

LAYING DOWN THE FACTS **V2**

ANIMAL WELFARE STANDARDS
OF THE COMPANIES
PROVIDING YOUR FAVOURITE FOODS



CORPORATE ACCOUNTABILITY
AND THE EGG INDUSTRY IN
SOUTH AFRICA

***NOTE:** This is Version 2 of the report titled “*Laying Down the Facts: Animal Welfare Standards of the Companies Providing Your Favourite Foods*” originally published in August 2023 (“**Version 1 of the Initial Report**”). Revisions are indicated throughout this report in red font, with red asterisks and/or yellow highlighting. For a full record of all changes, see the **Revision Note** on pages 281-283 below. Any reference to the Initial Report or “this report” made throughout this document should be regarded as a reference to Version 2, rather than Version 1 of the Initial Report.

ANIMAL LAW REFORM SOUTH AFRICA

Animal Law Reform South Africa (“**ALRSA**”) is South Africa's first and only dedicated animal law non-profit organisation. ALRSA envisages a society whose laws, courts, enforcement agencies and private entities advance the protection and flourishing of humans, non-human animals and the environment, and are held accountable.

ALRSA operates through three key Pillars being: **Animal Flourishing; Social Justice; the Law.**

ALRSA undertakes its work through three main “Mechanisms”, namely:

Education & Research; Legislative & Policy Reform; Litigation & Legal services.

Through these Mechanisms, ALRSA aims to contribute to the development of a robust animal law ecosystem in South Africa **which recognises the intrinsic worth of non-human animals as sentient beings.** Our work is grounded in our understanding that it is critical for a context-sensitive approach to be taken to the furtherance of animal protection in South Africa, and that the impact of our work is enhanced through an intersectional understanding of animal flourishing, social justice and environmental protection.

ALRSA is a civil society organisation and registered non-profit company and NPO acting in the public interest.

ACKNOWLEDGEMENTS

FUNDING

Our work is in part funded by a grant from the Open Wing Alliance (“**OWA**”). Read more on their website: <https://openwingalliance.org/>.

CO-AUTHORS' DISCLAIMER

The co-authors of this Initial Report are:

Amy P. Wilson is a co-founder and director of ALRSA. She is an attorney who holds a Master of Laws Degree (LL.M) in Animal Law from Lewis and Clark Law School in Portland, Oregon and B.Com and LL.B degrees from the University of Johannesburg, South Africa. Amy is the co-founder and Director of Animal Law Reform South Africa and a Research Associate, Lecturer and LLD Candidate with the University of Johannesburg. *Primary contributions: Lead author: Sections I, II, III, and V of this Initial Report.*

Cheslyn Ceaser is a Legal Researcher with ALRSA. Cheslyn holds a LL.B degree and LL.M in Environmental Law from the University of the Western Cape (UWC). Cheslyn is a LL.D Candidate at UWC. *Primary contributions: Lead Author: Section IV and contributor to Animal Welfare and Environmental Pillar of Section III of this Initial Report.*

COMMENTER

Melanie Murcott is a director of ALRSA and an Associate Professor, Institute of Marine and Environmental Law at the University of Cape Town. She holds a LL.B cum laude degree obtained from the University of Cape Town; Master of Laws Degree (LL.M cum laude) obtained from the University of Pretoria, and Doctor of Laws (LL.D) obtained from North West University. She has more than 10 years of practice experience as an attorney of the High Court of South Africa. She is also the Vice Chairperson of the Environmental Law Association of South Africa. *Primary contribution: Commenter on the entirety of this Initial Report.*

CONTRIBUTOR: RESEARCH ASSISTANCE

Li-Fen Chien is an Independent Consultant with Animal Law Reform South Africa. She holds a Master of Laws Degree (LL.M) in Environmental Law from the University of the Western Cape. Li-Fen is a non-practising legal practitioner with over 10 years of professional experience, mostly focused on environmental and corporate law. *Primary contributions: Animal Welfare Pillar and Environmental Pillar of Section III of this Initial Report.*

*PLEASE READ OUR LEGAL AND DISCLAIMERS SECTION.

