

June 29

VIA EMAIL

British Columbia Society for the Prevention of Cruelty to Animals  
[info@sPCA.bc.ca](mailto:info@sPCA.bc.ca)

To whom it may concern:

**Re: Chickens being unlawfully handled at Neufeld Farms in Abbotsford**

I am writing on behalf of Animal Justice, a national organization comprised of lawyers and other legal professionals with expertise in laws that affect animals. I'm also writing on behalf of [REDACTED], a B.C. resident who witnessed and documented chickens being unlawfully handled by multiple individuals at Neufeld Farms in Abbotsford in the early morning of June 28th, 2017.

As the enclosed video footage shows, [REDACTED] documented:

- Workers holding multiple chickens in each hand, a practice that is known to cause injuries and stress.
- Workers dangling chickens upside down, a position that is known to cause injuries and stress.
- Workers throwing, not placing, chickens into crates.
- Workers failing to ensure chickens were upright in crates, in explicit violation of the industry's own code of practice requirements.
- Workers shoving crates closed while chickens' body parts were protruding, in explicit violation of the industry's own code of practice requirements.

## **1. Legal Basis**

British Columbia's Prevention of Cruelty to Animals Act states: "A person responsible for an animal must not cause or permit the animal to be, or to continue to be, in distress."

A defence is available only if "the distress results from an activity that is carried out in accordance with reasonable and generally accepted practices of animal management". Thus, causing an animal to be in distress is not legally permissible if the behaviour is either not reasonable or not generally accepted.

The reasonableness of practices can be determined by looking to the Canadian people and our national understanding of fairness. The requirement that animal management practices must be reasonable in addition to generally accepted is a signal from our legislature that it is not only the industry itself that can determine whether it is legally permissible to treat animals in some way. Instead, industry's treatment of animals must be limited: they are permitted to cause animals to be in distress, but **only within reason**.

The general acceptability of practices can be found in the industry's codes of practice published by the National Farm Animal Care Council. The relevant code of practice in this case is the Code of Practice for the Care and Handling of Hatching Eggs, Breeders, Chicken, and Turkeys. In section 7.3, it sets out as **requirements**:

- Birds must be handled in such a manner that minimizes stress and/or injury.
- Birds must be in an upright position after being loaded into containers.
- Birds must be loaded in containers in such a way that permits all of them to rest on the floor at the same time when evenly distributed, while preventing excessive movement within the container.
- Parts of birds must not protrude from containers in any way that can cause injury or impede movement.

## **2. Chickens at Neufeld Farms Were Unlawfully Caused to be in Distress**

Some of the actions captured by [REDACTED] are commonplace and accepted in the chicken catching industry, **but they are not reasonable**. Thus, they cannot be considered legal. These actions include:

- holding multiple chickens in each hand.

- dangling chickens upside down.

These practices, separately and combined, lead to broken bones, dislocated joints, bruising, fear, and stress.<sup>1</sup>

Other actions documented by [REDACTED] are not considered generally accepted practices according to the industry's own consensus-based code of practices. These actions include:

- Throwing the animals into crates. This would not “minimize stress and/or injury” as required by the code of practice, relative to ensuring the animals are gently placed upright into the crate. Research has found that rough handling not only increases injuries,<sup>2</sup> but causes these infant animals to be in fear.<sup>3</sup> Throwing animals into crates also does not ensure they can “rest on the floor at the same time” as required by the code of practice.
- Failing to place animals in an upright position or even ensure they were able to right themselves after being roughly and carelessly thrown into the crates. The code of practice **requires** animals be in an upright position after being loaded. Ensuring animals are in an upright position requires workers, at minimum to check whether animals are upright. This requirement was being flagrantly violated.
- Workers were shoving crates closed while chickens' body parts were protruding. This would cause bruising, broken bones, trapped body parts, fear, and stress. The code of practice is clear that parts of birds cannot protrude “**in any way** that can cause injury.”

### **3. Conclusion**

The BC SPCA has been a national leader in investigating and prosecuting animal cruelty. Now more than ever, the animal agriculture industry's treatment of animals is coming into the public spotlight, and the public does not like what we see. Causing unfathomable stress and injuries to helpless animals does not

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<sup>1</sup> An HSUS Report: Welfare Issues with Conventional Manual Catching of Broiler Chickens and Turkeys, online: <http://www.humanesociety.org/assets/pdfs/farm/HSUS-Report-on-Manual-Catching-of-Poultry.pdf>.

<sup>2</sup> P.J. Kettlewell, M.J.B. Turner, “A review of broiler chicken catching and transport systems,” *Journal of Agricultural Engineering Research* 31:93-114.

<sup>3</sup> R. Bryan Jones, “The nature of handling immediately prior to test affects tonic immobility fear reactions in laying hens and broilers,” *Applied Animal Behaviour Science* Volume 34, Issue 3, August 1992, Pages 247-254.

comport with our national values of compassion and justice.

The Canadian people are asking, “how is it legal to treat animals like this?” **Our answer is that it’s not.** The industry has been getting away with routinely treating animals in ways that flagrantly violate our provincial animal protection laws. These laws must be analyzed by the judiciary and applied to standard—but unreasonable—animal agriculture practices. Companies that cause animals to be in distress must be held accountable.

We are eagerly available to assist you in your investigation.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Anna Pippus', with a stylized flourish at the end.

Anna Pippus, J.D.  
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