

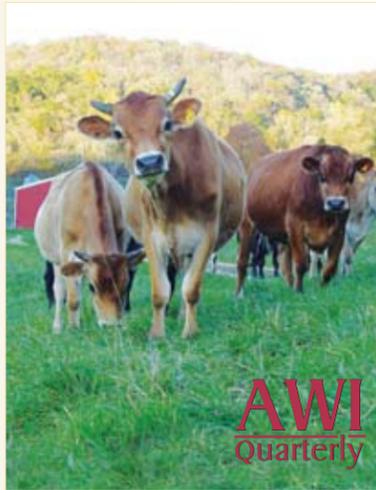


# AWI

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## Quarterly

Winter 2007 Volume 56 Number 1



**ABOUT THE COVER**

Young Jersey cattle graze on lush pastures at the Cates Family Farm in Wisconsin (photo by Diane Halverson). At this *Animal Welfare Approved* farm, Kim and Dick Cates buy male calves from local dairy farmers and raise them for beef. The Cates' dedication to family farming and sustainable land and forest management is well-known. Considering the welfare of their calves, who would have otherwise been sent to auction houses or intensive veal operations, is a natural part of their overall commitment to caring for the earth and its inhabitants.

The *Animal Welfare Approved* husbandry standards for all species, including cattle raised for beef, mandate the provision of an environment, housing and diet that is designed to allow animals to behave naturally. Each animal must be able to perform behaviors that promote their physiological and psychological health and well-being (see story pages 4-7).

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**WILLIE NELSON**

LUCK ★ TEXAS

Dear Friends,

The American Horse Slaughter Prevention Act (AHSPA) did not make it through the Senate before the end of the last session, which was quite a disappointment. However, when thousands of compassionate American citizens flooded the phone lines of their legislators, those calls were not in vain. Such a bold response could not be ignored, and the bill has been reintroduced. Since many of its main adversaries were not voted back into Congress, it now has a better chance of passing.

Animals who are considered commodities are bound to be exploited by humans. In many cases, horses are stolen and sold for slaughter with no questions asked. That's why it's best to adopt a horse rather than buying one, and better to find him a good home than to sell him. If you ever wanted to adopt a horse, there couldn't be a better time. There is a kind of magic that the rescued horses bring to their new home that is difficult to describe with words. It has something to do with intense gratitude and a bond that can never be broken, but there is more to it, still.

I've adopted 25 horses so far, and I'm not finished yet. The first 12 animals I took in had belonged to a paint horse breeder named Edward. When Edward died, his children were conned into selling all of his 301 horses to "killer buyers." Only these 12 escaped slaughter, but they went to a shady character who was trying to make a profit. He put very little money into the horses, and very little food. When investigators from the Habitat for Horses rescue center found the lucky 12, they bought them outright and put them into foster care. When the horses arrived at my ranch, they were still emaciated and skittish. It was incredibly rewarding for me to help them.

We must not allow foreign big business to continue to desecrate our American hero, the horse. The good news is that anyone can help. Even if you can't take in a horse yourself, there are thousands of rescue facilities across the country that can be helped with even the smallest of donations. And as always, we must contact Members of Congress to let them know what we think. We owe it to the horses.

Happy Trails,



**Animal Welfare Institute**  
**QUARTERLY**  
 Winter 2007 Volume 56 Number 1



Cramped quarters and extreme stress for birds during transport encourage the outbreak of infectious diseases such as avian influenza. PAGE 12

www.WorldParrotTrust.org



The Great White shark is one species that will gain protections from a recent ban on shark finning by the South East Atlantic Fisheries. PAGE 17

Chris Fallows/www.apexpredators.com



Our wildlife award program funds non-lethal management projects, such as non-invasive sampling techniques for deer. PAGE 20

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The  
Animal  
Welfare  
Institute  
introduces  
a visionary  
way to  
fight  
animal  
factories



Food labels are packed with information, but some words can be confusing, if not downright misleading. A dozen eggs in a carton boasting the statement “farm fresh,” for example, have probably not come from anything that looks remotely like a farm. A dairy cow is far from “happy” at an industrial facility where she never grazes on pasture. And “natural” is not synonymous with “humane”—in fact, the former term refers only to meat processing, not the animals’ lives. To a growing number of Americans, such marketing strategies

cause concern about what these products purport to be, as well as what they try to conceal.

Now there is a label with nothing to hide. We are proud to present our *Animal Welfare Approved* standards, the most humane and progressive care requirements in the nation. Today, hundreds of participating family farms are putting each individual animal’s comfort and well-being first. The program benefits all of us with the simple understanding that our own best interests are intrinsically linked to animals and the environment.

These standards seek to ensure that cattle graze on green pastures, sows and hens can build nests before giving birth, and ducks are always able to swim in clean water. But the *Animal Welfare Approved* seal is not just a list of rules. It is a philosophy of respect that provides animals on the farm with the environment, housing and diet they need to behave naturally, thereby promoting physiological and psychological health and well-being. This is the story behind the label—the animals, the people and the principles that guided us every step of the way.



“We demand the ultimate sacrifice of animals raised for food. Humans owe them a humane and dignified existence in return. The Animal Welfare Institute is setting the gold standard for how farm animals should be taken care of. I’ve worked closely with the organization for years and have seen its independence and deep commitment to humane animal farming.”

—Robert F. Kennedy, Jr.



one animal, one farmer, one field, one family at a time.

# No double standards

Now consumers can be sure their purchases only support farms that raise all of their animals according to label claims.

## Farming with Integrity

*Animal Welfare Approved* is the first seal to guarantee that humanely labeled products do not come from agribusiness-owned operations that raise some of their animals under cruel conditions. In a practice we disallow called “double standard certification,” these companies adhere to certain standards to label some of their products “humane,” while managing other animals of the same species using industrial practices. Such operations typically enjoy financial advantages that enable them to displace independent family farmers who practice a humane ethic throughout their farms. We want consumers to rest assured that when they buy products carrying the *Animal Welfare Approved* label, the farmers have applied our standards to all members of an *Animal Welfare Approved* species.