PLEASE CONSULT OUR GLOSSARY FOR A LIST OF DEFINED TERMS. Unless the context otherwise requires, capitalised terms have the meanings ascribed to them in the Glossary.

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This Initial Report and other information relating to the Project are accessible at: www.animallawreformsouthafrica.org

We welcome comments, corrections, suggestions on and proposed amendments to this Initial Report including by the Selected Stakeholders.

We remain committed to engaging in an open and transparent manner in respect of this Initial Report. We reserve the right to amend this Initial Report.

Please email: outreach@animallawreform.org

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SECTION I

INTRODUCTORY MATTERS



ANIMAL LAW REFORM
SOUTH AFRICA

SECTION I: INTRODUCTORY MATTERS

PART A: GLOSSARY

Below are terms and abbreviations used widely throughout this Initial Report. Additional terms and abbreviations not widely utilised are defined in the relevant part and section to which they apply.

ABBREVIATION OR TERM UTILISED	FULL NAME / DESCRIPTION
Adverse Finding/s	Any judgments, decrees, rulings or other official statements containing findings against a Selected Stakeholder or their supplier or any other relevant third party in relation to non-compliance with or enforcement of Relevant Legislation or action against them by any Relevant Authority
AIA	Animal Improvement Act 62 of 1998
AIDA	Animal Identification Act 6 of 2002
ALRSA	Animal Law Reform South Africa
Animal Legislation	Legislation (including any amendments, rules, lists, notices, regulations, etc.) regulating human-animal interactions and/or animal agriculture, including, but not limited to, the Regulations Regarding the Grading, Packing and Marking of Eggs Intended for Sale in the Republic of South Africa of 31 May 2019, Notice 289 of 2019; the Animals Protection Act 71 of 1962 (“APA”), the Meat Safety Act 40 of 2000; the Animal Identification Act 6 of 2002; and the Veterinary and Para-Veterinary Professions Act 19 of 1982; the Animal Diseases Act 35 of 1984.
Animal Welfare Bill	The proposed new Animal Welfare Bill for South Africa as referenced by DALRRD
Animal Welfare Commitment	A Cage-free and/or Better Chicken Commitment of a Selected Stakeholder respectively

ABBREVIATION OR TERM UTILISED	FULL NAME / DESCRIPTION
Annual Reports	The Annual Reports, Integrated Annual Reports, Sustainability Reports and/or Environmental Social and Governance (“ESG”) Reports and similar records of a Selected Stakeholder for the period of 1 November 2018 to 30 November 2022, requested by ALRSA. These documents are distinct from Internal Policies (as defined in this Initial Report) and are generally tabled with and approved by the boards and shareholders of stakeholders. Annual Reports are often available in the public domain
APA	Animals Protection Act 71 of 1972
AU	African Union
AWSA	Animal Welfare Strategy for Africa
Battery Cage/s	A housing system utilised for various animals, especially Egg Laying Hens, generally made of wire on all sides
Better Chicken Commitment	A Better Chicken Commitment refers to a statement in which a private body commits to addressing Cruel Practices, primarily towards broiler chickens, either immediately or through Progressive Measures. This science-based chicken welfare policy addresses issues related to breeding for fast-growth and high-yield, housing, stocking density and slaughter. Further information available at https://betterchickencommitment.com/
Broiler	A chicken used primarily for meat or in the meat industry (as compared to a Laying Hen or chicken utilised in the Egg Industry)
Cage-free Commitment	A Cage-free Commitment is a formal statement in which a private body pledges to eliminate the specific Cruel Practice of cage-confinement, primarily of Layer Hens, either immediately or through Progressive Measures
Chicks	Young bird/s, both male and female, especially chickens for purposes of this Initial Report (from the moment a chicken is born up until they are classified as a Pullet in the case of a female or a cockerel in the case of a male)
Constitution	The Constitution of the Republic of South Africa, 1996
Corporations or Companies or similar terms	Includes but is not limited to juristic entities or persons and businesses in various forms, for example a company or close corporation as defined in the Companies Act 71 of 2008, cooperative, association, and others. Specifically, for purposes of this Initial Report, this term refers to non-state actors operating within the Egg Industry regardless of where in the Egg Supply Chain they operate

