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Unanimous Decision of New Jersey Supreme Court Results in Precedent-Setting Victory for Farm Animals

July 30, 2008

The Court therefore strikes as invalid the definition of 'routine husbandry practices'

TRENTON, N.J. — In a unanimous landmark decision, the New Jersey Supreme Court today struck down the New Jersey Department of Agriculture's regulations exempting all routine husbandry practices as "humane" and ordered the agency to readdress many of the state-mandated standards for the treatment of farm animals. A broad coalition of humane organizations, farmers, veterinarians, and environmental and consumer groups, led by Farm Sanctuary and represented by the public interest law firms Meyer Glitzenstein & Crystal, Washington, D.C., and Egert & Trakinski, Hackensack, N.J., brought the case to the state's Supreme Court. In this monumental case, the Court ruled that factory farming practices cannot be considered humane simply because they are widely used, setting a legal precedent for further actions to end the most egregious abuses on factory farms throughout the U.S. The Court also rejected the practice of tail-docking cattle, and the manner in which the NJDA had provided for farm animals to be mutilated without anesthesia.

"This is a major victory for farm animals in New Jersey, and will pave the way for better protections of farm animals nationwide," said Gene Baur, president and co-founder of Farm Sanctuary. "Setting a legal precedent in a unanimous vote that clarifies that commonly used practices cannot be considered humane simply because they are widely used will build on our momentum in challenging the cruel status quo on factory farms."

Many states have an exemption to their cruelty code for "routine" or "commonly accepted" practices which leaves animals confined in factory farms unprotected from abuse. However, in 1996, the New Jersey Legislature directed the NJDA to develop appropriate "standards for the humane raising, keeping, care, treatment, marketing, and sale of domestic livestock." Eight years later, on June 7, 2004, the agency finalized regulations that specifically authorized many cruel farming practices and essentially gave blanket protection to all common agriculture practices.

In 2004, a coalition filed suit alleging that the NJDA failed to establish standards of treatment of farm animals that are "humane" — as required by the New Jersey Legislature in 1996 — and instead sanctioned numerous inhumane practices, including all routine farming practices, used to raise animals for meat, eggs and milk. This coalition included Farm Sanctuary, The Humane Society of the United States, The New Jersey Society for the Prevention of Cruelty to Animals, American Society for the Prevention of Cruelty to Animals, Animal Welfare Institute, Animal Welfare Advocacy, Save Our Resources Today, Center for Food Safety, and the Organic Consumers Association, among others.

In addition to striking down the agency's sweeping exemption for "routine husbandry practices," the Court further held that tail docking could not be considered humane, and the manner in which mutilations without anesthesia including castration, de-beaking and de-toeing could not be considered humane without some specific requirements to prevent pain and suffering. The Court made clear that the decision to permit these practices as long as they are done by a "knowledgeable person" and in a way to "minimize pain" could not "pass muster."

According to Katherine Meyer, lead attorney for the plaintiffs, "Having the New Jersey Supreme Court unanimously recognize that the mutilation practices commonly used in the industry — cutting off the beaks and toes of live animals without anesthesia — is painful to these animals is an important milestone in educating the public at large about these practices and the need for reform."

"This decision will protect thousands of animals in New Jersey, and also calls into question some of the worst factory farm abuses practiced throughout the country," said Jonathan Lovvorn, vice president of animal protection litigation for The Humane Society of the United States. "All animals deserve humane treatment, including animals raised for food."

Unfortunately, the Court failed to take the opportunity to strike down regulations that allow the confinement of breeding pigs in gestation crates and calves in veal crates, as well as the transport of sick and downed cattle. Although the Court noted that these practices are controversial and that downed animals "suffer greatly," it found the record on appeal insufficient to warrant striking the regulations at this time. The decision comes amid a massive momentum nationwide to phase out these cruel systems and recent highly publicized investigations of downed cattle that resulted in animal cruelty convictions. The plaintiffs will push the agency vigorously to phase out these cruel and inhumane practices when the regulations are revised.

In April 2008 the Pew Commission on Industrial Farm Animal Production released the results of a two and a half year study that supports a phase out of common factory farming practices such as the use of gestation crates, farrowing crates, tethering, forced feeding, tail docking, and body-altering procedures that cause pain. The European Union outlaws many of these practices, or is in the process of phasing them out. Florida and Oregon have outlawed gestation crates, and Arizona and Colorado have outlawed both gestation and veal crates. An anti-confinement initiative on California's November 2008 ballot — Proposition 2 — if passed, would outlaw gestation crates for breeding pigs, veal crates for calves and battery cages for egg-laying hens in the nation's largest agricultural state.

More information about the New Jersey lawsuit can be found at www.njfarms.org.

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Farm Sanctuary is the nation's leading farm animal protection organization. Since incorporating in 1986, Farm Sanctuary has worked to expose and stop cruel practices of the "food animal" industry through research and investigations, legal and institutional reforms, public awareness projects, youth education, and direct rescue and refuge efforts. Farm Sanctuary shelters in Watkins Glen, N.Y., and Orland, Calif., provide lifelong care for hundreds of rescued animals, who have become ambassadors for farm animals everywhere by educating visitors about the realities of factory farming. Additional information can be found at www.farmsanctuary.org or by calling 607-583-2225.

The Humane Society of the United States is the nation's largest animal protection organization — backed by 10.5 million Americans, or one of every 30. For more than a half-century, The HSUS has been fighting for the protection of all animals through advocacy, education, and hands-on programs. Celebrating animals and confronting cruelty — On the web at humanesociety.org.

The New Jersey Society for the Prevention of Cruelty to Animals (NJSPCA) is the law enforcement agency that is charged with enforcing the animal cruelty statutes in New Jersey. The organization was created by the NJ Legislature in 1868.

Founded in 1866, the ASPCA® (The American Society for the Prevention of Cruelty to Animals®) was the first humane organization established in the Americas, and today has more than one million supporters throughout North America. A 501 [c] [3] not-for-profit corporation, the ASPCA's mission is to provide effective means for the prevention of cruelty to animals throughout the United States. The ASPCA provides local and national leadership in animal-assisted therapy, animal behavior, animal poison control, anti-cruelty, humane education, legislative services, and shelter outreach. The New York City headquarters houses a full-service, accredited animal hospital, adoption center, and mobile clinic outreach program. The Humane Law Enforcement department enforces New York's animal cruelty laws and is featured on the reality television series "Animal Precinct" on Animal Planet. For more information, please visit www.aspc.org.

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