

# The Farm Animal Welfare Council (FAWC) Report on the Welfare of Farmed Animals at Slaughter (Red-Meat Animals) – Draft Scottish Executive Response

## Consultation response from the Scottish Council of Jewish Communities

### Introduction

As the representative body of the Jewish community in Scotland we recognise and share the desire of the Scottish Executive and members of FAWC to promote animal welfare - indeed, animal welfare is a cornerstone of Halachah (Jewish Law). We also welcome the Scottish Executive's recognition of the '*deeply held beliefs of Moslem and Jewish communities in Scotland*' and agree with their statement that '*a ban on religious slaughter would not be consistent with the provision of the Human Rights Act 1998 which implements the European Convention of Human Rights*'.

However, we utterly reject the views of FAWC, which has consistently resisted requests to provide the scientific evidence on which its assertions are based. No new experimental data are quoted in the June 2003 Report. If the committee has sought new input on which to base its reports, this would appear to be unpublished or mere opinion, rather than peer reviewed science.

### Part I: General

#### The Nature of Shechita

Halachah (Jewish Law) requires that animals be treated with consideration, kindness and respect. With regard to the use of animals for food, Halachah states that, if meat is to be eaten, animals must be slaughtered in a prescribed humane way. Shechita is the **only** method permitted by Halachah to enable Jews to eat meat. In addition, Halachah requires that an animal intended for food must be healthy and uninjured at the time of slaughter and that the Shechita incision should be the effective cause of death of the animal. Stunning by methods other than Shechita, for example captive-bolt or electricity, renders an animal forbidden to Jews for food.

Shechita (slaughtering animals for the kosher market) is performed with a surgically sharp instrument (a chalaf), which must be perfectly smooth without the minutest notch or irregularity. The shochet (person who performs Shechita) examines the instrument before and after the procedure to ensure this standard is maintained. The frontal structures at the neck including the trachea, oesophagus, the carotid arteries and jugular veins are severed in a single rapid and uninterrupted action causing an instant and almost total loss of blood pressure in the brain. This results in the immediate and irreversible cessation of consciousness and sensibility to pain, and therefore constitutes stunning as defined in law, namely "any process which causes immediate loss of consciousness which lasts until death". Proponents of stunning seek to achieve the state of unconsciousness by additional intervention, but Shechita humanely incorporates stunning as an integral part of the procedure which dispatches and exsanguinates with a single rapid action. Scottish law defines stunning as "any process which causes immediate loss of consciousness which lasts until death". Shechita conforms to this requirement.

The shochet (person who performs Shechita) studies intensively for many years and must have a thorough knowledge of animal anatomy and pathology as well as the laws of Shechita, and must be an individual of exemplary character. The shochet must be licensed by both the Meat Hygiene Service and by the Rabbinical Commission for the Licensing of Shochetim, a statutory body established by Parliament and now governed by Schedule 12 to The Welfare of Animals [Slaughter or Killing] Regulations 1995. Every shochet is examined annually by this Commission and must apply for renewal of his license every 12 months. No general slaughterman is subject to such continuous standards of personal assessment, rigorous training and supervision yet he is "licensed for life."

A shochet receives a salary and is employed by a Shechita Board or Authority. He is not paid per animal slaughtered, and is therefore under no external time or financial pressure to compromise the meticulous and consistent performance of his Shechita. This contrasts with the situation of general abattoir slaughtermen who are usually paid on a piece-work basis and rely on speed of throughput.

### **The issue of suffering**

Pain is intrinsically subjective and as such cannot be objectively assessed, and insofar as observation of behavioural responses and non-specific features such as heart rate, blood pressure or neurohormonal responses is of any value, they do not support FAWC's conclusion.

For the sensation of pain, a functioning cerebral cortex is required along with a peripheral stimulus of adequate intensity. In the case of Shechita, the starting point is, indeed, an animal which is conscious up to the moment of the act of Shechita, but i) there is a drastic and rapid fall in cerebral blood flow immediately after the Shechita incision that inactivates the cerebral cortex by depriving it of its blood supply immediately leading to a rapid and irreversible loss of consciousness; and ii) the exquisite sharpness of the *chalaf*, coupled with the smoothness of the incision, mean that there is minimal stimulation of the incised edges, typically below a level adequate to activate the pain pathways.

Professor Temple Grandin of the Department of Animal Sciences, Colorado State University has reported in a study of cattle that prior to Shechita, at the moment of the incision, and immediately after Shechita that there is no flinching and no reflex defence response suggestive of any sensation of pain. A further report pointed out that Grandin and colleagues deliberately applied the head restraint so lightly that the animals could readily pull their heads out. Despite this, 'none of the ten cattle moved or attempted to pull their heads out'.

