



June 6, 2017

BY FAX

Canadian Food Inspection Agency, South West Ontario Regional Office
Fax: 519-691-1314

Ontario Society for the Prevention of Cruelty to Animals, Provincial Office
Fax: 905-853-8643

To Whom It May Concern:

Re: Unlawful transport of turkeys to Sofina Foods Inc.

I am writing on behalf of Animal Justice, a national non-profit organization with special expertise in animal protection law, including laws that protect farmed animals. I am also writing on behalf of Ontario resident Abby McCuaig, who witnessed and documented violations of both federal and provincial animal protection laws outside of Sofina Foods Inc. at 147 John Street in Dublin, Ontario.

On March 27, 2017, Ms. McCuaig documented in picture and video a badly injured turkey on a transport truck outside of Sofina Foods Inc. The turkey had suffered trauma to her or her chest and foot and was bleeding from both locations. (See Appendix 1.)

Section 138(2)(a) of the *Health of Animals Regulations*, C.R.C.,c 296, prohibits the transport of animals "that by reason of infirmity, illness, injury, fatigue, or any other cause cannot be transported without undue suffering during the expected journey".

The Federal Court of Appeal has also recognized that "it is not necessary for an animal to be suffering at the time and place of its being loaded for transportation for a violation of paragraph 138(2)(a) of the Regulations to be committed."¹ Thus, whether the turkey was injured prior to or during transport is irrelevant to establishing a violation of section 138(2)(a) of the Regulations.

Section 143(1) of the Regulations further prohibits transporting animals in crates or other conditions in which injury is likely to be caused.

¹ *Doyon v Canada (Attorney General)*, 2009 FCA 152.

Importantly, every individual animal is entitled to be free from undue suffering. The number of animals suffering or the duration of suffering is not relevant; it is sufficient for conviction if only *one* animal has suffered unduly during transport.²

Section 2 of the *Standards of Care*, O Reg 60/09 passed pursuant to *Ontario Society for the Prevention of Cruelty to Animals Act*, RSO 1990, c O.36 sets out the “Basic standards of care for all animals”, which include:

Every animal must be provided with adequate and appropriate medical attention.³

Every animal must be provided with the care necessary for its general welfare.⁴

Every animal must be transported in a manner that ensures its physical safety and general welfare.⁵

If the turkey was injured prior to transport, then he or she was not “provided with adequate and appropriate medical attention” or “the care necessary for its general welfare,” as the animal is documented with gaping and bloody wounds on the transport truck. If the turkey was injured during transport, then he or she was not transported in a manner that “ensure[d] its physical safety and general welfare.”

Given the conclusive evidence of injury and suffering documented by Ms. McCuaig, we urge those tasked with enforcing laws for the benefit of animals to take all means to ensure justice and deter future incidents of abuse and neglect.

Yours truly,



Anna Pippus
Director of Farmed Animal Advocacy
Animal Justice
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² *E. Grof Livestock Ltd v Canada (Canadian Food Inspection Agency)*, 2014 CART 11 at para 69.

³ Section 2(2).

⁴ Section 2(3).

⁵ Section 2(4).

Appendix 1

