections on 3,978 (3.2%) farms. This scale of inspection is not justified in the CVO's annual reports but is presumed to be valid statistically.

151. The main purpose of on-farm inspection of welfare is to check compliance with national and EU legislation, including any requirements associated with EU regulations (98/58EC, 91/629EC and 91/630EC, which are implemented by the Welfare of Farmed Animals Regulations England 2007 or equivalent in Wales and Scotland) and the Welfare Codes. The majority of inspections are allocated on the basis of a risk assessment that takes account of the results of previous inspections and the time since the holding was last inspected. The risk model used has

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<sup>59</sup> FAWC. 2007. Report on stockmanship and farm animal welfare.

successfully identified farms at greater risk of non-compliance. Other inspections are either random or arise from a complaint. Where non-compliance is found, follow-up visits are made until the welfare problem is resolved.

152. Each inspection is comprehensive and comprises an assessment of eleven criteria appropriate to the species and class of animal; i.e. staffing, animal inspection, disease, records, housing, environment, equipment, freedom of movement, feed and water, mutilations and breeding procedures. More detailed data are collected that are specific to the husbandry system. Each criterion is scored as: (a) full compliance with legislation and the Welfare Code; (b) compliance with legislation; (c) non-compliance with legislation but no unnecessary suffering; and (d) unnecessary pain or unnecessary distress. The overall score for the inspection is set by the poorest score for an individual criterion for any of the animal types inspected.

153. Local authorities carry out risk-based inspections of livestock markets, shows and other animal gatherings, and vehicles transporting live animals; standard guidelines for inspection procedures are available<sup>60</sup>. Inspections of welfare are also made on farms. Inspections are made for a wide range of purposes, often at the same visit, including disease control, animal identification, bio-security, animal by-products, livestock movements, standstill arrangements and animal welfare. Welfare is assessed by signs of normality.

154. The scale of welfare inspections by local authorities in England and Wales is substantial, though the assessment is quite simple. The Animal Health and Welfare Management and Enforcement System (AMES), operated by Defra, indicates that annually, local authorities make about 11,000 visits to farms, 53,000 checks in livestock markets and many checks of vehicles for transporting livestock, equating to a total of over 7 million animals. It is recognised that not all local authority data are recorded on AMES. The level of inspections since April 2009 has been linked to the revised Framework Agreement.

155. The Animal Health National Indicator, which measures achievement in meeting standards for the control system for animal health (and animal welfare to some extent), was introduced in April 2009<sup>61</sup>. This indicator reflects one of the strategic outcomes within the Animal Health and Welfare Strategy for the delivery and enforcement of animal health and welfare to agreed standards and, further underpins the recent reviews of enforcement undertaken by Eves<sup>62</sup> and Rogers<sup>63</sup>. Following the introduction of this indicator, the performance of local authorities will be assessed against the standards set down in the Framework Agreement.

156. Assessment of welfare at abattoirs is the responsibility of the Official Veterinarian (OV), who is employed by or contracted to the Meat Hygiene Service (MHS), itself part of the Food Standards Agency. Enforcement of animal welfare regulations in the slaughterhouse is undertaken by the MHS on behalf of Defra and the devolved administrations. Ante- and post-mortem

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<sup>60</sup> For example, the Welsh Animal Health and Welfare Panel. 2007. Guidance on achieving a quality and consistent inspection in Wales.

<sup>61</sup> <http://www.defra.gov.uk/environment/localgovindicators/ni190.htm>

<sup>62</sup> Eves, D. 2006. A review of the animal health and welfare delivery landscape (in England).

<sup>63</sup> Rogers, P. 2007. National enforcement priorities for local authority regulatory services.

inspections are undertaken by the OV, acting in accordance with the detailed guidance given in the MHS Manual for Official Controls<sup>64</sup>. Summary reports of non-compliance with regulations at abattoirs are sent quarterly to Defra but the details are not published. Unfortunately, regular publication of the results of welfare surveillance has ceased; a review<sup>65</sup> of welfare in abattoirs reported a limited number of cases of legal non-compliance and summarised that “*many slaughterhouses implement procedures above the minimum requirements of legislation*”.

157. These various surveys and inspections are the main public means by which the welfare of farm animals is monitored in Britain. Welfare surveillance on this scale is substantial and valuable. The three agencies employ methods of welfare assessment that reflect their roles and responsibilities. Given the current purpose of welfare inspection, the assessment methods are generally appropriate and to the point. However, their collected findings are not published regularly in a convenient form and it is therefore difficult to identify trends and draw general conclusions. Furthermore, the qualifications required of, and training available to, local authority inspectors are not standardised. Bringing together inspection regimes is now being considered by Defra as part of the Whole Farm Approach programme.

158. The costs of welfare surveillance by Animal Health, local authorities and the Meat Hygiene Service are met by the public purse. However, while the scale of public surveillance is substantial, there are further benefits that would be gained from coordinated analysis of the data at marginal cost.

