



April 2, 2015

Via Registered Mail and Fax

Competition Bureau of Canada
Place du Portage I
50 Victoria Street, Room C-114
Gatineau QC K1A 0C9
Fax: (819) 997-0324

Canadian Food Inspection Agency
Consumer Protection and Market Fairness Division
38 Auriga Drive Unit 8
Ottawa ON K2E 8A5
Fax: (613) 773-8672

To Whom It May Concern:

Re: Maple Lodge Farms' False and Misleading Advertising Claims Contrary to the *Food and Drugs Act*, the *Consumer Packaging and Labelling Act*, and the *Competition Act*

I am writing on behalf of Animal Justice Canada Legislative Fund, a national non-profit organization, to file a complaint in respect of Maple Lodge Farms' numerous false and misleading claims, which are in ongoing violation of three federal statutes designed to protect consumers and ensure the proper functioning of a competitive marketplace.

Maple Lodge Farms (hereafter "Maple Lodge") operates the largest chicken slaughtering and processing facility in Canada, slaughtering an estimated half a million chickens each working day.¹ The company was recently exposed by the award-winning investigative journalism program *W5* on CTV for a pattern of abusing and neglecting chickens in its slaughter factory.² This exposé followed convictions for 20 animal cruelty charges in 2013, for which Maple Lodge is

¹ Canadian Coalition for Farm Animals, "Economics Over Animal Welfare: Production, Transport and Slaughter of Chickens in Canada," online at: <http://www.humanefood.ca/pdf%20links/Maple%20Lodge%20Farm%20report.pdf>.

² CTV *W5*, "For the Birds," March 28, 2014, online at: <http://www.ctvnews.ca/video?clipId=579878>.

currently on probation.³ Since its convictions it has been issued at least 14 additional fines for animal cruelty violations.⁴

Through written claims and visual depictions, Maple Lodge positions itself as a family company deeply committed to the respectful, humane treatment of chickens. These claims deceive consumers, who increasingly make purchasing decisions guided by ethical considerations.⁵ These claims also prevent the functioning of a competitive marketplace, by unfairly allowing Maple Lodge to undercut vegetarian meat companies and higher welfare farms, which many consumers select out of ethical concerns for animals.

This complaint describes how Maple Lodge is engaged in false and misleading advertising and labelling contrary to:

- The *Food and Drugs Act*,⁶ which is administered by the Canadian Food Inspection Agency as it relates to food;
- The *Consumer Packaging and Labelling Act*,⁷ which is administered by the Canadian Food Inspection Agency as it relates to food; and
- The *Competition Act*,⁸ which is administered by the Competition Bureau.

We are confident that your offices will enforce the laws as enacted to protect Canadian consumers who are being misled by Maple Lodge's deceptive marketing practices, and to ensure the functioning of a fair and efficient marketplace.

THE INHUMANE TREATMENT OF MAPLE LODGE CHICKENS

On March 28, 2015, CTV's award-winning investigative journalism program *W5* aired an exposé revealing disturbing treatment of chickens at Maple Lodge. Poultry

³ *R. v. Maple Lodge Farms*, 2013 ONCJ 535.

⁴ Canadian Food Inspection Agency, "Administrative Monetary Penalties (AMPs)," online at: <http://www.inspection.gc.ca/about-the-cfia/accountability/compliance-and-enforcement/amps/eng/1324319195211/1324319534243>.

⁵ Statistics Canada, "Ethical Consumption," online at: <http://www.statcan.gc.ca/pub/11-008-x/2011001/article/11399-eng.htm#a3>; Juliet Memery et al., (2005) "Ethical and social responsibility issues in grocery shopping: a preliminary typology", *Qualitative Market Research: An International Journal*, Vol. 8 Iss: 4, pp. 399 – 412.

⁶ R.S.C., 1985, c. F-27.

⁷ R.S.C., 1985, c. C-38.

