



To: Nestlé S.A. (Switzerland Corporation)

Via Email:

And to: Nestlé (South Africa) (Pty) Ltd

23 November 2023

Dear Information Officer,

**REQUEST FOR ACCESS TO INFORMATION IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000 ("PAIA")**

**BACKGROUND**

1. We write to you as [Animal Law Reform South Africa \("ALRSA"\)](#), a non-profit company and registered NPO. ALRSA's vision is for a society whose laws, courts, and enforcement agencies advance the protection and well-being of humans, non-human animals, and the environment. Fulfilling this vision necessitates corporate accountability, including through transparency in key supply chains. Our current focus is the egg supply chain in South Africa.
2. Nestlé is a stakeholder in the egg supply chain. It sells products containing eggs (confirmation of Nestlé's use of eggs is exemplified by their cage-free commitment statement available [here](#)).
3. We accordingly request access to information from Nestlé S.A., its associated company, Nestlé (South Africa) (Pty) Ltd ("Nestlé"), and its brands operating in South Africa, in its role as a stakeholder in South Africa's egg supply chain. We do so to advance accountability towards animals, who are part of "the environment" to be protected in terms of the environmental right enshrined in section 24 of the Constitution of the Republic of South Africa, 1996, as set out more fully below. Our request relates to a broader process of engagement with stakeholders in South Africa's egg industry discussed in our initial report titled "Laying Down the Facts: Animal Welfare Standards of the Companies providing your Favourite Foods" ("**the Initial Report**"), available [here](#).
4. As the Initial Report reveals, in South Africa, the egg supply chain utilises cruel and inhumane practices associated with caged egg production, including the use of battery cages, beak trimming, de-toeing or toe

clipping, and/or overstocking within cages, as well as day-old male chick culling. These practices are harmful to animal welfare, human health and well-being, and the environment. An uncomfortable truth is that Nestlé's role in the egg supply chain renders it complicit in this cruelty and inhumanity. In order to transition away from this cruelty in pursuit of the environmental right, transparency and corporate accountability are key.

5. The records we request include internal policies regarding animal welfare and environmental matters, annual and sustainability reporting and asset and stock registers, compliance with relevant animal protection legislation, records related to charges, judgments and orders, records related to egg production and supply chain, industry association membership records and compliance with such association standards, requirements and certification, third party certification, animal welfare and environmental commitments and public statements made in relation to animal welfare and environmental matters. They are required to protect the environmental right.

### **REQUEST FOR ACCESS TO INFORMATION**

6. Please see attached our PAIA Form 2 request for records. We have completed Form 2 in order to request access to records relating to Nestlé's role in the egg supply chain from 1 December 2022 to 30 November 2023 ("the Period"). In addition, we have devised two Google forms which list the records which we request from Nestlé'. The Google forms enable you to directly upload the requested records to our Google drive, to simplify the process of sending and receiving records. By way of complying with your obligations in terms of PAIA, we ask that you complete the two Google forms:
  - 6.1. [PART A](#): which concerns a request for records focused on animal welfare issues arising from Nestlé's role in the egg supply chain; and
  - 6.2. [PART B](#): which concerns information related to the environmental impacts arising from Nestlé's role in the egg supply chain.
7. In accordance with the provisions of the Protection of Personal Information Act 4 of 2013 ("POPIA"), only personal information protected by POPIA may be redacted from the requested records in the Google forms.

### **RIGHT TO BE PROTECTED**

8. The poultry industry, which supplies the egg supply chain, is South Africa's largest contributor to agriculture, mainly relying on intensive farming methods, including battery cages for layer hens, to increase egg production and profits. These agricultural practices cause air pollution, soil pollution, and water pollution, and produce immense waste. They contribute to climate change, including through the release of greenhouse gas emissions from transportation, generators, excretion in cages, habitat loss, and more. Additionally, there is a risk of the spread of animal diseases (exemplified by the 2023 avian influenza outbreak) which can be passed on to humans. Caged-egg production negatively impacts human health and well-being, including vulnerable farm workers, underscoring the need for ecologically sustainable and humane alternatives amid concerns of food security and safety.
9. The environmental right requires protection of "the environment", which includes animals, and thus the protection of animal welfare, for the benefit of present and future generations. It further demands that the environment be protected by reasonable measures that secure ecologically sustainable development and promote justifiable economic and social development. There can be no doubt that various activities in the egg supply chain undermine the fulfilment of the environmental right.
10. ALRSA, acting in the public interest, requires the records requested to protect the environmental right,

among others.

11. The records requested will indicate Nestlé's efforts (or lack thereof) to promote, fulfill and protect the right to an environment not harmful to health or well-being and empower the public to make informed decisions on whether Nestlé's role in the egg supply chain aligns with reasonable measures that secure ecologically sustainable development and promote justifiable economic and social development. For instance, the records will illustrate whether and to what extent Nestlé is transitioning from the sale of caged to free range eggs. Nestlé's responses will be reported on in a forthcoming report by ALRSA, building on the Initial Report.

## **CONCLUSION**

12. We look forward to receiving your response to our request for records within 30 (thirty) days from date hereof (i.e. **no later than 26 December 2023**) as required by PAIA.
13. As a non-profit organisation acting in the public interest we seek exemption from paying the fees prescribed by PAIA. We further specifically request that the information requested be provided electronically (via uploading documents on the provided Google forms) to reduce costs.
14. We would welcome any further resources or information you think would be helpful, and look forward to engaging with you in a cooperative and transparent manner.
15. Should you have any questions regarding the request, please do not hesitate to contact us. Please address written correspondence via email [outreach@animallawreform.org](mailto:outreach@animallawreform.org) and CC: [contact@animallawreform.org](mailto:contact@animallawreform.org).

Yours sincerely,



Animal Law Reform South Africa