Only family farms can earn our seal. Families that own the animals, labor on, and earn meaningful livelihoods from their farms have a true commitment and connection to their animals that is lost on animal factories managed by distant, corporate

“AWI has almost two decades of experience in developing and implementing standards for animals on farms. In 1989, I was privileged to collaborate with ethologists, veterinarians and farmers to create the first set of pig welfare standards in the United States for AWI; this work served as the basis for the current *Animal Welfare Approved* requirements.”

—Diane Halverson,  
AWI farm animal advisor

owners and run by hired hands. Revitalizing a culture of humane family farming will help ensure that husbandry knowledge, experience and skills can be passed on from one farmer to another and from one generation to the next, through conversation, observation and first-hand experience. In the words of Patrick Martins, co-founder of Heritage Foods USA, “Small family farms need as much attention as possible, and an organization like AWI will help our farmers greatly.”

“The *Animal Welfare Approved* seal will help consumers select products from traditional farms that allow all their animals to move and socialize freely, breathe fresh air and grow naturally.”

—Bill Niman,  
founder of  
Niman Ranch

## the five freedoms

freedom from fear and distress  
freedom from pain, injury and disease (including parasitological infections)  
freedom from hunger, thirst and malnutrition,  
freedom to express normal behavior  
freedom from physical and thermal discomfort

The *Animal Welfare Approved Standards* require farmers to provide animals the Five Freedoms identified by the United Kingdom’s Farm Animal Welfare Council.



Laurie Smith

“*Animal Welfare Approved* is a system that benefits the environmentalist, the biologist, the animal welfarist, the farmer and the chef. We all see eye-to-eye for different reasons.”

—Dan Barber, creative director, Stone Barns Center for Food and Agriculture, Pocantico Hills, N.Y.; chef and co-owner, Blue Hill restaurants, NYC and Stone Barns Center

Renger’s Berkshire pigs roam grassy slopes, and the Cates Family Farm beef cattle graze on green pastures. Throughout the Midwest, the family farmers who market pigs with Niman Ranch provide straw-bedded barns, pastures or woodlands. In North Carolina, Mike and Suzanne Jones’ Farmers’ Hybrid pigs root in the woodlands, Eliza MacLean’s Ossabaw hogs cool off in the shade of pine trees, and pigs on small farms that market through William’s Pork enjoy rich mud wallows. These are just some of the farms that have earned our seal.

Gathering and evaluating the *Animal Welfare Approved* standards was the result of years of work and dedication by Animal Welfare Institute staff, in collaboration with veterinarians, scientists and farmers. Our standards are constantly re-examined, so they remain up-to-date and true to their purpose of providing the ultimate humane care for animals on farms. But most of all, the *Animal Welfare Approved* label strengthens the power that comes from freedom of choice in the marketplace. In the fight against animal factories, every purchase counts. Visit [www.AnimalWelfareApproved.org](http://www.AnimalWelfareApproved.org) for more information. 🐾

## Breaking the Trend

According to the Food and Agriculture Organization of the United Nations, the 20<sup>th</sup> century saw the disappearance of one third of the world’s breeds of animals raised for food. That is because animals raised on factory operations are selected for uniformity, not diversity. The industry-bred turkey, for instance, suffers from skeletal deformities that may cause gait problems. Due to their oversized breasts, the birds are not able to reproduce naturally, so hens are artificially inseminated. We believe that breeding programs must select not only for certain “production” traits such as growth rate, but for characteristics such as good mothering abilities, sound skeletal structure and fitness, including the ability to mate naturally. Genetic variety is key.

On the *Animal Welfare Approved* Good Shepherd Turkey Ranches in Kansas, heritage turkey flocks forage on range, mate naturally and fly easily to roosts. In Wisconsin, Tony and Sue

## happy tails

Common practices that other labeling programs allow, such as cutting off live pigs’ tails and a portion of live chickens’ beaks, are prohibited under the *Animal Welfare Approved* standards. Our standards not only forbid these mutilations, but also address the root causes of the practices by requiring an enriched environment in which the animals can socialize naturally and have no fear or stress-induced inclination to harm each other. In addition, cloned animals are not allowed.

“At the heart of our standards is concern and advocacy for the animals.”

—Cathy Liss,  
AWI president



photos (pages 4-7): rooster in barn (Jason Houston); sheep (Laurie Smith); pig tail (Marlene Halverson); Martin Kramer of Niman Ranch with piglet (Laurie Smith)

It’s about raising animals in a humane way with care and respect.

## Smithfield in the News: Progress or Persiflage?

On Jan. 25, Smithfield Foods announced that it will “phase out” gestation crates, the 2x7 foot steel prisons in which sows in hog factories spend most of their lives. The phase-out in the world’s largest pork production company’s 187 sow factories is to be completed by 2017, while its contractors (who raise a majority of Smithfield’s pigs) have until 2027 to complete the transition. Smithfield’s announcement has been hailed as a “great victory.” But one must ask, when matching the company’s gains against the pace of real change, “a victory for whom?” Smithfield has succeeded in escaping much of the opprobrium surrounding it, not only for cruelty, but also for environmental and labor policies, while placating McDonald’s and other corporate buyers. Yet given that most retrofitting will inevitably occur toward the end of the 10- and 20-year deadlines, millions of sows, as many as four and eight more generations respectively, will go on living and suffering in their tiny prisons. In the next *AWI Quarterly*, we will examine in depth whether the announcement was a PR coup or a genuine concession. 🐾

## Starbucks: No More rBGH

Starbucks announced in January that it will move to end its use of milk products from cows treated with rBGH, starting with their removal from stores in Washington, Oregon, Idaho, Alaska, Montana, Northern California and New England. The company has not announced a date when it will completely stop purchasing dairy containing the artificial growth hormone. Organic milk (which is not necessarily humane) is currently available at all Starbucks upon request. 🐾



Harvey Ussey/www.themoderndomes.com

A bantam hen rests in a nest with her chicks.