ABBREVIATION OR TERM UTILISED	FULL NAME / DESCRIPTION
Comprehensive	In relation to a Public Statement, refers to a Public Statement that addresses Progressive Measures and Cruel Practices of the Selected Stakeholder in detail, with full disclosure and the utmost transparency, for instance, not only disclosing Progressive Measures aimed at eliminating Cruel Practices, but also the extent to which the Selected Stakeholder remains complicit or a participant in Cruel Practices
CPA	Consumer Protection Act 68 of 2008
Criteria and Criterion with reference to any one of the Criteria	A set of 10 main standards against which Selected Stakeholders are evaluated by ALRSA in this Initial Report
Cruel Practices and Cruel Practice with reference to any one	<p>Practices involved in the Egg Supply Chain that cause suffering and pain to layer-hens including, but not limited to the use of Battery Cages, beak trimming, de-toeing or toe clipping, and/or overstocking within cages and in relation to male Chicks - culling. Many of these practices have been banned or are being phased out elsewhere in the world due to their cruel and unnecessary nature.</p> <p>For further information on these and other practices, see Section III, the Animal Welfare Pillar, Part B, heading IV.</p>
DALRRD	Department of Agriculture Land Reform and Rural Development – formerly the Department of Agriculture, Forestry and Fisheries (DAFF)
DFFE	Department of Forestry, Fisheries and Environment (South Africa) – formerly the Department of Environmental Affairs (DEA)
DoH	Department of Health
DTIC	Department of Trade, Industry, and Competition
Egg Industry	Any and all economic activity concerned with the Egg Supply Chain
Egg Supply Chain	Every step and role-player involved the production of eggs for consumption by customers from fertilisation to plate in South Africa, including the steps taken in relation to the supply of eggs by cage and/or feed manufacturers, egg producers, manufacturers or retailers, hotel chains, fast food chains, restaurants, as well as Industry Associations, and Relevant Authorities
Environmental Commitment	A commitment by a Selected Stakeholder related to environmental matters including sustainability, best practices relating to the use of the environment and its components (such as land, air, water, food, etc.) and environmental protection,

ABBREVIATION OR TERM UTILISED	FULL NAME / DESCRIPTION
	including those that directly or indirectly provide for measures addressing animal welfare, specifically regarding Layer Hens and Chicks
Environmental Legislation	Legislation (including any amendments, rules, lists, notices, regulations, etc.) concerning the environment, including, but not limited to: the National Environmental Management Act 107 of 1998 (“NEMA”); the National Environmental Management: Waste Act 59 of 2008 (“NEMWA”); The National Environmental Management: Air Quality Act 39 of 2004 (“NEMAQA”) and the National Water Act 36 of 1998 (“NWA”)
EU	European Union
FAPU	Farmed Animal Protection Unit of the NSPCA
FAO / UN FAO	Food and Agricultural Organisation of the United Nations
FCD Act	Foodstuffs, Cosmetics, and Disinfectants Act 52 of 1972
Five Freedoms	Internationally accepted standards of minimum care developed by Britain’s Farm Animal Welfare Council in 1965 which include: freedom from hunger or thirst, freedom from discomfort, freedom from pain, injury or disease, freedom to express normal behaviour, and freedom from fear and distress
Five Domains	Science-based structure developed by Professor David Mellor, former Director of the Animal Welfare Science and Bioethics Centre at Massey University for assessing animal welfare, which recognises that animals can experience feelings, ranging from negative to positive. These include good nutrition, good environment, good health, appropriate behaviour and positive mental experience
Glossary	This Glossary of abbreviations and terms used in this Initial Report
Industry Component	Section II of this Initial Report
Initial Report	This Initial Report as at 3 August 2023 and its various sections, parts, annexures including the Introductory Matters; Research Component; Industry Component; Stakeholder Component and Recommendations
Introductory Matters	Section I of this Initial Report
IPCC	Intergovernmental Panel on Climate Change