## **Recommendation**

159. *Local authority inspectors, who are involved in public welfare surveillance, should be trained and qualified to a common standard. Coordinated analysis of the welfare surveillance data collected by Animal Health, local authorities and the Meat Hygiene Service should be undertaken and an annual report published.*

### *Welfare assessment in farm assurance schemes*

160. Welfare assessment in a farm assurance scheme is based on visits to farms by trained inspectors. Schemes provide guidance notes on interpretation; farmers have to show compliance with a scheme’s technical standards and rectify any non-conformance before the farm is certified. In all reputable schemes, inspectors work for independent certification bodies that must follow an international standard EN45011 (ISO Guide 65), which ensures expertise, impartiality and reproducibility. The certification bodies are themselves assessed against EN45011 by the UK Accreditation Service (UKAS). Technical standards on animal welfare are normally based on compliance with the law or the guidelines given in the Welfare Codes: in some cases standards comfortably exceed the legal minimum. Although the results of individual inspections are not published, conformance to a scheme’s requirements can be inferred from a farm’s certified status; some schemes publish the trends in non-conformance. The usual sanction for non-conformance is suspension of the farm’s certificate of compliance, which can be withdrawn if the non-conformance is persistent.

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<sup>64</sup> <http://www.food.gov.uk/foodindustry/meat/mhservice/mhsmanual2006>

<sup>65</sup> Meat Hygiene Service. 2002. Animal welfare review 2001.

161. The Assured Food Standards (AFS) scheme is the major scheme in use in Britain and covers cattle (beef and dairy), sheep, pigs and poultry. Member farms are inspected regularly for animal welfare and other factors and different stages of the production cycle are covered. In the case of pigs, and in addition to the annual inspection by the certifying body, welfare is assessed quarterly by trained veterinarians; this high frequency of inspection on British farms is unique.

162. Assurance scheme standards on animal welfare are generally framed in the same way as legislation by specifying the necessary conditions. All AFS livestock schemes stipulate that stock must be observed by inspectors and inferences drawn from their condition. The success of these schemes in terms of maintaining or improving animal welfare standards is heavily reliant on the quality of the measures used to assess welfare; there has been growing interest amongst the schemes in developing assessment methods.

163. Following a RSPCA-funded research project to evaluate the Freedom Food scheme and a Defra-funded project to make the protocols available to the organic sector, welfare assessment protocols for cattle, pigs and laying hens have been developed and published by Bristol University<sup>66</sup>. They are freely available and have been used by numerous groups, with and without the direct involvement of the University. The protocols are based on animal outcomes, e.g. body condition, lesions and trauma, clinical signs of disease and some indicators of emotional state such as fear. Ultimately, outcome measures will establish a role within livestock assurance schemes if, and only if, the methods are valid, reproducible and reliable when used by large numbers of inspectors, and affordable, i.e. they do not add disproportionately to the costs of farm inspection.

## **New approaches to welfare assessment**

### *Qualitative assessment of behaviour*

164. One example of an outcome measure that deserves particular mention is qualitative assessment of behaviour (QAB), developed by Dr Françoise Wemelsfelder at SAC in Edinburgh with funding from Defra. This method has demonstrated considerable repeatability and validity.

165. Qualitative assessment of behaviour uses observers to describe the quality of an animal's body language; terms such as anxious, calm and aggressive are often used. The method has taken 12 years or more of validation from initial concepts to its current state. Of the many behavioural measures that have been tested in the EU Welfare Quality<sup>©</sup> project<sup>67</sup>, it is sufficiently repeatable to be used on a wider scale, demonstrating the time (and funding) that is required to develop and validate welfare measures.

166. It is also fair to say that the scientific community is divided over what QAB tells us about animal welfare – some find it difficult to accept that body language provides such a transparent

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<sup>66</sup> [www.vetschool.bris.ac.uk/animalwelfare](http://www.vetschool.bris.ac.uk/animalwelfare)

<sup>67</sup> EU Welfare Quality<sup>©</sup> project; 2004 - 2009 <http://www.welfarequality.net/everyone>



‘window’ into an animal’s mind; others are much more willing to accept this interpretation. However, the important point here is that despite all the work and demonstration of repeatability, there remain issues relating to validation and interpretation. QAB therefore provides a good example of the inherent difficulties of developing valid measures of welfare, especially those indicating mental welfare.

*The EU Welfare Quality<sup>©</sup> project – standardised European assessment*

167. The aim of the EU Welfare Quality<sup>©</sup> project is to produce practical methods to assess the welfare of cattle, pigs and chickens (Table 1). Based on the Five Freedoms, the researchers have developed a set of welfare ‘principles’ that are based on four welfare criteria<sup>68</sup>. Assessment is focused on welfare outcomes and the protocols are being turned into reliable tests for use on the farm and at the abattoir. They are being trialled on 570 farms (pig, cattle and poultry) in 15 EU countries and could form the basis of a common European scheme of welfare assessment. However, they have not yet been accepted by the scientific community or farmers and will need to be closely appraised by EU Governments and Commission officials for their suitability.

Table 1. The EU Welfare Quality<sup>©</sup> project’s welfare assessment protocol.

Welfare criteria	Welfare principle		Example of assessment measure
Good feeding	1.	Absence of prolonged hunger	Body condition score
	2.	Absence of prolonged thirst	Quality of water provision
Good housing	3.	Comfort around resting	Cleanliness, abnormal rising
	4.	Thermal comfort	Panting
	5.	Ease of movement	Tethering, slipping
Good health	6.	Absence of injuries	Injuries, lameness
	7.	Absence of disease	Mastitis, diarrhoea
	8.	Absence of pain induced by management procedures	Dehorning, tail docking
Appropriate behaviour	9.	Expression of social behaviours	Agonistic behaviours
	10.	Expression of other behaviours	Stereotypical behaviours
	11.	Good human-animal relationship	Avoidance distance
	12.	Absence of general fear	Reaction facing a novel situation

<sup>68</sup> Boitreau, R. et al. 2007. Aggregation of measures to produce an overall assessment of animal welfare. Part 2: analysis of constraints. *Animal*, 1: 1188-1197.