## Celebrating 30 Years of Preserving Breeds

The American Livestock Breeds Conservancy (ALBC) has been conserving over 150 breeds of livestock and poultry since its founding in 1977. It conducts a wide variety of programs, including research, education, agriculture policy development, gene banks and rescues. It also provides technical and promotional support to a network of breeders, breed associations and farmers.

Many traditional breeds have fallen out of popularity because they do not excel under the conditions mandated by agribusiness. Modern food production encourages fast growth and the breeding of animals to produce the maximum output. Some, such as poultry raised for meat, are even bred to have deformities. Traditional breeds, however, retain essential attributes for survival and self-sufficiency, such as fertility, foraging ability, longevity, maternal instincts, the ability to mate naturally, and resistance to diseases and parasites.

The Animal Welfare Institute supports the ALBC philosophy that raising endangered breeds of livestock today is essential to their survival for tomorrow. We mandate our *Animal Welfare Approved* poultry farmers to use traditional breeds, and all others to do so whenever possible. These breeds can be commercially viable in humane, sustainable agriculture. They are finding a good fit in small-scale and pasture-based agricultural systems—the very systems for which they were adapted.

The need to save traditional, historic livestock and poultry is urgent. For more information on ALBC programs, or if you would like to become a member, please visit its website at [www.albc-usa.org](http://www.albc-usa.org) or contact the organization at (919) 542-5704. 🐾

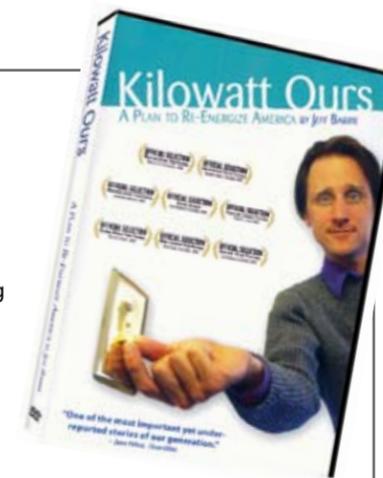
## Kilowatt Ours

A Trust for the Future project, 58 minutes  
[www.kilowattours.org](http://www.kilowattours.org)

Do you know where your electricity comes from? Filmmaker Jeff Barrie poses this question in *Kilowatt Ours*, a quirky new film about energy use. He explains that America generates 50 percent of its electricity from coal, which is cultivated through the unsustainable and environmentally damaging process of mountaintop removal. Barrie chronicles the ongoing devastation caused by coal mining and conducts heartbreaking interviews with those suffering from health problems caused by this industry.

The film succeeds by educating and empowering viewers, rather than simply lecturing on the issue. Barrie travels throughout the Southeastern United States, highlighting homes, schools and businesses that use green power. Geothermal heating and cooling and solar and wind power are all explored as sources of alternative energy (though it is important to keep in mind that wind turbines can harm birds, bats and marine life, and special care should be taken to place turbines away from their habitats).

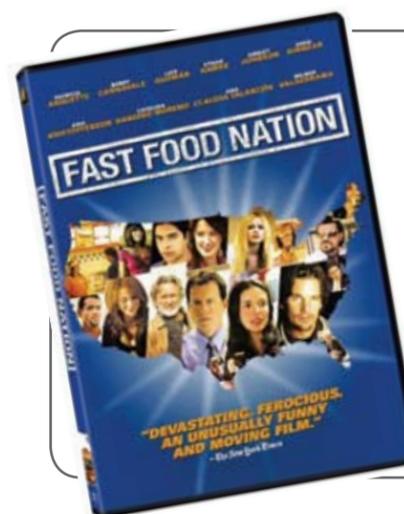
Barrie and his wife take on the challenge to conserve energy themselves by using compact florescent light bulbs and energy efficient appliances and by investing in green power. In the end, they save money and significantly reduce the amount of unsustainable energy that they use. A large global problem becomes refreshingly digestible through this personalized battle to conserve energy. Barrie emphasizes the little changes we can all make, and he challenges us to use this film as a tool to reduce our own energy consumption. 🐾



## Fast Food Nation

20th Century Fox, 113 minutes  
[www.foxsearchlight.com/fastfoodnation](http://www.foxsearchlight.com/fastfoodnation)

In the film adaptation of Eric Schlosser’s 2001 book *Fast Food Nation*, director Richard Linklater worked with the author to present a fictional story that delivers an eye-opening message about the fast food industry. Using the stories of characters affected in various ways by the industry—a teen girl working at a fast food restaurant, a corporate executive in charge of marketing for the chain, and immigrant workers laboring inside its unsafe, unsanitary slaughterhouse—they show the audience why we should all care where our food comes from. While some issues discussed in the book are left out, the movie portrays shocking scenes of violence against both animals and workers inside the plant. This is a film that anyone who chooses to eat meat should see. 🐾

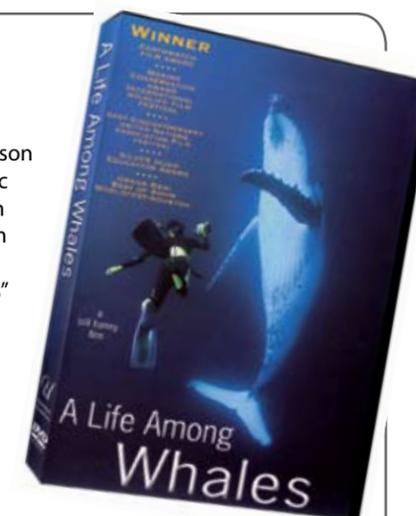


## A Life Among Whales

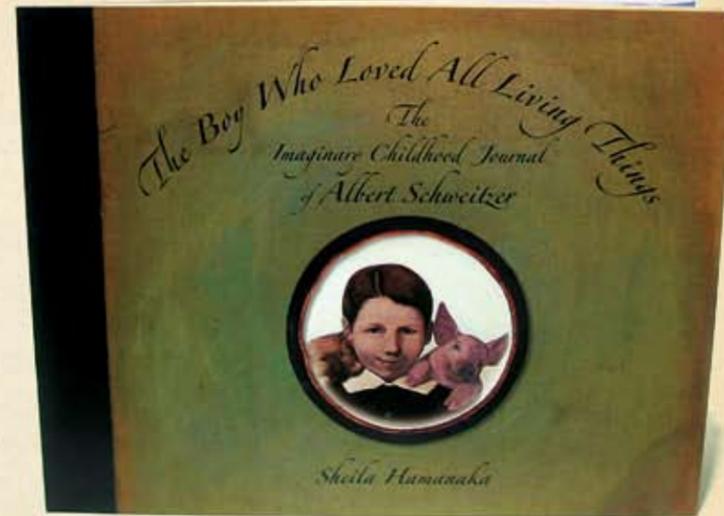
Uncommon Productions, 57 minutes  
[www.uncommonproductions.com/lifeamongwhales](http://www.uncommonproductions.com/lifeamongwhales)

