

Defra Consultation: Removing the 16-week derogation period in egg marketing standards legislation in England and Scotland

Wildlife and Countryside Link response: March 2024

Wildlife and Countryside Link (Link) is the largest environmental coalition in England, bringing together 83 organisations to use their joint voice for the protection of nature and animals.

Introduction

As a coalition of animal welfare organisations, we respond to this [consultation](#) to stress that the removal of 16-week time limit for keeping free range hens indoors should only take place if justified by a strong animal welfare case. We believe that this case may apply in the current circumstances, in light of Avian Influenza. The removal of the time limit should however be strictly temporary and regularly reviewed, to ensure that it can continue to be justified on animal welfare grounds.

Responses to questions

Q7. Do you agree or disagree with the proposal to remove the 16-week derogation period? This would allow eggs that are from laying poultry that are subject to a housing order to be labelled as 'free range' throughout the duration of an order.

Agree, with the caveats set out below.

8. Do you have any comments on the proposed legislative change?

The removal of the time limit will allow eggs that come from hens that have been kept inside for more than 16 weeks to be marketed as 'free range'. This is a significant weakening of the standards required to apply a prestigious animal welfare label.

In the current circumstances, we believe there is an animal welfare justification for this. In the early months of 2022 and 2023, the application of widespread housing orders to respond to Avian Influenza led to UK eggs labelled as free range disappearing from many UK shelves, due to the 16-week time limit remaining in place. The gap was filled by in some places by eggs from the EU. The EU's decision to remove their 16-week time limit means that we could see these substitutions repeated more widely in the event of further rounds of Avian Influenza and housing orders.

The vast majority of UK free range laying hens are reared to the RSPCA's welfare standards under the RSPCA Assured scheme, meaning that even when kept indoors they have more enrichment than minimum standards for free range eggs.¹

¹ <https://www.rspcaassured.org.uk/rspca-assured-foods/free-range-eggs/>

This assurance of enrichment beyond minimum standards cannot be provided in the case of EU free range eggs.² As such, it is in the broad interests of animal welfare that UK free range eggs continue to form the bulk of free eggs bought in the UK, even in extraordinary circumstances when the hens have been kept indoors for more than 16 weeks.

It is important that these circumstances remain extraordinary, as a permanent allowance for eggs from hens who have spent more than 16 weeks inside to be labelled as free range would reduce high UK animal welfare standards. This in turn would undermine public trust in those standards and the price premium UK farmers can command for adhering to them.

That trust is currently high and sees UK farmers command a price premium associated with high welfare products.³ YouGov polling carried out in 2020 found that the majority (61%) of people think that, in general, British farms have high animal welfare standards. The same polling found that free range is the farming practice that people are most likely to associate with higher animal welfare standards, with 53% making this connection.⁴

This link between British farm produce and high animal welfare has been a win-win over recent decades, for consumers, for farmers and for farmed animals. An established sense that, due to permanent change, the free range label on UK eggs means less than it used to, would threaten these co-benefits.

As such Link strongly recommends that the requirement that only eggs from hens that have spent less than 16 weeks indoors be labelled as free range be lifted only on a temporary basis, to respond to the extraordinary circumstances created by Avian Influenza and to prevent EU eggs produced to lower standards replacing RSPCA assured ones on UK shelves. Once lifted, the case for re-applying the indoor time limit should be reviewed regularly. When the threat of Avian Influenza recedes (perhaps when the threat is classed at a national level of 'high' or lower for more than two successive months⁵), the 16-week time limit for free range egg status can and should be reimposed, to ensure the long-term integrity of the free range egg label in the UK.

9. To date housing orders have only ever been in place for limited time periods. With this consideration do you think the proposed alteration to the Egg Marketing Standard Regulation could confuse consumers in any way?

There is a high risk of confusion, not helped by the extra complexities associated with the Welsh Government not being involved in the proposals, and the unique situation on Northern Ireland. It is notable that google searches for 'free-range' increased by 809% from January to March 2022, when housing orders effectively removed eggs labelled as free range from UK supermarket shelves.⁶

² See more on EU minimum standards here: <https://www.egginfo.co.uk/egg-facts-and-figures/production/free-range-egg>

³ <https://www.sciencedirect.com/science/article/pii/S0921800923001155>

⁴ https://yougov.co.uk/consumer/articles/32222-what-do-brits-think-uk-farming-practices?redirect_from=%2Ftopics%2Ffood%2Farticles-reports%2F2020%2F09%2F29%2Fwhat-do-brits-think-uk-farming-practices

⁵ See <https://www.gov.uk/government/news/bird-flu-avian-influenza-latest-situation-in-england#risk>

⁶ <https://www.rspcaassured.org.uk/news-and-updates/posts/where-have-all-the-free-range-eggs-gone/>

10. If you think there is a risk of confusion, do you have any suggestions for how the risk of confusion could be mitigated?

Link's proposal that the removal of the 16-week time limit be temporary, will help to mitigate confusion, by ultimately returning the standards of free range egg label to those that public have known and trusted for years.

Regularly reviewing the extent and duration of housing orders to keep poultry inside will also help to reduce confusion, keeping the number of free range eggs from UK hens kept inside for more than 16 weeks to a minimum. There may also be ways to further enhance the conditions of hens subject to housing orders, including creating outdoor 'winter gardens' protected from sources of Avian Influenza infection.⁷

Clear, transparent information must be made easily available to consumers regarding the rules in place, to reduce confusion and enable consumers to make an informed decision about what they choose to purchase and support.

This response is supported by the following Link members:

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⁷ See <https://www.bhwt.org.uk/blog/health-welfare/winter-gardens-for-chickens/>