



ANIMAL JUSTICE
C A N A D A

July 21, 2023

Alberta SPCA - Head Office
17904 118 Ave NW
Edmonton, Alberta
T5S 2W3
Email: info@albertaspca.org

Canadian Food Inspection Agency (“CFIA”)
Alberta - Animal Health
Lethbridge District Office
3605 14 Ave N
Lethbridge, AB
T1H 6P7
Email: cfia.lethbridgeanimalhealth-santedesanimaux.acia@inspection.gc.ca

Via Email

To Whom It May Concern:

Re: Potentially Illegal Conduct Revealed in Animals’ Angels Exposé of Bouvry Exports’ Feedlot (Range Rd 265, Fort Macleod, AB T0L 0Z0)

I write to you on behalf of Animal Justice—Canada’s leading national organization focused on using the law to protect animals.

On June 27, 2023, US-based non-profit, Animals’ Angels, along with EU partner the Animal Welfare Foundation, released an exposé¹ containing shocking footage obtained anonymously at Bouvry Exports’ Prime Feedlot located between Granum and Fort Macleod, AB (the “**Exposé**”).² The Exposé can be viewed at the following link:

- https://www.youtube.com/watch?v=bnY_YaGiZCY&ab_channel=AnimalsAngelsUSA

Footage from the Bouvry Prime Feedlot that is contained in the Exposé was allegedly recorded in August, 2022 and April, 2023. Based on our review of this footage, Animal Justice has serious concerns about the treatment of animals being kept at this and other

¹ See: <https://www.animalsangels.org/investigations/horses/new-film-exposes-bouvry-exports-atrocities-aa-calls-passage-safe-act-and-ban?fbclid=IwAR0H5odQdauhekFUJawz0KBZnF1PAs2oxAqxJoidG8xgIserLB4Mht9RURI>

² [Range Rd 265, Fort Macleod, AB T0L 0Z0](https://www.youtube.com/watch?v=bnY_YaGiZCY&ab_channel=AnimalsAngelsUSA)

feedlots owned by Bouvry Exports. Among other things, the footage shows the following potentially unlawful conditions:

- Horses being kept in crowded, and filthy, conditions (in many cases there is deep mud in pens, as well as hay that appears to be covered in urine and feces);
- Horses exhibiting signs of significant lethargy, indicative of injury, illness, or ailment;
- Horses with unorthodox or bad posture, indicating severe pain;
- Several horses either limping, hobbling, lame, or with lacerations or other bloodied injuries;
- Numerous horses with *significantly* overgrown and curled hooves, impacting their ability to walk, stand, lie down, and/or get up comfortably;
- Horses demonstrating signs of laminitis (a common, extremely painful and frequently recurrent condition in horses that affects the tissues (laminae) bonding the hoof wall to pedal bone in the hoof);
- Horses with splayed legs, indicating severe pain or discomfort;
- Sick and injured horses being kept with apparently healthy horses;
- Pens with no shelter from adverse weather conditions;
- Horses provided with inappropriate feed and/or being overfed;
- Horses with serious body condition issues (including a variety of horses who are overweight and select horses who appear concerningly thin); and
- Various horse carcasses found throughout the feedlot in states of decomposition.

Based on our review of the footage, we believe that Bouvry Exports may be in violation of Alberta's *Animal Protection Act*, RSA 2000, Chapter A-41 (the "APA") as well as the *Health of Animal Act*, SC 1990, c 21, and the *Health of Animals Regulations*, CRC, c 296. The footage also gives rise to concerns related to the unlawful slaughter of sick and injured animals in violation of the *Safe Food for Canadians Regulations*, SOR/2018-108. We ask that you take action to investigate the Bouvry Prime Feedlot and other feedlots owned and operated by this company in Alberta³ to ensure applicable animal welfare and food safety laws are being complied with. Given the severity of the conditions shown in the Exposé, we request that the welfare of all animals (not only horses) kept in Bouvry's care be thoroughly investigated.

1. Legal Basis

a) *The Animal Protection Act*

³ Based on the footage gathered in the Exposé, as of April, 2023, a noticeable number of the pens at the Bouvry Prime Feedlot were emptied. Given that many of the horses that appear sick, injured, or otherwise in distress in the footage may have been transferred to the company's other facilities or slaughtered, we ask that you thoroughly investigate all Bouvry feedlots in Alberta to ensure that any instances of neglect and abuse are properly dealt with (including potential abuse to other animals, like cows, kept at the facilities).