ABBREVIATION OR TERM UTILISED	FULL NAME / DESCRIPTION
Layer/s / Layer Hen/s / Egg Layer / Hen/s / Egg Laying Hen /s	A domesticated female chicken raised primarily for the production of eggs (as opposed to for meat, see Broiler). Broadly referenced to include any stage of life unless otherwise specified (e.g. see Pullet or Chick or Point of Lay or Spent Hen)
Greenwashing	The practice of making a false, misleading, or exaggerated action or set of claims made by a Selected Stakeholder about the positive impact that a company, product or service has on the environment
Humane-washing	The practice of making a false, misleading, or exaggerated claim about the treatment of animals or the conditions in which they are born, raised, transported, or killed, creating the (false) impression that animals are treated with compassion or in a humane manner
Indicators or Indicator to refer to any one of the Indicators	To evaluate the Selected Stakeholders against each Criterion, Indicators have been developed which inform the colour scores awarded in respect of the relevant criteria. The Indicators provide more detailed inquiries in respect of our analysis of Selected Stakeholders and their efforts (or lack thereof) towards animal welfare, transparency and willingness to engage with ALRSA concerning their involvement in the Egg Supply Chain
Industry Association/s	Any relevant association regulating any aspect of the Egg Supply Chain that supports and protects the rights of companies and employers and requires adherence to relevant welfare standards of the South African Bureau of Standards (“SABS”) and/or other voluntary compliance measures, including, but not limited to, the South African Poultry Association (“SAPA”) (both the SAPA Egg Organization and SAPA Broiler Organization), the Livestock Welfare Coordinating Committee (“LWCC”), the Sustainable Retailer Forum, the Animal Feed Manufacturer Association or any other poultry, egg or chicken organisation or association that may be relevant to animal welfare
Information Officer	The person designated as an Information Officer in terms of the PAIA Manual of a Selected Stakeholder, often ‘the head of a private body’ as defined in s 1 of PAIA, and the person responsible for compiling and ensuring compliance with a private body’s PAIA Manual
Internal Policies	Any policy document of a Selected Stakeholder, including, but not limited to their responsible sourcing policy, sustainability policy, or environmental policy that specifically addresses or regulates animal welfare (whether in general or in relation to the Egg Supply Chain specifically). Internal Policies, however, exclude Annual

ABBREVIATION OR TERM UTILISED	FULL NAME / DESCRIPTION
	Reports, Relevant Commitments and Other Commitments, as defined in this Initial Report
MSA	Meat Safety Act 40 of 2000
NAMC	National Agricultural Marketing Council
NEMA	National Environmental Management Act 107 of 1998
NEMAQA or NEM:AQA	National Environmental Management: Air Quality Act 39 of 2004
NEMBA or NEM:BA	National Environmental Management – Biodiversity Act 10 of 2004
NEMLAA	National Environmental Management Laws Amendment Act 2 of 2022
NEMWA or NEM:WA	National Environmental Management: Waste Act 59 of 2008
Non-responsive	A situation contemplated by s 58 of PAIA, where the Selected Stakeholder is deemed to have refused access by virtue of their failure to give a decision on a request for access within the prescribed period (i.e. 30 days or an extended period) whether having acknowledged receipt of a request for access to information or not.
NSPCA	National Council of Societies for the Prevention of Cruelty to Animals
Other Certification	Certifications, notices, letters and correspondence or other relevant documentation issued by any relevant third parties (other than SABS and/or AGW) such as the United Nations or a similar body in respect of animal welfare.
OWA	Open Wing Alliance
PAIA	Promotion of Access to Information Act 2 of 2000
PAIA Manual	The Manual referred to in s 51 of PAIA which must be compiled by the head of the private body, updated regularly, and must contain, among other things, contact details, records available without the need for a PAIA request, records available in terms of applicable legislation, details as to how to request information
PAIA Requests	The requests sent by ALRSA to the Selected Stakeholders in terms of the Project as more fully set out in Section IV
PAJA	Promotion of Administrative Justice Act 3 of 2000
Part	Any part within a Section of this Initial Report