Further, Grandin and Regenstein (1994) stated that 'it appears that the animal is not aware that its throat has been cut.' Bager et al reported a similar observation with calves. Further observations of twenty Holstein, Angus and Charolais bulls indicated that they did not react to the cut. The bulls were held in a comfortable head restraint with all body restraints released. They stood still during the cut and did not resist head restraint.

These experiments clearly demonstrate that animals do not suffer pain and distress from the Shechita incision. As cited by Grandin, Bager et al (1992) also observed the lack of flinch. The lack of response to the Shechita incision is in contrast to the observable effects of inflicting such painful stimuli as ear tagging or captive bolt stunning.

Approximately 30 seconds after the act of Shechita, animals are observed to make very slow and laboured respiratory efforts and shortly afterwards there are muscular spasms which can produce some violent thrashing of the limbs. Both of these phenomena are the consequence of hypoxia (oxygen starvation) of the spinal cord and are in no respect at all a conscious reaction to pain. Such movements are well described in decapitated animals.

In the light of the scientific evidence we totally reject the Scottish Executive's statements in the consultation document which seriously impugn Shechita, in particular the view that 'on balance, animals (especially cattle) slaughtered without pre-stunning are likely to experience very significant pain and distress' (recommendation 61) This is completely unvalidated and without any scientific basis.

### **Other methods**

The Scottish Executive's response to FAWC has failed to address adequately the animal and human welfare issues associated with stunning in the general slaughtering industry, as well as the significant pain and distress suffered by animals as a result of mis-stunning.

A number of animal welfare agencies, including the RSPCA, have found many instances of inefficient or misapplied stunning techniques causing unnecessary suffering to the animal. It is estimated that 2.4 million of the 26.3 million red meat animals slaughtered in the UK each year are mis-stunned. This is more than 25 times the total number of animals killed by Shechita, a fact which alone impugns the motives of those purporting to oppose Shechita on animal welfare grounds.

There are also data to suggest that the stunning techniques widely employed may cause substantial pain even when applied in the prescribed fashion. Mechanical stunning is a technique in which a severe blow is delivered to the head of the animal. It entails a massive sympathetic discharge, which might be taken to indicate a very large stress response.

Notwithstanding the above, the only reference that appears in the FAWC report in relation to pain suffered by animals is in connection with Shechita, and that without any evidence for the speculative views expressed.

Of considerable public health concern is the recent suggestion that captive bolt stunning may be associated with risk of transmission of infection, including prion diseases such as variant Creutzfeld-Jacob disease (vCJD) in association with bovine spongiform encephalopathy (BSE). As regards vCJD, the risk of contamination to humans is entirely disregarded by FAWC, in the face of fear of the 'major animal welfare challenge' that would accompany the potential loss of the captive bolt methodology.

## Part II: Recommendations in the Report

### Recommendation 57 – re-evaluation of restraining pens

The Scottish Executive has accepted that it should *'arrange re-evaluation of all restraining pens currently in use, particularly in terms of the efficiency of restraint of animals of various sizes.'*

In its Report of June 2003 (paragraph 187) FAWC reported: *'...We are concerned about the effectiveness of restraint and the distress caused to animals that we observed during our visits...'*

We do not agree that there is a need for a re-evaluation of the restraining pen currently used for Shechita. Further, we do not agree with FAWC's assertion that after the incision has been made and the chin lift released *'further pain and distress'* could be caused if the animal's head dropped forward onto the metal work of the restraining pen. On the contrary the incision causes immediate and irreversible loss of consciousness and sensibility.

In its 1985 Report (ref book 262), FAWC recommended that, *'the law be amended to permit the use of pen which restrains the animal in a standing position provided that the design of the pen, which must be approved by Ministers, incorporates effective restraint and support for the animal. We recommend... that the use of rotary pens should be prohibited at the end of the next two years.'* The Humane Conditions Regulations 1990, enacted that as from 1992 it would be unlawful to use the rotary casting pen. Those Regulations required use of the upright pen recommended by FAWC and approved by Ministers. This upright-pen has been in compulsory use since 1992. It is our view that the current regulations ensure that restraining pens in use are effective.

We note that the Scottish Executive may consider yet another re-evaluation of the restraining pen used for Shechita and are concerned that this may simply be an indirect means to impede Shechita. We hope that the requirement for any modification would be based solely upon valid and demonstrable welfare need (and note that this may lead to the use of a casting or reclining pen). At a practical level, our pens have also been popular with the general slaughtermen who perform non-Shechita slaughter, and Grandin has drawn attention to the welfare benefits of the type of restraining pen that is used in the UK for Shechita.