An educational and inspirational tale is chronicled in the film *A Life Among Whales*. As the son of a sailor and a musician, Dr. Roger Payne gained an appreciation for the ocean and music at an early age and grew up to be a committed whale conservationist and biologist. When studying humpback whale vocalizations, he discovered that whales sing actual songs—an invaluable finding to the whale conservation movement.

Interviews with Payne are combined with footage from the original “Save the Whales” campaign, and awe-inspiring underwater whale footage is effectively contrasted with graphic whaling clips. Payne provides a comprehensive summary of man’s volatile coexistence with these animals and explains the unraveling of his life’s work with the advent of “scientific whaling.” He identifies other current threats to whales, such as pollution. However, Payne expresses faith that future generations can once again save the whales. Drawing a parallel to the speedy fall of the Berlin Wall, he has not given up on the power of humanity—he believes that we only need to decide that a change is needed to make it happen. 🐾



# The Courage to be Kind



*A new picture book about the boyhood of Albert Schweitzer teaches children how to be a hero for all living beings.*

In a beautifully illustrated and inventive book entitled *The Boy Who Loved All Living Things: The Imaginary Childhood Journal of Albert Schweitzer*, award-winning author and illustrator Sheila Hamanaka depicts little known events from the childhood of a familiar Noble prizewinner. The book is a twist on a traditional family album, filled with “photos” of the animals Schweitzer held most dear: piglets, kittens, church mice, birds, worms, fish and more. The entries are all hand-lettered and embellished with 19th-century marbled endpapers and wildlife prints. The story is intended for children in kindergarten through Grade 4.

But *The Boy Who Loved All Living Things* has much to its credit besides artistic merit. Dr. Albert Schweitzer was a renowned doctor who founded and devoted his life to a hospital in Gabon, Africa. As an adult, he often wrote about his early tests in life that played a large role in shaping his character. It is these events, based largely on his book *Memoirs of Childhood and Youth* (1949), that Hamanaka has taken great care to retell in young Albert’s voice.

One day, for example, Schweitzer and his friend Heinrich were going to use slingshots to kill birds in a nearby tree. Albert was afraid Heinrich would laugh at him if he refused to participate, but at the last moment, he took decisive action and saved his bird friends. Years later, Schweitzer recalled that this was a seminal event in his life—one in which the ability to withstand social pressure set him on the path of critical thinking and action.



True stories of a child’s mistakes, fears, kindness and courage fill the pages of this new publication from the Animal Welfare Institute. The book will speak to all young children, but especially to boys, who are often expected to sublimate their natural love for animals and prove their nascent manhood through acts of cruelty. “I do not think kids can identify with perfect people. All kids do bad things, and they need to know they can move forward, forgive themselves and others, and that we can all become great, each in our own way,” Hamanaka explained.

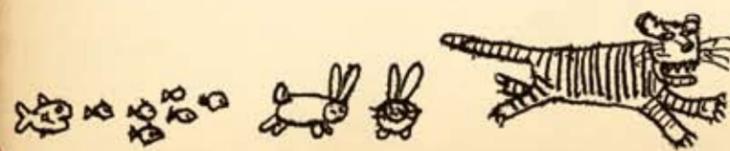
We greatly appreciate the Roy A. Hunt Foundation and the Kenneth A. Scott Charitable Trust, a Key Bank Trust, for their generous support in making this project possible. 🐾

“Albert Schweitzer remains a role model for us all, and I am thrilled that the Animal Welfare Institute has published this fine and much-needed book for children. To be sure, however, people of all ages will benefit from carefully reading it, not once, but many times.”

**Mark Bekoff**, author and professor of biology, University of Colorado, Boulder; co-founder of Ethologists for the Ethical Treatment of Animals

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AWI No 366





Bent Pedersen

## EU Bans Import of Wild-Caught Birds; CITES Takes Issue

**F**ollowing the discovery of an avian influenza-infected bird being held at a United Kingdom quarantine facility, the European Union (EU) placed a temporary moratorium on the import of wild-caught birds in the final months of 2005.

And on Jan. 11 of this year, it voted unanimously to put a permanent ban on this practice. The EU was considered the primary importer of wild birds prior to this temporary injunction, as it was responsible for 87 percent of the world-wide trade.

Taking effect July 1, 2007, the prohibition will help guard EU countries from infectious diseases such as H5N1 avian influenza and Newcastle's Disease, as well as aid more than 3,000 avian species traded internationally—especially those at serious risk for population decline. Under the new sanction, future imports will also be limited to captive-bred species from countries that the EU has approved to export live commercial poultry into its member states. These regions, such as the United States and Australia, are countries the EU has deemed to have established elevated standards of animal health and to possess the capability of managing mounting global animal health issues.

While the Animal Welfare Institute (AWI) and many other animal welfare groups are overjoyed with the EU's long overdue decision, the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) disapproves of the ban. "We understand the need to combat the threat of avian influenza, but the definitive and inflexible nature of the decision appears disproportionate and risks to hamper conservation efforts in developing countries by depriving them and poor local communities of the benefits of wildlife for their livelihoods," the CITES Secretariat commented in a recent press statement.

