

**Second submission to the Certification Trade Mark Application
No 1914662 lodged by Humane Farm Animal Care**

WOOLPRODUCERS
AUSTRALIA

ACCC
GPO Box 3131
Canberra ACT 2600
Via email: CTMs@accc.gov.au

6 September 2019

To whom it may concern,

Re: CTM 1914662 – Humane Farm Animal Care - Submission

WoolProducers Australia (WoolProducers) welcomes the opportunity to provide a second submission to the ACCC for the Humane Farm Animal Care (HFAC) application to register Certification Trade Mark No. 1914662 (HFAC CTM). This submission is made following discussions with the ACCC regarding the application. WoolProducers does not support the application, and therefore recommends that the ACCC does not approve the application from HFAC to register a certification trade mark.

Recommendation: That the ACCC does not approve the application from Humane Farm Animal Care to register the certification trade mark no. 1914662 (HFAC CTM).

Our recommendation has been made following consideration of additional information provided by the ACCC following their review of our first submission. From the information provided, WoolProducers does not support the HFAC CTM application for several reasons.

1. Automatic modification of the CTM rules in accordance with the *Australian Animal Welfare Standards and Guidelines*.

WoolProducers acknowledges that HFAC advised the ACCC of proposed amendments to the Proposed CTM Rules, with the first to include the general statement that *'The CTM rules which are available to Australian farmers and/or suppliers are compliant with Australian Animal Welfare Standards and Guidelines and will be automatically modified in accordance with these standards'*. The HFAC CTM rules simply cannot be modified automatically in accordance with the *Australian Animal Welfare Standards and Guidelines*.

2. The CTM rules for sheep cannot be automatically applied to Australian production systems.

Several elements of the *Sheep, including Dairy Sheep standards (March 2013)* are specific to production systems and requirements in the United States of America and do not have equivalency with Australian production systems, the *Australian Animal Welfare Standards and Guidelines for Sheep (AAWSGS)*, and Commonwealth and/or state/territory animal welfare legislation.

Section FW1 (a) of the HFAC Sheep standards requires sheep to be fed to meet or exceed nutrient requirements determined by the National Research Council. The National Research Council does not exist in Australia, and its work would be relevant only for American production systems, not Australian ones. Nutritional information would need to be referenced for suitability to Australian pastures, feeds, etc.

Australia has pre-transport curfew requirements for livestock, including sheep. FW2 requires sheep have access to feed each day unless directed otherwise by a veterinarian. In Australian production systems, veterinarians do not direct animals to be withheld from feed to enforce pre-transport

curfews. It is instead the responsibility of the producer and as such this rule would not meet Australian requirements.

FW17 of the HFAC Sheep standards states that lambs must not be weaned before five (5) weeks of age. The AAWSGS does not stipulate an age for weaning however does require that weaned lambs gain weight, are supplementary fed prior to weaning so they learn to accept supplementary feed, and that early weaning is an acceptable drought mitigation strategy. These are not stated in the HFAC Sheep standards and we would advocate the AAWSGS are referred to instead of the HFAC requirements.

Vast differences in seasonal conditions exist between Australia and the USA. Regarding the HFAC Sheep standards, Australian sheep are not exposed to severe winter climates like those experienced in parts of the USA. As such, the requirements under E13: Protecting shorn sheep are not applicable to Australian production systems.

The AAWSGS outline minimum space requirements for sheep in pens and feedlots. The HFAC Sheep standards do not provide equivalent information and do not meet the requirements of the AAWSGS.

Section M13: *Shearing* of the HFAC Sheep standards requires shearing equipment be in accordance with UL electrical codes. These electrical codes would need to be listed in accordance with Australian requirements.

Section D. *Identification* does not refer to Australian tagging requirements that meet the National Livestock Identification System, and traceability regulations in each state/territory and nationally. Identification must be in accordance with Australian requirements.

Section F. *Inspection* lists the requirement for sheep to be expected on extensive pasture a minimum of two (2) to three (3) times per week. Extensive production farms in Australia are vastly larger than those in the USA and this requirement would not be practical on many farms.

Australian sheep are subject to severe disease caused by flystrike. The HFAC Sheep standards do not account for husbandry practices undertaken on Australian farms as preventative courses of action against flystrike. These practices would need to be recognised as appropriate to undertake for positive animal welfare outcomes as per the AAWSGS.

The HFAC Sheep standards refer to the American Veterinary Medical Association (AVMA) under section H16: *Euthanasia*. As stated in our first submission, the Australian Veterinary Association would need to be referred to in place of the AVMA.

3. Appropriately qualified certifiers for the HFAC Program.

HFAC has not provided detail on who will be employed or contracted as certifiers for the Program in Australia, other than required education to be considered for being approved to train as an inspector. It is important that approved certifiers are suitably qualified (to Australian standards in training and education in Life Science, Animal Science, Veterinary Science or other relevant backgrounds; refer to the *Inspector Information Manual (June 2019)*) to make assessments in line with Australia's animal welfare legislation and the *Australian Animal Welfare Standards and Guidelines*.

The HFAC CTM rules do not refer to the state/territory enforced animal welfare legislation, or the Commonwealth framework for animal welfare legislation, in Australia. Therefore there is no understanding of how the HFAC CTM rules could be automatically modified in accordance with Australian legislation. This is further evidenced by the reference that the CTM rules will only be modified in accordance with the *Australian Animal Welfare Standards and Guidelines*.

4. Competition concerns.

WoolProducers is supportive of the right of producers to differentiate their product in retail markets to seek price premiums and associated benefits. Whether the HFAC CTM would compete with other similar regimes, such as the RSPCA Approved Farming Scheme is beyond the knowledge of WoolProducers. We encourage the ACCC to investigate potential competition concerns.

5. Misleading consumers and consumer expectations of 'humane' food production.

WoolProducers has reconsidered the HFAC CTM and concluded that the HFAC CTM could mislead consumers because it would imply that non-Humane Certified products are not produced humanely. However, there may be no differences in production systems and husbandry techniques used to raise animals for HFAC CTM products compared to non-HFAC CTM products; the only difference would be the CTM labelling. This could lead the consumer to pay an increased price for a CTM-branded product as the producer and manufacturer will need to recover costs spent to use the HFAC CTM, however unfairly as the product may be no different to a lower priced, non-CTM labelled product.

WoolProducers again thanks the ACCC for allowing a second submission to be made to the Humane Farm Animal Care (HFAC) application to register Certification Trade Mark No. 1914662 (HFAC CTM). Should you wish to discuss our submission further, please do not hesitate to contact me on 0488 554 811 or via email (jhall@woolproducers.com.au).

Yours Sincerely,



Jo Hall
Chief Executive Officer

