

# The Animal Rights Legal Advocacy Network Newsletter

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## GEESE AND DUCKS REJOICE! ISREALI SUPREME COURT RULES THAT THE PRODUCTION OF FOIE GRAS CAUSES UNACCEPTABLE CRUELTY

*by Francis J Liu*

On 11 August, 2003, animal welfare advocates in Israel won a major battle, as the Israeli Supreme Court ruled that the force-feeding of geese and ducks, performed for the purpose of producing pate de foie gras, causes unacceptable suffering and thus is in violation of the Animal Welfare (Protection of Animals) Act 1994. While the victory was an important one, the court granted the industry a deferred enforcement until March 2005, as an immediate ban was viewed as having the undesirable consequence of causing huge unemployment in the foie gras industry in Israel.

The petition was brought to the court by animal welfare groups in Israel led by Anonymous for Animal Rights and was conducted before a panel of three judges. The issue in the case was whether the force-feeding of geese and ducks as permitted in the Cruelty to Animals Regulations 2001 could be considered necessary for the common good of humans and thus, in accord with Israel's Animal Welfare (Protection of Animals) Act 1994 [The Act].



**A dirty business. Creating a "delicacy" by force-feeding a goose until it can no longer walk or stand. If this is not cruelty, what is?**

The regulation that originally allowed the process of force-feeding was set up in 2001 (Cruelty to Animals Regulation). It permitted the usage of force-feeding metal tubes up to 17cm long and up to 17mm in diameter. The maximum quantity of cereal fed was set to 1kg per goose per day by the end of the process - more than 25% of the goose's initial body weight! The regulation was approved by the Parliamentary Education Committee as a reform of the force-feeding process and an "improvement" on the old procedure. Animal welfare activists in Israel countered that the new regulation was no improvement and all and was only a guise in favour of the foie gras producers as the force-feeding was not really banned but legalized in point of fact. The activists then argued that the regulation was in violation of article 2 (a) of the Act which states that a person shall not torture an animal, be cruel to an animal or abuse an animal in any way. [Continued on page 2]

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## ARLAN NEWSLETTER

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## **FOIE GRAS OFF THE MENU IN ISRAEL**

The majority opinion of the Court was written by Justice Ms. Strasberg-Cohen. As she poignantly noted in her decision, “the needs of agriculture do not always override the interest of animal protection, and not every suffering caused to animals should withdraw when confronting the needs of agriculture.” In addition, Justice Mr. Eliezer Rivlin found as a fact that many animals possess emotions similar to humans noting that science has showed that geese and ducks do experience the emotions of joy and sorrow, happiness and grief, love and fear and it is a certainty that geese and ducks suffer from the process of force-feeding.

A minority opinion by the third judge, Justice Mr. Asher Grunis, expressed concern that the banning of force-feeding of geese and ducks might affect other similar industries as animal welfare activists could use the case as a precedent to request better treatment for any other potentially-abused farm animals, resulting in increased capital expenses and possible economic losses to all animal farm industries in Israel.

The decision is a significant one. Israel is one of the four largest producers of pate de foie gras worldwide, following France and Hungary, and virtually on par with Bulgaria, producing about 550 tons of foie gras every year. During the process, approximately 10,000,000 geese and ducks lose their lives. The process of developing foie gras is horrifying. The geese and ducks are kept in small individual crates for most of their short lives. This is to make it easier for the producers to grab their necks and forcefully insert metal feeding tubes down their throats all the way to their stomachs. They are fed in an amount of food that exceeds their physical needs by almost one-third. This routine takes place around 3 times a day for up to 28 days.

During this time, 90% of the birds can expect their livers to grow up to 10 times of the original size, while the remaining 10% burst their stomachs and die from the process. This 10% might actually be the “luckiest” as the survivors are stuck in their small crates for the duration of their lives with their swollen bodies. Most cannot move at all, as they can barely stand up.

