

**Submission
No 166**

**INQUIRY INTO USE OF BATTERY CAGES FOR HENS IN
THE EGG PRODUCTION INDUSTRY**

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Battery cages are used on factory farms to confine egg-laying hens. Despite increasing community awareness about their plight, the vast majority of egg-laying hens are permanently warehoused with tens of thousands of other birds until their slaughter¹. Right now in Australia, it is estimated that between 11 - 12 million 'battery' hens are confined to small cages as part of standard egg production, unable to perform even their most natural behaviours². With so many cages, and so many hens, it's practically impossible for cage egg farmers to care for them all. Sick and injured birds may go untreated, and investigators have even found dead birds left to rot under the feet of their cage mates. It is cruel, unnatural and unhealthy.

Each hen has anywhere between 3 and 20 cage mates³. Depending on their body size, the number of hens per cage, or in which jurisdiction they reside, in a space no greater than that of an A4 sized piece of paper⁴. The average wingspan of a hen is 75cm yet the space afforded by cage egg farmers is 26cm. This is insufficient room to act on natural

¹ According to Australian Egg Corporation Limited (AECL) statistics, there were 16.556 million layer hens in Australia as at June 2014: AECL, 'AECL 2014 Annual Report' (2014) <<https://www.aecl.org/about-us/annual-reports/>>.

² <https://greensmps.org.au/articles/time-ludwig-act-overdue-battery-cage-review-greens>

³ Dr David Witcombe, 'Layer hen welfare: a challenging and complex issue' (Speech delivered at Animal Welfare Science Centre, Department of Primary Industries, Atwood, Victoria, 8 June 2007) <<http://www.animalwelfare.net.au/article/scientific-seminars>>. See also Tina M. Widowski et al, *ibid* n 3: "The number of hens housed in a conventional cage can vary with size of the cage and space allowance provided, but generally ranges from 3 to 7 birds."

⁴ The permitted stocking densities differ in each State and Territory, and depending on the weight of the hens and the number of hens crammed into one cage. In NSW, for example, if the average weight of the hen in the cage is less than 2.4 kilograms, she will be permitted a space of around 550 cm²: Regulation 10(5)(a), Prevention of Cruelty to Animals Regulation 2012 (NSW). An A4 sheet of paper, with sides of 21.0 cm x 29.7 cm, has an area of 623.7 cm².

instincts and behaviours like wing flapping, grooming, preening, stretching, foraging and dust bathings.

The term 'manure pit' pretty much speaks for itself. Beneath the tiers of battery cages is a big pit that catches the faeces of the countless stressed out birds above. A 2014 investigation into a PACE cage egg farm found something moving in the piles of manure... or rather someone. A 2 minute video for the shocking discovery can be seen at <https://www.animalsaustralia.org/features/7-reasons-cage-eggs-worst.php>

Hens in battery cages spend their lives in artificially lit surroundings designed to maximise laying activity⁶. They are denied sunlight, they are weak and unable to exercise resulting in 4 in every 5 caged hens suffer osteoporosis a crippling disease due to calcium depletion and lack of movement, leading to chronic pain from bone fractures⁷.

According to animal welfare expert Dr John Webster, "the unenriched battery cage simply does not meet the physiological and behavioural requirements of the laying hen, which makes any quibbling about minimum requirements for floor space superfluous"⁸. Although nesting is a behavioural priority for a hen, hens are unable to lay eggs in a discrete, private or enclosed nesting space when they are kept in conventional battery cages⁹. Hens housed in battery cages have been

⁵ Heather Pickett, 'Industrial Animal Agriculture', Compassion in World Farming Trust (2003) <http://www.ciwf.org.uk/includes/documents/cm_docs/2008/i/industrial_animal_farming_booklet.pdf>; Dr John Webster, Animal Welfare: Limping towards Eden (2005, Blackwell Publishing Ltd, Oxford), 121; Bernie E Rollin, Farm Animal Welfare: Social, Bioethical, and Research Issues (1995, Iowa State Press, Iowa), 120; Michael C Appleby et al, Poultry Behaviour and Welfare (2004, CABI Publishing, Wallingford), 46.

