

# Fact Sheet

## Support AB 1656 (Ma/Lieu): Close the Consumer Deception Loophole

Co-authors: Assemblymembers Blumenfield, Eng, Feuer, Jones, Nava, Smyth, Strickland  
Senators Alquist and DeSaulnier

Support: The HSUS, ASPCA, Consumer Federation of California, Consumer Action

**\*\*Passed Assembly Judiciary Committee unanimously\*\*   \*\*No known opposition\*\***

**Assemblymembers Fiona Ma and Ted Lieu have introduced AB 1656 to protect consumers by requiring that all garments made with animal fur are accurately labeled.**

AB 1656 would close a loophole and ensure that consumers—including those with allergies and ethical objections—have important information when making purchasing decisions. The ability of consumers to make well-informed decisions based on complete information is a cornerstone of a functioning market economy. Just recently, New Jersey, Delaware and New York—fashion capital of the world—have passed laws requiring the disclosure of animal fur on all garments sold in their respective states. Massachusetts and Wisconsin have had labeling laws on the books for over 50 years.

**Most fur garments are already labeled—AB 1656 simply addresses the remainder.**

A loophole in a federal law (Fur Products Labeling Act) exempts about 1 in 8 fur-trimmed garments from having to reveal anything about the animal fur—it simply is not mentioned on the label.

**The loophole denies consumers the opportunity to make informed purchasing decisions.**

Many garments—such as jackets, parkas, sweaters, vests, and hats—are trimmed with real fur. But if either the manufacturer's selling price of the finished garment *or merely the cost to the manufacturer of the fur pelts* (not including the cost of adding the fur trim to the garment) is \$150 or less, the product does not have to be labeled and consumers are stuck guessing as to whether the fur is real. Consumers who have allergies to fur or ethical objections to fur cannot make informed purchasing decisions with unlabeled garments in the market.



*This garment—bought in 2008 for \$48—says nothing on the label about the animal fur (visible in left of frame) trimming the hood.*



*Real fur garments, with no fur labeling, purchased in 2008. They cost \$48, \$75, and \$19.*

**Unlabeled garments—many of which are also falsely advertised—are a widespread problem.**

An ongoing investigation by The HSUS over the last three years has revealed that retailers including Nordstrom, Loehmann's, Rocawear, Bluefly, and Saks Fifth Avenue were selling falsely advertised and unlabeled fur-trimmed jackets. The brands involved included Oscar de la Renta, Rocawear, and Burberry. Several of these jackets were sold as "faux" fur when in fact they were raccoon dog, domestic dog, or rabbit fur. Others were advertised as "raccoon" or "rabbit" fur when in fact the fur was raccoon dog. Other unlabeled



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animal fur garments were found in stores including Burlington Coat Factory, Ross and TJ Maxx, by brands including Sean John, Bill Blass and Nicole Miller.

## Manufacturing techniques exacerbate consumer confusion.

Dyeing animal fur pink, orange, or blue, or shearing it short can make the fur look fake and dupe consumers. In 2000, Congress banned the import of fur products made from domestic dogs and cats, but consumers are still wary that dog and cat fur is slipping into the U.S. on unlabeled jackets, dyed a different color. Consumers should be able to shop with confidence, and avoid any chance of buying dog or cat fur.

## Unlabeled fur-trimmed garments can cause allergic reactions.

New York Times health columnist Jane E. Brody, called animal fur a notorious troublemaker when it comes to allergies, and says “[g]ifts to be wary of include all real fur garments (including those with fur trim and sweaters containing rabbit hair)...” and in order “[t]o minimize problems for those who are sensitive, stick to fake furs...”<sup>1</sup>

## Profound welfare concerns surround unlabeled animal fur.

The raccoon dog is caged and killed by the millions in China, where the crude methods result in animals being skinned alive.<sup>2</sup> This fur is perhaps the most widely unlabeled and misrepresented species in the United States.

## Labeling fur trim will not be economically burdensome for apparel manufacturers or retailers.

According to the Federal Trade Commission (Federal Register 2/12/09), the total number of fur garments, fur-trimmed garments, and fur accessories sold in the US is estimated at 1,019,054. Of that, approximately 132,477 items—or 87 percent—are already required to abide by labeling requirements. It will not present a



*Real animal fur is dyed many unnatural colors. It can still be unlabeled under the loophole.*



*Skinned in China while still conscious, perhaps to trim unlabeled garments sold in the America.*



*A caged raccoon dog in China.*

difficulty to label the additional 13 percent of products using real fur, and it may actually increase the efficiency of the manufacturing process.