While New Zealand does not produce pate de foie gras, it can still be consumed in restaurants and purchased in stores. Still, at least one major food service company has signaled its willingness to condemn the practice. In April of this year, Air New Zealand announced that it will no longer include pate de foie gras on flight menus. This is **[Continued on page 12]**

## ARLAN FUNDRAISING DRIVE CONTINUES – WE STILL NEED YOUR HELP!

The ARLAN Fundraising drive now enters its second and final month. We have now raised close to \$1000. It is an impressive total, especially as much of it has come from small donations, from people who have provided \$20-30 to help ARLAN. We cannot thank our subscribers enough for their assistance, as it allows ARLAN to continue to thrive and survive!

**BUT WE STILL NEED MORE! WE HOPE TO RAISE ANOTHER \$1000 BY THE END OF THE YEAR TO SUPPORT A NUMBER OF WORTHWHILE PROJECTS!**

As a reminder of what your money goes to support, here are some of the things ARLAN has achieved in New Zealand since 2001:

- It has launched New Zealand's first newsletter devoted to animals and the law, which is read by hundreds of New Zealand lawyers, government officials and policy advocates, as well as by numerous international organizations. It is the ONLY journal of its kind in New Zealand;
- ARLAN has commenced and maintained an active group at Auckland law school helping to raise animal rights issues with law students and within the faculty.
- We've created and funded a seminar series to educate students and lawyers about important legal issues involving animals, promoting academic discussion and debate on animals and the law on campus (and through the pages of our newsletter);
- We've made several submissions to Parliament on relevant Codes of Welfare under the Animal Welfare Act 1999, as well as in relation to New Zealand's Dog Control legislation;
- Provided pro bono legal advice to animal advocacy organizations and government officials on important matters affecting animals

**But there's so much more we want to do!** Consider what it has already achieved on a tiny budget, ARLAN has shown that a small group of dedicated people can make a big change. Please help ARLAN take the next step forward!

Your help allows us to operate! None of the advances we've achieved come for free! Our website, which attracts thousands of visitors each year, and educates people on animal law in New Zealand, does not operate for free. We incur many financial costs and have NO paid staff. **All our members are volunteers, work for free, and often fund our projects themselves.**

If you wish to help, please send a cheque for any amount you wish, made out to ARLAN, to: ARLAN, P.O. Box 6065, Wellesley St., Auckland, New Zealand. **Donations of \$50 or more will receive a video copy of the ARLAN Seminars presented so far in 2003.**

## NEW CODE OF WELFARE IN PLACE FOR BROILER CHICKENS – IT IS NEW BUT IS IT IMPROVED?

*by Cherie Gum*

In July, after months of review and having received numerous public submissions, the National Animal Welfare Advisory Committee (NAWAC) released the Animal Welfare (Broiler Chickens: Fully Housed) Code of Welfare 2003, issued under the Animal Welfare Act 1999 (AWA). The Code is a real disappointment to those who believe in the health and welfare of animals, and there is a strong argument to be made that this Code conflicts with the principles enunciated within the AWA.

The new Code replaces the old Broiler Chicken Code of “Welfare” which predated the enactment of the Animal Welfare Act 1999. The old Code was supposed to have been replaced by the end of 2002, but a government Bill delayed introduction of the new codes until they were completed [see: P.Sankoff and D.Bourke, “Animal Law in the News” 1(6) ARLAN Newsletter 8 (October 2002)]. The Codes are critical to the basic scheme of the AWA, as any person who can demonstrate compliance with a Code of Welfare is effectively immune from prosecution for animal welfare offences.



The purpose of the old Code was effectively to act as an extension of the Animal Protection Act 1960. It set out poultry industry “guidelines” regarding broiler chickens, where it would be impracticable for the Act to get into specific detail. While this might sound effective, it was a Code approved by the Animal Welfare Advisory Committee under old legislation [the Animal Protection Act 1960], legislation that has much lower minimum standards than the AWA. It was a Code established in the best interests of the poultry industry, rather than in the interests of the welfare of the animals. It was a Code that

### **Broiler chicken living arrangements.**

permitted broiler chickens to barely exist in substandard and appalling conditions.

