

Prop 12: Pig Industry Objections Are Baseless, Say Veterinarians and Animal Advocates in Briefs to U.S. Supreme Court

Justices provided with compelling testimony about mistruths and exaggerations

WASHINGTON D.C., UNITED STATES, August 15, 2022 /EINPresswire.com/ -- The pork industry today can meet California's humane treatment standards with existing sow housing systems, according to pleadings filed with the U.S. Supreme Court by two leading agricultural veterinarians and a set of organizations led by the [Center for a Humane Economy](#) and [Animal Wellness Action](#). The challenge by the National Pork Producers Council and the American Farm Bureau to [Proposition 12](#) in California — claims already rejected by a U.S. District Court and the U.S. Court of Appeals for the Ninth Circuit — is riddled with exaggerated claims about the extraterritorial effects of a ballot measure that deals with production and sales in state.



All eyes will be on SCOTUS as they decide whether to go against animals and states' rights in the Prop 12 challenge.

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*Wayne Pacelle, president,
Center for a Humane
Economy*

Proposition 12, the Prevention of Cruelty to Farm Animals Act, was enacted by a 63 percent majority or 7.5 million California voters in 2018, building on Prop 2 a decade earlier that restricted extreme confinement of laying hens, veal calves, and breeding pigs. The most recent measure stipulates that any eggs or pork sold in the state come from animals afforded sufficient space to move around, regardless of where the animals are raised. Tyson, Hormel, the Clemens Group, Niman Ranch and others have said they can supply the market with adjustments that they've

already made in their sow housing systems.

The law was scheduled to be fully implemented by Jan. 1 this year, but inaction by the California Department of Food and Agriculture and persistent efforts by the pork industry have led to delays in its implementation. The U.S. Supreme Court, which will hold oral argument on the case in October 2022, represents the last chance for the industry to eradicate a law that has been upheld by every other federal court it has come before.

The pork industry's move to thwart the will of the voters is already have a chilling effect in one state: State authorities in Massachusetts put a hold on implementation set to go into effect today of a very similar law there, declaring that the state will wait for the Supreme Court ruling on the matter. Massachusetts voters approved the restrictions of sale of pork coming from unsafe and inhumane housing systems with an astonishing 78 percent of the vote, repudiating all of the overwrought and exaggerated arguments from plaintiffs during the political campaign in that state.

"The pork industry is asking our highest court to strike down a law democratically enacted by the most populous state with the largest economy in the Union, largely for the financial benefit of a handful of giant pork conglomerates — two of the largest of which are foreign-owned," said Center for a Humane Economy's Senior Attorney Kate Schultz. "An honest analysis of the facts and the law shows that there are no legitimate grounds for the Court to do so. Proposition 12 should be upheld under any meaningful analysis the Court undertakes."

We will likely see the Court attempt to balance the significant animal welfare and public health interests of Californians in passing Proposition 12, against the claimed financial burdens on the pork industry in providing space that is 18 inches wider than that provided by gestation crates now in use for sows. While the industry is making unsupported claims of widespread commercial catastrophe, independent agricultural economists filed a brief with the Court after their own economic analysis determined the impact on the industry to be "marginal."

The pork industry's position is further undercut by the fact it is already supplying gestation crate-free pork to the many large retailers and restaurant chains that have responded to consumer demand for humanely raised animals. As the brief filed with the Court states:

"...[W]hen grocery chain and big box corporations demand that only gestation crate-free pork may be sold in their stores, the industry willingly and voluntarily responds by making the necessary shifts in production to maintain supply, yet when a duly-elected state legislature acting on the votes of its citizens enacts the same standards, petitioners come before this Court claiming that providing the state with compliant pork will cause the collapse of the national pork supply chain. If pork producers can supply crate-free pork to tens of thousands of McDonald's outlets — to say nothing of the dozens of other companies across the nation with tens of thousands of their own outlets — then it can supply California's market. Here, the industry's argument quickly falls like a hypocritical house of cards."

In addition to filing its own brief, the Center and Animal Wellness Action also worked closely with two agricultural veterinarians, Drs. Jim Keen and Thomas Pool, to file their own expert amici brief that lays bare the false claims of the industry and the veterinarians who work for it. The American Association of Swine Veterinarians filed papers with the Court that misleadingly assert that Proposition 12 “mandated” group housing for sows, and further argued that these group settings were injurious to herd health. In addition to correcting the record on the requirements under the law — that the industry is free to continue to use larger gestation crates as needed — Drs. Keen and Pool also crafted a compelling compendium of the many public health and animal welfare consequences of the continued use of gestation crates prevalent in our modern factory farming system.

“The doomsday forecasting of extraterritorial effects for the pig industry is a contrivance and a charade,” stated Wayne Pacelle, president of the Center for a Humane Economy. “Key players in American pork production have said they can readily meet the demands of the California market, which accounts for less than 10 percent of consumption of U.S.-produced pork. If factory farmers in Iowa and North Carolina don’t want to supply the California market, they don’t have to do it. The humane treatment standards in California have already been recognized as a market opportunity by thousands of pig farmers who actually engage in responsible animal husbandry and don’t immobilize animals in crates.

Animal Wellness Action is a Washington, D.C.-based 501(c)(4) organization with a mission of helping animals by promoting legal standards forbidding cruelty. We champion causes that alleviate the suffering of companion animals, farm animals, and wildlife. We advocate for policies to stop dogfighting and cockfighting and other forms of malicious cruelty and to confront factory farming and other systemic forms of animal exploitation. To prevent cruelty, we promote enacting good public policies, and we work to enforce those policies. To enact good laws, we must elect good lawmakers, and that’s why we remind voters which candidates care about our issues and which ones don’t. We believe helping animals helps us all.

The Center for a Humane Economy is a non-profit organization that focuses on influencing the conduct of corporations to forge a humane economic order. The first organization of its kind in the animal protection movement, the Center encourages businesses to honor their social responsibilities in a culture where consumers, investors, and other key stakeholders abhor cruelty and the degradation of the environment and embrace innovation as a means of eliminating both.

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