## Consumer protection officials also support truthful fur labeling.

The National Association of Consumer Agency Administrators (NACAA), an organization representing more than 160 government agencies and 50 corporate consumer offices, recently passed a resolution in support of truthful fur-labeling and advertising, including the elimination of loopholes.

**PLEASE SUPPORT AB 1656 (Ma/Lieu)**

<sup>1</sup> “Health; Personal Health” by Jane E. Brody. New York Times, November 24, 1988. <http://tinyurl.com/ypvzhh>.

<sup>2</sup> “Fun Fur? A Report on the Chinese Fur Industry” by Hsieh-Yi, Yi-Chiao, Yu Fu, Mark Rissi and Dr Barbara Maas. Swiss Animal Protection, Care for the Wild, and EAST International, 2005. <http://tinyurl.com/2zxz99>.



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## Support SJR 22 (Florez)

### California Support for Congressional Action to Prevent Equine Cruelty

Representatives John Conyers (D-MI) and Dan Burton (R-IN) and Senators Mary Landrieu (D-LA) and John Ensign (R-NV) have introduced House Bill 503/Senate Bill 727 (The Prevention of Equine Cruelty Act of 2009) to ban the slaughter and export of horses for slaughter for human consumption.

In 1998 California voters overwhelmingly approved a ban on the slaughter of California horses for human consumption but because transport across state and international lines remains legal, California horses continue to be transported and sold out of state. We cannot assure protection of our horses and are dependent on the passage of a federal ban to stop this cruelty.

- **Transport to slaughter – and the slaughter itself - is horse abuse.** Even though horse slaughter has stopped in the U.S., our horses are still being subjected to intense suffering and abuse though transport and slaughter over the border. Undercover footage show live horses being dragged, whipped, and crammed into trucks in 110 degrees on their way to a horrific form of slaughter in Mexico and Canada. Horses are stabbed multiple times in the neck with a “puntilla knife” to sever their spinal cords. This is not a stunning method - it paralyzes, leaving the horse twitching on the ground, unable to move or breathe. They are hoisted, bled out, and dismembered, while still conscious. In the U.S., horses also suffered gravely from long distance transport and were not properly stunned, dying horrible deaths.
- **Horses are our trusted companions and have never been raised for human consumption in America.** A symbol of grace and beauty, horses have contributed greatly to our society throughout history. They have carried us into battle, plowed our fields, and served as endless sources of inspiration and beauty. Americans hold horses in high esteem and believe they deserve respect and dignity. National polls show that 70% of Americans strongly favor a ban on horse slaughter. However, American horses are being killed for foreign gourmands in France, Belgium, and Japan. Show horses, pony ride ponies, racehorses, wild horses, carriage horses, and family horses are victims of the horse slaughter industry.
- **Slaughter is not a “necessary evil.”** Slaughterhouse operators want everyone to believe that all the horses they slaughter are old or injured, without any other options. In truth, USDA statistics show that 92.3% of all horses sent to slaughter arrive in “good” condition – meaning they are sound and in good health. Horse rescue operators report being routinely outbid by killer buyers at auctions, demonstrating how allowing horse slaughter actually prevents horse rescue. From 1990 to 2002, annual horse slaughter declined dramatically (from 413,786 in 1990 to a low of 66,400 in 2002) and has remained around 100,000 since – demonstrating that the horse industry has always absorbed the horses that would have gone to slaughter in past years. When California banned horse slaughter in 1998, the horse theft rate dropped 34% and there was no rise in horse abuse or neglect cases.
- **Owner responsibility is the answer.** It is a matter of personal responsibility when someone takes on an animal as a companion or work animal. If a person can no longer care for a horse, they have a responsibility to seek out other options for placing the horse or have it humanely euthanized, rather than simply try to profit by selling it to slaughter. Putting the animal on a truck for 1,500 miles of long-distance transport to a slaughter plant is not a responsible option.

## Vote YES on SJR 22 (Florez)



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## MYTHS AND FACTS REGARDING HORSE SLAUGHTER

**Myth:** Weren't the foreign-owned plants in the U.S. a better alternative than horse slaughter plants over the border?

**Fact:** The plants in the U.S. have all been prohibited from slaughtering horses for good reason. Undercover footage from inside these horse slaughter facilities in the U.S. demonstrated how horrific these plants were - many horses were conscious when they were shackled and hoisted by a rear leg to have their throats cut. There was a history of abuse and cruelty at the U.S. plants, including employees whipping horses in the face and horses giving birth on the killing floors. USDA recently released photos of horses with broken bones protruding from their bodies, eyeballs hanging by a thread of skin, and open wounds all taken at former U.S. horse slaughterhouses. Slaughter is not euthanasia – it is a brutal and terrifying end for horses. We should not allow our horses to be subjected to this tremendous cruelty inside – or outside – of our borders.