### *Iceberg indicators of welfare*

168. An ‘iceberg’ indicator provides an overall assessment of welfare, just as the protruding tip of an iceberg signals its submerged bulk beneath the water’s surface. It effectively summarises many measures of welfare and is easy to understand. A good example is the presence of an intact uninjured tail on a growing pig at slaughter. This indicates that neither has the tail been docked nor has it been bitten: the inference is that the animal’s husbandry and management were of high quality and its welfare was good (in this regard). Iceberg indicators are outcome-based and, like any measure of welfare, require scientific validation under farm conditions for all species. Potential candidates for iceberg indicators of farm animal welfare are:

- body condition, measured regularly and according to stage of development, production and reproduction;
- normal and abnormal behaviour, indicating both negative and positive experiences, e.g. pain, fear and distress, and play and grooming, respectively;
- prevalence of injuries, trauma and disease;
- demeanour, alertness and confidence; and
- involuntary culling rate.

169. Productivity, crude mortality, fertility and the use of mutilations might also be considered as potential iceberg indicators but are ambiguous. In some contexts they might suggest poor welfare while the opposite conclusion could be drawn under other circumstances. For example, use of a mutilation such as beak trimming, while undesirable *a priori*, is normally the lesser of two evils (compared with injurious pecking and cannibalism) and leads to an overall improvement in welfare despite the resultant pain, suffering or discomfort.

170. Use of a set of iceberg indicators would have several advantages, particularly the low cost of assessment, simplicity, and ready identification of long-term trends. A single iceberg indicator would be insufficient by itself and a complete set would be necessary to provide a useful gauge of an animal’s quality of life. Provided they were shown to be valid and repeatable, iceberg indicators could substitute for the current large set of measures used in welfare assessment. Indeed farmers, stockmen and veterinarians frequently use iceberg indicators to monitor welfare during their daily work.

171. We consider that the Government and the livestock industry should evaluate the concept of iceberg indicators of farm animal welfare. These could be used by stockmen, inspectors and others in the food supply chain as indicators of good husbandry and welfare.

### **Recommendation**

172. *Government and the livestock industry should evaluate the concept of iceberg indicators of farm animal welfare that could be used by stockmen, inspectors and others in the food supply chain as indicators of good husbandry and welfare.*

*Determining whether an animal has had a life worth living and a good life*

173. Earlier, we have argued that welfare encompasses both negative and positive experiences of farm animals. While a concentration on pain, suffering and distress was understandable in the early methods of welfare assessment, we consider that assessment should now include those measures that indicate positive experiences. This new approach will require significant changes in the methods of welfare assessment used by both public and private organisations.

174. Scientific studies of positive experiences are far fewer than those of poor welfare and further research needs to be undertaken. However, it is possible to outline some principles and potential measures even though their validity, reliability and feasibility have yet to be proven conclusively. As with assessment of negative experiences, a combination of resource and outcome-based measures is likely to give the most complete indication of positive experiences. A pragmatic approach is needed to measures of positive experiences, based on practical experience, scientific knowledge and common sense.

175. An animal's quality of life requires that both positive and negative experiences are assessed throughout its life up to the moment of death. Assessment must take into account the extent, nature and duration of both types of experience: at present, assessment focuses on negative experiences, mainly due to the legal burden of proving unnecessary suffering.

176. A significant difference between the two proposed standards (of a life worth living and a good life) is the provision of opportunities in the higher standard for an animal's comfort, pleasure, interest and confidence. Provided that all other conditions were equal, then if an animal was to be provided with – and took - such opportunities, then it could be said to have had a better life. The examples shown below are intended to illustrate the principle of a valued opportunity rather than to describe all types of possible opportunities (Table 2). An opportunity that would be considered to contribute to a good life would be a resource that an animal does not need for biological fitness but is valued (i.e. used) by the animal. Such an opportunity could also cause harm and this would need to be minimised so as not to outweigh the benefits of the opportunity.

Table 2. Opportunities for promoting positive experiences of farm animals.

Valued	Example of resource that could be provided to enable an animal to have a good life	Positive outcomes that indicate that the animal valued the opportunity	Possible negative outcomes that would need to be managed to avoid potential harm
Comfort	A range of (comfortable) environmental temperatures within an animal house	Animal chooses to lie in an area with a higher or lower temperature	Competition with other animals that might also prefer certain temperatures
Pleasure	Diet with varied constituents	Animal chooses to consume different foods	Dietary imbalance (e.g. excess body condition) if constituents of the overall ration were not controlled
Interest	Novel object provided for inquisitive animals	Animal chooses to play with or investigate the object	Competition with other animals that might also want to play with or investigate the object
Confidence	Housing design that enabled intermittent avoidance of other animals or people	Animal chooses to avoid or to be with other animals	Animals unwilling to leave a quiet zone to access other resources such as food and water

### Recommendation

177. *The Government and the livestock industry should refine current methods of assessment so that welfare can be measured in terms of an animal's positive and negative experiences. Consideration should be given to the development of iceberg indicators of welfare. Guidance on suitable methods of welfare assessment should be incorporated in the Code of Recommendations for the Welfare of Livestock.*

### Surveillance of farm animal welfare

178. Surveillance of farm animal welfare is undertaken for both public and private purposes.

179. Public surveillance of farm animal welfare is part of welfare guardianship. It informs Government policy and ensures compliance with regulations, particularly minimum standards of welfare. It is the Government's responsibility and is undertaken primarily by Animal Health, the local authorities and the Meat Hygiene Service, usually at public expense. Assessment is of resources, disease and welfare outcomes.