There is no evidence to suggest that the prohibition will harm avian preservation or intensify smuggling of diseased birds. "It is alarming that the Secretariat suggests that this ban may imperil the survival of the birds in the wild by reducing local interest in protecting wild bird habitat," said AWI Wildlife Biologist D.J. Schubert, who added that the policy demonstrates a good, sound health precaution. "Instead of criticizing the EU for its progressive and humane decision, CITES should promote the significant economic value of bird-watching and ecotourism to provide local peoples with ample reason to protect wild birds and their environment." 🐾

**“Instead of criticizing the EU for its progressive and humane decision, CITES should promote the significant economic value of bird-watching and ecotourism.”**

### Biologist Robert Schmidt Joins AWI Scientific Committee

The Animal Welfare Institute is proud to announce that Dr. Robert Schmidt, a faculty member in the Department of Fisheries and Wildlife at Utah State University, has accepted a position on our Scientific Committee. Dr. Schmidt is also an adjunct faculty member in the Departments of Forest Resources and Landscape Architecture and Environmental Planning. He holds a Ph.D. in Biological Ecology from the University of California, Davis. His current research efforts include exotic and invasive species ecology and management, taboo areas within wildlife management, livestock predation management systems, and the sociology of wildlife biologists. 🐾

## THE 110<sup>TH</sup> CONGRESS: *Good News for Animals*

For the first time in 12 years, the Democratic Party controls a majority in both chambers of Congress. Two legislators notorious for disregarding animal welfare lost their reelection bids, and we anticipate that this change will encourage an animal-friendly shift in the 110<sup>th</sup> Congress. In the US House of Representatives, Democratic challenger Jerry Mc-



House Natural Resource Committee Chairman  
**Nick Rahall (D-WV)**

Nerney defeated former Resource Committee Chairman Richard Pombo (R-CA). Throughout his almost 14 years in Congress, Pombo was relentless in his efforts to eviscerate animal welfare and environmental protection bills such as the Endangered Species Act. He defended the slaughter of wild and domestic horses, promoted the exploitation of wilderness areas for oil exploration, advocated the resumption of commercial whaling in Japan and Norway, supported bear baiting on federal lands, and backed steel-jaw leghold trapping in national wildlife refuges.

Fortunately, Pombo's position as chair of the newly renamed House Natural Resource Committee was passed on to Representative Nick Rahall (D-WV), who will put a halt to the former legislator's plans to gut the Endangered Species Act and permit oil drilling in the Arctic National Wildlife Refuge. Chairman Rahall is also the first Member of Congress to be honored through the Compassion Index's Profiles in Compassion for encouraging the US Government to step up its fight against efforts to resume commercial whaling.

In the Senate, the defeat of Senator Conrad Burns (R-MT) brought the loudest cheers within the animal welfare community. As a member of the Senate Appropriations Committee and chair of its Subcommittee on the Interior, Burns slipped a rider into a late 2004 omnibus appropriations bill that stripped wild horses and burros of over three decades of protections from slaughter and commercial exploitation. In this new Congress, Chairman Rahall and Representative Ed Whitfield (R-KY) have reintroduced a bill in the House as H.R. 249 to restore those vital protections. The American Horse Slaughter Prevention Act (AHSPA) has also been reintroduced in both chambers, as H.R. 503 and S. 311. We hope to use the momentum achieved in the last session to finally pass this legislation and save America's horses from being slaughtered for human consumption. 🐾

### YOU CAN MAKE A DIFFERENCE

Please urge your Members of Congress to co-sponsor the AHSPA, and ask your Representative to co-sponsor the wild horse bill. Write to:

The Honorable (name)  
US House of Representatives  
Washington, DC 20515

The Honorable (name)  
US Senate  
Washington, DC 20510



Sharon Cort

**Tennessee Walking Horses should be judged based on their natural gait—not one artificially inflicted by pain.**

### Horse Protection Act Scar Rule Maintained

Over the past half century, Tennessee Walking Horses have been dealt much needless pain and distress at the hands of a brutal industry. The horses' front feet and legs are commonly aggravated through the application of chemical or mechanical irritants, or by inhumane hoof trimming or pressure-shoeing techniques. This intentional infliction of pain is referred to as "soring" and causes the horses to accentuate their naturally animated gait. To end the cruelty, Congress adopted the Horse Protection Act in 1970 and amended it in 1976.

Last year, a segment of the industry intent on soring animals paid a lobbyist hundreds of thousands of dollars to weaken the law. The objective was to remove what is commonly called the "scar rule" from the definition of soring, thereby preventing enforcement action against horse owners for previously inflicted abuse that has left telltale scars. In a pivotal and coincidental move, the US Department of Agriculture (USDA) disqualified championship horses at the biggest show of the year—the "National Celebration" in Shelbyville, Tennessee. This action led to a complete shut down of the show. These events sparked increased outrage against those inflicting such suffering. We applaud the US Congress' refusal to weaken the law, as well as the USDA's strong, much-needed enforcement. 🐾

## Court Sides With Primates

Over the laboratory animal research industry's great hue and cry, an amendment to the federal Animal Welfare Act was passed to require "a physical environment adequate to promote the psychological well-being" of primates used for experimentation, the pet trade and exhibition. In the intervening years since this legal mandate, the industry has erected roadblocks to the improvement of housing and care for non-human primates.

The US Department of Agriculture (USDA) learned that many facilities using primates did not understand what they were required to do for primates in their care, and even many of its own inspectors were unclear on what was required. To improve compliance with and enforcement of the law, the agency prepared a "primate policy" based on scientific data that detailed the animals' needs. Unfortunately, continued industry pressure has thwarted its finalization.

At long last, the Animal Welfare Institute, the Animal Legal Defense Fund and three individual plaintiffs have prevailed in our lawsuit in support of the primate policy. On Nov. 22, 2006, the US Court of Appeals for the Ninth Circuit decided our case should go forward. The judges were particularly concerned about primates who, despite being social animals, are forced to endure lives spent in isolation. 🐾



Viktor Reihardt

**If implemented, the USDA Primate Policy will offer hope for improvements in the lives of non-human primates confined alone in barren cages.**

## Maine's Archaic Trapping Regulations Must Change

In recent months, two bald eagles and four Canada lynx in Maine have been reported as the accidental victims of traps. One eagle had to be euthanized due to leg injuries that would not heal, and the other eagle and lynx were re-released into the wild. A lawsuit filed by the Animal Protection Institute seeks a court order to end any trapping that could inadvertently capture, injure or kill eagles, lynx or gray wolves in parts of the state inhabited by the species, which are federally protected by the Endangered Species Act. It has documented over two dozen trapping incidents since 2001.