We object to the Scottish Executive *'assessing what, if any, modifications need to be made to the existing pens to enable the slaughterman to carry out an immediate post-cut stun'*. The Scottish Executive has wrongly linked re-evaluation of restraining pens to the subject of a 'post-cut' stun. This goes further even than FAWC's recommendations.

### **Recommendation 59 – alternatives to manual restraint for sheep**

The Scottish Executive has accepted that the industry should explore possible '*alternatives to manual restraint methods for sheep*'

We are concerned to ensure that other methods, including the v-shaped restrainer, should not interfere with the process of Shechita.

### **Recommendation 60 – post-incision examination**

The Scottish Executive has accepted FAWC's recommendation that '*where an animal has not been stunned, the OVS must ensure that nothing is inserted into the neck wound post-cut.*'

This recommendation is based on an incorrect presumption on the part of FAWC. In its 2003 Report (paragraph 196) FAWC stated, '*...we observed the slaughterman place his hand into the neck wound of cattle immediately after the cut had been made, presumably to try to ensure the free flow of blood from the severed carotid arteries... This procedure in itself is, in our view, likely to cause further unnecessary pain and distress and is also unlikely to achieve its objective.*'

The observation of this procedure and an erroneous assumption about its purpose, led FAWC to the mistaken view that further unnecessary pain and distress was likely. This is a further example of FAWC's unscientific approach.

FAWC '*...observed the slaughterman place his hand into the neck wound...*' If concerned about this, the Working Group should have asked him why he did this, rather than to make no enquiry and rely on a presumption which is false. The true reason for this examination, carried out by a shochet, is to ensure that the incision has severed organs and vessels. It is an integral part of Shechita. In any event, this examination takes place on the unconscious animal. It is a matter of the gravest concern that the Scottish Executive has accepted FAWC's recommendation and has responded that legislation will be introduced to ban an integral aspect of Shechita.

### **Recommendation 61 – stunning before slaughter**

The Scottish Executive has not accepted FAWC's recommendation to repeal the current exemption which permits slaughter without pre-stunning. However, it has accepted '*...the report's conclusion that, on balance, animals (especially cattle) slaughtered without pre-stunning are likely to experience very significant pain and distress.*'

The Jewish community is deeply concerned that the Scottish Executive has accepted FAWC's assertions about the subjective experience of animals during Shechita. FAWC's conclusions were reached without any published scientific confirmation and ignore the scientific data which show that Shechita is a humane method. FAWC admitted that '*...It is difficult to measure pain and distress during the slaughter process in an objective scientific manner and subjective indicators... are prevented from being displayed...*' (FAWC Report

2003 paragraph 194). However, FAWC stated *'We are persuaded that such a massive injury would result in very significant pain and distress in the period before insensibility supervenes'*. It is unreasonable for the Scottish Executive have accepted the Report's conclusion about *'very significant pain and distress'* without questioning what criteria *'persuaded'* FAWC to reach this conclusion. By FAWC's own admission, these criteria were neither objective nor scientific.

We are particularly concerned that the false message that Shechita is likely to cause *'very significant pain and distress'* will foment social division and prejudice against the Jewish community. There have already been threats to the lives of Jewish butchers since the publication of this report and we are sure the Scottish Executive would not wish to appear to be giving license to such activities.

### **Labelling**

FAWC's report made no recommendation about labelling. However, Without producing any evidence, the Scottish Executive has stated *'...it is clear from the public reaction following the publication of the FAWC Report that there are strong feelings against slaughter without prior stunning, on the part of consumer and animal welfare groups.'* The Scottish Executive has expressed concern that meat slaughtered by a religious method could find its way onto the ordinary meat market and that consumers are not able to identify it at the point of sale. The Scottish Executive has expressed a wish for *'consumer and industry groups to consider whether this problem could be successfully addressed through a voluntary system of labelling.'*

The Jewish community is concerned that any labelling of Shechita-produced meat which refers to its method of slaughter should not be critical or pejorative of Shechita expressly or by implication in distinguishing it from meat with other labels. Unacceptable labelling could be exploited by some groups opposed to Shechita. The Jewish community is particularly concerned that any form of labelling should not reflect the unsupported and incorrect opinion, that Shechita is likely to cause *'very significant pain and distress'*. Considerably more important to consumer choice would be inter alia, labelling which informs of risk to human health by BSE/vCJD through use of captive-bolt stunning and whether the animal was mis-stunned.

