

SCRAMBLING FOR THE TRUTH **V2**

*EGGSPOSING
CORPORATE
HYPOCRISY
AND NON-
TRANSPARENCY*



**ENVIRONMENTAL
AND
CONSUMER RIGHTS
IN THE
EGG INDUSTRY IN
SOUTH AFRICA**



2024



***NOTE:** This is Version 2 of the report titled “*Scrambling for the Truth: Eggsposing Corporate Hypocrisy and Non-Transparency*” originally published in September 2024 (“**Version 2 of the Supplementary Report**”). For a full record of all changes made to the report, see the Revision Note on page 280 below. Any reference to the Supplementary Report or “this report” made throughout this document should be regarded as a reference to Version 2, rather than Version 1 of the Supplementary 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 is a civil society organisation and registered non-profit company and NPO acting in the public interest.

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 SA 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 SA, and that the impact of our work is enhanced through an intersectional understanding of animal flourishing, social justice and environmental protection.

To learn more about our work generally, please visit [our website](#). To learn more about our multi-phase Corporate Accountability Programme, please visit our dedicated [Project website](#), which contains this Supplementary Report, as well as our Initial Report, titled “*Laying Down the Facts: Animal Welfare Standards of the Companies Providing Your Favourite Foods*” (v2)*.

Please note that our Initial Report was originally published in August 2023. An updated version (v2) of the Initial Report (published in September 2024) contains minor amendments following input from a particular Selected Stakeholder post publication of version 1. Any reference to the Initial Report made throughout this Supplementary Report should be regarded as a reference to Version 2 of the Initial.

RECOMMENDED CITATION

Animal Law Reform South Africa, *Scrambling for the Truth: Corporate Hypocrisy and Non-Transparency Relating to Environmental and Consumer Rights in the Egg Industry in South Africa* (September 2024). Wilson AP, Tafani-du Preez M, Ceaser CC and Murcott MJ. Available at: www.eggssouthafrica.org or www.animallawreform.org.

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CO-AUTHORS' DISCLAIMER

The co-authors of this Supplementary Report are Amy P. Wilson, Michaela Tafani-du Preez, Cheslyn C. Ceaser, and Melanie J. Murcott, each contributing expertise and legal research including in the areas of animal law, environmental law, corporate law. For detailed backgrounds, please refer to our [organisational website](#).

*PLEASE READ OUR LEGAL AND DISCLAIMERS SECTION.

Please consult our Supplementary Glossary and Glossary from our Initial Report for a list of defined terms. Unless the context otherwise requires, capitalised terms have the meanings ascribed to them in the Supplementary Glossary or the Glossary from our Initial Report, as appropriate.

We value transparency and remain committed to ensuring accuracy in our reporting. We value effective engagement and welcome queries, comments, corrections, suggestions on and proposed amendments to this Supplementary Report as well as the Initial Report including by the (Phase 2) Selected Stakeholders, as appropriate. We reserve the right to amend this Supplementary Report, as needed.

Please email outreach@animallawreform.org for communications in respect of this Supplementary Report.

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SECTION I

CHICKEN & EGG INTRODUCTORY MATTERS



SECTION I: INTRODUCTORY MATTERS

PART A: SUPPLEMENTARY GLOSSARY

Below are definitions and explanations of terms and abbreviations used widely in this Supplementary Report. The Glossary for the Initial Report (“**Initial Glossary**”), contains a list of defined terms utilised in this Supplementary Report, and should be read in conjunction with this Supplementary Glossary.

Additional terms and abbreviations not widely utilised are defined in the relevant part and section.

| ABBREVIATION OR TERM UTILISED | FULL NAME / DESCRIPTION |
|-------------------------------|---|
| Audit Notices | A notice confirming that the checking of a company’s environmental practices for compliance with laws has taken place. |
| Authorisations | Authorisations refers to the formal approval required for activities impacting the environment, which includes licences, permits, and other regulatory approvals. These Authorisations ensure that operations are sustainable and compliant with environmental laws. |
| Avian Flu | A highly contagious viral infection that primarily affects birds, especially poultry such as chicken and turkey. |
| Blue-washing | The making of false, misleading, or exaggerated claim/s about Corporate Social Responsibility (CSR), or the impact that a company, industry, product, or service has, particularly as these relate to society, communities, human rights and international obligations. These practices can create a deceptive impression of ethical and responsible conduct. Can appear as words, illustrations, logos, or any visual expression on packaging, in advertising, or other product-related communications - including in media, annual reports, or otherwise. |
| Consumer Awareness Statement | A Consumer Awareness Statement is a statement made by a Corporation informing consumers about a Corporation’s practices and policies, especially regarding animal welfare and environmental issues. The statement is intended to provide true and correct information to consumers that will assist them in making informed decisions in respect |