Maine is also the only state in the country that still allows bear trapping. The Wildlife Alliance of Maine is pushing to end the practice entirely, but the Department of Inland Fisheries and Wildlife has only proposed a ban on the use of the steel-jaw leghold trap. The agency is currently seeking public comment on the issue; please email Andrea Erskine at [andrea.erskine@maine.gov](mailto:andrea.erskine@maine.gov). 🐾



Olga Mirnitskaya/www.iStock.com

**Canada lynx have fallen prey to traps in Maine, and a lawsuit seeks to put any indiscriminate form of trapping to a halt.**

## Texas Anti-Horse Slaughter Law Upheld

As the American Horse Slaughter Prevention Act remains pending in the US Congress, there is good news for horses in Texas—the home to two of the three remaining slaughterhouses in the country. In late January, the US Court of Appeals for the Fifth Circuit ruled that both Beltex Corporation and Dallas Crown, Inc. could be prosecuted for slaughtering horses under Chapter 149 of the Texas Agriculture Code. Amended in 1949 and several times thereafter, the law makes it illegal to sell, possess and transport horsemeat for sale for human consumption.

This decision overruled the US District Court for the Northern District of Texas ruling that permanently enjoined Tarrant County District Attorney Tim Curry from pursuing legal action against the slaughterhouses. Previously, Beltex and Dallas Crown had filed for this injunction, claiming that Chapter 149 had been repealed, was preempted by federal law, and violated the dormant Commerce Clause.

Though the district court agreed, the Fifth Circuit called its reasoning "backward" and "flawed." The judge stated, "Neither the district court nor the slaughterhouses could point to a single burden that Chapter 149 places on interstate commerce that does not equally befall intrastate commerce."

In the end, the federal court declared that Chapter 149 is still in effect and that it survives the constitutional challenges raised by the slaughterhouses. Additionally, the Court stated that ending horse slaughter would protect horses and help prevent the problem of horse theft in America.

Meanwhile, Beltex and Dallas Crown are pursuing their options. Horse slaughter has stopped in the two plants for now because American and Delta Airlines have refused to transport horsemeat out of the state, in accordance with the law. The permanent injunction has not yet been lifted because the plant's attorney is seeking a rehearing.

The Fifth Circuit ruling is expected to be upheld, and from there on, the slaughterhouses' options are limited. If the facilities can no longer process horses, they may expand their operations for slaughtering other animals, or worse, they may move their slaughter plants to Mexico, a move that would subject horses to even greater cruelty. Therefore, despite this excellent news from Texas, a federal ban on horse slaughter and the transport of live horses for the same purpose is needed urgently. Please see *News From Capitol Hill* (page 13) for more on what you can do to help America's horses. 🐾

## Farm Owners and Worker Charged with Animal Cruelty

In January of this year, city prosecutor Frank Forchione charged the owners and an employee of an Ohio farm with a total of 10 counts of animal cruelty, including abandoning sick sows without food or water and beating piglets. The Wiles Farm owners and employee pleaded not guilty in their Jan. 30 arraignment and are currently free on their own recognizance. If they are convicted, each count carries a potential penalty of 90 days in jail and a \$750 fine.

Forchione was not permitted on the grounds of the farm, located in the town of Creston, but after reviewing footage taken by its employees and hearing accounts from witnesses, he decided that "somebody has to speak up for the voiceless." Pigs were particularly mistreated, living in crowded conditions and deprived of adequate food, water and veterinary treatment. According to complaints, they were beaten to death with hammers, shot with guns and hung from a forklift until they finally died.



HFA

**Live hogs at the Wiles Farm were repeatedly hung from a forklift and left to die.**

The abuse was exposed by the Humane Farming Association (HFA), which publicized the cruelty in a series of full-page newspaper advertisements and petitioned local authorities to search the premises in November. The farm continues to operate while the charges are pending, but employees are working with the local Humane Society in an effort to comply with the law. 🐾

Animals in the Oceans

**Ocean Inhabitants Could Disappear by the Year 2048**

Calling for no-fishing zones to be set up urgently, scientists warned in November that the world's fish and other marine animal populations caught for food may collapse within the next half-century. If current habitat destruction and over-fishing trends continue, their 4-year study showed that these species could be almost gone by 2048. In response to this study, the United Nations Food and Agriculture Organization (FAO) reported its support for increased conservation, but believes that this fate will only result if reckless, irresponsible actions continue at the current rate for the next four decades. The FAO believes that world citizens will not let this happen, and economic forces would discourage a complete loss. In the meantime, there is no question that we should start demanding responsible fishing practices now. 🐾

**Intelligent Humpbacks Possess Rare Brain Cells**

Mount Sinai School of Medicine neuroscientists have reported that humpback whale brains contain spindle neurons, a type of cell shared only by humans, great apes and cetaceans such as dolphins. The cells are present in areas analogous to where they are found in primate species. It may explain the whales' complex communication skills and abilities to form alliances, cooperate, transmit culture and use tools. Scientists believe spindle neurons are involved in the cognitive process. 🐾



James Dorsey

**Puget Sound orcas have gained protection under the Endangered Species Act, but researchers worry about recent whale deaths, as well as an increase in pollution and a decline in food sources.**

**Washington Orcas Under Threat**

Three adult Puget Sound orcas were presumed dead after going missing this summer and fall. Before their disappearance, at least two of the animals had shown signs of starvation. Researchers are worried about this incident, since orca mortality is highest in the oldest and youngest animals and is typically restricted to the winter months. Additionally, one of the whales left behind a still-nursing calf. Losing a female in her early reproductive years is a devastating blow to the Puget Sound orca population of about 90 animals. While their numbers have been building since aquarium captures were banned in 1977, pollution and a decline in salmon are still affecting them. Federal officials responsible for protecting the animals under the Endangered Species Act since they were listed in November 2005 would like to see Puget Sound orca numbers grow to 120.