The APA prohibits causing or permitting an animal to be in distress (ss 2(1) - 2(1.1)). For the purposes of the Act, an animal is deemed to be in distress if:

- (a) Deprived of **adequate shelter**, ventilation, **space, food, water or veterinary care** or **reasonable protection from injurious heat** or cold,
- (b) **Injured, sick, in pain or suffering**, or
- (c) Abused or **subjected to undue hardship, privation or neglect**.⁴ [emphasis added]

Section 2.1 of the APA additionally provides that a person who is in charge of an animal has a duty to provide them with adequate shelter and reasonable protection from injurious heat, among other things.

The APA does not apply where the distress at issue is caused by practices which are permissible “in accordance with the regulations or in accordance with reasonable and generally accepted practices of animal care, [or] management...” (s 2(2)). In the case at hand, it is evident that the conduct shown in the Exposé does not constitute what could be considered “reasonable and generally accepted practices”. For instance, the National Farm Animal Care Council’s (“**NFACC**”) “Code of Practice for the Care and Handling of Equines”⁵ establishes numerous recommended practices which, based on the footage shared in the Exposé, appear to have been breached by Bouvry, including the following:

- Horses must have access to shelter (constructed or natural) that protects them from the harmful effects of extreme weather conditions (s 2.1.2);
- Horses kept in groups must be managed in a way that minimizes the risk of injury (ss 2.1.3, 5.2);
- Horses that are sick, injured, or in pain must receive appropriate treatment without delay or be euthanized without delay (s 4.2);
- Lameness must be addressed either through specific therapies or changes in management or workload (s 4.4);
- Horses with laminitis must receive lifelong management and treatment (s 4.4.1);
- The ground in a holding pen must be well-drained and non-slip (s 5.1);
- Feedlot horses must receive a diet that is adequate for maintaining health and vigour (s 5.3);
- Feedlot horses requiring medical treatment must receive such treatment and be identified (s 5.4);
- A dry lying area must be available in each pen (s 5.5);

⁴ APA, s 1(2).

⁵ See: https://www.nfacc.ca/pdfs/codes/equine_code_of_practice.pdf

- There must be sufficient space for subordinate horses to escape aggression (ss 2.1, 5.5.1);
- Hooves must be trimmed and/or shod as often as is necessary to maintain hooves in functional condition. Whether shod or unshod, hooves must not be allowed to grow to excessive lengths causing injury or discomfort to the horse. (s 6.7); and
- Unfit horses must not be transported, except for veterinary diagnosis or treatment (s 8.1.1).

Though this Code is not law, it informs what conduct those in the horse slaughter industry in Canada deem generally acceptable. As such, while they do not bind the ASPCA, the Codes should provide the ASPCA with guidance regarding what is and is not considered generally acceptable by industry with respect to equine management.

Based on the footage in the Exposé, it is apparent that Bouvry fails to meet a number of the above-noted requirements. Indeed, the horses shown in the footage were kept in overcrowded and wet and muddy conditions, not provided with adequate or appropriate feed, not provided with appropriate medical treatment, did not have access to shelter, had not had their hooves trimmed (in some cases leading to suspected laminitis), and were not kept in a way which minimizes the risk of injury to subordinate horses. Given that the above-noted requirements do not appear to be met by Bouvry, this facility, as well as similar Bouvry feedlots, should not benefit from the exemption set out in s 2(2) of the APA. Therefore, Bouvry should be held liable for causing the horses at the feedlot significant distress (APA, ss 2(1) - 2(1.1), 2.1).

b) The Health of Animals Regulations & The Safe Food for Canadians Regulations

The animals kept at the Bouvry Prime Feedlot, as well as the company's various other feedlots throughout the province, are routinely transported for reasons including auctions and slaughter. Given that many horses shown in the footage were suffering from significant illness, injury, and neglect, it appears that requirements for transport set out under the Health of Animals Act and the Health of Animals Regulations may have also been violated. This would come as no surprise, as Bouvry has been the subject of several CFIA investigations over the course of the last several years which have revealed a pattern of abuse and a disregard for transport and health standards.⁶