| ABBREVIATION OR TERM UTILISED | FULL NAME / DESCRIPTION |
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| | of products sold by the Corporation. The information must therefore be clear and easy for the consumer to understand. Linked to Public Statements as defined in our Initial Report, it includes details about egg sourcing, the conditions that Layer Hens are kept in, and the Corporation’s adherence to environmental responsibilities, This information reflects the Corporation’s engagement with the public on these matters and empowers consumers to make informed decisions. |
| Consumer Protection Legislation | Consumer Protection Legislation (including any amendments, rules, lists, notices, regulations, etc.) which relates to the Egg Supply Chain, and for the purposes of this Supplementary Report includes, but is not limited to: Consumer Protection Act 68 of 2008, Competition Act 89 of 1998; and Marketing of Agricultural Products Act 47 of 1996. |
| Consumer Protection Measures | Encompasses measures taken by a Corporation to engage in fair dealings with consumers, emphasising the accountability of these Corporations in their production and marketing practices. From an environmental and animal use perspective, this protection mandates that Corporations adhere to sustainable practices, transparently disclose their environmental impact, and ensure that their products are ethically sourced. This includes minimising harm to the environment, reducing carbon footprints, and ensuring humane treatment of animals in their supply chains, among other issues. Additionally, it requires rigorous enforcement of laws and standards to prevent misleading claims about the environmental and ethical attributes of products, thereby safeguarding consumers’ rights to make informed and conscientious choices. |
| Corporate Hypocrisy | False, misleading, or exaggerated claim/s or action/s made by a Corporation about the impact that a company, industry, product, or service has on the environment, animals and/or people – which may create a perception that a Corporation is acting hypocritically. For purposes of this Supplementary Report, it encompasses practices such as Greenwashing, Humane-washing, Blue-washing, and Health-washing. |
| Corporate Transparency | For purposes of this Supplementary Report, Corporate Transparency refers to a particular Phase 2 Selected Stakeholder’s openness and willingness to disclose accurate and comprehensive information about its operations, governance, and practices. It involves providing clear and truthful communication about such corporation’s activities, risks, |

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| | impacts, and decision-making processes, promoting accountability, and building trust with shareholders, employees, customers, and the public and other stakeholders. |
| Emergency Incidents | S 30A of NEMA states that a company may be directed verbally or in writing to carry out a listed or specified activity without obtaining an environmental authorisation contemplated in s 24(2)(a) or (b) of NEMA, in order to prevent or contain an emergency situation or to prevent, contain or mitigate the effects of the emergency situation. We request records relating to any such emergency incidents and activities associated therewith during the relevant period. |
| Environmental Membership | Membership with regulatory bodies and/or associations that aid corporations in maintaining compliance with environmental laws and regulations, fostering responsible corporate behaviour, and contributing to a more sustainable and environmentally conscious business landscape. |
| ESG | Environmental, Social, Governance. |
| Environmental Legislation | Environmental Legislation (including any amendments, rules, lists, notices, regulations, etc.) which relates to the egg supply chain, and for the purposes of this Supplementary Report includes, but is not limited to: National Environmental Management Act 107 of 1998; National Environmental Management: Waste Act 59 of 2008; National Environmental Management: Air Quality Act 39 of 2004; National Water Act 36 of 1998; National Energy Act 34 of 2008; Carbon Tax Act 15 of 2019; and Climate Change Act 15 of 2024. |
| Greenwashing | The making of false, misleading, or exaggerated claim/s about the impact that a company, industry, product, or service has on the environment. Can appear as words, illustrations, logos, or any visual expression on packaging, in advertising, marketing or other product-related communications - including in media, annual reports, or otherwise. Greenwashing is often used as an umbrella term to include other forms of problematic practices. |
| Good ESG Practice/s | Environmental, Social, and Governance (“ESG”) refers to a framework used to evaluate a company's impact on the environment, society, and its governance practices. It assesses factors such as environmental sustainability, social responsibility, diversity and inclusion, labour practices, ethical standards, transparency, and adherence to laws and regulations. Integrating ESG criteria helps investors and organisations |