⁸ R.S.C., 1985, c. C-34.

expert Ian Duncan stated that the abuse was so bad that Maple Lodge should “possibly lose their licence to be processing birds.”⁹

The footage was obtained from Mercy For Animals Canada, which released its own website containing footage and expert commentary condemning the abuse.¹⁰

According to the *W5* reporter, Tom Kennedy, “The Maple Lodge Farms website states that it treats the birds humanely and with respect. But the undercover video shot by Mercy for Animals Canada does show things that many viewers probably would find difficult to watch.”¹¹

Canadians reacted to the footage with shock and horror, demonstrating that the public was unaware that such practices and conditions were being perpetuated by Maple Lodge.¹² An online petition calling on Maple Lodge to “stop torturing animals” garnered almost 80,000 signatures within days of the footage being made public.¹³ This reaction is the inevitable result of deceptive and misleading marketing practices.

Publicly available footage¹⁴ reveals the following pattern of inhumane practices and conditions at Maple lodge:

- Crates of live animals being thrown and dropped with such force that they sometimes bounce, contrary to federal handling policy.¹⁵
- Animals who had frozen to death after apparent exposure to freezing weather, contrary to federal law.¹⁶

⁹ *W5*, “For the Birds,” March 28, 2015.

¹⁰ Mercy For Animals, www.maplelodgeharms.ca.

¹¹ Tom Kennedy, “Hidden camera investigation reveals chicken slaughterhouse practices,” *CTV W5*, March 27, 2015, online at: <http://www.ctvnews.ca/w5/hidden-camera-investigation-reveals-chicken-slaughterhouse-practices-1.2299278>.

¹² Hundreds of comments on social media (YouTube, Facebook, Twitter) and online traditional media were strong: e.g. Kari Monteiro: “absolutely disgusted by your company and employees. I hope you’re shut down and prosecuted”; Roma E.: “My family and I won’t be buying Maple Lodge Farms products again. Shame.”

¹³ Mercy For Animals, “Tell Maple Lodge Farms to Stop Torturing Animals,” online at: <https://www.change.org/p/maple-lodge-farms-stop-torturing-animals>.

¹⁴ Mercy For Animals, www.maplelodgeharms.ca.

¹⁵ Canadian Food Inspection Agency, “Meat Hygiene Manual of Procedures,” s. 12.12.1

¹⁶ *Health of Animals Regulations*, CRC, c 296, s. 143(1)(d).

- Animals rapidly being shackled upside down while they struggle in distress—a method of slaughter that has been called “inhumane” by experts.¹⁷
- Sick and injured birds being hung upside down for slaughter, on management’s instruction, contrary to federal handling policy.¹⁸
- Chickens left in transport crates being scalded in industrial washing machines, contrary to federal handling policy.¹⁹
- Animals being hung by one leg—causing fear and pain, and creating a risk that they will be improperly stunned and/or have wings or other body parts cut by the automatic knife—contrary to federal handling policy.²⁰

Animal welfare experts who viewed the footage called Maple Lodge’s treatment of chickens “unconscionable,” “inexcusable,” and “abhorrent.”²¹

Law and policy violations aside, chickens at Maple Lodge are killed by being shackled upside down, being dragged through an electrified water bath that is supposed to render them unconscious but is not always effective, and having their throats slit by an automated cutter. Shackling is inherently cruel, causing fear and pain. Some animals are improperly stunned and/or miss having their necks sliced, leaving them to be scalded alive in a defeathering tank.²²

¹⁷ Sara Shields, Ph.D. and Mohan Raj, Ph.D. “An HSUS Report: The Welfare of Birds at Slaughter,” online at: http://www.fao.org/fileadmin/user_upload/animalwelfare/HSUS--The%20Welfare%20of%20Birds%20at%20Slaughter.pdf. See also: William Neuman, “New Way to Help Chickens Cross to Other Side, *New York Times*, October 21, 2010.

¹⁸ Canadian Food Inspection Agency, “Meat Hygiene Manual of Procedures,” s. 12.12.4 (“Birds with obviously broken and/or dislocated legs must be humanely euthanized.”)

¹⁹ Canadian Food Inspection Agency, “Meat Hygiene Manual of Procedures,” s. 12.12.2 (“it is **unacceptable** for live birds to go through the crate washer.” [Emphasis in original]).

²⁰ Canadian Food Inspection Agency, “Meat Hygiene Manual of Procedures,” s. 12.12.4 (“Birds shackled by one leg are stressed, are often inadequately stunned, and can have wings or other body parts cut by the automatic knife.”)

²¹ Mercy For Animals, www.maplelodgeharm.ca.