The Health of Animals Regulations set out various requirements in relation to the loading, confinement, and transport of farmed animals. Sections 139-140 of these Regulations provide that no person shall load, confine or transport an animal who is "unfit" or "compromised" in a conveyance or container. Under the Act, a "compromised"

⁶ See examples: <https://www.producer.com/news/cfia-suspends-licence-of-alta-meat-processor/>; <https://inspection.canada.ca/about-cfia/transparency/regulatory-transparency-and-openness/compliance-and-enforcement/licences/bouvry-exports-calgary-ltd-eng/1645726454038/1645726575086>; <https://canadianhorsesdefencecoalition.org/wp-content/uploads/2021/06/2018-CFIA-Slaughter-Plant-Audits.pdf>

animal is any animal that is lame or exhibiting any other signs of infirmity, illness, injury or of a condition that indicates they have reduced capacity to withstand transport (s 136(1)). Similarly, an “unfit” animal means any animal that is lame, has laboured breathing, has a severe open wound, has sustained an injury and is hobbled, is thin, is bloated and exhibiting signs of discomfort or weakness, or exhibiting any other signs of infirmity, illness, injury or of a condition that indicates they cannot be transported without suffering (s 136(1)). Under the Regulations, animals cannot be transported to a slaughter establishment if they are unfit or compromised.

If an animal becomes unfit during transport, they cannot be unloaded if they are non-ambulatory unless they’re (a) rendered unconscious before unloaded, or (b) “humanely killed” before they are unloaded (s 139.1(1)). If an animal is unfit but ambulatory (i.e., they have difficulty walking, have a fracture, etc.), they must be unloaded individually in a manner not likely to cause unnecessary suffering, injury, or death, rendered unconscious before unloading, or “humanely killed” before unloading (s 139.1(2)).

Federal slaughter laws set out under the Safe Food for Canadians Regulations, also establish rules regarding the slaughter of sick and injured animals. Notably, licence holders at slaughter establishments must assess food animals to determine whether they are “showing signs of suffering or injury” on their arrival at an establishment prior to the animal being slaughtered (SFC Regulations, s 130(1)). There are specific rules regarding how these animals are to be treated at a slaughter facility. For instance, if an animal is found to be sick or injured, they must be segregated from other food animals and isolated (s 132). These rules are in place not only for the animals’ well-being, but for the well-being of the humans who will be consuming the animal products. In light of what is shown in the Exposé, the processing of animals from Bouvry at slaughter facilities should also be investigated to determine whether any sick or injured animals have been slaughtered / continue to be slaughtered and whether proper procedures were followed in these circumstances.

Given that the footage shows multiple animals who are unable to comfortably walk or stand, injured, or evidently sick, it appears as though the Health of Animals Regulations may have been violated by Bouvry. Moreover, the Safe Food for Canadians Regulations may have been violated at the slaughter facilities tasked with processing these animals. We encourage the CFIA to review the footage and investigate this matter.

2. Conclusion

Given that this footage is anonymous and it is unclear how it was obtained, we appreciate that there may be challenges associated with using it as a basis for prosecution on its own.⁷ However, regardless of the nature of the footage, it appears to show conduct that is

⁷ See *R v. James*, [2015 ONSC 3902](#), which discusses the accepted formulation used by courts to authenticate and verify footage used as evidence.

illegal and should therefore be considered an important lead for your agencies.⁸ As such, we encourage you to take action to independently investigate Bouvry facilities throughout Alberta, not only in relation to horses, but to all animals kept in the company's care. The footage described above shows what appears to be a shocking pattern of abuse and mistreatment that warrants significant attention.

Please do not hesitate to contact us if we can be of further assistance.

Sincerely,



Scott Tinney
Staff Lawyer, Animal Justice
stinney@animaljustice.ca

⁸ See *Nemchin v. Green*, [2019 ONCA 634](#), wherein the court accepts that "[a] video recording is admissible as soon as it is established that it depicts the scene and has not been altered or changed — any other factors, such as the integrity of the recording or the identity of a speaker, are matters for the trier of fact and go to weight only, not admissibility."