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Esbensshade: 'It Could Happen Again'

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DAVE LEFEVER
Editor

Editor's Note: Parts of this article were taken from a story by Ryan Robinson printed in the June 2 edition of the Lancaster New Era.

MOUNT JOY, Pa. — H. Glenn Esbensshade has been in the poultry business since 1963. Last week, he emerged from what he said was "the biggest challenge I ever had" — charges of animal cruelty.

On June 1, the owner and CEO of Esbensshade Farms' and farm manager Jay Musser were found not guilty on all animal cruelty charges stemming from video taken by an undercover animal rights activist in late 2005. Esbensshade said in his lifetime he has "seen the whole gamut" of poultry production, including raising birds in rain shelters on the farm where he grew up near Lancaster, to a floor-raised breeder flock when he started his own operation in the 1960s to the caged egg layer production of today.

"But I never thought I'd be charged with animal cruelty," Esbensshade said.

In the potentially precedent-setting case attracting national attention, District Judge Jayne F. Duncan found Esbensshade and Musser not guilty on all charges of inhumane conditions at the farm.

"I am pleased with the decision," Esbensshade said. "Our company has and will continue to be committed to animal welfare, food safety and environmental stewardship."

Esbensshade operates egg production facilities with a total of about 2.2 million laying hens at three sites in northwest Lancaster County. The Mount Joy site where the charges stemmed from is home to about 590,000 birds in seven houses. His son, Chris Esbensshade, is controller for the operation.

Pennsylvania farm leaders, including PennAg Industries, Inc. (PennAg), hailed the ruling that traditional egg production practices that have made Pennsylvania one of the top egg and poultry-producing states in the nation do not constitute "cruelty to animals."

Espensshade received a standing ovation when the outcome of the case was announced at a breakfast forum in Lancaster early this week hosted by PennAg, a Harrisburg-based agribusiness organization representing poultry producers and other farm interests across the state. The charges against Esbensshade Farms were filed by Johnna Seeton, a Humane Society police officer who received a videotape from a Washington D.C.-based animal rights organization Compassion Over Killing. The videotape was said to have been made at the egg production facility by an employee of Compassion Over Killing who was secretly assigned to investigate the farm. Seeton had never visited the farm before filing charges and had never been inside the facility.

Esbensshade said he is not sure all the video clips were taken at his farm. "I can't tell if they are all from my house or not," he said. Furthermore, he said he had offered to let Seeton into the facility, but she never entered it.

"We hope that this decision sends a strong message about groups like Compassion Over Killing," said Walt Peechatka, PennAg executive vice-president, in a press release this week. "Animal rights extremists target family-owned businesses like Esbensshade Farms simply because they are large operations. In reality, it is in the best interest of responsible farmers like Glenn Esbensshade to keep animals healthy, content and comfortable."

Chris Herr, assistant vice-president of the the PennAg Poultry Council, said the decision also highlights the need for a new look at Pennsylvania laws and regulations governing the role of private police officers and oversight of farming operations.

"The Humane Society police officer act is a well-intended act," Herr said. "Unfortunately in this situation, it was taken advantage of by groups outside of Pennsylvania. In an effort to eliminate this misuse of the law, PennAg Industries Association supports the need for a third-party agricultural expert to be present during farm investigations by humane police officers."

Peechatka said the case was part of an on-going campaign by extremist food groups to eliminate animal agriculture. "The group that sponsored this case acknowledges on its Website that it "promotes vegetarian eating as a way to build a kinder world for all of us, both human and nonhuman." He noted that USDA still advocates a substantial consumption of protein from meat, fish, eggs, milk or other animal products as part of a healthy and balanced diet.

Esbensshade said that animal rights activists are going to increasingly infiltrate animal production industries.

"They are really adamant," he said. "I saw that in the trial." Animal rights is a "personal issue for them," Esbensshade said. "They may be interested in animal welfare, but most of them are vegans and they want to change the diet."

"If someone wants to believe that way, that should be fine," he said. "But to force themselves on others is wrong."

Those making the allegations say justice was not served in the court case.

"I think the fox is still guarding the hen house," said Seeton, the Humane Society police officer who filed the charges.

"The video footage of inside this factory farm reveals conditions were cruel and inhumane," said Erica Meier, executive director of Compassion Over Killing, a Washington-based animal-rights advocacy group.

Lancaster County poultry extension educator Gregory Martin, who testified in the case for the defense, said a different verdict "would have opened the door for more actions (against farmers)."

John Brothers, described as a Compassion Over Killing investigator by Meier, reportedly took the videotape in December 2005 after obtaining a job maintaining some of the farm's chicken houses. His employment at the farm lasted a little more than a week, according to Esbensshade.

Meier and Seeton said the video showed chickens impaled and hung by cage wires, stuck in wires keeping them from accessing food and water, "mummified chickens in cages dead for about six weeks," and live birds in aisles left to die.

Esbensshade said the family business wouldn't survive if conditions of the facilities were like those shown in the videotape.

He also said that Brothers claimed he took two hours of video but presented only 20 minutes of it.

Martin added that the defense during trial questioned whether the birds shown in compromised positions were posed or not.

"Videotape was the problem in the case," Martin said, "the fact that the humane officer didn't physically see it."

He said if the officer had visited the poultry house with him and he could explain what is common practice, she might not have brought the charges.

"People need to recognize that with tens of thousands of animals, you'd expect to see some mortality," Martin said. "In most cases, it is under 5 percent over the life of the birds."

He testified that conditions at the farm were comparable to those at other farms of similar size he has visited.

After spending a lot of money in the case to defend his business, Esbensshade warned other farmers to be vigilant against a similar attack. "We have to stay on guard," he said. "It can happen again."

He advised producers to take extra precautions when hiring workers, such as following up with a second interview and reviewing applications carefully — even though false information, as in this case, can be difficult to determine.

Meier contended that her organization is only interested in animal welfare.

"Our aim is to expose cruelty to farm animals and encourage people to choose compassion," she said.

"This ruling suggests agribusiness operates above the law and that it is okay in Pennsylvania for animals to live in horrific conditions," she said. "I am truly disappointed with the outcome."

Meier said if the chickens had been cats or dogs, the case's outcome would have been different. Farm animals should receive the same considerations, she said.

Martin said the case should remind farmers "to do the best possible job of taking care of our birds, and welfare is a matter of doing a good job every day."

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