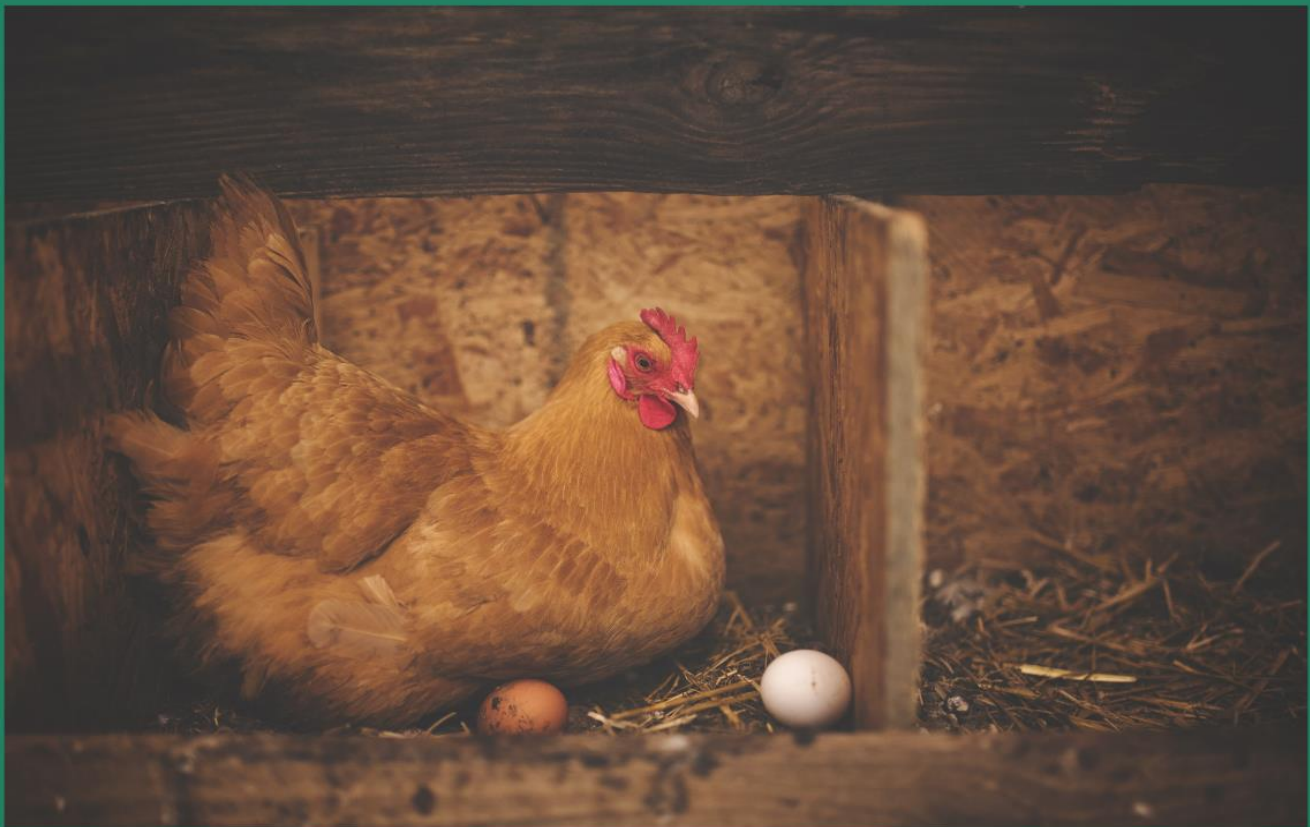


# LAYING DOWN THE FACTS **V2**

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:

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**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.

Recommended citation: Animal Law Reform South Africa, *Laying Down the Facts* (August 2023 updated September 2024). Available at: [www.animallawreformsouthafrica.org](http://www.animallawreformsouthafrica.org)

This Initial Report and other information relating to the Project are accessible at: [www.animallawreformsouthafrica.org](http://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](mailto:outreach@animallawreform.org)

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## BIRD'S EYE VIEW: EXECUTIVE SUMMARY

### BACKGROUND

Approximately 1 billion chickens are killed every year for food in South Africa at the hands of the Poultry Industry.<sup>1</sup>

This number does not include the millions of Egg-Layer Hens used in the Egg Industry nor the thousands of baby male Chicks who are killed in the Egg Industry each year.