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| | make informed decisions that prioritise sustainability, risk management, and positive societal outcomes. Good ESG Practice sees corporations aligning business practices with constitutional and societal values related to environmental protection, consumer interests, and social responsibility. Adherence with ESG principles can help the Egg Industry minimise its negative environmental impact, enhance transparency and trust with consumers, and promote sustainable and ethical practices that benefit both the industry and society as a whole. |
| Health-washing | The making of false, misleading, or exaggerated claim/s about the impact that a company, industry, product or service has on consumer or public health. Can appear as words, illustrations, logos, or any visual expression on packaging, in advertising, or other product-related communications - including in media, annual reports, or otherwise. |
| Humane-washing | The making of false, misleading, or exaggerated claim/s about the treatment of animals or the conditions in which they are born, raised, transported, or killed, creating the impression that animals are treated with compassion or in an ethical manner. Can appear as words, illustrations, logos, or any visual expression on packaging, in advertising, or other product-related communications - including in media, annual reports, or otherwise. |
| Initial Glossary | The glossary of abbreviations and terms used in our Initial Report (defined as Glossary therein). |
| Initial Report | ALRSA’s report published in August 2023, entitled “ <i>Laying Down the Facts: Animal Welfare Standards of the Companies Providing your Favourite Foods</i> ” in respect of Phase 1 (and updated in September 2024), accessible at: www.animallawreform.org . |
| Just Transition | An approach aimed at the reduction of the negative impacts on environmentally degrading activities, specifically as it relates to the use of non-renewable energy sources and its effect on climate change. It involves the transition to a zero-carbon economy. |
| Listed Activities | NEMA lists various activities (known as “listed activities”) that may not commence unless the competent authority has granted an environmental authorisation for such listed activity or, where applicable, the activity is carried out in terms of applicable norms and standards as published by the DFFE. Failure to do so is an offence. |

| ABBREVIATION OR TERM UTILISED | FULL NAME / DESCRIPTION |
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| Mitigation Measures | Actions taken to reduce or prevent adverse environmental impacts caused by development activities. These measures aim to minimise harm to the environment and mitigate any negative consequences on ecosystems, biodiversity, or communities. |
| Multinational Corporation | OWA Africa defines Multinational Corporations as enterprises that are headquartered in an African country and conduct business operations in other countries in Africa, and abroad, beyond their country of origin, thereby extending their reach and influence. |
| Phase 1 | Phase 1 of ALRSA’s Corporate Accountability Project relating to the poultry (specifically egg) industry in South Africa, entitled “ <i>Laying Down the Facts: the Animal Welfare Standards of the Companies Providing your Favourite Foods</i> ” subtitled “ <i>Corporate Accountability in the Egg Industry</i> ” which was undertaken from June 2022 and in terms of which ALRSA requested records and analysed Selected Stakeholders related to animal welfare for the Phase 1 Period. culminating in the publication of its Initial Report in August 2023 (updated in September 2024). |
| Phase 1 Period | Period of 1 November 2018 to 30 November 2022, for purposes of Phase 2 requests, analysis and rating. |
| Phase 2 | Phase 2 of ALRSA’s Corporate Accountability Project relating to the poultry (specifically egg) industry in South Africa, entitled “ <i>Scrambling for the Truth: Corporate Hypocrisy and Non-Transparency</i> ” subtitled “ <i>Environmental and Consumer Rights in the Egg Industry in South Africa</i> ” which was undertaken from November 2023 to September 2023 and in terms of which ALRSA requested records and analysed Phase 2 Selected Stakeholders relating to among others environmental protection and Consumer Protection Measures for the Phase 2 Period, culminating in the publication of this Supplementary Report in September 2024. |
| Phase 2 Period | Period of 1 December 2022 to 30 November 2023, for purposes of Phase 2 requests, analysis, and ratings. (<i>To be differentiated from the period over which Phase 2 occurred, as defined above</i>). |
| Phase 2 Selected Stakeholder(s) | 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 hatcheries and equipment manufacturers identified as |