**Myth:** This legislation will lead to an increase in unwanted horses and resulting horse abuse and neglect.

**Fact:** A ban on horse slaughter will not lead to an increase in unwanted horses or abuse and neglect. USDA statistics show that more than 92% of horses slaughtered are in good condition and able to live productive lives. In California, where horse slaughter was banned in 1998, there has been no corresponding rise in cruelty and neglect cases, while horse theft dropped by 34% after the ban. In Illinois, when the plant was shut down for two years, horse neglect and abuse decreased in the state. Allowing one's horse to starve is not an option in any state – state anti-cruelty laws prohibit such neglect. Most horses that go to slaughter are not unwanted, but rather wind up in the hands of killer buyers because they are in good health and will bring a better price per pound for their meat. Providing for a horse, including humane euthanasia when necessary, is just part of responsible ownership and this bill will not limit owners' rights to sell, donate, or euthanize their horses.

**Myth:** There is no need for this legislation because slaughter is a humane form of euthanasia.

**Fact:** Horse slaughter is a far cry from humane euthanasia. "Euthanasia" means a gentle, painless death provided in order to prevent suffering. Horse slaughter is a death fraught with terror, pain, and suffering. Horses are shipped for more than 24 hours at a time in crowded double-deck cattle trucks without food, water, or rest. Pregnant mares, foals, injured horses, and even blind horses must endure the journey. Once they arrive, their suffering intensifies – our undercover footage of horse slaughter plants in the U.S. demonstrated that conscious horses were shackled and hoisted by the rear leg and have their throats slit. Even though all three plants in the U.S. have been prohibited from slaughtering horses, the horse slaughter industry continues to haul horses by the truckload in greater numbers than ever, where they are stabbed to death in Mexican slaughter plants. When no other option exists, unwanted horses should be humanely euthanized by a licensed veterinarian rather than placed on a truck, cruelly transported and then butchered. The vast majority of horse owners (99%) already use humane euthanasia for their old or ill horses.

**Myth:** Banning horse slaughter undermines private property rights.

**Fact:** Allowing horse slaughter facilitates violation of property rights by encouraging the conversion of private property when horses stolen and sold for a profit. Many domestic horses are stolen out of pastures and barns every year for the horsemeat trade. Ohio newspapers reported on the theft of two prized former racehorses whose owner had been planning to retire them to an equine sanctuary. Instead, two horse thieves sold the animals for \$250 each to an auctioneer, who then sold them to a killer buyer employed by one of the three foreign-owned horse slaughterhouses. Sky Dutcher came to Washington, D.C. to tell the story of how her horse, Cimmarron, was stolen from his corral on her 12<sup>th</sup> birthday and sent to slaughter within two days. When California banned horse slaughter in 1998, the horse theft rate dropped 34%. Further, private property rights do not grant owners the unfettered right to abuse their animals. Every state has anti-cruelty laws that mandate protections for animals. Michael Vick would love to have claimed that his private property rights protected him from an indictment for dogfighting, but that is clearly not a justification for harming animals. Owners will still have ample legal options of reselling, donating, or euthanizing their horse (costs approx \$225 – the amount of one month's keep for a horse).

**Myth:** Ending horse slaughter will cause environmental harm because there will be so many carcasses in need of disposal.

**Fact:** USDA documents that more than 92% of horses that go to slaughter are in good condition – they will not need to be euthanized. Some 900,000 horses die annually and are safely disposed of by means other than slaughter, and the infrastructure can easily absorb an increase in numbers. Rendering, incineration and burial are all options, depending on local laws. Conversely, the operation of the horse slaughterhouses has a very real negative environmental impact, with all three in violation of local environmental laws related to the disposal of blood and other waste materials.

**Myth:** If this legislation is enacted, the federal government will face the financial burden of care for horses no longer going to slaughter.

**Fact:** This assertion rests on the false premise that all horses currently going to slaughter would become the financial responsibility of the federal government. Horse owners, not the government, will remain responsible for the care of their horses. Owners who no longer wish to keep their horses and who cannot sell or place their horses in a new home will have the option of humane euthanasia. The average cost for veterinarian-administered euthanasia and carcass disposal – approximately \$225, the cost of one month's care – is simply a part of responsible horse ownership.

## Vote YES on SJR 22 (Florez)



# Fact Sheet

## AB 2012

### **Background:**

Animal abuse is a serious concern, and the awareness for this disturbing crime is growing. Although there is a particular focus on protecting animal welfare, there is also a disparity in current law surrounding this issue.