Examples of this are legion. The Code permitted the poultry industry to severely restrict the food of broiler breeders while growing, leading to chronic hunger. This restriction was done to prevent the breeders from growing as fast as the meat broilers, as they are required to survive healthily into adulthood in order to produce chicks. Living conditions for broiler chickens were – and are – appalling. Sheds were allowed to be so densely packed, with such low lighting levels, that it was at times impossible for all chickens to access food and water. Antibiotics were also frequently used in the industry, which were fed to chickens in order to serve as growth promotants. **[Continued on page 5]**

## **REVISED BROILER CHICKEN CODE OF WELFARE NO BOON FOR THE ANIMALS**

Antibiotics can artificially accelerate the birds growth rate and place excessive strain on legs, heart and lungs, so that many birds suffer from heart or lung failure. Because of their distorted growth process, many others do not have the strength to stand.

### **Requirements of the AWA**

The AWA was specifically enacted to modernize the treatment of animals in New Zealand, and provide a concerned approach to farming. There was good reason to believe that the above noted atrocities, permitted under the old legislation, would constitute a breach of the AWA. The AWA clearly requires that all animals be allowed to display normal patterns of behaviour.

In December 2001, ARLAN made submissions on the Draft Animal Welfare (Broiler Chickens) Code of Welfare 2001. One of ARLAN's submissions was that the Code failed to implement or address many key industry practices that conflicted with the AWA.

ARLAN submitted that the primary considerations and requirements of the Code are:

- (a) That the draft Code complies with the purposes of the AWA;
- (b) That the draft Code is clearly written so as to be readily understood;
- (c) That the proposed standards are the minimum necessary to ensure that the purposes of the AWA will be met; and
- (d) That the recommendations for best practice are appropriate.

Unfortunately, the new Code of Welfare falls short on all of these objectives. Here are the most serious concerns.

### **Stocking Densities**

Under the Draft Code, stocking densities were set at 38kg per m<sup>2</sup> which would allow up to 20 slaughter weight birds in an area the size of a telephone box. ARLAN submitted that this was excessively high, as it would not allow chicks to extend their wings. The European Commission, Health and Consumer Protection Directorate-General released a report in March 2000 concluding that high stocking results in "breast blisters, chronic dermatitis and leg disorders" and that "the presence of infectious agents and hockburn has been shown to be worse at 30-40kg per m<sup>2</sup> than 24kg per m<sup>2</sup>". It has also been shown that the walking ability of chickens is "severely affected" at very high stocking density and is worse at 32kg per m<sup>2</sup> than at 25kg per m<sup>2</sup>. Walking and other behaviour is reduced and disturbance of resting is increased at high stocking density. The European Commission's report concluded that the stocking density must be 25kg per m<sup>2</sup> or lower to avoid major welfare problems.

In our submissions, ARLAN indicated that the stocking densities under the Draft Code breached s10 of the AWA, which ensures that the physical, health, and **[Continued on page 6]**

behavioural needs of the animal are met in a manner that is in accordance with both good practice and scientific knowledge.

The Draft Code stated that there is poor understanding of the nature of health problems and of the maximum stocking densities that would protect against them. This appears to be a stalling tactic to enable the present stock densities to remain unchanged. As evidenced by the European Commission, there are studies available on the detrimental effects of high stocking densities. Moreover, it shows that where there is any degree of uncertainty, NAWAC is prepared to err on the side of productivity at the expense of animal welfare.

Despite ARLAN's submissions, the 2003 Code set the stock densities at 38kg per m<sup>2</sup>. Consequently, with such a minimum standard set, the chicks continue their suffering and the broiler industry are allowed to continue breaching s10 of the AWA. According to the European Commission's report, the current stocking densities do not accord with the physical, health and behavioural needs of the animal in accordance with scientific knowledge.