²² Sara Shields, Ph.D. and Mohan Raj, Ph.D. “An HSUS Report: The Welfare of Birds at Slaughter,” online at: http://www.fao.org/fileadmin/user_upload/animalwelfare/HSUS--The%20Welfare%20of%20Birds%20at%20Slaughter.pdf.

This process, electric immobilization, has been replaced by less distressing killing methods in some jurisdictions.²³ In light of the electric immobilization's inherent cruelties and the fact that it has been condemned by some poultry scientists, it cannot reasonably be considered "humane."

Taken together, the evidence paints a disturbing picture of the ongoing pattern of inhumane treatment of chickens under the care of Maple Lodge Farms, some of which appears to run afoul of animal welfare laws. This treatment has inspired strong reactions of condemnation from both consumers and animal welfare experts.

MAPLE LODGE'S FALSE AND MISLEADING CLAIMS

Polls show that 71 percent of Canadians are concerned about the humane treatment of animals raised for food, and 72 percent are willing to pay more for meat that is held to humane standards of care.²⁴ As such, companies like Maple Lodge have a clear economic incentive to represent that they are treating animals humanely, whether or not such representations are in fact true.

Under the section heading "HUMANE HANDLING" on its website, Maple Lodge states: "Maple Lodge Farms fully subscribes to respectful, humane treatment of Chickens." Maple Lodge further claims that "[t]he welfare of the chickens we process is paramount for us,"²⁵ and that it has a "commitment to the respectful and humane treatment of chickens."²⁶

Under a section on "Animal Welfare" on its website, the company claims that it is "committed to the respectful, humane treatment of chickens during all phases of rearing, transportation and slaughter. Treating the birds humanely that we rely on for our livelihood is a priority and is a moral responsibility that we take seriously."²⁷

²³ Nicholas Kristof, "To Kill a Chicken," *New York Times*, March 14, 2015, online at: <http://www.nytimes.com/2015/03/15/opinion/sunday/nicholas-kristof-to-kill-a-chicken.html>.

²⁴ Shannon Moneo, "Conventional or Free Range?" *Farm Living* January 13, 2011. Available online at: http://www.chickenout.ca/2011news/wp_article.pdf

²⁵ Maple Lodge Farms, "From the Farm to Your Table," online at: <http://www.maplelodgefarms.com/about-us/farm-to-table/>.

²⁶ Maple Lodge Farms, "From the Farm to Your Table," online at: <http://www.maplelodgefarms.com/about-us/farm-to-table/>.

²⁷ Maple Lodge Farms, "Animal Welfare," online at: <http://www.maplelodgefarms.com/about-us/animal-welfare/>.

Maple Lodge also claims to have a “zero tolerance policy” for violations of its “humane care policies.”²⁸

Following the release of the footage, Maple Lodge publicly stated “We want to assure you that the humane treatment of the birds in our care is a very high priority, and a moral responsibility, that we take seriously.” Maple Lodge also stated “Our commitment to providing the best possible care for our birds is absolutely unwavering.”²⁹

Maple Lodge also claims not only to comply with industry guidelines, but implies that the application and enforcement of these guidelines are more stringent than is actually the case. For example, the company states:

Maple Lodge Farms **strictly** adheres to the Codes of Practice for the Care and Handling of Poultry, a series of **strict** industry guidelines developed by a review committee made up of representatives from farm groups, animal welfare groups, veterinarians, animal scientists, federal and provincial governments, related agricultural sectors and interested individuals.³⁰
[Emphasis added.]

Maple Lodge further states that, “All Maple Lodge Farms’ employees, as well as our partners, are required to adhere to the Codes of Practice for the Care and Handling of Poultry, a series of **stringent** industry guidelines.”³¹ (Emphasis added.)

These guidelines are voluntary, rather than being “strict” rules developed by both levels of government, which connotes legal authority. Moreover, the company is in ongoing, stark violation of numerous provisions of the Code of Practice, contrary to its assertion that it “strictly adheres” to them.

For example, the Code of Practice contains the following sections:

Section 5.1.1: Owners and operators of poultry operations have a responsibility to provide facilities and equipment to make bird handling, loading and unloading possible without causing unnecessary injury or suffering to the birds.

²⁸ Maple Lodge Farms, “Animal Welfare,” online at:

<http://www.maplelodgefarms.com/about-us/animal-welfare/>.

