

Can Food Labelling Help Create More Sustainable Food Systems?

The Case of Free Range Labelling

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This is the script of one of the short talks given as part of the public forum, Can Food Labelling Help Create More Sustainable Food Systems? At University of Melbourne on Wednesday 27 September 2017. The forum was hosted by Richard Cornish and featured presentations by Dr Kate MacDonald on palm oil labelling, Dr Kate Johnston on sustainable seafood labelling and Katinka Day from Choice. For more information and a full recording of the panel and discussion please visit: <http://fvas.unimelb.edu.au/news-and-events/panel-recording-can-food-labelling-help-create-more-sustainable-food-systems>



No one visiting an Australian supermarket over the last few years could have failed to notice the great profusion and confusion of free range and higher welfare labels:

- Free range eggs – now represent 40% of the market.
- Free range chicken meat is 15-25% and 60% of chicken meat is RSPCA Approved.
- Only 5% of pork, ham and bacon products are free range but a whopping 70% are now sow stall free and labelled as such by Coles.

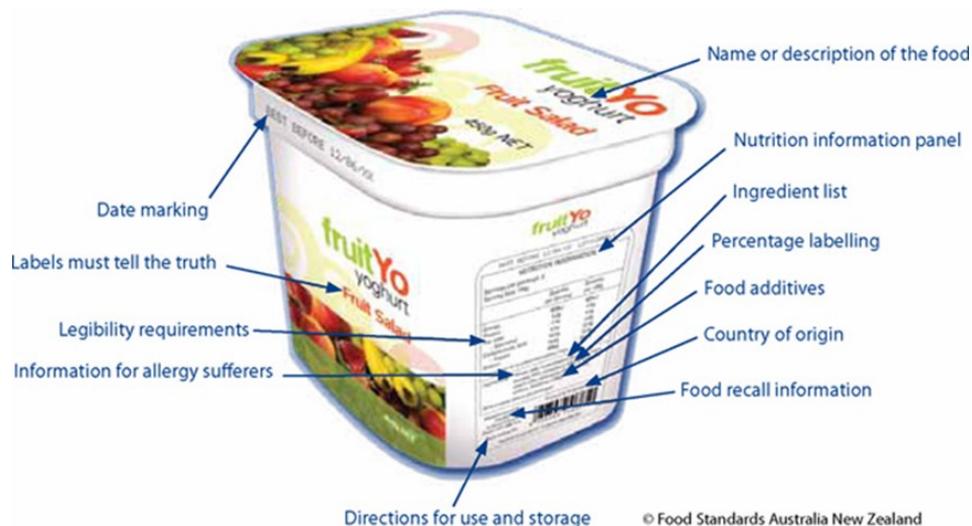
This profusion of labels has come about because our animal welfare laws still allow practices that cause significant suffering including:

- Caging of egg-laying hens;
- The confinement of breeder or mother pigs in sow stalls and farrowing crates; and,
- The crowding of meat chickens inside very large barns where they spend their whole short life of 5-7 weeks.

Many of us would like to be able to “vote” with our shopping trolley– and buy only eggs, pork and meat chicken that we can be assured meets a higher welfare standard (higher than the law).

We expect that labels will be able to inform us about what to buy. But in fact there is a confusing array of animal welfare related catch phrases and logo schemes in the market place – and little regulation of what any of them mean or how and when they can be used.

 THE UNIVERSITY OF MELBOURNE | **Labelling rules aimed mainly at food safety & enabling healthy choices**



By contrast, there are many rules aimed at making sure we can avoid foods that might be unsafe for us (for example because they contain allergens or are past their use by date) and helping us make healthy choices (eg nutrition information panel, ingredients and recently much debate over the health star rating system and whether to make it mandatory also).

The graphic above¹ shows all the things that must be on a food label according to law... And when you look at each individual element of the mandatory labelling requirements – there are lots of detailed requirements as to what they mean and what is and isn't allowed.

But there are some big issues that consumers are and should be concerned about that do not have to be put on the label – things like environmental sustainability, fair treatment of farmers and workers, and animal welfare.

These are issues that the government calls “consumer values” issues. Government policy and the law currently say that there is generally no need for mandatory rules in relation to consumer values issues on labelling.² Instead it's up to the market and individual businesses to decide what they want to put on their labels to attract consumers.

That means that when it comes to farm animals:

- There is no legal requirement to say anything about the conditions in which the animals were farmed, what production system or welfare conditions on the label.