⁶ http://www.aph.gov.au/~media/Estimates/Live/rrat_ctte/estimates/bud_1213/daff/5_aecl_c.ashx

⁷ Webster (2005), *ibid* n 6, 121; Duncan (2001), *ibid* n 7.

⁸ Webster (2005), *ibid* n 6, 120.

⁹ LayWel Project, 'Welfare implications of changes in production systems for laying hens' (2004, University of Bristol) <<http://www.laywel.eu/web/pdf/deliverable%2071%20welfare%20assessment.pdf>>; J Mench, 'The welfare of poultry in modern production systems' Poultry Science Review (1992) 4, 112; K Lorenz,

found to display agitated pacing and escape behaviours which can last for up to four hours prior to laying their eggs¹⁰. Ian Duncan, Emeritus Chair in Animal Welfare at the University of Guelph, states that the most significant source of battery hen frustration is “undoubtedly the lack of nesting opportunity¹¹.”

Battery hens may also experience chronic pain from the development of lesions and foot problems, as a result of standing on often sloping wire floors that are designed to facilitate egg collection¹².

The egg industry have had their say: they want to keep hens in cages its now time for the community to have their say. A community who does not have a monetary advantage to maintaining such abhorrent cruelty. In the 2016/17 Annual Egg Industry Report the gross value of egg production (farm gate equivalent) A\$739.5m and for major supermarket grocery chains egg value sales A\$929.973m¹³.

DEBEAKING

In Australia, the ACT is the only jurisdiction to have outlawed the practice of debeaking¹⁴. In other Australian jurisdictions, debeaking is permitted to be performed as a matter of routine without pain relief¹⁵.

¹⁰ ‘Animals are sentient beings: Konrad Lorenz on instinct and modern factory farming’ Der Spiegel (November 17, 1980) 34(47), 264; Ian Duncan, “The pros and cons of cages”, World’s Poultry Science Journal (2001) 57(4), 381-90.

¹¹ Mench (1992), *ibid* n 7.

¹² Duncan (2001), *ibid* n 7, 385.

¹³ R Tauson, ‘Health and production in improved cage designs’, Poultry Science (1998), 77, 1820–1827; Michael C Appleby, ‘Do Hens Suffer in Battery Cages?’, Compassion in World Farming (October 1991), <http://www.ciwf.org.uk/includes/documents/cm_docs/2008/d/do_hens_suffer_in_battery_cages_1991.pdf> ; Rollin (1995), p 126; Duncan (2001), *ibid* n 7, 387.

¹⁴ <https://www.australianeggs.org.au/dmsdocument/881-annual-report-2018>

¹⁵ Animal Welfare Act 1992 (ACT), s 9C.

¹⁶ Poultry Code, paragraph 13.2; Animal Welfare Act (NT), s 79 (compliance with the Poultry Code is a defence); Animal Welfare Act 2002 (WA), s 25 (compliance with the Poultry Code is a defence); Animal Welfare Act 1985 (SA), s 43 (compliance with the Poultry Code is a defence); Prevention of Cruelty to Animals Act 1986 (VIC), s 11(2) (compliance with the Poultry Code is a defence); Prevention of Cruelty to Animals Act 1979 (NSW), s 34A(3) (compliance with the Poultry Code can be admitted as evidence of

The suppression of the hen's natural instincts and social interactions, due to being raised in battery cages may (understandably) result in them becoming frustrated, fearful and aggressive. This may trigger behaviours such as hen pecking, bullying and cannibalism.¹⁶ Because they're trapped and unable to escape the bullying the hen's physiological stress levels increase to heightened levels compared to hens not subject to special restriction¹⁷. https://www.voiceless.org.au/hot-topics/battery-hens-footnote14_go1puuo

Producers in an attempt to prevent this behaviour from causing injuries to other hens, routinely conduct beak-trimming or 'debeaking' on chicks.¹⁸ This most commonly involves the amputation or searing off of a portion of the upper and lower beak using an electrically heated blade¹⁹. Re-trimming may also be carried out if a hen's beak grows back²⁰.

