

September 7, 2022

The Ministry of Agriculture, Fisheries and Food (MAPAQ)  
Department of Animal Health and Welfare  
200 Chemin Sainte-Foy  
Québec, QC G1R 4X6

Ministry of Forests, Wildlife and Parks (MFFC)  
c/o Mr. Démosthène Blasi  
Head of Complaints  
Management Office of the Deputy Minister and Secretariat

*Via Email*

To Whom It May Concern:

**Re: Request to Investigate Conditions at Thetford Mines, QC Mink Farm (Visonnière Labonté & Fils Inc.) and Honfleur, QC Fox Farm (Les Élevages G.L.H Fourrures et Fils)**

I write to you on behalf of Animal Justice—Canada’s leading national organization focused on using the law to protect animals.

Animal Justice has obtained photographs taken inside Visonnière Labonté & Fils Inc., a mink fur farm located at 6020 Boulevard Frontenac E, Thetford Mines, Québec (“**Labonté**”) and Les Élevages G.L.H Fourrures et Fils, a fox fur farm located at 140 Route de l’Église, Honfleur, Québec (“**GLH**”). These photographs show animals kept in cramped, filthy, and inadequate shelters without proper enrichment, bedding, stimulation, or, in certain cases, clean drinking water. The conditions that these mink and foxes are being kept in appear to be in violation of Québec’s *Animal Welfare and Safety Act* (the “**AWS Act**”).<sup>1</sup> The *Wildlife Conservation and Development Act* (the “**WCD Act**”)<sup>2</sup> may have also been violated.

We are urgently requesting that the Ministry of Agriculture, Fisheries and Food (“**MAPAQ**”) and the Ministry of Forests, Wildlife and Parks (“**MFFC**”) investigate the alleged animal cruelty at the above-mentioned facilities, as per each institutions’ mandate.

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<sup>1</sup> CQLR c B-3.1, available online: <https://www.legisquebec.gouv.qc.ca/en/document/cs/B-3.1>

<sup>2</sup> C-61.1, Available online: <https://www.legisquebec.gouv.qc.ca/fr/document/lc/c-61.1>

## 1. Background

The photos that Animal Justice received showing the conditions at Labonté and GLH are all available via the footnoted Google Drive link.<sup>3</sup> Animal Justice received these photos from We Animals Media, a leading Canadian animal photojournalism agency. We Animals Media confirmed that all of the photos were taken in August, 2022.<sup>4</sup>

The photographs show minks and foxes kept in cages. The enclosures that the animals are housed in appear to be completely inadequate in accordance with the standards set out in the AWS Act, industry guidelines, and the WCD Act (where applicable).

The photographs from the Labonté mink farm show:

- Minks confined in small wire mesh cages without any form of enrichment visible;
- Several minks confined in cages with no nest or bedding;
- Mink cages and nesting boxes coated with a buildup of what appears to be dirt, rust, fur, dust, cobwebs, and other debris;
- Thick layers of what appears to be feces, urine, and other debris underneath mink cages; and
- Water affixed to mink nesting boxes contaminated with substantial amounts of debris.

The photographs from the GLH fox farm show:

- Foxes kept in barren wire mesh cages without enrichment or adequate bedding;
- Foxes being kept outdoors without adequate shelter from weather conditions; and
- Layers of feces, feathers, and other debris underneath outdoor fox cages.

## 2. The Law

### *(a) MAPAQ and the AWS Act*

Section 6 of the AWS Act prohibits causing an animal to be in distress (whether by an act or omission). Subsections 6(1) - (3) clarify that an animal is in distress if they are subjected to conditions that will cause them serious harm, acute pain, extreme anxiety or suffering, or death.

Section 5 obligates the owner or custodian of an animal to provide them with adequate care as to not compromise the animal's welfare and safety. Specifically, owners or custodians must ensure that their animal:

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<sup>3</sup> Google Drive link:

<sup>4</sup> For clarity, all of the photos taken of mink and their indoor enclosures are from Labonté and all of the photos taken of foxes and their outdoor enclosures are from GLH.

- (1) has access to drinking water and food of acceptable quality in sufficient quantity;
- (2) is kept in a suitable place that is sanitary and clean with sufficient space and lighting and the layout or use of whose facilities are not likely to affect the animal's welfare or safety;
- (3) is allowed an opportunity for adequate exercise;
- (4) is provided with the necessary protection from excessive heat or cold and from bad weather;
- (5) is transported in a suitable manner in an appropriate vehicle;
- (6) is provided with the necessary care when injured, ill or suffering; and
- (7) is not subjected to abuse or mistreatment that may affect its health.

