

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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Our work is in part funded by a grant from the Open Wing Alliance (“OWA”). Read more about their work on their [website](#).

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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'THE PUBLIC HAS A RIGHT TO BE INFORMED OF THE HUMANE OR INHUMANE TREATMENT OF ANIMALS... MEMBERS OF THE PUBLIC HAVE THE FREEDOM TO DECIDE WHICH COMMERCIAL ENTERPRISE THEY SUPPORT AND WHICH THEY DO NOT. THAT FREEDOM OF CHOICE CAN ONLY BE EXERCISED IF ACTIVITIES...ARE LAID BARE FOR THE PUBLIC'.

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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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