Further, in the extreme if there are unforeseen circumstances such as a plant breakdown, the 2003 Code allows the stocking density to be temporarily exceeded to 40kg per m<sup>2</sup>. This undermines the already very low standards implemented from being properly enforced, and encourages owners and persons in charge of animals to push the limits of the chicken welfare to increase productivity.

## Hatchery Management

ARLAN submitted that the Draft Code had no guidance or standards set in relation to the operation and processes of instantaneous fragmentation (also known as maceration) or gassing of chickens. If not carried out properly and to certain exacting standards both methods

can have significant detrimental impact on animal welfare and consequently are breaches of the AWA. ARLAN's submissions on this category were very detailed and very specific.

The results were not encouraging. The 2003 Code provides only general guidance on hatchery management. It does not specify what the controlled temperatures in holding rooms for newly hatched chicks should be. It says that all hatcheries must have a documented hygiene programme, however, it does not set out a recommended hygiene programme.

## Dietary Needs

ARLAN also expressed concern about the Draft Code's failure to sufficiently address the dietary needs of chickens. Other Codes, such as that for pigs, consider and provide guidelines in regards to their energy requirements for a balanced diet. **[Continued on page 12]**



A deformed broiler chicken. Its legs are unable to support the weight of its body.

## **ANIMAL LAW IN THE NEWS**

*by Kathy Wilson*

### **MEAGER ANIMAL WELFARE SENTENCES AN INSUFFICIENT DETERRENT SAYS THE NEW ZEALAND SPCA**

In September the SPCA released a “list of shame”, outlining the worst of the reported cases of animal cruelty that occurred during the period of January to July 2003. The list is not comprehensive; rather, it contains an outline of 30 recent incidents of cruelty, which make for gruesome and almost unbearable reading.

The list contains no less than six incidents where cats and dogs received serious injuries after being directly shot at with slug and air guns. In one case a puppy appeared to have been used for target practice, after it was either trapped or chained-up and then shot-at. There were several examples of atrocities to ducks in public parks, with one incident involving a home-made bomb.

Other incidents included a cat being dragged behind a car, and a kitten being thrown from a car window. In many cases the SPCA found the animals abandoned with the assailants probably having assumed that they had died. Often, the animals were still alive and in great pain.

SPCA chief executive Peter Blomkamp stated that the list provides great cause for alarm. The listed incidents are atrocious enough when considered on their own, but are even more alarming when viewed in their context. “Collectively, they prompt deep concern over the warped and sadistic personalities of some of our fellow citizens”, said Mr. Blomkamp. Of particular concern is the growing amount of overseas research which links animal cruelty with other serious crime, in particular cruelty to other humans.

Section 28 of the Animal Welfare Act 1999, provides the penalties where an individual wilfully ill-treats an animal. A Judge may award a fine of up to \$50,000, imprisonment for a term of up to 3 years, or both. However the sentences imposed by the courts to date have been labelled as ‘paltry’, and ‘pathetic’ [See: P.Sankoff “Cruelty to Animals in New Zealand: Does the Government Care” 2(2) ARLAN Newsletter 10 (March 2003); K. Alliston, “Inadequate Animal Welfare Act Penalties Debated in Auckland” 1(5) ARLAN Newsletter 1 (September 2002)]. Sentences normally involve negligible fines of around \$150-\$300 or awards of costs (also nominal amounts). These sentences will not deter the cowardly and warped people who intentionally torture animals, and community service is likely to be considered an inconvenience at most. The SPCA would like to see tougher sentences imposed, including jail terms for serious cases, but lobbying of the Justice Minister and the Chief Justice has so far been ineffective.

ARLAN continues to believe that a more systematic approach to sentencing is required. The outline of this approach was described in a previous issue [P. Sankoff, Animal Law in the News 1(5) ARLAN Newsletter 7 (September 2002)]. Over the next few months, ARLAN hopes to set out a submission to the SPCA regarding the best way to improve sentencing practice.

