

3 December 2003

**COMPASSION IN WORLD FARMING'S COURT CASE REGARDING
FACTORY FARMING OF BROILER CHICKENS**

SUMMARY OF MAIN POINTS OF COURT'S JUDGMENT

Earlier this year (2003) Compassion in World Farming (CIWF) brought a case in the High Court in London against the Department for Environment, Food & Rural Affairs (DEFRA). Our case took the form of Judicial Review (JR) proceedings in respect of the imposition of hunger on the broiler breeding flock (broilers are the chickens reared for their meat). JR is the process whereby the lawfulness of the Government's policies or actions can be challenged.

The broiler industry comprises two separate flocks: the breeding flock, whose role is to produce chicks, and the ordinary flock, who are slaughtered at around 6 weeks of age for their meat.

CIWF's case focused on the chronic hunger which arises from the use of restricted feeding regimes in the broiler breeding flock. We argued that under EU and UK law, the use of fast-growing broiler genotypes should be brought to an end as this leads to the use of restricted feeding regimes for broiler breeders and hence to chronic hunger.

EU law provides that animals must be given a sufficient quantity of food to maintain them in good health. In addition, UK law requires animals to be given sufficient food to promote a positive state of well-being. CIWF's legal argument was that restricted feeding regimes leading to chronic hunger in broiler breeders breach these laws.

CIWF submitted strong scientific evidence that broiler breeders subjected to restricted feeding regimes do indeed suffer from chronic hunger.

DEFRA argued that today's broilers have been bred to grow so quickly that if the breeders were not put on restricted rations their growth would be so fast that many would suffer from leg, heart and other health problems. It is for this reason that the industry uses restricted feeding regimes for the breeders.

DEFRA argued that under the law they are entitled to strike a balance between competing considerations: they argued that a balance must be found between hunger on the one hand and restricting the birds' feed so that they do not suffer from serious health problems on the other hand.

CIWF argued that it is not necessary to find such a balance. Scientific research clearly shows that chickens can be given sufficient to eat to prevent hunger without being at risk of health problems **provided that slow-growing breeds are used.**

In his Judgment, the Judge said that he accepts that but for intensive farming there would be no need to restrict the feeding of chickens in the manner currently practised (Para. 61 of the Judgment) but that intensive farming in connection with chickens is not in itself unlawful (Para. 58).

The Judge took the view that it was reasonable to strike a balance between restricted feeding regimes and the hunger associated with them on the one hand and the health problems that would otherwise be suffered by broiler breeders on the other hand. He did not accept CIWF's argument that the proper and lawful approach was not to try and strike this balance but instead to use slower-growing breeds who can be fed sufficient food to prevent hunger, while not being at risk of health problems (Para. 63).

The Judge concluded that it is not imperative that slow-growing genotypes should be used as he took the view that on the evidence a balance can be achieved in the competing considerations of animal welfare arising in the use of restricted feeding regimes (Para. 63).

The Judge concluded that the evidence that broiler breeders are sufficiently hungry to compromise their well-being is lacking (Para. 62).

The Judge, Mr Justice Newman, made some extremely sympathetic remarks about CIWF's case when considering CIWF's application that we should not have to pay all or any of DEFRA's costs (normally, when one loses a Judicial Review case, one has to pay all of the winner's legal costs).

The Judge said that CIWF's pursuit of its case about restricted feeding was a legitimate and responsible approach. He added that CIWF's action failed, but it served to highlight an important aspect of the standards of humanity in a civilised society.

The Judge went on to say that he was sufficiently impressed by CIWF's action in bringing the case to the Court and by the issues to make a measure of departure, exceptionally, from the usual order (i.e. that CIWF would have to pay the whole of DEFRA's costs). The Judge ordered CIWF to pay only two-thirds of DEFRA's costs, which is extremely unusual and, in my view, reflects the fact that the Judge recognised the seriousness of the issues raised by CIWF.

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