



ACCC guidance on free range claims for poultry egg and meat during H5N1 Avian Influenza outbreak

This guidance comes into effect on the day a government housing order is issued in response to a H5N1 Avian Influenza outbreak. This guidance only applies to those producers who are affected by a government housing order. It applies for a period of 90 days from the date of a housing order or for the length of the relevant government housing order, whichever is shorter.

The ACCC acknowledges the seriousness of any H5N1 Avian Influenza outbreak in Australia and the potential impact on the free range poultry egg and meat industries.

Under the *Free Range Egg Labelling Information Standard*, free range chicken egg producers may prevent their hens from accessing the outdoor range for a period that is 'not unreasonable' in a range of circumstances, including where they are being medicated or otherwise cared for, or in '**exceptional circumstances**' that pose a significant risk to the hens' health or safety.

The ACCC is aware that free range chicken egg producers may be required to house their flocks under government orders for certain periods, in response to a H5N1 Avian Influenza outbreak. In these circumstances, the ACCC considers that a H5N1 Avian Influenza outbreak resulting in government housing orders will constitute exceptional circumstances.

Free range poultry egg and meat producers' flocks may also be subject to a government housing order. While there is not an equivalent information standard that applies to free range poultry meat or free range poultry (other than chicken) eggs, the ACCC recognises the exceptional circumstances which also apply to these producers where a housing order is in place.

As such, the ACCC will exercise discretion and not take enforcement action under the Australian Consumer Law in relation to free range claims (on labels or packaging) made by free range poultry egg and meat producers who are affected by a government housing order.

Free range poultry egg and meat producers who are affected by a government housing order will not face enforcement action from the ACCC in relation to free range labelling claims for a period of 90 days from the date of the relevant housing order, or until the housing order expires (whichever is shorter).

The ACCC recognises that consumers see claims of "free range" as an indication of animal welfare and they are willing to pay a premium for such products. Free range poultry egg and meat producers are therefore expected to have ready alternative labelling and consumer information arrangements indicating that eggs or meat were produced from housed poultry if housing orders are likely to be in place for an extended duration.

The ACCC will continue to monitor the situation and may amend this guidance if circumstances change. Furthermore, the ACCC will review its guidance in relation to any H5N1 outbreak within 90 days of a confirmed outbreak.