180. Private surveillance of farm animal welfare is done either to aid farm management and profitability, or to provide assurance to the consumer about welfare provenance as part of food marketing. It is the farmer's responsibility and is often required by the food supply chain as part of the contract to supply goods. Its cost is paid by the farmer. Assessment is usually by the farmer or inspectors employed by farm assurance schemes with a focus on measures of productivity by the former and resources and outcomes by the latter.

181. Welfare surveillance is undertaken on a substantial scale in Britain in both private and public schemes. The results, however, are not coordinated and the potential to use the findings of the same assessments for different purposes is lost. Similarly, while crude data may be collected and reported, there does not appear to be the same effort expended on data analysis and interpretation, e.g. to identify trends in standards of welfare. The results of private surveillance are published rarely and, while summaries of public surveillance are reported (e.g. in the annual report of the Chief Veterinary Officer), greater use could be made of the findings of both types of surveillance.

182. It is essential that any surveillance scheme uses validated measures and meets the minimum requirements of transparency, accuracy and feasibility. Records ought to be kept for a minimum period to facilitate trend analysis and results ought to be audited independently. Advances in technology, e.g. automated measurement of lameness in dairy cattle on the farm or scoring of hock lesions of broiler chickens on a processing line at the abattoir, should be used to assist data collection.

183. Now that schemes of private surveillance are well-established, consideration should be given to additional uses of their data, e.g. in support payments to farmers or a reduced schedule of inspection by Government agencies as part of Pillar II mechanisms under the Common Agricultural Policy. If farmers were obliged to send in an annual return about the health and welfare of their livestock – countersigned by their veterinary surgeon – then the burden of regulatory inspections could be targeted according to the risk to welfare.

### **Recommendation**

*184. The Government and the livestock industry should continue to develop improved, national schemes of public and private welfare surveillance, respectively. They should work together to coordinate surveillance to eliminate duplication and maximise the uses of surveillance data. Improvements are needed in analysis and interpretation of the collected data and summaries of the principal findings should be published.*

## PART VI – A STRATEGY FOR FARM ANIMAL WELFARE IN GREAT BRITAIN

185. The Brambell report set an implicit strategy for farm animal welfare in Great Britain. Since 1965, Government policies have been put in place to implement this strategy. Earlier this Report addressed the effectiveness of Government and commercial policies in ensuring that all farm animals are kept to an acceptable standard of welfare. While much has been done to satisfy many of Brambell’s goals, we believe that more could have been done and more should now be done.

186. When FAWC was first established, it accepted “*that animal welfare raises certain points of ethics which are themselves beyond scientific investigation. The Council will therefore wish to encourage alternative systems of livestock husbandry which are ethically acceptable to the concerned public, can be shown to improve the welfare of the livestock in question and be economically competitive with existing systems of intensive production*”<sup>69</sup>. These objectives are still valid today.

187. The primary aim of the future strategy for farm animal welfare in Great Britain ought to be that every farm animal has a life worth living and that a growing number have a good life, with a substantially higher standard of welfare than the minimum prescribed by the law. This is consistent with Defra’s stated objective of “*improved welfare of kept animals*” and the goals of the Animal Welfare Delivery Strategy. The Welsh Rural Affairs Department has the objective “*to help promote animal health and welfare*” and is committed to the Animal Health and Welfare Strategy for Great Britain. In its Animal Health and Welfare in Scotland – implementing the Animal Health and Welfare Strategy, the Scottish Government challenges animal keepers to take responsibility for their animals, continually raising standards over time.

188. Secondary aims of a future strategy for farm animal welfare in Great Britain should be: i) to provide citizens with independent information about food, farming and farm animal welfare; and ii) to establish market mechanisms that enable concerned consumers to make informed decisions about the welfare provenance of animal products, both home produced and imported. The primary responsibility for these aims lies with the Government but farmers and the food supply chain have some responsibility too.

189. Successful implementation will require determination, support and encouragement. An effective system of regulation, enforcement and advice, primarily acting in the public interest in farm animal welfare, will also be needed. The interests of consumers are particularly important since they can effect significant change in standards of animal welfare by their purchasing decisions. If the market mechanisms are effective then the food supply chain will provide only those ‘welfare goods’ that are demanded by consumers; whether there will be an equitable distribution of profit throughout the chain is another matter.

190. The key elements of Government and commercial policies should be: i) effective mechanisms that ensure that all farm animals should have a life worth living; ii) development of public and private surveillance systems to monitor farm animal welfare, thereby providing

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<sup>69</sup> FAWC Press statement, December 5th 1979.

evidence that the primary aim has been met; iii) a continuing programme of research, development, demonstration and knowledge implementation to ensure that both husbandry systems and animals are fit for purpose; and iv) open, accurate communication of information to consumers and citizens about food, farming and farm animal welfare with support from all members of the food supply chain and other stakeholders. These activities will need to be overseen, monitored and regulated to ensure that progress is made and implemented by each sector. All policies should be evidence-based.