Section 7 of the AWS Act provides that “[s]ections 5 and 6 do not apply in the case of agricultural activities... carried on in accordance with generally recognized rules.” This section clarifies that “agricultural activities” include, in particular, the slaughter or euthanasia of animals and the use of animals for agricultural purposes. Farming animals for fur falls within this exemption. However, fur farmers still must comply with “generally recognized rules” while running their operations.

While the AWS Act does not specifically define what constitutes the “generally recognized rules” in Canada, it is widely accepted that the National Farm Animal Care Council (“**NFACC**”) sets out certain minimum requirements for the standards of acceptable care of agricultural animals. In the case at hand, there are two relevant NFACC “Codes of Practice” that can be referenced to establish the standards of acceptable care for minks and foxes, respectively: (1) the Code of Practice for the Care and Handling of Farmed Mink (the “**Mink Code**”)<sup>5</sup>, and (2) the Code of Practice for the Care and Handling of Farmed Fox (the “**Fox Code**”).<sup>6</sup> Fur industry representatives participated in the creation of the Mink Code and the Fox Code, indicating that the industry considers these standards to be applicable to mink and fox farming in Canada.

The Mink Code sets out a variety of standards that are highlighted as being “requirements” for fur farmers, notably including:

- Sheds must be designed to allow adequate space, light, and access for stockpeople to observe and care for the mink (1.2.1)
- All pens with multiple mink must be enriched with a hammock/shelf/platform; if a jump up/penthouse or drop in nest box is used, a shelf is not required as an enrichment (1.2.2)
- All pens must include a minimum of one manipulative enrichment (1.2.2)
- Pens must meet specific height, width, and floor space requirements based on the size of the mink kept in them (1.2.2)
- When provided, nest boxes must be designed to hold adequate bedding and allow for good nesting behaviour to provide a comfortable, safe, and secluded space, and reasonable efforts must be made to keep nest boxes clean (1.2.3)

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<sup>5</sup> Available online: [https://www.nfacc.ca/pdfs/codes/mink\\_code\\_of\\_practice.pdf](https://www.nfacc.ca/pdfs/codes/mink_code_of_practice.pdf)

<sup>6</sup> Available online: [https://www.nfacc.ca/pdfs/codes/Farmed\\_Fox\\_Code.pdf](https://www.nfacc.ca/pdfs/codes/Farmed_Fox_Code.pdf)

- When provided, bedding must be clean and dry (1.2.4)
- An enrichment that can be manipulated by the mink or different novel objects (to avoid habituation) must be provided in each pen (1.2.5)
- Mink must be exposed to at least the minimum number of continuous hours of daylight provided by a natural photoperiod (1.3.1)
- All sheds and buildings must have consistent and adequate airflow to ensure mink health and comfort (1.3.2)
- Sanitation protocols for premises, buildings, equipment, staff hygiene and vehicles must be implemented (2.3)
- Spoiled feed must be removed from the wire before providing fresh food (3.2.4)
- Mink must have sufficient access to good quality water to meet their physiological needs (3.3.1)
- Best management practices relating to the health and welfare of mink must be in place (4.2)

In the case at hand, the photographs from Labonté show mink kept in small wire mesh cages (many of which appear to be too small for the captive animals). Every mink photographed does not appear to have an environmental or manipulative enrichment, despite enrichment being required under the Mink Code. In many cases, minks are not provided with nest boxes or bedding. In the cases where nest boxes and/or bedding are visible they appear to be particularly dirty or small, potentially contrary to Code requirements. If sanitation protocols are in place, they do not appear to be closely followed. Boxes and cages are consistently coated with a buildup of dirt, rust, fur, dust, cobwebs, spoiled feed, and other debris. A thick layer of what appears to be feces, urine, and other debris has accumulated underneath the mink cages. Finally, drinking water attached to the mink cages appears to be contaminated with a substantial amount of debris.

With this in mind, the mink at Labonté appear to be subjected to standards significantly below those set out in the Mink Code, which represent the industry-accepted minimum requirements. Consequently, further investigation and possible charges under the AWS Act are warranted in the circumstances.

The Fox Code sets out a variety requirements similar to the Mink Code, including the following:

- Producers must ensure welfare needs (including shelter and environmental enrichment) and operational requirements (including biosecurity) can be met on site (1.1)
- Housing must include an area where foxes can escape direct sunlight, rain, snow, wind and that provides protection during times of severe weather conditions (1.2.1)
- Wire mesh for all pen floors must have openings no larger than 1 inch x 2 inches (1.2.2.1)

- Wire mesh size for all floors must be appropriate for the size of the foxes so they do not catch their footpads (1.2.2.1)
- All pens must meet minimum size requirements in accordance with fox size (1.2.2.1)
- All foxes must have access to at least one enrichment that can be manipulated (i.e., an object that provides suitable stimuli to gnaw) (1.2.3)
- It is *recommended* that foxes have year round access to nest boxes and a platform (1.2.3)
- Foxes must have access to a shaded area at all times (1.3.3)
- All foxes must be housed in a secure area (2.1)
- Any bedding provided must be of a good quality and any nest box bedding provided must be maintained in a clean and dry manner (2.3)
- Cleaning procedures for buildings, equipment, etc. must be carried out on a regular schedule or as often as required (2.3).

