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November 29, 2010

# Humanely Raised? Challenging Perdue's Claims

## Class-action lawsuit filed over labels

The Humane Society of the United States announced the filing of a class action lawsuit against the nation's third-largest poultry producer, Perdue Farms, over the company's alleged false advertising of factory farmed chicken products as "humane."

The suit—filed by an HSUS member on behalf of consumers duped by Perdue Farms—alleges that Perdue is illegally marketing its "Harvestland" and "Perdue" chicken products with "Humanely Raised" labels in violation of the New Jersey Consumer Fraud Act. The complaint seeks a jury trial and compensatory damages for the class members, as well as injunctive relief against further use of the "Humanely Raised" claim by Perdue.

"Companies like Perdue are exploiting the dramatic growth of consumer demand for improved animal welfare for their own profit," said Jonathan Lovvorn, vice president and chief counsel of Animal Protection Litigation for The HSUS. "Rather than implementing humane reforms, Perdue has simply slapped 'humanely raised' stickers on its factory farmed products, hoping consumers won't know the difference."

### Hardly humane

The standards upon which Perdue has based its "Humanely Raised" claim are the so-called "Animal Welfare Guidelines" of the National Chicken Council—the trade group for the chicken industry. The suit alleges that those guidelines allow for treatment that no reasonable consumer would consider "humane."

Temple Grandin, Ph.D., among the world's foremost farm animal handling and slaughter experts, put it bluntly in an industry trade journal: "The National Chicken Council Animal Welfare audit has a scoring system that is so lax that it allows plants or farms with really bad practices to pass." In her book *Animals in Translation*, Grandin explained, "Today's poultry chicken has been bred to grow so rapidly that its legs can collapse under the weight of its ballooning body. It's awful."

The industry guidelines permit numerous inhumane practices, including [painful handling and](#)

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[shackling of live birds](#); near continuous, dim lighting that prevents normal resting behavior and is linked to painful problems associated with [fast growth](#); the transport and holding of birds on cramped trucks for long periods of time in extreme temperatures with no food or water; and [egregiously inhumane slaughter practices](#).

#### Typical trauma

In a typical poultry slaughter operation, birds are first dumped or pulled from transport crates and hung upside down in shackles, often causing broken bones, bruising, and hemorrhaging. Next, they are shocked with electrified water; the majority are paralyzed but may not be rendered unconscious. Some miss the water tank and are therefore not immobilized. Birds then have their throats cut, but according to the USDA, millions miss the blade and drown in tanks of scalding water and may be conscious and able to feel pain. Since the USDA interprets the Humane Methods of Slaughter Act to exclude poultry, there is no federal requirement to slaughter the animals by methods that render them insensible to pain before they are killed.

More humane methods of slaughtering poultry are available. [Controlled-atmosphere killing \(CAK\) or stunning \(CAS\) systems](#) work by using a mixture of gasses to kill or render birds unconscious before they are removed from their transport crates. These methods eliminate the suffering associated with handling and shackling, and dramatically reduce the chance that the birds will be conscious when their throats are cut or when they enter the scalding tank. A number of poultry producers, including Jaindl Farms and Mary's Chickens, have switched or are in the process of switching to these systems.

The plaintiffs are being represented in the case by Tycko & Zavareei, LLP; David M. Wacksman, Esq.; and attorneys with The HSUS' Animal Protection Litigation Section.

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