ABBREVIATION OR TERM UTILISED	FULL NAME / DESCRIPTION
Pillars or Pillar or Pillar Reports	Each of, or all of the 6 identified pillars forming part of this Project being collectively or individually: Animal Welfare Pillar; Environment / Environmental Pillar; Food Health and Safety Pillar; Social Issues and Rights Pillar; Consumer Protection Pillar and/or Business and Corporate Pillar
Point of Lay	When a hen starts to lay eggs
Poultry Industry	Any and all economic activity concerned with the supply of poultry in South Africa, with a focus for purposes of this Project on chickens in particular and includes both the industry relating to Broilers as well as the Egg Industry and includes every step and role involved the production of poultry for consumption by customers from fertilisation to plate in South Africa, including the steps taken in relation to the supply of poultry including but not limited to by cage and/or feed and/or equipment manufacturers, producers, wholesalers, retailers, hotel chains, fast food chains, restaurants, as well as Industry Associations, and Relevant Authorities
Progressive Measures	Any measure that phasing out and taking other reasonable steps to enhance the welfare of Layer Hens and Chicks and address Cruel Practices (as defined in this Initial Report) so as to align with best practice elsewhere in the world
Project	ALRSA’s Corporate Accountability Project relating to the poultry (specifically egg) industry in South Africa, specifically for purposes of this phase entitled “Laying Down the Facts: the Animal Welfare Standards of the Companies Providing your Favourite Foods” subtitled “Corporate Accountability in the Egg Industry”
Public Statement	A statement made by a Selected Stakeholder available in the public domain and provided to ALRSA in response to a request for access to information in which it discloses its sourcing practices in respect of the Egg Supply Chain (as a distributor or user thereof) and/or its production system in respect of eggs (as applicable). It does not include statements not provided to ALRSA
Pullet	A young hen who has been sexed but is typically not yet laying eggs (see Egg Laying Hen)
Recommendations	Section V of this Initial Report
Refusal	A situation where a Selected Stakeholder refused to provide access to information requested by ALRSA in terms of PAIA by invoking one or more of the grounds of refusal listed in ss 62 to 70 of PAIA, as opposed to a situation contemplated by s 58 of PAIA, where the Selected Stakeholder is deemed to have refused access by virtue of their failure to give a decision on a request for access within the prescribed period

ABBREVIATION OR TERM UTILISED	FULL NAME / DESCRIPTION
	(i.e. 30 days or an extended period). In this Initial Report, the latter situation is referred to as ‘Non-responsiveness’, whereas the former situation is referred to as a Refusal. In terms of PAIA, a refusal would include both situations
Relevant Authority	The South African Police Service (“SAPS”), the National Council of Societies for the Prevention of Cruelty to Animals (“NSPCA”) and any Society for the Protection of Cruelty to Animals (“SPCA”), and any other relevant authority responsible for implementing or enforcing Relevant Legislation (as defined in this Initial Report) in respect of animal welfare
Relevant Commitment	One or more Animal Welfare Commitments and Environmental Commitments
Relevant Legislation	Animal Legislation as defined in this Initial Report, Environmental Legislation as defined in this Initial Report, and any other legislation that may be relevant to the Egg Supply Chain
SABS	South African Bureau of Standards
SABS/AGW Certification	Certifications, notices, letters and correspondence or other relevant documentation issued by the South African Bureau of Standards (“SABS”) or A Greener World (“AGW”) to a third party indicating compliance with relevant requirements of the SABS, SANS or AGW in respect of animal welfare
SAPA	South African Poultry Association
SAPA COP	South African Poultry Association, Code of Practice of 2022
SAPS	South African Police Services
SAVC	South African Veterinary Council
Section	Any of the 5 main sections as contained in this Initial Report
SEMA	Specific Environmental Management Act
SDGs	Sustainable Development Goals, also known as the Global Goals, which were adopted by the United Nations in 2015
SPCA	Societies for the Prevention of Cruelty to Animals individually or collectively
Spent Hen	Refers to an Egg Laying Hen who is at the end of her egg-laying cycle
Selected Stakeholder or Selected Stakeholders	All or any one of the entities in the Egg Supply Chain being either a major retailer, fast food outlets and restaurants, wholesalers, hotels, egg producers and equipment (cage and feed) producers identified as such based on factors including the size of