In 2021, the national layer flock of hens comprised 26.85 million hens in South Africa.<sup>2</sup> Over 86% of Egg-Laying Hens in South Africa are confined to live in Battery Cages.<sup>3</sup>

8,480,400,000 eggs were produced in 2021.<sup>4</sup> South Africans consume between 150 and 159 eggs per capita, and this number is increasing.

Chickens are sentient beings worthy of legal protection and consideration. They have been shown to exhibit various capacities and capabilities, including that they: have visual and spatial capacities; some understanding of numerosity; can demonstrate self-control and self-assessment; communicate in complex ways; the capacity to reason and make logical inferences; perceive time intervals and may be able to anticipate future events; behaviourally sophisticated; complex negative and positive emotions; and have distinct personalities.<sup>5</sup>

In the Egg Industry, chickens suffer terribly due to various Cruel Practices,<sup>6</sup> including the use of Battery Cages, the culling of male Chicks, and others.

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<sup>1</sup> United Nations FAO <https://www.fao.org/faostat/en/#data/QCL>.

<sup>2</sup> Ibid.

<sup>3</sup> NSPCA Refutes Layer Hen Cage Sizes in South Africa available at <https://nspca.co.za/nspca-refutes-layer-hen-cage-sizes-in-south-africa/> (accessed on 13 April 2023).

<sup>4</sup> South African Poultry Association Annual Report 2021 available at <https://www.sapoultry.co.za/wp-content/uploads/2022/06/SAPA-ANNUAL-REPORT-2021.pdf> [Based off of reported **706,700,000 dozen eggs** per year 2021].

<sup>5</sup> Marino, L. Thinking chickens: a review of cognition, emotion, and behavior in the domestic chicken. *Anim Cogn* 20, 127–147 (2017). <https://doi.org/10.1007/s10071-016-1064-4>.

<sup>6</sup> 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 nature.



Cruel Practices within the Egg Supply Chain<sup>7</sup> negatively implicate not only animal welfare but also the environment, human rights, social justice, consumer protection, and food health and safety, among other issues.

In South Africa the Poultry Industry is facing several challenges, including as a result of rising prices (including due to cost of feed), the current electricity crisis and associated load shedding causing huge financial losses,<sup>8</sup> and major risks from highly pathogenic viruses such as avian flu.<sup>9</sup> More information on the Egg Industry in South Africa (which is part of the broader Poultry Industry) is set out in the Industry Component in Section II of this Initial Report.

Despite these major challenges, the South African Government aims to greatly increase and promote the consumption and use of chickens and eggs through initiatives and policies such as the “Poultry Sector Master Plan”<sup>10</sup> and the “Egg Master Plan” by the Department of Agriculture Land Reform and Rural Development (“**DALRRD**”) and the Department of Trade, Industry, and Competition (“**DTIC**”).

Another major challenge in respect of the Egg Industry, is the governance thereof. ALRSA takes the view that existing governance mechanisms do not adequately address the negative consequences and impacts of the Egg Industry. From an animal welfare perspective, the law does not sufficiently protect the interests of the millions of animals implicated in animal agriculture, including egg Laying Hens and their Chicks. While there are negative duties in the form of anti-cruelty laws which technically apply to farmed animals, evidence suggests that these are rarely utilised for such animals, particularly those industrialised agricultural facilities. Section III of this Initial Report, the Research Component, reveals that there are very few enforceable legal standards setting out positive requirements to ensure the welfare and well-being of animals implicated in the Egg Industry. As a result, there is a proliferation of soft laws or voluntary standards, largely produced by the Egg Industry, which impose limited (if any) consequences in the event of non-compliance. Further, the public can do little to ensure compliance with or the enforcement of these soft laws and voluntary measures. Consequently, they do little to protect the interests of the millions of animals in the Egg Industry.