Debeaking causes tissue damage and nerve injury, particularly in older birds. In addition to the pain caused during and immediately following amputation, scientists believe the process can cause the beak to develop long-lasting and painful neuromas or tumours, which deter hens from using their beaks to forage or exhibit other natural behaviours²¹.

compliance with the Act). In Tasmania, the Poultry Code is advisory in nature and the Animal Welfare Act 1993 (TAS) silent on the issue of de-beaking.

¹⁶ Dr Lesley Rogers, *The development of brain and behaviour in chicken* (1995, CABI Publishing, Wallingford), 219; Philip Glatz et al, 'Beak Trimming Training Manual' Rural Industries Research and Development Corporation (RIRDC) (2002), 1 <<http://www.aecl.org/assets/RD-files/Outputs-2/SAR-35AA-Final-Report.pdf>>.

¹⁷ LayWel Project, *ibid* n 8.

¹⁸ Poultry CRC, 'Beak trimming', Poultry Hub <<http://www.poultryhub.org/health/health-management/beak-trimming/>>.

¹⁹ Poultry CRC, *ibid* n 16. Continuing welfare concerns regarding the use of a hot blade for beak trimming has prompted research into the development of alternative methods including laser trimming. See: Philip Glatz, *Laser Beak Trimming; A report for Australian Egg Corporation Limited* (July 2004) <<http://www.aecl.org/assets/RD-files/Outputs-2/SAR-45AA-Final-Report.pdf>>.

²⁰ Poultry CRC, *ibid* n 16.

²¹ B O Hughes and M J Gentle, 'Beak trimming of poultry - its implications for welfare' (1995) *Worlds Poultry Science Journal* 51, 51-61; Farm Animal Welfare Council (FAWC), 'Opinion on Beak Trimming of Layer Hens' (November 2007)

MALE CHICKS

Roosters don't lay eggs, so the egg industry has no use for them. One of the most hidden and therefore little known aspects of egg production - for all production systems (including free range) - is the mass slaughter of male chicks. When chickens are hatched (to replace the "spent" ones) naturally around half are male. So what does the egg industry do with the males? They don't selectively breed for their size or meat quality, male chicks are generally considered unsuitable for meat production, and accordingly, are slaughtered following hatching.

The permitted methods of slaughter include carbon dioxide gassing or maceration (grinding of live chicks)²². https://www.voiceless.org.au/hot-topics/battery-hens-footnote21_m7n50qy Sadly thought not surprising the exact number of male chicks killed is not publicly provided. It is widely agreed that as many as 12 million male chicks are killed this way each year. A figure based on the number of battery hens kept in Australian cage systems each year.

SENTIENCE

These practices ignore the research which demonstrates that chickens have preferences, particularly in terms of the environment in which they are kept, and experience physical sensations and emotional responses such as pain, fear, anxiety, pleasure and enjoyment²³. <https://www.voiceless.org.au/hot-topics/battery-hens->

<<http://webarchive.nationalarchives.gov.uk/20121007104210/http://www.fawc.org.uk/pdf/beak-trimming.pdf>>.

²² Poultry Code, paragraph 14.1.

²³ Michael C Appelby et al, Poultry Behaviour and Welfare (2004, CABI Publishing, Cambridge), 130-142; R B Jones, 'Environmental enrichment: the need for practical strategies to improve poultry welfare' in G C Perry (ed), Welfare of the Laying Hen (2004, CABI Publishing, Cambridge, MA), 216; Rogers (1995), *ibid* n 13, 219.

[footnote23 blg60n8](#) Studies have also shown that chickens are highly social animals with complex cognitive abilities²⁴.

Despite this, battery hens are afforded little protection under the *Model Code of Practice for the Welfare of Animals: Domestic Poultry* (4th Edition) (the Poultry Code) or State and Territory animal welfare laws, which permit permanent confinement and debeaking.

LAW REFORM

The ACT is the only jurisdiction in Australia to have completely prohibited the use of battery cages²⁵, with Tasmania prohibiting any new battery hen operators from 2013²⁶.

Overseas, the European Union (EU) legislated to phase out battery cages by 2012²⁷, with the UK having met this target and the European Commission threatening non-compliant member countries with legal action²⁸.