²⁹ Maple Lodge Farms, “Company Statement,” March 28, 2015, online at:

http://www.maplelodgefarms.com/files/pages/en_content2_pdf_1427589923_Company_Statement_regarding_unauthorized_video.pdf

³⁰ Maple Lodge Farms, “From the Farm to Your Table,” online at:

<http://www.maplelodgefarms.com/about-us/farm-to-table/>.

³¹ Maple Lodge Farms, “Animal Welfare,” online at:

<http://www.maplelodgefarms.com/about-us/animal-welfare/>.

Section 6.1.1 Adequately trained personnel should be available to receive and monitor live birds.

Section 6.1.2: Ideally, crates with live birds should be moved in a horizontal position. [...] Loaded crates must not be thrown or dropped. They should be moved smoothly during loading, transport, and unloading.

Section 6.1.3 All birds should be removed from the transporting crates, modules, dolly carts or liner trucks with all possible care to avoid injury. The birds should not be lifted by the head, neck, or wings.

Section 6.2.1 In preparation for slaughter and during slaughter, birds should not be subjected to any unnecessary suffering and should be hung carefully to avoid injury.

The evidence clearly establishes that Maple Lodge is regularly violating each of these provisions, contrary to its assertions that it “strictly adheres” to them.

The Code of Practice also contains several provisions relating to the humane transportation of animals. In 2013, Justice Kastner of the Ontario Court of Justice found that Maple Lodge was not in compliance with any of the relevant Codes of Practice in finding the company guilty of animal welfare violations.³² Moreover, before and since its convictions, Maple Lodge has been assessed fines for violating federal animal transport law. In the first nine months of 2014—the year following its conviction—it was fined for *14 separate infractions*, significantly more than any other company in Canada.³³ The fourth quarter fines have not yet been released.

The imagery on Maple Lodge Farms branded products as well as its website further misleads consumers:³⁴



³² *R. v. Maple Lodge Farms*, 2013 ONCJ 535.

³³ Canadian Food Inspection Agency, “Administrative Monetary Penalties (AMPs),” online at: <http://www.inspection.gc.ca/about-the-cfia/accountability/compliance-and-enforcement/amps/eng/1324319195211/1324319534243>.

³⁴ See generally www.MapleLodgeFarms.com.

This bucolic scene evokes an idyllic, peaceful family farm, an image which Maple Lodge Farms reinforces with numerous visual and written references to its “family farming roots.”³⁵ In reality, Maple Lodge Farms does not even operate any farms—it only owns hatchery and slaughter/processing facilities.³⁶ In fact, it operates the largest poultry slaughter plant in the country, slaughtering approximately half a million animals every working day.³⁷ The chickens it processes are raised strictly indoors,³⁸ never seeing grass, sunlight, or open spaces in which to roam as depicted in the image. Their violent, abusive slaughter is anything but bucolic.

The farmer on the image is carrying baskets of eggs, which chickens raised for meat do not lay. “Broiler,” or meat, chickens are bred to grow so large, so quickly that they are slaughtered when they are just weeks old; their freakish growth rates ensure they are not even physiologically capable of surviving to reproductive age without being kept in a state of near-starvation.³⁹

In sum, Maple Lodge is making numerous false and misleading claims about its “respectful and humane” treatment of chickens. It also claims to comply with industry codes of practice, which it is not doing, and further suggests that these codes of practice are more authoritative than they in fact are. Finally, Maple Lodge uses false and misleading imagery to placate consumers into believing that its operations are something other than what they are—something that will induce consumers to purchase their product over competitors’.

³⁵ See e.g. Maple Lodge Farms, “Vision, Mission & Values,” online at <http://www.maplelodgefarms.com/about-us/vision-mission-values/>; “History,” online at <http://www.maplelodgefarms.com/about-us/history/>; “Community Involvement,” online at: <http://www.maplelodgefarms.com/in-the-community/>; and “Business Development,” online at: <http://www.maplelodgefarms.com/about-us/business-development/>.

³⁶ Maple Lodge Farms, “From the Farm to Your Table,” online at: <http://www.maplelodgefarms.com/about-us/farm-to-table/>.