Meanwhile, the National Marine Fisheries Service (NMFS) has issued a recovery plan for the whales, including cleaning up contaminated areas of the Puget Sound, improving guidelines for boat traffic around protected areas, preventing oil spills and supporting "salmon restoration." But its designation of critical habitat for the orcas has a major flaw—for national security reasons, the 2,500 square mile area restrictions do not apply to Naval operations, which famously use deadly sonar in areas such as the large military zone in the Strait of Juan de Fuca, a popular habitat for the orcas. The NMFS should eliminate this exception to the important conservation tool. 🐾

**Dolphinarium Plans Halted**

The island of St. Maarten in the Netherlands Antilles had previously announced plans to allow the Mexican firm Atlántida to construct a dolphinarium on the island. The facility would have included over a dozen dolphins exported from Mexico, ensuring the cruel confinement of these intelligent animals. Fortunately, a massive grassroots campaign led to the imposition of 13 strict criteria by the St. Maarten government that caused the firm to abandon its plan. Governor F. E. Richards should be applauded for this action. It is hoped that the St. Maarten government will soon pass a provision stating that wild marine mammals will not be permitted to enter, leave or be housed on the island for commercial or entertainment purposes. 🐾

**Sharks Receive Protection in the Southern Ocean and off the West African Coast**

In November, the Convention on the Conservation of Antarctic Marine Living Resources decided to halt the targeted fishing of sharks living in the Southern Ocean, at least until their status is assessed. These animals are often hunted for their fins through a brutal practice called "shark finning." Fishermen slice off the animals' fins while they are still alive and conscious. Following this horror, the sharks are tossed back into the water to die from suffocation, blood loss or predation by other animals. Shark species are particularly vulnerable because they grow slowly, mature late and produce small numbers of offspring. In particular, deepwater sharks, who are hunted increasingly for their liver oil, take many years to mature and are declining rapidly. Currently, 106 species of shark are at risk according to the World Conservation Union's Red List of Threatened Species.

While some bans on shark finning are in place in other parts of the world, they are generally lenient, and illegal finning goes undetected. However, any move to protect these marine animals is a step in the right direction, including the South East Atlantic Fisheries' immediate ban on shark finning along the coastlines of Namibia, Angola and South Africa. To control and monitor fishing, a record of all fishing vessels will also be established. It is our hope that these and other protections around the world will increase over time. These steps will contribute to a future of responsible, sustainable fishing and protections for sharks in all oceans. 🐾



Jessica King/Marine Photobank

**Bags of shark fins cater to the growing market for shark fin soup, an Asian "delicacy" that is contributing to the decline of many shark populations.**



ARC Centre of Excellence for Coral Reef Studies

**Bottom trawling destroys slow-growing coral reefs, the habitat for a diverse assemblage of marine species.**

**Will the US Ban Destructive Fishing?**

In a surprising move this October, the Bush administration promised to push for an international ban on deep-sea bottom trawling and other destructive fishing practices responsible for decimating ocean populations in recent years. United Nations officials met later that week to discuss the issue, but unfortunately, even a compromise ban was rejected—due largely to Iceland's delegation. With the support of almost two dozen of his colleagues in the US Congress, Senator Ted Stevens (R-AK) that same week introduced a resolution stating that destructive fishing should be stopped.

Animal advocates and environmentalists have long warned about the dangers of trawling, whereby giant weighted nets are dragged along the floor of the sea to look for fish species such as orange roughy. Meanwhile, they scrape the ocean floor clean of ancient coral reefs and other important species and habitats. To the disadvantage of the ecosystem, technological advances have aided trawling, allowing the nets to reach more than 6,000 feet below the water's surface. 🐾

## Four-Finned Wonder Taken During Drive Hunts

Japan's annual dolphin drive hunts are currently taking place in a few coastal towns. The Animal Welfare Institute strongly opposes this barbaric and arcane practice, whereby dolphins and other small cetaceans are driven into shallow bays and entrapped with nets. The few who are not butchered are purchased by the aquaria industry for sums sufficient to sustain the deadly drive fisheries. The meat, which is contaminated with pollutants, is sold to unsuspecting consumers, although much ends up as pet food and fertilizer. This hunting season has been particularly horrific, with hundreds of long-finned pilot whales, Risso's and bottlenose dolphins all falling victim to the hunters' knives.

On Oct. 28 in the town of Taiji, Wakayama Prefecture, a young bottlenose dolphin was caught in the drive nets, but was spared death because of an unusual physical characteristic: he possessed two sets of fins instead of one. While the discovery of "Four-Fin" was well publicized around the world, the blood bath from whence he came was not mentioned. Four-Fin is thought to be an evolutionary throwback to a time when ancestors of the dolphin walked on land. He is now housed at the Taiji Whale Museum. The notorious facility continues to keep his past under wraps, and refused to provide us with a photo of the dolphin in his new "home." The fate that befell this rare dolphin's mother, who was also captured in the hunt that day,

was not reported. She likely died after bleeding to death from being stabbed without prior stunning, or perhaps by drowning in the panic of confinement.

The hunt and many others like it were witnessed by dolphin trainer-turned-activist Ric O'Barry. Ric has traveled to Taiji for the past several hunting seasons to observe and document the hunts, which the authorities try to keep secret from Japan's public and the world. This fall, we joined forces with Ric, along with Earth Island Institute, In Defense of Animals and Elsa Nature Conservancy of Japan as part of our continuing efforts to stop the hunts. A statement hosted by AWI and signed by hundreds of scientists from across the globe is also being used to bring pressure on the Japanese authorities.