191. If this new strategy is to be effective in improving the welfare of farm animals, then eight conditions must be fulfilled.

- i. The Government acts as the guardian of farm animal welfare
- ii. Standards for a good life to be defined by an independent body
- iii. Minimum welfare standards to be defined by quality of life
- iv. Stockmen to be educated and trained to a high standard about animal welfare
- v. Welfare assessment to be valid, feasible and rigorous with independent audit
- vi. The food supply chain to show due diligence with marketing claims verified
- vii. Citizens to be educated about food and farming from childhood
- viii. Animal products to be labelled according to welfare provenance to provide consumer choice

192. The main benefits of this new strategy would be demonstrable guardianship of the interests of farm animals, independent audit and assurance of standards, and accessibility and transparency of information, culminating ultimately in a quality of life of farm animals that satisfies the collective preferences and expectations of British citizens.

### **Strategic goals in farm animal welfare over the medium to long term**

193. FAWC proposes the following goals that will lead to a significant improvement in the welfare of farm animals. We believe that Government and commercial policies to implement most of these goals could - and ought to - be in place by 2015. Some goals can be incorporated in the Codes of Recommendations for the Welfare of Livestock when they are revised; others will depend on commercial initiatives and developments.

194. If this new strategy for farm animal welfare is to be successful, it will require action by all members of the food supply chain and other stakeholders, e.g.

- i. **Farmers, the livestock farming industry and their representative bodies.** Self-audit of welfare on farms for private welfare surveillance; financial support and other encouragement for a continuous programme of training for stockmen; continuing support for research and development in farm animal welfare; participation in private welfare surveillance schemes with publication of findings; continued membership of farm assurance schemes; and active participation in campaigns to improve the knowledge of children and adults about livestock farming and food production.
- ii. **Retailers, suppliers, food service outlets.** Support for farm assurance schemes; implementation of a 'fair deal' policy for British and other suppliers of animal products raised to the legal minimum or higher standard of welfare; introduction of a labelling scheme to inform consumers about welfare provenance.

- iii. **Government.** Securing improved compliance with the law on animal welfare; regular and accessible publication of information on the state of animal welfare in Great Britain; adoption of farm animal welfare as part of the product specification in the Public Procurement Programme for Food; inclusion of animal welfare and ethics in the National Curriculum for children; adoption of a pro-animal welfare stance in WTO trade negotiations and support for the EU Action Plan for animal welfare; support for a labelling scheme for animal welfare provenance, including imports; and continued support for research and development in farm animal welfare.

195. We propose the following strategic goals in farm animal welfare over the medium to long term (and those who should implement these goals):

Quality of life of farm animals

- i. A legal requirement that all farm animals should have, at the very minimum, a life worth living and an expectation that a growing number should enjoy a good life with a higher standard of welfare. This can be achieved by incorporating the quality of life concept in the Codes of Recommendations for the Welfare of Livestock and is consistent with the provision of needs in current legislation. (*Government*)
- ii. Improvement in the national system of public surveillance of welfare on farms, during transport, at gatherings and the abattoir so that trends and progress can be monitored; and an enhanced annual report by the Government on the state of farm animal welfare in Britain. (*Government*)
- iii. Improvements in animal husbandry through: a greater emphasis in breeding programmes on traits associated with good welfare; development of production systems (including housing where necessary) that allow normal behaviour to be expressed, incorporate environmental enrichment, and do not rely routinely on mutilations; proactive welfare plans prepared with the regular involvement of the farmer's veterinary surgeon; continuing support by the Government and the livestock industry for research and development in farm animal welfare; and investment by the Government and industry in education, training and continuing professional development of stockmen. (*Government and the livestock industry*)

Trade, legislation and its enforcement

- iv. Improvements in compliance with the legal requirements for animal keeping, with progress reported by the Government. (*Livestock industry and Government*)
- v. A Government policy that farm animal welfare should be recognised within the World Trade Organisation's (WTO) treaties and negotiations as a distinguishing characteristic of food, thereby allowing control over imports. (*Government*)

Citizens, consumers and the food supply chain

- vi. Communication of information to citizens about the ethics and practices of food production and farm animal welfare, as part of a broader coverage of the responsible use of animals in Britain<sup>70</sup>. (*Government in partnership with the food supply chain*)

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<sup>70</sup> A detailed investigation by FAWC of education of children, communication to consumers and citizens and knowledge exchange with farmers about farm animal welfare is underway; the report should be published in 2011.



- vii. Introduction of a widespread labelling scheme for welfare provenance and country of origin (where this indicates the standard of welfare), supported by an independent information service about animal welfare. *(Government with the support of the food supply chain)*
- viii. Due diligence to be shown by retailers, the food service sector and inspection authorities to ensure that all livestock products comply with claims made about welfare provenance, as part of a labelling scheme. *(Food supply chain)*
- ix. Encouragement for a trading system that ensures that farmers and others within the supply chain are rewarded fairly for producing animals to welfare standards at or above the legal minimum. *(Food supply chain, particularly retailers, restaurants and other providers)*
- x. Continuing development of animal welfare standards in farm assurance schemes. *(Farmers with the support of the food supply chain)*

196. We acknowledge that food produced to higher welfare standards is likely to be more expensive although retail prices do not necessarily reflect the costs of production. For example, in March 2008 the retail price of medium size eggs produced in cage, barn, free-range and organic farms was 146, 228, 256 and 350 pence per dozen, respectively, yet the costs of production were not in the same proportions. However, in real terms food produced to higher welfare standards would still be less expensive in the UK than food produced from farmed animals only a generation or two ago. In 2007, household expenditure on food and drink (excluding alcohol) was only 9% of total consumption expenditure and a marginal increase in the price of food due to a rise in the standard of animal welfare would be insignificant for most. Nevertheless, the consequences for citizens with a very low income would have to be considered. And importantly, such food production would be ethically more defensible to all except those who hold that we have no right to keep or eat animals, and those who think that animals do not deserve any moral consideration.