³⁷ Canadian Coalition for Farm Animals, “Economics Over Animal Welfare: Production, Transport and Slaughter of Chickens in Canada,” online at: <http://www.humanefood.ca/pdf%20links/Maple%20Lodge%20Farm%20report.pdf>.

³⁸ Maple Lodge Farms, “From the Farm to Your Table,” online at: <http://www.maplelodgefarms.com/about-us/farm-to-table/>.

³⁹ Harish Sethu, “The forgotten mothers of the chickens we eat,” April 30, 2014, *Counting Animals*, online at: <http://www.countinganimals.com/the-forgotten-mothers-of-chickens-we-eat/>.

THE CONTRAVENED LAWS

Section 5 of the *Food and Drugs Act* prohibits labelling or advertising food in a manner that is “false, misleading or deceptive or is likely to create an erroneous impression regarding its character...”. This is a strict liability offence; that is, if the prohibited act has been performed, the offence is established, absent the defendant’s proving due diligence.⁴⁰

Recently, the Canadian Food Inspection Agency prevented Field Roast, the enormously popular vegetarian meat company favoured by celebrity chefs,⁴¹ from selling its products in Canada, citing minor labelling violations under the *Food and Drugs Regulations*.⁴² If these labelling requirements are used to prevent the sale of non-compliant vegetarian meat products, they should equally be applied to competing animal-based meat products, particularly when the latter’s violations are of a more material and deceptive nature.

Section 7 of the *Consumer Packaging and Labelling Act* prohibits labelling or advertising any prepackaged product containing any false or misleading representation.⁴³ “False or misleading representation” includes any description or illustration of the origin or method of production of a prepackaged product “that may reasonably be regarded as likely to deceive a consumer”.⁴⁴

According to the Competition Bureau, a main purpose of the *Consumer Packaging and Labelling Act* is “to help consumers make informed purchasing decisions.”⁴⁵ Consumers who do not want to finance animal suffering with their purchases cannot make informed purchasing decisions when a company grossly misrepresents the conditions under which animals under its care are raised and killed.

Section 52 of the *Competition Act* prohibits “knowingly or recklessly make a representation to the public that is false or misleading in a material respect” in the

⁴⁰ R.S.C., 1985, c. F-27, s. 31.1. See also: *R. v. Rube*, 1991 CanLII 517 (BCCA).

⁴¹ Tal Ronnen, (2009) “The Conscious Cook: Delicious Meatless Recipes That Will Change the Way You Eat,” Harper Collins.

⁴² Jesara Sinclair, “Field Roast’s fake meat has to be tested on real animals,” September 30, 2014, *CBC News*, online at: <http://www.cbc.ca/news/canada/british-columbia/field-roast-s-fake-meat-has-to-be-tested-on-real-animals-1.2781491>.

⁴³ R.S.C., 1985, c. C-38, s. 7.

⁴⁴ R.S.C., 1985, c. C-38, s. 7(2)(c).

⁴⁵ Competition Bureau, “Our Legislation,” online at: http://www.competitionbureau.gc.ca/eic/site/cb-bc.nsf/eng/h_00148.html#packaging

course of promoting, directly or indirectly, a product.⁴⁶ It is not necessary to prove that any person has in fact been deceived or misled.⁴⁷ Representations that are on or near an item for sale, or are in any way transmitted or made available to the public (such as on a website) are expressly included in the Act.⁴⁸

In determining whether a representation is false or misleading in a material respect, the general impression as well as the literal meaning must be considered.⁴⁹ A representation is material if it is sufficiently essential that it could affect the decision to purchase.⁵⁰ To put it another way, a representation is material if it conveys a false or misleading impression to an average consumer who would “likely be influenced by that impression in deciding whether or not he would purchase the product being offered.”⁵¹

One large study found that amongst consumers who had reduced or eliminated their consumption of animal products, 66 percent were motivated to do so for animal welfare reasons.⁵² If consumers had more accurate information about the truth of Maple Lodge’s disturbing treatment of animals, it is reasonable to assume based on this data—as well as common sense—that a significant proportion of the population would not purchase, or would purchase fewer, Maple Lodge products.

One of the four stated goals of the *Competition Act* is to “ensure that small and medium-sized enterprises have an equitable opportunity to participate in the Canadian economy.”⁵³

Vegetarian packaged foods are a growing market;⁵⁴ one study found that the number of new vegetarian food and drink products doubled between 2009 and

⁴⁶ R.S.C., 1985, c. C-34, s. 52.