### **Recommendation 62 – stunning after slaughter**

The Scottish Executive has partially accepted FAWC's recommendation (Report 2003 paragraph 203) that *'until the current exemption which permits slaughter without pre-stunning is repealed'* cattle not stunned before slaughter should receive an immediate post-cut stun, but *'are mindful of likely opposition to this from some religious groups and would intend to seek progress on a voluntary basis.'*

Any post-Shechita stun is unnecessary and reference to a 'post-cut stun' is misleading since the Shechita incision itself renders the animal instantaneously and irreversibly unconscious and insensible from the moment of the incision. We are gravely concerned at even partial acceptance of this recommendation: Shechita stuns the animal. The stun effected by Shechita conforms with the requirements of the legislation:— *'stunning', in relation to an*

*animal, means any process which causes immediate loss of consciousness which lasts until death;*’ (paragraph 2(1) of Part I to The Welfare of Animals (Slaughter or Killing) Regulations 1995) (WASK 1995). Shechita accomplishes what other methods attempt, namely the immediate and irreversible abolition of consciousness until death supervenes. Neither Scottish Executive nor FAWC have produced any scientific data to justify a post-Shechita stun on animal welfare grounds.

In addition, introduction of a post-Shechita stun is a matter of deep concern on public health grounds, because of the potential risk of transmission of vCJD infection from brain and spinal matter dispersed by captive-bolt stunning.

#### **Recommendation 65 – severance of the oesophagus**

The Scottish Executive has delayed a decision on FAWC’s recommendation (Report 2003 paragraph 213) that *‘The law should require that bleeding should be carried out by severing both carotid arteries,’* but has stated that *‘until the effect of the new EU Meat Hygiene regulations that include a requirement that for red meat species the oesophagus must not be cut during sticking.’*

Recommendation 65 goes to the essence of the Shechita process. Severance of the oesophagus is an absolute Halachic requirement (requirement of Jewish Law). Any measure to prevent the severance of the oesophagus would effectively end the production of kosher meat for the Jewish community.

#### **Recommendation 70 – lairaging and restraining deer**

The Scottish Executive has partially accepted FAWC’s recommendation (Report 2003, paragraph 240) that *‘Facilities used for lairaging and restraining deer, wherever they are killed, should be specifically designed for the purpose.’*

Currently, the Jewish Community is deprived of venison by reason of Schedule 12 WASK Regulations 1995 which excludes deer from the list of animals upon which Shechita may be performed. In 1987 Ministers of Agriculture (MAFF) declared that Shechita for deer would not be permitted until a suitable head restraint could be devised. The Jewish Community would welcome any redesign of the pen for accommodating deer to take account of the potential for use in Shechita.

### Part III: THE JEWISH COMMUNITY'S RECOMMENDATIONS

1. The Scottish Executive should state unequivocally that it recognises Shechita as a humane method of animal slaughter. In the USA, Shechita is expressly defined by Federal Law (Humane Method of Animal Slaughter Legislation) and the US Department of Agriculture as a humane method. The recognition of Shechita as the Jewish religious humane method of animal slaughter should be enshrined in Scottish legislation.
2. The Scottish Executive should state unequivocally that Shechita constitutes stunning as required by The Welfare of Animals (Slaughter or Killing) Regulations 1995 (WASK 1995) [paragraph 2(1): *'stunning', in relation to an animal, means any process which causes immediate loss of consciousness which lasts until death,*] and amend the WASK Regulations 1995 accordingly in line with Article 5 of EU Directive 93/119/EC.
3. The Scottish Executive should withdraw its statement that, *'on balance, animals (especially cattle) slaughtered without pre-stunning are likely to experience very significant pain and distress.'*
4. The Scottish Executive should inform FAWC that the onus of proof is on them to demonstrate, unequivocally, that any religious procedure that they wish to ban causes unnecessary pain and suffering to animals.
5. The Scottish Executive should accept that current regulations are sufficient to restrain animals of varying sizes and that any further changes to the regulations should not impose unnecessary burdens on the industry (recommendation 57).
6. The Scottish Executive should ensure that no alternative to manual restraint for sheep is made mandatory (recommendation 59).
7. The Scottish Executive should reject FAWC's recommendation that *'where an animal has not been stunned, the OVS must ensure that nothing is inserted into the neck wound post-cut'* (recommendation 60) and state that it accepts that tactile inspection of the incision is both painless and an integral part of Shechita.
8. The Scottish Executive should ensure that any voluntary system of labelling is not pejorative of Shechita expressly or by implication and does not single out one method of production or slaughter in isolation.
9. The Scottish Executive should state unequivocally that Shechita complies with the statutory definition of stunning and that introducing a post-cut stun is unnecessary (recommendation 62).