ABBREVIATION OR TERM UTILISED	FULL NAME / DESCRIPTION
	their market share; their popularity (i.e. whether they are well-known or associated with iconic brands in South Africa to the general public); and/or whether they have been identified as a relevant entity for purposes of OWA’s cage-free agenda
Stakeholder Mapping	The Stakeholder Mapping exercise undertaken by ALRSA in respect of the Egg Supply Chain
Stakeholder Component	Section IV of this Initial Report
UN	United Nations
UNFCCC	United Nations Framework Convention on Climate Change
UNEP	United Nations Environment Program
VPPA	Veterinary and Para-Veterinary Professions Act, 1982
WHO	World Health Organisation
WOAH or OIE	World Organisation for Animal Health formerly the Office International des Epizooties (OIE)
WOW Report	Who Owns Whom Industry Report: The Poultry and Egg Industry in South Africa 30 June 2021 by Gary Phillips
USA	United States of America
ZAR	South African Rands

*Note: All references to legislation, regulations, policies and other legal documents are as amended and include the regulations, notices and similarly gazetted documents.

LEGAL AND DISCLAIMERS

The focus for the Project is on the large scale, industrialised and intensive animal agricultural and production sector, specifically in relation to chickens in the Egg Industry, and where relevant other poultry (including broilers, among others). As such, this Initial Report does not include the informal sector, nor small scale and subsistence farming operations. Where appropriate, examples of other farmed animals, or examples from other jurisdictions have been incorporated, particularly where such information is not readily nor easily available in the South African context.

While government and public bodies have an essential role to play in ensuring the well-being and welfare of animals as well as the protection of the environment and human rights, the focus of this Initial Report is largely on the role of the private sector, specifically Corporations. Aspects of governmental and public body regulation and policies are highlighted and discussed; however, these aspects are not the focal point of this Initial Report.

As an organisation focused primarily on animal law, this is the predominant lens through which this Initial Report has been drafted and should be considered, i.e., the centering of animals, their interests, and their intrinsic worth in the dialogue. While social justice and environmental protection are critical components of the work of ALRSA, more research has been done in these areas as there are already a number of important organisations focusing on these aspects. As such, this Project aims to fill a gap within current research to additionally include animals and their welfare, flourishing and protection into this discussion, and the legal and policy tools which can be used to do this. This Initial Report does not intend to defame or harm the reputation of any company mentioned within.

This Initial Report is as a result of the preliminary research and the review performed by ALRSA and the co-authors and commenter as at the published date. It is published as at 3 August 2023 and is intended to provide only a summary of issues which may be relevant to the topic. It is limited in scope based on various factors. This is a non-exhaustive report intended to stimulate debate, research and law reform in the area of animal law and food systems and requiring further context and information in relation to all of the issues included herein.

ALRSA has focused on selected regulatory aspects and has not considered all legal, economic, political, social, environmental, technological, and other relevant aspects pertinent to some of these issues. All such factors should be considered when pursuing any further work or research.

It is also important to note that the focus of this Initial Report is on industrialised animal agricultural operations and practices occurring therein. Given the various types of systems, these all have different considerations and consequences. Statements, observations and recommendations do not and will not apply to small scale and extensive farming systems nor to other less harmful methods of animal agriculture including egg production and should not be constituted as allegations.