⁴⁷ R.S.C., 1985, c. C-34, s. 52(1.1)

⁴⁸ R.S.C., 1985, c. C-34, s. 52(2).

⁴⁹ *Competition Act*, R.S.C., 1985, c. C-34, s. 52(4).

⁵⁰ *R. v. Stucky*, 2006 CanLII 41523.

⁵¹ See e.g. *R. v. Kenitex Canada Ltd.* (1980), 51 C.P.R. (2d) 103 at 107 (Ont. Co. Ct.) rev’d in part on other grounds, sub nom *R. v. Fell* (1981), 1981 CanLII 1949 (ON CA), 34 O.R. (2d) 665 (C.A.); see also *Bell Mobility Inc. v. Telus Communications Company*, 2006 BCCA 578.

⁵² Humane League Labs, “Report: Large-Scale Survey of Vegans, Vegetarians, and Meat Reducers,” April 7, 2014, online at: <https://humaneleaguelabs.wordpress.com/2014/04/07/report-large-scale-survey-of-vegans-vegetarians-and-meat-reducers/>.

⁵³ Competition Bureau, “Our Legislation,” online at: http://www.competitionbureau.gc.ca/eic/site/cb-bc.nsf/eng/h_00148.html.

⁵⁴ See e.g. Tess Riley, “From vegan beef to fishless filets: meat substitutes are on the rise,” October 15, 2014, *The Guardian*, online at: <http://www.theguardian.com/sustainable-business/food->

2013 worldwide.⁵⁵ The emerging vegetarian meat alternative industry has also attracted investments from billionaire visionaries like Li Ka-shing and Bill Gates.⁵⁶ The principles underlying the *Competition Act* dictate that this increasingly important industry be able to fairly compete in an open marketplace.

Yves, Gardein, Sol Cuisine, and Tofurky are examples of companies that sell vegetarian meat products that are favoured by Canadian consumers who do not support animal cruelty. For example, Tofurky bills its products in part as “compassionate,”⁵⁷ and Sol Cuisine has publicly cited the animal welfare concerns associated with meat products.⁵⁸

Gardein’s offices and manufacturing plant are based in Vancouver, BC, and it employs 250 people.⁵⁹ Among its soy- and wheat-based product lines are a “chick’n” line with eight types of products including scallopini, filets, and strips, and a “turk’y” line that includes cutlets and roasts.⁶⁰ It also produces vegetarian products for other companies, including the popular President’s Choice Blue Menu line of vegetarian chicken alternatives.⁶¹

However, the relative expense of vegetarian meat alternatives creates a barrier to consumers who would prefer to purchase them instead of their animal-based counterparts,⁶² a barrier which is at best exacerbated and at worst created by Maple Lodge’s deceptive marketing practices.

blog/2014/oct/15/vegan-vegetarian-diet-beef-fishless-filets-meat-substitutes-rise; see also Sol Cuisine, “FAQ,” online at: <http://solcuisine.com/faq>. (“our company has grown by an average 20% per year for the last two years and over 10% per year for the last decade.”)

⁵⁵ Mintel, “Number of Vegetarian Food and Drink Product Launches Doubles Between 2009 and 2013,” online at: <http://www.mintel.com/press-centre/food-and-drink/number-of-global-vegetarian-food-and-drink-product-launches-doubles-between-2009-and-2013>.

⁵⁶ Anna Pippus, “Canadians Are Eating Less Meat. Here’s Why.” March 17, 2015, *The Dodo*, online at: https://www.thedodo.com/community/Anna_Pippus/meat-consumption-on-the-decline-in-canada-1046927093.html.

⁵⁷ Tofurky Homepage, online at <http://tofurky.com/>.

⁵⁸ Sol Cuisine, “Sol Cuisine Sponsors 10,000 Tastes, 10,000 Billion Reasons,” online at: <http://solcuisine.com/sol-cuisinews-list>.

⁵⁹ Colleen Holland, “Vegan Meat Brand Acquired by Birds Eye Parent Company,” November 18, 2014, *VegNews*.