In 1981, Switzerland established new requirements for the housing of chickens which came into effect in 1991, effectively eliminating battery cages in Switzerland and making aviaries the most common method of raising hens²⁹.

²⁴ Rogers (1995), *ibid* n 13, 219; Carolyann L Smith And Sarah L Zielinski, 'The startling intelligence of the common chicken', *Scientific American* (2014) 310(2).

²⁵ Animal Welfare Act 1992 (ACT), s 9A.

²⁶ Animal Welfare (Domestic Poultry) Regulations 2013 (TAS), r 5.

²⁷ In 1999 the EU agreed a Directive on Laying Hens (1999/74/EC) that resulted in the banning of the barren battery cage (enriched cages are still permitted to be used). Producers were given a 12 year phase-out period, bringing the ban into effect on 1 January 2012.

²⁸ Alistair Driver, 'Italy and Greece referred to EU Court over battery cage ban' *Farmers Guardian* (25 April 2013) <<http://www.farmersguardian.com/home/livestock/italy-and-greece-referred-to-eu-court-over-battery-cage-ban/55156.article>>.

²⁹ Bruce A Wagman and Matthew Liebman, *A Worldview of Animal Law* (2011, Carolina Academic Press, Carolina), p 69.

Voters in the US state of California have approved a ban on battery cages by 2015³⁰, and as of July 2010, California also requires all eggs sold in the state to comply with the requirement that hens must be able to stand up and fully extend their wings³¹. Michigan has also followed suit, committing to a phase-out of battery cages by 2019³², and in 2010, Ohio, America's second-largest egg-producing state, enacted a moratorium against the construction of new battery egg facilities³³.

CONSUMER ATTITUDES

Importantly, there is a sizeable gap between consumer understanding and the actual animal welfare standards of these production systems, with hen welfare suffering as a result. Arguments about 'consumer choice' are being used to stifle legitimate concerns about the ethics of battery cage use. That stated, over the last decade, Australian consumers have increasingly embraced the global ethical food movement. A 2014 Voiceless national survey of 1,041 adult Australians found 61% of respondents have bought 'free range' or 'humanely' derived animal products on animal welfare grounds³⁴. This is consistent with a 2011 Voiceless study, which found 80% of individuals supported a battery cage ban.

³⁰ In November 2008, Proposition 2 (Standards for Confining Farm Animals) was passed by California ballot proposition (California Prevention of Farm Animal Cruelty Act), effectively prohibiting battery cages by requiring farmers to give their egg-laying hens more space, including room to stand up, spread their wings and turn around. It passed with 63% of the votes in favour and 37% against.

³¹ The bill, A.B. 1437, requires that all whole eggs sold in California as of 1 January 2015, come from hens able to stand up, fully extend their limbs, lie down and spread their wings without touching each other or the sides of their enclosure.

³² In 2009, H.B. 5127 was passed in Michigan, phasing out battery cages for laying hens within ten years.

³³ The Humane Society of the United States, 'Landmark Ohio Animal Welfare Agreement Reached Among HSUS, Ohioans for Humane Farms, Gov. Strickland, and Leading Livestock Organizations' (30 June 2010) <http://www.humanesociety.org/news/press_releases/2010/06/landmark_ohio_agreement_063010.html>.

³⁴ Humane Research Council, 'Animal Tracker Australia' (June 2014) <<https://www.voiceless.org.au/sites/default/files/Animal%20Tracker%20Australia%20-%20Baseline%20Report%20-%20June%202014%20FINAL.pdf>>.

Australian retailers have responded to this change in consumer sentiment, with Coles ending the sale of Coles-branded caged eggs in 2013³⁵, and Woolworths announcing that it will phase out caged eggs from sale and the use of caged eggs in the ingredients of their own brand products by December 2018³⁶

³⁵ Coles Blog, 'Better Animal Welfare at Coles!' (9 January 2013)
<http://blog.coles.com.au/2013/01/09/better-animal-welfare-at-coles/>.

³⁶ Woolworths Limited, 'Animal Welfare',
http://www.woolworthslimited.com.au/page/A_Trusted_Company/Responsible_Sourcing/Animal_Welfare/