**[Continued on page 8]**

## **PETA DROPS LAWSUIT AGAINST KFC**

In last month's column we reported upon a lawsuit by U.S. based animal activist group People for the Ethical Treatment of Animals (PETA) against Kentucky Fried Chicken and its owner Yum! Brands. PETA had claimed in its lawsuit that KFC were spreading misinformation about the treatment of chickens by KFC suppliers. Early in September, PETA announced that it had dropped the false representation lawsuit, initiated in California, on the basis that the fight had suddenly been won.

A decision was made to end the action after KFC made sweeping changes to their web sites and to the information given out by customer service agents. PETA has stated that the false claims, including the assertion that 'chickens raised for KFC suffer no pain', and that 'KFC prohibits suppliers from giving growth substances', have now been removed. After reviewing the changes, PETA stated that they were effectively what had been requested in the lawsuit, and PETA is declaring the result to be an unprecedented victory.

## **ZOO EMPLOYEES RECEIVE 14 YEAR PRISON SENTENCE**

In a landmark case in Bangladesh, five former zoo employees were sentenced to 14 years imprisonment for intentionally killing four Royal Bengal tigers.

The tigers died in November 1996 after being fed poisoned meat by zoo workers and caretakers. Three of the tigers died after eating the meat, and a cub died several days later, after drinking the poisoned milk of its mother. The employees had intentionally poisoned the tigers in an attempt to persuade the zoo authorities to cancel an order to transfer out 32 of the zoo staff.

In addition to the prison sentence, the convicted employees were also fined approximately US\$350 each, and if they fail to pay the fine an additional two years will be added to their sentences.

Although 14 people were originally charged with the offence and only 5 convictions were secured, the decision should still be considered a resounding victory. One observer commented that this verdict will "act as a pillar for legal reference". When delivering the verdict, Judge Habibur Rahman declared: "This sentence is hereby handed over to discourage recurrence of such a heinous crime."

The strong sentence can be attributed in part to the status of the Royal Bengal tiger, which is known as Bangladesh's national animal.

## **ARLAN ACTIVITIES UPDATE**

August and September have been very busy months for ARLAN. In addition to coordinating and planning our fundraising drive, several major projects continue, and several new ones are underway.

**DRAFT CODE OF WELFARE FOR CIRCUSES:** One of our largest ongoing projects relates to the Draft Code of Welfare for Circuses which is expected to come up for public consultation within the not-too-distant future. Led by Deidre Bourke, ARLAN members from across the country are providing invaluable research in preparation for a lengthy public submission. As we outlined in a previous newsletter [D. Bourke, "Circus Code of Welfare Up for Review – And It Needs Work" 2(4) ARLAN Newsletter 12 (June 2003)], this Code of Welfare looks certain to contain numerous flaws, and will likely conflict with the Animal Welfare Act 1999. ARLAN is very concerned with this issue, and is working hard to ensure that the government ultimately adopts a fairer Code for animals.

**LEGAL RESEARCH ON ANIMAL WELFARE:** Two other major initiatives are also underway. In accord with our belief that the sentencing of Animal Welfare Act cruelty prosecutions is not operating properly [see P. Sankoff, "Creating a More Responsible System for Investigating and Prosecuting Animal Welfare Offences" 2(4) ARLAN Newsletter 6 (June 2003)], we are investigating a method of ensuring that the people prosecuting Animal Welfare Act offences can obtain the criminal record of the offender, something that does not usually take place at the present time. Three of our members are closely examining the issue to ascertain whether it would be possible for SPCA and other investigators to obtain criminal records of the offender and utilize them as a method of obtaining a higher sentence. ARLAN plans to make this a major issue of its 2004 agenda. If it is possible to do this using the current law, we hope to push all parties with a stake in this issue to make this a reality. If the current law does not allow this, we intend to campaign for legislative reform.