And until recently there has been no legally enforceable definition of what terms like free range mean.



¹ Image from <https://www.aihw.gov.au/reports/food-nutrition/australia-s-food-and-nutrition-2012-in-brief/contents/in-brief> See also <http://www.foodstandards.gov.au/consumer/labelling/Pages/interactive-labelling-poster.aspx>

² See <http://foodregulation.gov.au/internet/fr/publishing.nsf/Content/foodsecretariat-stategic-statement>

So what does this mean if you want to send a message with your purchase that you think that hens, pigs and chickens should be given an opportunity to engage in natural behaviours such as dust or mud bathing, nesting and scratching and pecking.

It means that when you go to put something in your shopping trolley, there are a number of products all labelled “free range” or higher welfare that in fact vary quite significantly in how they operate and what those creatures’ lives have been like.

In relation to eggs for example, there is a spectrum of practices labelled free range from small-scale outdoors-based type systems– through to large scale, intense barn-based systems that offer animals only theoretical access to the outdoors.

They can all legally call themselves free range.

There is now a new legal definition for “free range” eggs³ but it has not changed this situation because:

- The definition is very minimal – it still allows barn-based, high intensity farming, does not differentiate small-scale outdoors based farming, and does not currently have sufficient mechanisms for monitoring or enforcement.
- Moreover it only applies to those who voluntarily choose to label their eggs as free range and it doesn’t require identification of the production system on the label (as is required in Europe).⁴

For pigs and meat chickens (and other animals) there are no legal definitions of higher welfare label terms.

- For meat chickens – “free range” can be almost meaningless since for most commercial suppliers the chickens are still housed in large barns and live for such a short time (only 5 or 6 weeks) that by the time they are old enough to go outside, nearly half their life is over and they are getting too big and unexercised to waddle outside.
- In relation to pigs – “sow stall free” can also be misleading as it still involves some time in a sow stall (to protect the pregnancy) and some weeks in a “farrowing crate” (not a sow stall) for suckling the piglets.

³ The new standard can be accessed here: <https://www.legislation.gov.au/Details/F2017L00474>

⁴ For more information on free range egg labelling, see Christine Parker and Josephine de Costa, “[Misleading the ethical consumer: the regulation of free-range egg labelling](#)” (2016) 39(3) *Melbourne University Law Review* 895.



This leaves a regulatory vacuum with lack of sufficient official government regulation of both the actual welfare of farmed animals on farm and lack of regulation of the definition of “free range” and other higher welfare claims.

Labelling has been left to the market. Therefore those with the most market power are also able to control welfare standards and labelling – namely in Australia the two major supermarkets.

Coles and Woolworths have both chosen to brand themselves as concerned about animal welfare (and good on them for that). They have therefore set their own standards for which products they will allow on their shelves and what label terms and certifications they will use – only cage free eggs, RSPCA Approved or free range chicken meat and sow stall free pork and ham.

However, Coles and Woolworths have an interest in low cost, high volume production and may only have limited opportunities to promote innovative and niche very high welfare products. So we need to be very wary of their higher welfare claims if we want to promote a diverse range of smaller scale, local, and sustainable producers.

For example, it was the supermarkets who first pushed the idea that 10,000 per hectare was the appropriate stocking density for free range eggs – now institutionalised in the free range information standard. This is better than the 20,000 proposed by many in the egg industry; but worse than the 1500 per hectare proposed by consumer groups, smaller scale farmers and animal advocates.



Currently higher animal welfare labelling does not help improve animals' lives and the food system very much because:

- The onus is very much on consumers and animal advocates to research and question what all the labels mean and to keep putting pressure on supermarkets and producers to improve – and that is exhausting. We need to set some better regulated baselines for animal welfare.

What should we do when shopping?

- In the supermarket – I suggest you look for products with bona fide certifications and then check out what the certification does and doesn't do and whether you agree with it. Choice has a great app – [the CluckAR app](#) – to help with free range egg choices. Watch out for fake logos.
- In addition it is often better to look beyond the label and seek direct access to high welfare, environmentally sensitive farms through [farmers' markets](#) and direct online access (eg [Farmhouse Direct](#), [Open Food Network](#)).
- Let's also remember to keep the pressure on governments to reform and improve our animal welfare laws so that the baseline improves for every animal – and we don't have to rely on the exhausted conscientious shopper to figure out this confusing system.