In the case at hand, the foxes in the photographs at GLH are kept in barren wire mesh cages. The floors of these cages are not reinforced to ensure that the animals can move around comfortably. Contrary to the Fox Code, the mesh size for the floors appears to be catching foxes' footpads. No enrichment appears to be provided for any of the foxes photographed, despite requirements in the Code mandating that they are provided with at least one form of enrichment that can be manipulated. The foxes' housing does not appear to be adequately secured and the animals are exposed to extreme weather conditions without consistent access to shade and an area to escape other weather conditions. Once again, there is a layer of what appears to be feces, feathers, and other debris underneath the fox enclosures, indicating inconsistent or inadequate cleaning procedures at the facility.

With this in mind, the foxes at GLH appear to be subjected to standards below those set out in the Fox Code, which represent the industry-accepted minimum requirements. Further investigation and possibly charges under the AWS Act are warranted in the circumstances.

*(b) MFFC and the WCD Act*

The WCD Act, which is enforced by MFFC, provides protections for wild animals kept in captivity in Québec, including various species of foxes. While the Act provides certain exemptions for the keeping of foxes for the production of fur (relating to both licensing and welfare standards) these exemptions are not absolute. When dealing with foxes who are outside of the red fox (or *vulpes vulpes*) family in particular, certain heightened standards arise. In the case at hand, it appears as though some of the foxes being kept at GLH may be arctic foxes (or, at least, foxes outside of the red fox family). Animal Justice consulted with a veterinarian on this topic and they concluded that there was no evidence that the foxes photographed were red foxes and that certain animals closely resembled arctic foxes.

Given that the animals kept at GLH do not appear to be red foxes, there are a number of requirements that GLH would need to adhere to beyond the AWS Act. First and foremost, it may be necessary for the operator of GLH to have permits to keep these animals and sell their fur. Indeed, according to section 42 of the WCD Act:

“To keep an animal in captivity or to capture it for the purpose of keeping it in captivity, and, where applicable, to dispose of it, a person must hold a permit issued for that purpose and comply with the standards, quantities, and conditions prescribed by regulation” unless “this permit is not required...in respect of an animal, determined by regulation”.

Moreover, section 53 of the WCD Act provides that “no one may, unless he holds a permit issued for this purpose, sell undressed fur from a hunted or trapped animal, trade in it, dress it or serve as an intermediary for the sale or trade in such fur for any benefit”.

While section 140 of the WCD Act provides an exemption for individuals to keep red foxes and arctic foxes without a license who have “a view to dealing in fur”, the exemption only applies to individuals keeping “at least 10 female adults of the same species”. In the case at hand, it is unclear whether this exemption would apply to GLH and therefore whether a permit would be required. MFFC should take action to investigate the operation and determine whether GLH has the appropriate permits, or is keeping these animals unlawfully. MFFC should seize and rehome any animals being unlawfully kept.

Even if GLH is permitted to keep these animals, they still must comply with a variety of welfare standards which apply to protect arctic foxes (or non-red-foxes). In particular, as per Regulation C-61.1, r. 5.1 “Animals in Captivity”, owners and custodians who are keeping these animals with a view to dealing in fur, must ensure (among other things):

- That all animals are kept in a care facility that “offers them conditions compatible with the biological requirements of their species” (s 29);
- Facilities in which animals are kept and the building in which they are located must be kept in a “good state of sanitation” (s 32);
- The floor of a custody facility in which an animal is kept must “allow the animal to move without slipping” and “promote the maintenance of the animal’s feet in good health” (s 36);
- If the keeping facility is located outside of a building, the animals must have “easy access to a shelter which suits its morphology and which allows it to escape direct sunlight and prevailing winds” (s 37); and
- The temperature must be regulated according to the health and biology of the animal (s 38).

In light of the conditions shown in the photographs of GLH, it appears as though the operator of the facility has not met these welfare requirements. MFFC should take steps

to investigate the farm and possibly undertake enforcement action as per the WCD Act to ensure that the foxes kept at the facility are not subjected to further harm.

### **3. Conclusion**

MAPAQ and MFFC are designated by legislation to investigate and enforce violations of the AWS Act and the WCD Act, respectively. We would appreciate hearing from both of your offices on the steps you plan to take to address the above-noted animal cruelty.

Thank you for your attention to this matter. Animal Justice would be pleased to assist in any way that we can.

Sincerely,



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