### **Recommendation**

197. *The Government should set strategic goals in farm animal welfare to ensure that every farm animal has a life worth living and that a growing number of farm animals have a good life. Progress against these goals should be monitored independently and the results published.*

## **Appendix I Membership of the Farm Animal Welfare Council (October 2009)**

Professor Christopher Wathes – Chairman  
Professor Michael Appleby  
Professor Richard Bennett  
Professor Henry Buller  
Dr Joanne Conington  
Mr Huw Davies  
Professor Sandra Edwards  
Mr George Hogarth  
Mr Gwyn Jones  
Mrs Ruth Layton  
Dr David Main  
Professor David Morton  
Mr Andrew Nicholson  
The Reverend Professor Michael Reiss  
Dr Philip Scott  
Mr Stuart Shearlaw  
Mr Steven Tait  
Ms Alison Ward  
Mrs Meryl Ward  
Mr Michael Wijnberg

Professor Alistair Lawrence, Miss Miriam Parker, MBE, and Mr David Henderson, MBE, were also members of the Working Group during their appointment to the Farm Animal Welfare Council and contributed greatly to the study.

**Veterinary advisers** – Dr Liz Kelly, Mr David Pritchard and Mr Edward Varley  
**Secretary to the Working Group** – Mr Richard Aram

## **Appendix II Those who gave evidence or assistance**

ADAS  
Advocates for Animals  
Animal Aid  
Animal Health  
Animal Transportation Association  
Assured British Pigs  
Assured Chicken Production  
Assured Food Standards  
Aviagen Ltd  
Biotechnology and Biological Sciences Research Council  
British Egg Industry Council  
British Pig Association  
British Poultry Council  
Cobb-Vantress Inc.  
Compassion in World Farming  
Defra  
Department of Agriculture and Rural Development (DARD), Northern Ireland  
Dr Lesley Wiseman, University of Glasgow  
England Implementation Group, Animal Health and Welfare Strategy  
Farm Assured British Beef and Lamb/SAI Global  
Freedom Food Ltd  
Game and Wildlife Conservancy Trust  
Genesis Pigs  
Goat Veterinary Society  
Halal Food Authority  
Harper Adams University College  
LANTRA  
Livestock and Meat Commission for Northern Ireland  
Local Authorities Co-ordinators of Regulatory Services  
Macaulay Institute  
Meat Hygiene Service  
Meat and Livestock Commission (now part of the Agriculture and Horticulture Development Board)  
Moredun Research Institute  
Mr Eric Audsley, Cranfield University  
Mr Peter Jinman, British Veterinary Association and England Implementation Group  
National Farmers' Union  
National Federation of Young Farmers Clubs  
National Pig Association  
National Sheep Association  
National Standing Committee on Farm Animal Genetic Resources  
Professor Vince Maloney, Royal (Dick) School of Veterinary Studies  
Professor John Webster, University of Bristol  
Professor Sir Colin Spedding

Poultry Club of Great Britain  
Quality Meat Scotland  
Royal Society for the Prevention of Cruelty to Animals (RSPCA)  
Royal College of Veterinary Surgeons (RCVS)  
Scottish Animal Health and Welfare Strategy Advisory Group  
Scottish Society for the Prevention of Cruelty to Animals (SSPCA)  
Shechita UK  
Shellfish Network  
Soil Association  
The Cobthorn Trust  
Union of Muslim Organisations  
Universities Federation for Animal Welfare  
University of Aberdeen  
University of Leeds  
University of Liverpool  
Vegetarian Economy and Green Agriculture (VEGA) Research  
Veterinary Laboratories Agency (VLA)  
Welsh Animal Health and Welfare Strategy Steering Group  
Winchester Animal Concern  
World Society for the Protection of Animals

### Appendix III Glossary of terms

**Animal-based outcomes** - where the assessment of an impact for any welfare measurement is manifested in the behaviour and wellbeing of an animal.

**Assured Food Standards (AFS)** - the dominant farm assurance scheme in Great Britain.

**Audit** - a formal examination of an enterprise against a set of agreed protocols; can be either a 'self-audit' or an 'independent' audit.

**Avoidable suffering** - suffering which should not have been caused because another practice was reasonably and practically available.

**Beneficence** - an ethical principle in which actions are done for the benefit of others.

**Farm assurance schemes** - voluntary schemes which producers can join to assure customers that certain standards have been maintained in the production process.

**Food service sector** - operations involved in the manufacture and serving of prepared foods outside the home.

**Food supply chain** - all companies from start to finish, which are involved in the manufacture, assembly, delivery and retailing of food products.

**Gatherings** - places or events where animals are assembled, e.g. markets, shows, assembly centres, staging points.

**Genetic modification** - an alteration in the gene(s) of an organism intended to lead to a desired change in phenotype (e.g. anatomy, physiology or behaviour).