⁶⁰ Gardein, “Products,” online at: <http://gardein.com/products/>

⁶¹ See e.g. President’s Choice, PC Blue Menu Vegetarian Scallopine, online at: http://www.presidentschoice.ca/en_CA/products/productlisting/pc_blue_menu_vegetarian_scallopineprod1340009.html

⁶² See e.g. Tara Parker-Pope, “The Challenge of Going Vegan,” April 16, 2012, *New York Times*.

The vegetarian meat industry is clearly being embraced by consumers, but it cannot fairly compete with established companies that gain a competitive advantage by misleading consumers about their troubling production practices. It is anti-competitive for Maple Lodge to claim that it treats animals in a respectful, humane manner when it keeps costs low by compromising animal welfare. Maple Lodge's claims will induce consumers to purchase their products over competitors' relatively higher priced vegetarian meat alternatives.

Small-scale farmers that do adhere to higher welfare standards are also harmed by Maple Lodge's misleading advertising. For example, Urban Digs farm raises livestock on a small-scale farm and sells to consumers concerned with animal welfare. In a recent interview, the proprietor of Urban Digs dryly remarked that its labelling is the same as A&W's. She advised consumers to "do their own research and ask plenty of questions" if they want to understand what marketing claims mean⁶³—an unrealistic burden that should not be the consumers' responsibility. Instead, Maple Lodge should comply with the provisions of the *Competition Act* that exist to protect consumers and competitors from this very burden.

Maple Lodge Farms products are sold across the country, making their misleading advertising practices a matter of national concern. Nevertheless, provincial consumer protection legislation is also applicable, and as such, all relevant provincial consumer protection bodies are also being sent a copy of this complaint.

CONCLUSION

Maple Lodge's disturbing treatment of chickens has inspired national outcry and disgust. Clearly, consumers are surprised by what they have witnessed on extensive hidden camera footage. This surprise is a direct result of Maple Lodge Farms' deceptive and misleading marketing claims, which have blatantly duped consumers into believing that their purchases are not financing egregious animal suffering.

Moreover, the company's hidden animal handling practices keep costs low at the expense of animal welfare. This allows Maple Lodge to unfairly undercut legally compliant vegetarian meat alternative companies which cannot compete with companies engaged in deceptive advertising practices that directly relate to the qualitative differences between their respective products (i.e. the harm—or not—of animals).

⁶³ Glenda Luymes, "Where is your meat coming from? British Columbians increasingly demand to know," March 25, 2015, *The Province*, online at: <http://www.theprovince.com/life/Animal+welfare+British+Columbians+increasingly+insistent+knowing+where+their+meat+comes+from/10919360/story.html>.

Thank you for your attention to this important matter of national concern. Our office is available to assist your enforcement efforts in any way.

Yours truly,



Anna Pippus, J.D.
Director of Farmed Animal Advocacy
Animal Justice Canada Legislative Fund

CC:

Service Alberta
Investigation Services - North
3rd Floor, Commerce Place
10155 - 102 Street
Edmonton AB T5J 4L4
Fax: (780) 422-9106

Consumer Protection BC
PO Box 9244
Victoria BC V8W 9J2
Fax: (250) 920-7181

Consumer Protection Office
302-258 Portage Avenue
Winnipeg, Manitoba R3C 0B6
Fax: (204) 945-0728

Justice and Consumer Affairs
Chancery Place
P. O. Box 6000
Fredericton, NB E3B 5H1
Fax: (506) 453-3651

Consumer Affairs
P.O. Box 8700
St. John's, NL A1B 4J6
Fax: (709) 729-6998

Service Nova Scotia
PO Box 2734
Halifax, Nova Scotia B3J 3K5
Fax: (902) 424-0720

Ministry of Government and Consumer Services
Consumer Protection Branch
Box 450
1201 Wilson Ave Building A
North York ON M3M 1J8
Fax: (416) 326-8665

Consumer Services
Department of Environment, Labour and Justice
P. O. Box 2000
Charlottetown, PE C1A 7N8
Fax: (902) 368-5283

Office de la protection du consommateur
100, rue Laviolette, rez-de-chaussée, bur. 11
Trois-Rivières, Québec G9A 5S9
Fax: (819) 371-6755

Financial and Consumer Affairs Authority of Saskatchewan (FCAA)
Suite 500, 1919 Saskatchewan Dr.
Regina, SK S4P 4H2
Fax: (306) 787-9779