We are also putting pressure on other governing bodies. The World Association of Zoos and Aquariums (WAZA) has stated that the drive hunts are contrary to its mission to "guide, encourage and support the zoos, aquariums and like-minded organizations of the world in animal care and welfare, environmental education and global conservation," yet it does not proactively police its members or applicants on this issue. WAZA should expel its member organization, the Japanese Association of Zoos and Aquariums (JAZA)—to which the Taiji Whale Museum and other aquariums that source from the hunts belong—for failing to hold its member aquaria responsible for their actions. 🐾



Left: Dolphins are lined up under a blue tarp and tied by their tail flukes so they cannot return to deep water. Right: After fishermen stab and slash dolphins with knives and hooks, the animals thrash about as they slowly die and turn the sea red with their blood.

## China's Baiji Dolphins Declared Extinct

A 2006 expedition has deemed the freshwater baiji dolphin species, last sighted in 2004, "functionally extinct." The ancient species—originating over 20 million years ago—was until recently found throughout China's Yangtze River and its surrounding lakes and tributaries. Unfortunately, the exponential growth of the Chinese human population posed a variety of threats to its survival, including habitat destruction resulting from the building of commercial fisheries. The species also relied heavily on echolocation because of its poor eyesight, and increased ship traffic and other anthropogenic noise impaired its ability to hear important biological sounds. In the end, despite some protective efforts, a lack of information, growing threats and the species' small population size led to the baiji's decline. This sad loss was the first marine mammal extinction in 50 years. We hope it will be a wake up call to Chinese officials, as the country's finless porpoise population now risks extinction at only 700 animals. Leading up to the 2008 Olympics in Beijing, we will print another report from our series on the country's animal welfare problems in the spring *AWI Quarterly*. 🐾

## Iceland Resumes Commercial Whaling

The Animals Committee of the Convention on the International Trade in Endangered Species of Wild Flora and Fauna (CITES) has the responsibility of deciding whether animal species should be traded between member countries with or without restrictions, based on a review of the species' status. This process is rarely controversial, but that was not the case this past year.

Not content with merely initiating a process that could result in the CITES down listing of these fin whales, Iceland announced only a few months later that it would resume commercial whaling. The country granted itself a quota of nine fin whales and 30 minke whales, in addition to the 39 minke whales planned for lethal "scientific research" in 2007. Iceland also announced plans to engage in the international trade of whale products with Japan. Fortunately, the international response came swiftly. The US ambassador to Iceland presented a diplomatic protest, known as a "demarche" to the Icelandic government, which was followed shortly by a 25-nation demarche to Iceland, lead by the United Kingdom, with participation from the European Commission and the United States. However, Iceland was unfazed. Within a few days of its announcement, a fin whale was killed. Over the next several weeks, seven fin whales and a minke whale were slaughtered as well.

In mid-November, the United States withdrew its offer to assist Iceland in the fin whale review. The next month, it formally opposed the status review proposal to the CITES Secretariat. With more than a dozen other organizations, AWI petitioned the Secretary of the Interior and Secretary of Commerce to formally certify Iceland under the Pelly Amendment to the Fishermen's Protective Act of 1967, the first step in the United States instituting trade sanctions against the country. Following certification, the president must decide to either impose sanctions or use diplomatic means to halt Iceland's actions. We are urging the former, since Iceland's previous certification for scientific whaling led to a diplomatic approach that achieved little.

Ahead of this year's International Whaling Commission (IWC) meeting, to be held the last week of May in Anchorage, Alaska, it appears that the pro-whaling nations and the conservation-minded nations will be represented evenly. The United States will ask the IWC for 5-year quotas for bowhead whales on behalf of its Alaskan natives and gray whales for the Washington State Makah Tribe. Securing the quotas requires a three-quarter majority. As the host country and chair of the meeting, the United States has much to lose. The stakes are high, and it must take this opportunity to show leadership and stand up to the pro-whaling nations to ensure the fight is not lost on home soil. 🐾

Commercial whalers use brutal harpoons to kill their prey.

photo: Campaign Whale

### Bequests to AWI

If you would like to help assure the Animal Welfare Institute's future through a provision in your will, this general form of bequest is suggested:

I give, devise and bequeath to the Animal Welfare Institute, located in Washington, D.C., the sum of \$\_\_\_\_\_ and/or (specifically described property).

Donations to AWI, a not-for-profit corporation exempt under Internal Revenue Code Section 501(c)(3), are tax deductible.

We welcome any inquiries you may have. In cases where you have specific wishes about the disposition of your bequest, we suggest you discuss such provisions with your attorney.

## CALL FOR PROPOSALS:

# *AWI Seeks Applicants for the 2007 Christine Stevens Wildlife Award*

### Looking for Humane Solutions

In honor of Animal Welfare Institute (AWI) founder and longtime wildlife advocate Mrs. Christine Stevens, a grant program was established in 2006 to support research on innovative techniques and products intended to advance non-lethal wildlife management practices. AWI received 17 applications, and five \$10,000 grants were awarded for diverse research projects on chemical toxicants and birds, guard dogs for livestock, a humane device for protecting cattle from wolves, non-invasive white-tailed deer sampling techniques, and the assessment of a non-lethal predator control model.

Mrs. Stevens was ahead of her time from the earliest days of AWI's founding. In addition to supporting the development of new products and techniques, she devoted half a century to campaigning for humane wildlife control measures, such as banning steel-jaw leghold traps and poisonous baits, and using birth control vaccines as a way to control overpopulation.

### Our Second Year

AWI continues Mrs. Stevens' legacy through this award and is now accepting applications for 2007. We hope to fund a wide variety of studies that may shed light on ways to resolve conflicts between species, determine the effectiveness of a new wildlife management tool, or test new methodologies for humane wildlife research. We give warm thanks to the Josephine S. Fox Foundation for its assistance in establishing this program and its commitment to supporting one of the grants each year. 🐾



*Maureen Murray releases a red-tailed hawk, the subject of a study funded by a 2006 Christine Stevens Wildlife Award.*

11/06

### **How to Apply**

**Applications must be received by May 31, 2007. Only studies conducted in North America are eligible. For instructions on how to apply, please visit [www.awionline.org/wildlife/](http://www.awionline.org/wildlife/) or contact AWI Wildlife Biologist D.J. Schubert at [dj@awionline.org](mailto:dj@awionline.org) or (609) 334-1378.**



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