**Gold-plating** - domestic legislation or policy going further than an overarching requirement, e.g. EU Directives and Regulations.

**Iceberg indicators** - key welfare indicators that can reflect, or are closely correlated with, a range of other welfare indicators.

**Involuntary cull** - an involuntary decision whereby a stock keeper is forced to cull an animal due to necessity such as disease.

**Labelling** - the provision of information to convey valid messages about an (animal) product.

**LACORS** - Local Authorities Co-ordinators of Regulatory Services.

**Morbidity** - the incidence and prevalence of a particular disease.

**Necessary suffering** – that needed to achieve a justifiable end.

**Non-maleficence** - an ethical principle where not doing harm is the priority.

**Normal behaviour** – behaviour that would usually be observed in healthy animals in that system of housing and husbandry and that leads to good welfare.

**Pillar II** - the Rural Development Regulation expenditure scheme under the EU Common Agriculture Policy (CAP) that is intended to support rural communities to develop and diversify.

**Private welfare surveillance** – surveillance either by farmers to aid farm management or by inspectors as part of farm assurance schemes.

**Public welfare surveillance** – surveillance undertaken by the Government or its agencies as part of welfare guardianship to inform Government policy and ensure compliance with regulations.

**Standards** - a set of values, established by authority or common consent to serve as reference points against which others are measured.

**Surveillance** – the monitoring of certain features, such as welfare or disease, in a population of animals e.g. the national herd.

**Telos** - a natural end or purpose of an organism, so the *telos* of a pig includes all the typical behaviours of a pig.

**Wants** - desires; often distinguished from needs.

**Welfare measures** – measures that directly indicate the welfare of animals.

**Welfare indicators** – measures that indirectly indicate the welfare of animals.

## **Appendix IV Ethical principles: How can we decide what is right and what is wrong in the treatment of farm animals?**

1. Ethics is the branch of philosophy concerned with how we should decide what is morally wrong and what is morally right. We all have to make moral decisions daily on matters great or (more often) small about what is the right thing to do. Should we give money to a hospice or to an animal charity? Should we eat *foie gras*, or eggs from hens kept in battery cages? We may give much thought, little thought or practically no thought at all to such questions. Ethics is a specific discipline that probes the reasoning behind our moral life, particularly by critically examining and analysing the thinking which is or could be used to justify our moral choices and actions in particular situations.

### **The way ethics is done**

2. Ethical thinking is not wholly distinct from thinking in other disciplines but it cannot simply be reduced to them. In particular, ethical conclusions cannot be proved unambiguously in the way that mathematical theorems can. However, this does not mean that all ethical conclusions are equally valid. After all, most philosophers of science would hold that scientific conclusions cannot be unambiguously proved, indeed that they all remain as provisional truths, but this does not mean that everybody's thoughts about the nature of gravity are as valid as Einstein's. Some conclusions – whether in ethics, science or any other discipline – are more likely to be valid than others.

3. One can be most confident about the validity and worth of an ethical conclusion if three criteria are met. First, if the arguments that lead to the particular conclusion are convincingly supported by facts, scientific deductions and reason; hence the importance of having valid measures of welfare. Secondly, if the arguments are conducted within a well established ethical framework. Thirdly, if a considerable degree of consensus exists, arising from a process of genuine discussion and debate, about the validity of the conclusions.

4. It might be supposed that reason alone is sufficient for one to be confident about an ethical conclusion. However, there still does not exist a single universally accepted framework within which ethical questions can be decided by reason. Indeed, it is unlikely that such a single universally accepted framework will exist in the foreseeable future, if ever. This is not to say that reason is unnecessary but to acknowledge that reason alone is insufficient. For instance, reason cannot decide between an ethical system that looks only at the consequences of actions and one which considers whether certain actions are right or wrong in themselves, whatever their consequences. Much of ethics still boils down to views about right and wrong being informed more about what seems 'reasonable' rather than what follows unambiguously from reasoning, and different views of what is 'reasonable' may be held.

5. The insufficiency of reason is a strong argument for conducting debates within well established ethical frameworks, when this is possible. There was a time when the ethical frameworks most widely accepted in most cultures arose within systems of religious belief. Nowadays, though, many people do not accept scripture(s) as a source of authority. Another problem, of particular relevance when considering issues to do with farm animals, is that while

the various teachings of the world's religions do have something to say about farm animals, they say little that can be directly applied to the debates that surround many of today's ethical issues, particularly those involving biotechnology. A further issue is that we live in an increasingly diverse society; for example, within Great Britain there is no longer a single shared set of religious values.

6. There is still great value in taking seriously the various traditions – religious and secular – that have given rise to ethical discourse and conclusions. People do not live their lives in isolation: they grow up within particular moral traditions. Even if we end up departing somewhat from the values we received from our families and those around us as we grew up, none of us derives our moral beliefs from first principles, as it were. In the particular case of moral questions concerning farm animals, a tradition of ethical reasoning has long existed both in Great Britain and internationally and is continuing to develop.

7. Given the difficulties in relying solely on either reason or any one particular ethical tradition, we are forced to consider the approach of consensus. It is true that consensus does not solve everything. After all, what does one do when consensus cannot be reached? Nor can one be certain that consensus always arrives at the right answer – a consensus once existed that women should not have the vote and that it was acceptable to enslave other humans.