ARLAN has also commissioned an opinion to examine the state of the law relating to the "ill-treatment" of an animal, which is an offence under the Animal Welfare Act 1999. The current definition of this term is highly complex, and we hope to examine both domestic and international precedents. Our ultimate goal is to provide a detailed opinion on this matter which will be of use to animal welfare act prosecutions across New Zealand.

**SOCIAL EVENING:** Several of ARLAN's Auckland members recently enjoyed our first ever "social evening" hosted by Peter Sankoff. We watched a video of the NSW Animal Rights Forum on the capacities of animals and shared vegetarian treats. We are pleased to report that a good time was had by all!

**THANK YOU:** Finally, ARLAN wishes to extend its best wishes and give a fond farewell to Jennifer Burns, who has decided to leave the ARLAN Executive Committee. Jennifer assisted us with a number of projects, and was instrumental in providing us with our ARLAN Logo, which is utilized on all of our opinions and outreach material.

## BROILER CHICKEN WELFARE CODE

[continued from page 6]

The July 2003 Code says that due to the considerable variation that occurs between individual animals, food and nutrient requirements vary and it is therefore, not appropriate to specify a complete range of the quantities of food and nutrients required as minimum standards.

This is an unacceptable response, as there is considerable variation occurring between individual pigs as well. This reflects the cursory treatment of the most basic requirements of chickens.

In light of these findings, it is surprising that the NAWAC found the 2003 Code to comply with the AWA. The 2003 Code lacks specific guidelines which are absolutely essential to ensure the protection and welfare of broiler chickens. In truth, the 2003 Code carries on the tradition of its predecessor and makes a mockery of the stricter protections under the AWA. It appears that the Code has been set to ensure nothing more than the absolute minimum standards that currently exist within the poultry industry.

Hanks Kriek of the RNZSPCA, comments that "the SPCA is extremely disappointed with this code which has very little to do with animal welfare but more with the protection of the Poultry Industry." On a more ominous note, he added that "it has now become clear that the whole Code review process will not result in meaningful changes that will improve the welfare of animals."

The 2003 Code is based on the knowledge and technology available at the time of publication and is to be reviewed no later than 25 July 2013. It is to be reviewed in light of future advances and knowledge. Already knowledge informs us that the Code is outdated. Surely it cannot be accepted that these practices can continue for a further 10 years.

## ANIMAL LAW WEBSITE OF THE MONTH

This month's review, by *Amie Wolken*, is the website of **The Animal Law and History Web Centre**: [www.animallaw.info](http://www.animallaw.info)

The Animal Law and History Web Centre is a reasonably new site whose main goals are to provide information on existing legal and policy materials relating to animals in a number of formats eventually including CD collections, print copies, and e-files. It also hopes to be an education centre for this material, offering courses at different levels of education and to provide a historical perspective, illustrating how we got to our current perspective on social and legal attitudes towards animals.

The site is an impartial one, acting as an information resource rather than actually advocating for animal rights or any other position. As such, there are links to sites dealing with consumer choice and it is open to articles that consider the arguments for continued animal subservience.

Though incomplete, this website is well worth visiting for the animal law scholar, as it boasts a large collection of legal information, articles and journals. Currently the site contains over 360 full text cases and 470 statutes that cover a broad range of animal issues, from pet shooting by police to pet shop laws and animal cruelty. For legal information regarding the U.S this site is excellent, and it also includes information from Brazil, Malawi, Poland, Portugal, Taiwan and the U.K. Unfortunately these are the only countries that information is provided on, however the site makes it clear that lawyers and law student who wish to be a part of the process of establishing the site are welcomed to contact the editor-in-chief and the site also provides a way for the public to submit their own opinion piece for publication.

This site is well worth visiting for anyone looking for information on animal law information from the U.S.