It is explicitly recognised that animal agriculture including egg production is not all conducted in the same manner, and it is dependent on the particular farmer, facility, method of farming, geographic location and various other factors. Therefore, only generalised statements and recommendations are made focusing on harmful potential impacts of industrialised animal agriculture and are representative of what is understood in that context which may not be applicable to or appropriate for all animal agriculture and animal production, nor appropriate to all of the role-players and stakeholders mentioned in this Initial Report. Statements made will not apply to all facilities and stakeholders and should not be construed as such.

This Initial Report does not contain a detailed description of all relevant laws and policies, papers and each document reviewed. Its purpose is to set out those legal issues which ALRSA considers to be material. Reliance should not be

placed solely on any of the summaries contained in this Initial Report, which are not intended to be exhaustive of the provisions of any document or circumstances. ALRSA reserves the right to amend and update this Initial Report including in light of new information and comments received.

Unless otherwise expressly agreed by ALRSA in writing, no person is entitled to rely on this Initial Report and neither ALRSA nor the co-authors or commenter shall have responsibility or liability to any party, whether in contract, delict (including negligence) or otherwise relating hereto.

This Project has been conducted and this Initial Report drafted by a civil society organisation in the public interest. In particular, with regard to the protection of guaranteed constitutional rights in mind and in exercising of ALRSA's freedom of expression as contained in the Constitution of the Republic of South Africa, 1996.

ALRSA is registered and established as a non-profit company and non-profit organisation. It is neither a registered law firm nor a law clinic. This Initial Report does not constitute legal advice.

Any views and opinions expressed in this Initial Report are those of the relevant co-author or commenter and do not necessarily reflect the views or positions of any entities they represent. Such opinions, views, comments, and expressions are protected under the right to freedom of expression as provided for in the Constitution. Neither ALRSA nor the co-authors or commenter accept any liability for any indirect or consequential loss or damage, or for any loss of data, profit, revenue or business (whether direct or indirect) in each case, or reputational damage, however caused, even if foreseeable.

Any resources or referenced materials, sources or sites included in this Initial Report do not constitute endorsement nor do ALRSA and/or the co-authors or commenter accept any responsibility for the content, or the use of same and we shall not be liable for any loss or damage caused or alleged to be caused by or in connection with use of or reliance on any content, goods or services available on or through any other resource.

None of the statements made or information presented in this Initial Report shall be considered as allegations against any person or entity, including the Selected Stakeholders of contravention of or offences in terms of any South African or international law and/or regulation. ALRSA declares that it has no malicious intent to defame, disparage, or harm the reputation of any person or entity, including the Selected Stakeholders, mentioned in this Initial Report. ALRSA aims to promote constructive dialogue and encourage responsible practices concerning animal welfare.

END.

REVISION NOTE: SEPTEMBER 2024

This revision note documents the updates made to the report titled *Laying Down the Facts: Animal Welfare Standards of the Companies Providing Your Favourite Foods*, originally published by ALRSA in August 2023 (“**Version 1 of the Initial Report**”) and republished with these amendments in September 2024, regarding Bidcorp, a Selected Stakeholder featured in the report. The revision aims to uphold transparency and accountability throughout the reporting process of ALRSA’s Corporate Accountability Project.

ALRSA’S ENGAGEMENT WITH BIDCORP

On 25 November 2022, ALRSA submitted a request for access to information from Bidcorp under PAIA. On 23 December 2022, Bidcorp requested that ALRSA pay a fee to process the request. In the same correspondence, Bidcorp refused to provide the requested records but stated it would reconsider if additional documents were supplied by ALRSA (“**Bidcorp’s Refusal Letter**”).