Where hard (enforceable) animal protection laws do exist (particularly in the form of the anti-cruelty statutes such as the Animals Protection Act), enforcement is largely left up to a statutory body which is a non-profit organisation, namely, the National Council of Societies

<sup>7</sup> 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, brands or retailers, hotel chains, fast food chains, restaurants, as well as Industry Associations, and Relevant Authorities.

<sup>8</sup> News 24, <https://www.news24.com/fin24/economy/see-farmer-to-put-r15m-claim-to-eskom-after-tens-of-thousands-of-chickens-killed-20230119>.

<sup>9</sup> News 24, <https://www.news24.com/fin24/companies/quantum-had-to-kill-420-000-chickens-due-to-bird-flu-warns-of-egg-crunch-20230509>.

<sup>10</sup> <http://www.thedtic.gov.za/wp-content/uploads/Poultry-Master-Plan.pdf>.

for the Prevention of Cruelty to Animals (“**NSPCA**”) and its individual Societies for the Prevention of Cruelty to Animals (“**SPCAs**”). These entities are reportedly over worked and under-resourced and receive no government funding.<sup>11</sup> Instead, the NSPCA relies on fundraising, and has received and continues to receive millions of rands in funding from Astral Foods Ltd the single largest integrated poultry producer in South Africa, as reported on in several of Astral Foods’ Annual Integrated Reports<sup>12</sup> as well as donations from Meadow Feeds,<sup>13</sup> which is a subsidiary of Astral Foods Ltd. Our research reveals that the enforcement of animal protection laws by the NSPCA in the Egg Industry and more particularly, the inspections conducted between 2018 and 2022 are deficient in several respects as further set out in the Animal Welfare Pillar in Section III and Appendix I of this Initial Report.

Overarching South Africa’s animal protection-related laws (and other areas of law regulating the Egg Industry such as in relation to food safety), the environmental right as contained in the supreme Constitution of the Republic of South Africa, 1996 (the “**Constitution**”) has been interpreted by the country’s highest court (the Constitutional Court), in 2016<sup>14</sup> to protect animal interests on the basis that animals are sentient beings with intrinsic value. This interpretation has since been adopted and extended by lower courts.<sup>15</sup> In addition, courts have interpreted other human rights in the Constitution to apply to animals including the right to information<sup>16</sup> and the right to freedom of expression.<sup>17</sup>

The supreme Constitution has horizontal application, meaning that it not only applies to relationships between the state or Government and the public, but also applies as between members of the public and non-state actors such as Corporations.<sup>18</sup> Accordingly, Corporations and other juristic entities have duties and responsibilities in respect of human rights, including those rights that have been interpreted to protect animal interests.

<sup>11</sup> See: NSPCA 2017 - 2018 Annual Report available at <http://nspca.co.za/wp-content/uploads/2021/07/NSPCA-Annual-Report-2017-2018.pdf>.

<sup>12</sup> In Astral’s 2020 Integrated Report, they reported donating more than R500 000 to the NSPCA: <https://www.astralfoods.com/assets/Documents/Investor%20Centre/2020/Integrated-report-for-the-year-ended-2020.pdf>. In their 2021 Integrated Report, they reported that Astral donated R500 000 to the NSPCA during the financial period: <https://www.astralfoods.com/assets/Documents/Index/Integrated-Report-for-the-year-ended-30-September-2021.pdf>. In their 2022 Report they reported that they had donated R1 000 000 to the NSPCA:

<https://www.astralfoods.com/assets/Documents/Investor%20Centre/2022/Integrated%20Report%20for%20the%20year%20ended%2030%20September%202022.pdf>.

<sup>13</sup> <https://nspca.co.za/meadow-feeds-assists-nspca/>. Meadow Feeds is a brand of Astral Operations Limited, which is 100% owned by Astral Foods Ltd.

<sup>14</sup> The National Society for the Prevention of Cruelty to Animals v Minister of Justice and Constitutional Development [2016] ZACC 46 (the “**NSPCA Case**” or “**2016 NSPCA Case**”).