## CALL FOR HELP!

One of ARLAN's central mandates is to improve the understanding and accessibility of the law relating to animal welfare. We have made no secret of our dissatisfaction with the difficulty in accomplishing this. New Zealand law in this area is notoriously hard to research, as most judgments are unreported, and scattered across the country.

Peter Sankoff, Lecturer at Auckland University's Faculty of Law, and member of ARLAN's Executive Committee, has begun research and organization for a short text tentatively entitled Animal Welfare Law in New Zealand. The idea for the text is to provide practitioners, judges and legislators with handy access to the law relating to animals. It will discuss the theoretical underpinnings of Animal Welfare law and make recommendations for improvements.

Unfortunately, we recognize that most of the law in this area is unreported and somewhat difficult to access. As a result, we are hoping to circumvent this problem by calling on you, ARLAN's members and newsletter readers, to assist in any way you can. We urgently require copies of ANY unreported cases with some legal significance decided under:

- The Animal Protection Act 1960
- The Animal Welfare Act 1999
- The Dog Control Act
- The Marine Mammal Protection Act

A database of all the cases in ARLAN's possession has now been compiled. Rather than sending copies of case material, send a list of cases in your possession that can be checked against our database.

Case names can be mailed to:

Peter Sankoff  
9 Eden Crescent  
Faculty of Law  
University of Auckland  
Auckland

Case names and numbers can also be e-mailed to: [p.sankoff@auckland.ac.nz](mailto:p.sankoff@auckland.ac.nz)

The creation of a text on animals will hopefully promote better consistency and accuracy in the law. Your assistance is invaluable to this exercise.

## ISRAELI SUPREME COURT DECLARES FOIE GRAS PRODUCTION TO BE A FORM OF CRUELTY.

[Continued from page 2]

a positive development and will encourage animal welfare activists here and also give the impression to oversea passengers traveling with Air New Zealand that the barbaric practice of force-feeding geese and ducks are not acceptable to New Zealanders.



On the left, a normal sized goose liver. On the right, the swollen result of horrible suffering.

Still, the worldwide campaign against the force-feeding of geese and ducks is hardly over and even in Israel endeavors in the industry are already underway trying to find a way to override or skirt the ban. Nonetheless, there is good reason to believe that the battle to educate people about the real costs of this food is succeeding, as a recent poll showed that 69% of Israelis perceive force-feeding of geese and ducks to be animal-abuse.

### PRELIMINARY ANNOUNCEMENT – CONFERENCE ON ANIMAL WELFARE PROSECUTIONS – Saturday, March 13, 2004 in Auckland

ARLAN and the Unitec School of Animal Health and Welfare are currently in the process of organising a Conference that will examine the Animal Welfare Act 1999. Topics and speakers are still being confirmed, but the general theme of the Conference is “a practical and visionary assessment of animal welfare law after the Animal Welfare Act 1999 (“the Act”)”. In particular, emphasis will be placed on the successes and failures of prosecutions and sentencing under the Act.

The Conference aims to provide practical advice to those involved in administering animal welfare law, while at the same time providing a forum in which the need for legislative reform can be examined. This will be achieved through a mix of structured presentations from people experienced in relevant fields, and more practical workshop sessions focussed on specific areas. Topics that are currently being considered are:

- The successes and shortcomings of sentencing under the Act in deterring animal cruelty;
- Solutions via new reforms to the Act: Legislative deficiencies and the biggest areas for reform;
- How to make a sentencing submission;
- Successful prosecutions – tips and tactics.

All those with an interest in animal welfare are invited to attend. We would welcome any suggestions as to topics that need addressing. More details will be made available as speakers and topics are confirmed, so watch this space! In the meantime, any queries or suggestions can be directed to Anna Cowperthwaite ([acowperthwaite@yahoo.com.au](mailto:acowperthwaite@yahoo.com.au)).

## Barks, Meows and Squawks

A collection of notable quotes on animals and the law.