| ABBREVIATION OR TERM UTILISED | FULL NAME / DESCRIPTION |
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| | such based on factors (as further elaborate on in this Supplementary Report) including the size of their market share; whether they have been identified as a relevant entity for purposes of OWA’s cage-free agenda; their popularity (i.e. whether they are well-known or associated with iconic brands in SA to the general public); whether they are a Multinational Corporation, potentially headquartered in Africa (or SA) and has a presence in SA; the existence of a Cage-free Commitment and/or their messaging and marketing to consumers, selected by ALRSA as a Stakeholder for purposes of this Supplementary Report. |
| Relevant Legislation <i>*updated definition from Initial Glossary</i> | Environmental Legislation and Consumer Protection Legislation as defined in this Supplementary Glossary and Animal Legislation as defined in the Initial Glossary, and any other legislation that may be relevant to the Egg Industry. |
| Responsible Sourcing | Responsible Sourcing by Corporations, involves sourcing materials, products, and/or services from suppliers that have measures in place, such as Internal Policies which they are compliant with, to ensure the ethical treatment of animals and minimise environmental impacts. |
| Supplementary Glossary | This Glossary of abbreviations and terms used in this Supplementary Report, which includes updates to terms from the Initial Glossary as well as additional terms introduced in Phase 2. |

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

protection, including enforcement actions undertaken should be mandatory and made available to the public **LEGAL AND DISCLAIMERS**

These disclaimers are to be read in conjunction with the Disclaimers in the Initial Report and as contained on our dedicated website: www.eggssouthafrica.org.

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 Supplementary 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 SA 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 Supplementary 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 Supplementary Report.

As an organisation focused primarily on animal law, this is the predominant lens through which this Supplementary Report (as read with the Initial Report) has been drafted and should be considered, i.e., the centering of animals, their interests, and their intrinsic worth in the dialogue. This Supplementary Report (as read with the Initial Report) is further aimed at providing information related to the environment and consumer protection as interrelated to animal protection. 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. Should the contents of this Supplementary Report (as read with the Initial Report) affect the reputation or business interests of any company, organisation, government entity, or individual mentioned, it constitutes the truth and fair comment and is stated in the public interest.

This Supplementary Report (as read with the 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 30 September 2024 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, human rights, environmental law, consumer protection, and Corporate Accountability, particularly as it relates to food systems, and requires 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.

The focus of this Supplementary Report is on industrialised animal agricultural operations and practices occurring therein. Given the various types of such systems, these all have different considerations and consequences. Statements, observations and recommendations may / do / 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 in relation thereto. 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 Supplementary Report (as read with the Initial Report). Statements made will not apply to all facilities and stakeholders and should not be construed as such.

This Supplementary Report (as read with the 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 Supplementary 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 Supplementary Report (as read with the 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 Supplementary Report (as read with the Initial Report) and neither ALRSA nor the co-authors or commenter accept responsibility or liability to any party, whether in contract, delict (including negligence) or otherwise relating hereto.

This Project has been conducted and this Supplementary Report (as read with the 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 right of freedom of expression as contained in the Constitution of the Republic of SA, 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 Supplementary Report (as read with the Initial Report) does not constitute legal advice.

The inclusion of any resources or referenced materials, sources or sites in this Supplementary Report (as read with the Initial Report) does not constitute endorsement thereof, nor do ALRSA and/or the co-authors or commenter accept any responsibility for the content, or the use of or reliance upon same.

ALRSA aims to promote constructive dialogue and encourage responsible and ethical practices concerning animals, human and environmental rights, consumer protection, corporate transparency and accountability, among others.

REVISION NOTE: NOVEMBER 2024

This revision note formally documents updates to the report *Scrambling for the Truth: Eggsposing Corporate Hypocrisy and Non-Transparency*, published by ALRSA in September 2024 ("**Version 1 of the Supplementary Report**"). The revision addresses references to the "Egg Labelling Regulations" that previously stated or implied that indicating production methods (such as "caged," "barn," or "free-range") is mandatory. This update clarifies that including egg production methods on labels is, in fact, optional.

Amendments specifically addressing these changes are detailed in the table below. General edits, such as minor grammar corrections and footnote consistency, are not reflected in the table.

CHANGES MADE TO THE SUPPLEMENTARY REPORT

The following amendments have been made in Version 2 of the Supplementary Report in respect of the Egg Labelling Regulations:

| DESCRIPTION OF AMENDMENT | PAGE NUMBER: VERSION 2 OF THE INITIAL REPORT |
|--------------------------|--|
| 140 | 140 |
| 148 | 148 |
| 149 | 149 |
| 175 | 176 |
| 206 | 208 |
| 253 | 255 |
| 253 | 256 |



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