<sup>15</sup> The National Council of the Society for Prevention of Cruelty to Animals v Minister of Environmental Affairs and Others [2019] ZAGPPHC 337 (the “**Lion Bones Case**”).

<sup>16</sup> *Smuts N.O. and Others v Member of the Executive Council: Eastern Cape Department of Economic Development Environmental Affairs and Tourism and Others* (1199/2021) [2022] ZAECMKHC 42 (26 July 2022).

<sup>17</sup> *Smuts and Another v Botha* (887/2020) [2022] ZASCA 3; 2022 (2) SA 425 (SCA) (10 January 2022).

<sup>18</sup> Section 8(2) of the Constitution.

Accordingly, as the human right to have the environment protected includes considerations of animal welfare and Corporations are required to respect, protect, promote, and fulfil this right, then, by extension, Corporations have duties toward animals, including considerations relating to animal welfare. In our view, Corporations involved in the Egg Industry in South Africa owe duties to both humans and animals which should be further explored. Such duties include transparency and accountability, values permeating the entire constitutional scheme, applicable to Corporations. These values are given effect by, among others, the horizontally applicable right to access to information in terms of section 32 of the Constitution and enabling legislation such as the Promotion of Access to Information Act 2 of 2000 (“**PAIA**”).

Despite these constitutional norms, due to a lack of transparency on the part of Corporations, among other factors, the public generally is unaware of their processes by which food is produced and made accessible to them. Regardless, we believe that the public interest dictates that consumers be informed about their food and its impacts on animals, the environment and society, in order for them to be empowered to make conscious choices.

### **THIS PROJECT AND INITIAL REPORT**

Against this background, ALRSA has undertaken the Project entitled: “Laying Down the Facts: the Animal Welfare Standards of the Companies Providing your Favourite Foods” subtitled “Corporate Accountability in the Egg Industry” in order to:

- i. foster public and consumer interest and understanding of the regulatory and policy regime governing farmed animals; and
- ii. incentivise and promote accountability from Corporations in relation to their farmed animal practices (including in relation to improved transparency), and in so doing, encourage improved practices relating to animals in the Egg Supply Chain (including through Cage-free Commitments from South African retailers, restaurants, fast food chains, hotels and others).

Initially, the Project consisted of two main components, a Research Component (as contained in Section III of this Initial Report) and a Stakeholder Component (as contained in Section IV of this Initial Report). Further research was required to understand the Egg Industry more broadly in South Africa, resulting in another component, the Industry Component (as contained in Section II of this Initial Report). The Industry Component aims to provide information about the Poultry Industry and Egg Industry in South Africa including in relation to the chickens (life-cycle and stages); eggs (types, size, grading) and the South African market, economics and impacts.

For purposes of the Research Component contained in Section III of this Initial Report, six key “Pillars” applicable to the South African Egg Industry have been researched and introduced at a high level in terms of how they intersect with the Egg Supply Chain – these

include Pillars relating to: Animal Welfare; the Environment; Food Health and Safety; Social Issues and Rights; Consumer Protection, and Corporate and Business issues. The Animal Welfare Pillar is the main focus of this Initial Report and is accordingly described in the most detail. Each Pillar contains a high-level summary of how the selected issue relates to the Egg Industry in South Africa and sets out some of the main governance documents in respect thereof.

For purposes of the Stakeholder Component in Section IV of this Initial Report, thirty-six (or three dozen) Corporations within the Egg Supply Chain were identified and selected for rating on issues in respect of certain matters identified in the aforementioned Pillars among others, animal welfare, transparency, and co-operation. The Stakeholder Component consists of four Parts: Part A, the introduction; Part B, which sets out the methodology adopted; Part C, the rating exercise conducted and Part D, our analysis.

Having evaluated the information relative to the Selected Stakeholders obtained through the Project against the 10 main Criteria (namely, Animal Welfare-centred Internal Policies; Annual reporting on animal welfare and asset and stock registers; Compliance with Relevant Legislation; Adverse Findings; Relevant Commitments and Supply Chain Details; Public Statements; Memberships of Industry Associations; Certifications; Transparency; and Co-operation) and their respective Indicators, a colour-rating was assigned to each Selected Stakeholder (as summarised in the table on the next pages).