"As to myself, I have no doubt in my heart that wild creatures as well as pets have emotions. They are endorsed with a soul that experiences the emotions of joy and sorrow, happiness and grief, love and fear. Some of them nurture special feelings towards their friend-enemy: man. Not everyone thinks so, but no one denies that even these creatures feel the pain caused to them by physical harm or by violent intrusion into their innards. True, whoever wishes so, may find, in the circumstances of this case, prima-facie justification, to the act of artificial force-feeding, which is mainly the need for exhaustion of the breeders' earning sources and the magnification of the gastronomic enjoyment of others; As a paraphrase on the writings, the justifier may say that human welfare should fly upwards, even at the cost of trouble to the birds. But this has a price – and the price is diminishing human dignity."

-Mr. Justice Eliezer Rivlin of the Israeli Supreme Court, concurring in the 11 August 2003 majority decision upholding a petition filed by Noah – The Israeli Association of Animal Protection Groups, which claimed that force-feeding geese contravenes a clause in Israel's animal protection laws. Here, Justice Rivlin eloquently described the basis for his opinion that the production of foie gras constitutes unreasonable cruelty to ducks and geese.

**"I'm not sure that an alternative can be found. If we can't, we don't know what to do."**

**-Yehuda Rotem, a spokesman for the Israeli Egg and Poultry Board, responding to a portion of the judgment that would allow the production of foie gras to continue, if an alternative to force-feeding as a method of swelling the liver could be found. Happily, the foie gras industry in Israel could face extinction when the ban comes into effect in 2005.**

# Animal Rights Legal Advocacy Network

Improving the law to improve the conditions of animals

**ARLAN** is an organization of New Zealand lawyers and law students established in 2001, working to improve the law as it affects animals. We need your help to make this a reality.

## How you can help?

- **Information** – By joining our e-mail chat group you can learn more about animal law issues in New Zealand. In turn, you can keep us posted about issues arising near you. E-mail: [contact@arlan.org.nz](mailto:contact@arlan.org.nz) to join in. Also, check out our web page: [www.arlan.org.nz](http://www.arlan.org.nz)
- **Become an Active Member of ARLAN** – ARLAN urgently needs dedicated lawyers and law students who care about the plight of animals to join our cause. We succeed only to the extent that we have supporting volunteers who are willing to help. There are a number of ways you can assist, and what we need most is your time and enthusiasm! Several projects are underway and require assistance:
  - the **ARLAN Newsletter** needs volunteers to assist in writing and production. We also require volunteers outside of Auckland to assist in distributing our newsletter. To help out contact: [newsletter@arlan.org.nz](mailto:newsletter@arlan.org.nz)
  - the **ARLAN Animal Cruelty Committee** needs volunteers to help us ensure that better animal cruelty prosecutions are undertaken where animals are deliberately hurt. This committee is still in the process of being established, but for more information, contact: [cruelty@arlan.org.nz](mailto:cruelty@arlan.org.nz)
  - the **ARLAN Legislative Review Committee** needs volunteers to assist in reviewing and making submissions on legislative initiatives at different levels of government. To help contact: [betterlaws@arlan.org.nz](mailto:betterlaws@arlan.org.nz)
  - support ARLAN and learn about Animal Law by attending sessions of the **ARLAN Seminar Series**. Watch out for notices in this newsletter.
- There are other ways to help!** If you're not sure what you wish to do, just send us an e-mail at any of the addresses listed above. We'll find a way for you to help!
- **Support ARLAN Financially** – ARLAN is a non-profit organization that exists through the generosity of its members and supporters. While we endeavour to keep costs low, several of our activities require some degree of financial support including the maintenance of our website, and distribution of this newsletter. Any amount you can give would be hugely appreciated. To make a financial contribution, contact: [contributions@arlan.org.nz](mailto:contributions@arlan.org.nz), or simply send a cheque made out to ARLAN to: ARLAN, PO Box 6065, Wellesley St., Auckland, New Zealand.