On 13 February 2023, ALRSA responded, urging Bidcorp to reconsider its decision, rebutting the grounds for refusal, and stressing the importance of transparency and accountability when engaging with civil society. ALRSA requested a response by 20 February 2023 on an urgent basis. Bidcorp did not respond by this deadline. The Initial Report was therefore prepared based on the correspondence received from Bidcorp as of 20 February 2023.

Following the publication of the Initial Report in August 2023, ALRSA commenced the second phase of its multi-phase Corporate Accountability Project. As part of this phase, ALRSA submitted a request for access to information from Bidcorp on 4 December 2023. Bidcorp responded on 20 December 2023, alleging that certain statements in the Initial Report regarding Bidcorp were inaccurate and requested written confirmation that the inaccuracies had been corrected.

CORRECTIONS REQUESTED BY BIDCORP

Bidcorp claimed that:

1. Version 1 of the Initial Report incorrectly implied that Bidcorp was not entitled to request a PAIA fee, emphasising that no exemption exists for non-profit organisations to pay a request fee under the law.
2. Version 1 of the Initial Report falsely asserted that Bidcorp did not respond to its request for information after receiving payment from ALRSA, as it submitted a response on 13 March 2023.

ALRSA maintains that the statements on page 236 of Version 1 of the Initial Report, regarding Bidcorp's PAIA fee request and being the only stakeholder to do so, are factually accurate. As such, no amendments are required in this regard.

However, we acknowledge Bidcorp's subsequent, belated correspondence received on 13 March 2023 ("**Bidcorp's Belated Response**"), which granted ALRSA partial access to the requested records. In light of this, and in the spirit of constructive stakeholder engagement, we issue this revision note to reflect the impact of Bidcorp's Belated Response on the Initial Report.

CHANGES MADE TO THE INITIAL REPORT IN RESPECT OF BIDCORP

The following amendments have been made in Version 2 of the Initial Report in respect of Bidcorp:

DESCRIPTION OF AMENDMENT	PAGE NUMBER: VERSION 1 OF THE INITIAL REPORT	PAGE NUMBER: VERSION 2 OF THE INITIAL REPORT
Amended the overall rating for Bidcorp: changed from Red to Orange .	12	12
Amended the overall rating for Bidcorp: changed from Red to Orange .	234	234
Removed statement regarding ALRSA's correspondence with Bidcorp post-payment of the PAIA request fee: <i>"[o]nly for Bidcorp, a major Corporation, to then refuse access to any of the records requested on spurious grounds and with limited justification. Upon ALRSA making this payment, and providing further substantiation for our request, Bidcorp acknowledged receipt of the requested payment and undertook to respond to our request but did not do so beyond this acknowledgement."</i>	236 & 237	237
Amended ratings for Indicators 1.1, 1.3, 2.1, 2.3 and 2.5 of Rating Criteria 1 and 2: Internal Policies and Annual Reports changed from Red to Green , Orange , Green , Orange , and Orange respectively.	238	238
Amended ratings for Indicators 3.1–3.2 and 4.1 of Rating Criteria 3 and 4: Compliance with Relevant Legislation and Evidence of Adverse Findings changed from all Red to all Green ratings.	241	241
Amended the colour rating for Indicator 5.3 of Rating Criteria 5 and 6: Evidence of Relevant Commitments and Contents of Public Statement changed from Green to Red . <i>*Note – The Green rating awarded to Bidcorp for</i>	244	244



DESCRIPTION OF AMENDMENT	PAGE NUMBER: VERSION 1 OF THE INITIAL REPORT	PAGE NUMBER: VERSION 2 OF THE INITIAL REPORT
<i>Indicator 5.3 in Version 1 of the Initial Report was incorrectly awarded; it should have been a Red rating.</i>		
Amended the colour rating for Indicator 6.1-6.3 of Rating Criteria 5 and 6: Evidence of Relevant Commitments and Contents of Public Statement changed from Red to Orange .	244	244
Amended the ratings for Indicators 9.4 and 10.1 of Rating Criteria 9 and 10: Transparency and Cooperation Compliance changed from Red to Orange .	249	250



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