Finally, based on the aforementioned four Sections and following our analysis of the research and Selected Stakeholders, several recommendations have been proposed (in Section V) to assist the Egg Industry in South Africa in becoming more accountable, particularly in relation to animal welfare. Our proposals include governance measures intended to ensure that the Egg Industry is more ethical, more transparent, more co-operative and more inclusive. Briefly, these recommendations include: voluntary governance measures such as: animal welfare commitments; Cage-free Commitments; other corporate commitments to improve animal welfare and well-being as well as alternatives; commitments to transparency; engagement and co-operation with the animal protection / animal welfare sector and civil society organisations; third-party certifications and enhanced Internal Policies. Recommendations aimed at law reform include: legislative amendments aimed at explicit recognition of sentience; prohibitions of Cruel Practices such as Battery Cages beak trimming, male chick culling; the introduction of positive legal standards such as mandatory reporting; and duties to conduct ovo-sexing; reform environmental laws; increased environmental reporting; inclusion of animal welfare (well-being); and mitigation measures in climate law and policy.

The final colour-rating for our Selected Stakeholders is set out on the following page. For a more detailed analysis as well as information relating to the criteria, please refer to Section IV, Part C.



| SELECTED STAKEHOLDERS  | OVERALL RATING |
|--|----------------|
| <b>Major retailers</b>   |                |
| (1) Pick n Pay, (2) Shoprite, (3) Spar   | ●              |
| (4) Woolworths, (5) MassMart   | □              |
| <b>Fast food outlets and restaurants</b>   |                |
| (13) Kauai, (16) Subway  | □              |
| (6) Spur, (7) Rocomamas, (8) Mugg n Bean, (9) Wimpy, (10) Steers, (11) Nandos, (12) Papachinos, (14) KFC, (15) McDonalds, (17) Bidvest | ●              |
| <b>Wholesalers</b>   |                |
| (18) Tiger Brands, (19) Bakers, (22) Rhodes Food Group,  | ●              |
| (20) Unilever, (21) Pioneer Food Group   | □              |
| (23) Bidcorp* <b>As amended in this Version 2 of the Initial Report.</b>   | ●              |
| <b>Hotels</b>  |                |
| (24) Sun International, (26) Southern Sun  | ●              |
| (25) City Lodge  | ●              |
| (27) Hotel Verde, (28) Marriott Hotels   | □              |
| (29) Hilton Hotels   | ●              |
| <b>Egg producers and equipment (cage and feed) manufacturers</b>   |                |
| (30) Eggbert, (32) TopLay, (35) RCL Foods  | □              |
| (31) Quantum Foods, (33) Big Dutchman, (34) AFGRI, (36) Meadow Feeds   | ●              |

## 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:<br>VERSION 1 OF THE<br>INITIAL REPORT | PAGE NUMBER:<br>VERSION 2 OF THE<br>INITIAL REPORT |
|--|--|--|
| Amended the overall rating for Bidcorp: changed from <b>Red</b> to <b>Orange</b> .   | 12   | 12   |
| Amended the overall rating for Bidcorp: changed from <b>Red</b> to <b>Orange</b> .   | 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 <b>Red</b> to <b>Green</b> , <b>Orange</b> , <b>Green</b> , <b>Orange</b> , and <b>Orange</b> 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 <b>Red</b> to all <b>Green</b> 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 <b>Green</b> to <b>Red</b> .<br><i>*Note – The Green rating awarded to Bidcorp for</i>  | 244  | 244  |





| DESCRIPTION OF AMENDMENT   | PAGE NUMBER:<br>VERSION 1 OF THE<br>INITIAL REPORT | PAGE NUMBER:<br>VERSION 2 OF THE<br>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 <b>Red</b> to <b>Orange</b> . | 244  | 244  |
| Amended the ratings for Indicators 9.4 and 10.1 of Rating Criteria 9 and 10: Transparency and Cooperation Compliance changed from <b>Red</b> to <b>Orange</b> .                          | 249  | 250  |



# ANIMAL LAW REFORM

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