

WHAT'S IN A NAME?

FREE RANGE, BARN & CAGE EGGS

This factsheet is for general information purposes and is not legal advice. It provides a brief overview only of this area of the law. If you require legal advice relating to your particular circumstances you should contact the ADO or another solicitor.

There is considerable confusion about the definition of 'free range' when applied to eggs. 'Free range' suggests a 'backyard chook' scenario with more space than hens, and where the hens live out their lives on open pastures. Yet commercial 'free range' facilities can be crowded, providing hens with limited access to outside areas, trimming their beaks, and sending them off to slaughter once they stop producing a profitable quantity of eggs.

The purpose of this fact sheet is to explain the laws surrounding egg labelling in the ACT, to make clear what the labels imply, and to outline welfare concerns associated with the current labelling requirements.

EGG RETAIL DISPLAY LAWS

ACT residents have probably noticed signs on retail egg displays with descriptions about the conditions in which eggs are produced. Such descriptions are actually a legal requirement in the ACT. Under the *Egg Labelling and Sale Act 2001* (ACT) ('the Act'), **retail displays** of eggs must indicate whether they are 'cage eggs', 'barn eggs', or 'free-range eggs', with descriptions of the different types of production.[1] Failure to display eggs properly may result in a fine of up to \$37,500 for a corporation. The Act also requires **egg packages** to display the production category of the eggs.

These requirements apply only to retail displays, and not to eggs used in restaurants or food production facilities.



WHAT DO THE LABELS MEAN?

The three production categories are defined by the Act and the *Model Code of Practice for the Welfare of Animals: Domestic Poultry* ('the Code').[2]

So, what are these egg production categories?

CAGE EGGS

A **cage egg** is produced by hens kept in cages "without access to litter, perch or nest" [1]. For multiple-bird cages, the hens may have access to floor space no larger than 675cm square (i.e. an approximate A4-sized piece of paper) [2].

BARN EGGS

A **barn egg** is produced by hens kept permanently inside a barn or shed. The hens never go outside.[1] Inside the shed there can be up to 30kg of birds per square meter.[2] This can mean that up to six barn hens can be kept in no more than a square metre of space.

FREE RANGE EGGS

A **free-range** egg is produced by hens who have access to both an indoor shed and an outdoor range during the day.[3] The density of hens in free-range conditions can be as high as 10,000 birds per hectare, i.e. one bird per square meter, which is approximately the size of the top of a dishwasher. Hens may be denied outdoor access in a range of conditions, including inclement weather or other "exceptional circumstances" that may endanger the safety or health of the hens.[3]

MISLEADING CONSUMERS?

The *Australian Consumer Law (Free Range Egg Labelling) Information Standard 2017* ('the information standard') sets out the legal definition of 'free range egg'. [3] Given the extremely small amount of space for each layer hen under the legal definition of 'free range', the definition is arguably not in line with consumer assumptions about what 'free range' means. Moreover, the information standard is silent about other practices such as debeaking layer hens or macerating male chicks. 'Debeaking' is a painful practice where the bird's top beak is removed with a hot blade, laser or infrared technology to stop birds pecking at each other due to cramped conditions. Free-range hens can lawfully be debeaked (except in the ACT where this practice is banned). 'Macerating' is the lawful practice of blending or grinding up live day-old male chicks who are not wanted in the egg-industry because they can't grow up to lay eggs. Millions of male baby chickens are killed every year in Australia in this way.



A debeaked layer hen

The definition of 'free range' also applies to birds only while they are producing eggs at a profitable rate. Once the number of eggs reduces, free-range hens are usually transported and slaughtered in the same way as cage and barn hens.

Though the ACT has gone further than other jurisdictions by requiring shops to display the legal meanings of 'cage', 'barn' and 'free range', the definitions still leave consumers in the dark about exactly what they are purchasing, and fail to guarantee the welfare of the birds.

DISCLAIMER: While all care has been taken in preparing the information on this fact sheet, it is not a substitute for legal advice. For any specific questions we recommend you seek legal advice. The Animal Defenders Office accepts no responsibility for any loss or damage suffered by people relying on the information on this fact sheet.

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[1] *Eggs (Labelling and Sale) Act 2001* (ACT).

[2] Primary Industries Standing Committee 2002, *Model Code of Practice for the Welfare of Animals: Domestic Poultry*, 4th Edition, available from <http://www.publish.csiro.au/ebook/download/pdf/3451>

[3] *Australian Consumer Law (Free Range Egg Labelling) Information Standard 2017* (Cth), available from <https://www.legislation.gov.au/Details/F2017L00474>

[4] *Model Code of Practice for the Welfare of Animals. Livestock at Slaughtering Establishments*, Chapter 3 'Poultry', available at <http://www.publish.csiro.au/ebook/download/pdf/2975>.