8. Nonetheless, there are good reasons both in principle and in practice for searching for consensus. Such a consensus should be based on reason and genuine debate and take into account long established practices of ethical reasoning. At the same time, it should be open to criticism, refutation and the possibility of change. Finally, consensus should not be equated with majority voting. Consideration needs to be given to the interests of minorities, particularly if they are especially affected by the outcomes, as well as to those unable to participate in the decision-making process. At the same time, it needs to be borne in mind that while a consensus may eventually emerge, there is an interim period when what may be more important is simply to engage in valid discussion and debate in which the participants respect one another and engage in genuine dialogue.

### **Is it enough to look at consequences?**

9. The simplest approach to deciding whether an action would be right or wrong is to look at what its consequences would be. No one supposes that we can ignore the consequences of an action before evaluating it ethically. This is obvious when we try to consider, for example, whether a new technique for breeding farm animals with a particular trait, e.g. featherless chickens, would be appropriate; we would need to look at the consequences of the new technique.

10. The deeper question is not whether we need to take consequences into account when making ethical decisions but whether that is all that we need to do. Are there certain actions that are morally required whatever their consequences? Are there other actions that are wrong whatever their consequences? There is no widespread consensus about the answers to these questions.

11. Those who believe that consequences alone are sufficient to let one decide the rightness



or otherwise of a course of action are called consequentialists. The most widespread form of consequentialism is known as utilitarianism. Utilitarianism begins with the assumption that most actions lead to pleasure (typically understood, at least for humans, as happiness) and/or suffering. In a situation in which there are alternative courses of action, the right action is the one that leads to the greatest net increase in pleasure (i.e. excess of pleasure over suffering).

12. Utilitarianism now exists in various forms. For example, some utilitarians – preference utilitarians – argue for a subjective understanding of pleasure in terms of an individual’s own conception of his/her well-being. Others – rule utilitarians – believe there are certain rules that should normally be observed without first requiring the analysis of likely consequences. What all utilitarians hold in common is the rejection of the view that certain actions are right or wrong in themselves, irrespective of their consequences.

13. Consider the question as to whether or not we should always use an anaesthetic for any surgical procedure on farm animals, e.g. castration of lambs. A utilitarian would not provide an unqualified ‘yes’ as the answer. Utilitarians have no moral absolutes beyond the maximisation of pleasure principle. Instead, it would be necessary for a utilitarian to look in some detail at particular cases to see in each of them whether using anaesthetics and/or analgesics would indeed lead to the greatest improvement in the quality of life.

14. The major alternative to utilitarianism is a form of ethical thinking in which certain actions are considered right and others wrong in themselves, i.e. intrinsically, regardless of the consequences. Consider, for example, the question of whether we should allow certain mutilations or practices, such as the removal of tails in farm animals, or the force-feeding of ducks and geese to produce *foie gras*. A utilitarian would decide whether or not such practices were morally right by attempting to quantify the effects each would have overall. Note that large amounts of empirical data would need to be collected – in the case of *foie gras* production, on the number of poultry involved, the extent to which they are affected by the practice, the number of people who benefit (including farmers, retailers and consumers) and the nature and extent of their benefit (gustatory, financial, cultural). Depending on the data, a utilitarian might conclude that the practice is permissible or impermissible. On the other hand, someone could argue that, regardless of the consequences, it is simply wrong to force-feed an animal; the action is considered wrong in itself.

15. A further argument has been advanced, that we should respect the telos of animals. Thus we should allow them to fulfil their potential (killing very young animals such as bobby calves is unacceptable to some) and desist from mutilating them in various ways, e.g. to prevent injurious behaviours and so-called vices often induced by the system of husbandry. This view has been supplemented by arguments about respecting animals, their intrinsic value and dignity.

16. There are a number of possible intrinsic ethical principles and because these are normally concerned with rights and duties of various kinds, this approach to ethics is often labelled ‘deontological’ (i.e. concerned with ‘rights discourse’). Perhaps the most important such principles are thought to be those of autonomy and justice. People act autonomously if they are able to make their own informed decisions and then put them into practice. Autonomy is concerned with an individual’s rights. Justice is construed more broadly; essentially, justice

is about fair treatment and the fair distribution of resources or opportunities. It is also worth noting that if A has a right, then it relies on someone else (e.g. B) having a corresponding duty. So, for example, if a farm animal has a right to suitable feed and water, someone has a duty to provide that feed and water.

17. If it is decided, perhaps in a particular context, that arguments about ethics in general, and farm animals in particular, can be conducted solely within a consequentialist framework, then the issues are, at least in principle, considerably simplified. Deciding whether anything is right or wrong now reduces to a series of detailed, in depth studies of particular cases. As far as new developments in farming are concerned, ethicists still have a role to play but of greater practical importance are animal welfare scientists, veterinarians, farmers and others who know about animal physiology, behaviour, physical and mental health, and husbandry.

18. Much energy can be wasted when utilitarians and deontologists argue, as there is little common ground on which the argument can take place. FAWC's view is that the most useful way forward is to look both at the consequences of any proposed course of action and at any possible relevant intrinsic considerations before reaching an ethical conclusion.

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FARM ANIMAL WELFARE COUNCIL: FARM ANIMAL WELFARE IN GREAT BRITAIN:  
PAST, PRESENT AND FUTURE

This report examines the effectiveness of British policy on farm animal welfare and sets out a strategy that will lead to steady improvements in farm animal welfare over the next 20 years. Proposals are made for Government and commercial policies that will realise this strategy.

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