Animal abuse is separated into two main categories: animal cruelty and animal neglect. Animal cruelty generally refers to a single act of harm on an animal, while animal neglect is defined as an act that causes extended or prolonged suffering. While animal neglect can be considered a horribly egregious offense inflicting extensive distress to an animal, the associated penalty for the crime is inconsistent with that of animal cruelty.

Cases of animal neglect are prevalent, and it occurs when one deprives an animal of basic needs, including shelter, nutrition, and medical care. In a study of 1,400 animal cruelty cases conducted by the Humane Society of the United States, 41 percent of the cases involved animal neglect. This overwhelming number reiterates the importance of protecting animals from neglect as well as cruelty.

Whether animals are tortured or starved, too often the end result in either case is death. In cases of neglect, the abuse is more prolonged and the neglected animal ends up slowly decaying and suffering due to starvation, dehydration and/or disease.

### **Deficiency in current law:**

In the California Penal Code, both animal cruelty and animal neglect are wobblers. Both offenses have potential felony charges; however the penalty for animal cruelty as a misdemeanor is up to one year in county jail and/or an associated fine (up to \$20,000). While the fine for animal neglect is the same, the penalty for a misdemeanor offense is only

punishable by a maximum of 6 months in jail. Although animal neglect causes prolonged agony and pain to the animals involved, the penalty is not in proportion to the sentence for a single act of animal cruelty.

### **Proposal:**

AB 2012 will make the laws for animal cruelty and animal neglect more consistent by providing for a maximum sentence for up to one year in county jail for animal neglect, as well as a possible fine up to \$20,000. This measure will provide parity to current law while reflecting the true nature of this heinous crime.

### **Sponsors:**

- American Society for the Prevention of Cruelty to Animals (ASPCA)
- Los Angeles Society for the Prevention of Cruelty to Animals (spcaLA)

### **Support:**

The Humane Society of the United States

### **Staff Contact:**

Dan Okenfuss, (916) 319-2053

### **Status:**

Assembly Human Services Committee

# Fact Sheet

## Stop the Proposed Expansion of Hunting and Hound Hunting of Bears in California

More than 1,700 bears are killed each year in California. According to the Department of Fish and Game, the majority of these bears are killed with the use of hounds. Hound hunters typically use packs of plott hounds or curs to track bears, pursue them and either corner them or tree them. Bears are not built to run long distances and will usually tire before the dogs.

### The California Fish and Game Commission's proposal would:

- Allow an unlimited number of bears to be killed statewide.
- Initiate the first bear hunt in San Louis Obispo County, despite opposition from the County Board of Supervisors.
- Expand bear hunting in Modoc and Lassen Counties.
- Expand the area where hound training and the hound hunting of bears can be conducted. Training takes place spring through fall.
- Allow hunting hounds to be fitted with high-tech global positioning systems and "tip switches," or "treeing switches," which notify the hunter when his dog has treed a bear.



### Problems with this proposal include:

**Hunting does not reduce conflicts with bears.** California's bears are killed to provide trophy hunters with a head or a hide for their living rooms, not to reduce conflicts with bears. Trophy hunters target the largest bears who would look good on a wall, not the young males who are primarily responsible for conflicts. Furthermore, hunting takes place far from homes, while so-called "problem bears" usually live in the urban-suburban interface. Shooting bears at random is as effective at reducing conflicts as shooting into a crowded room is at reducing crime. The single most important tool to reduce conflicts with bears is to make garbage inaccessible to bears.

**There is no limit on the number of hounds that hunters can use to pursue bears.** While some states limit the number of dogs that can be used to harass and corner bears, California does not. In other states without limits, hunters often use packs of more than 20 dogs.

**Unsporting equipment eliminates fair chase and sport from hunting.** Many hound hunters already use high-tech radio telemetry devices to track their dogs, but California's hunters may soon be able to use global positioning devices, which allow them to easily monitor the chase from afar, even from their vehicles. These devices are equipped with "tip switches," which notify the hunter that a bear has been treed when the dog lifts his head. In 2009, the California Fish



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and Game Commission stated that “the use of treeing switches on dog collars would limit the sporting aspect of fair chase” by not requiring the hunter to follow the chase on foot, yet the state now wishes to allow both GPS devices and tip switches.

***Even when they don't kill bears, hounds can adversely impact bears and other wildlife.*** Harassing bears and repeatedly chasing and treeing them is inhumane and not an acceptable “sport.” Young animals such as bear cubs are pursued because they may be unable to escape the hounds, and any regulations prohibiting this are difficult for hunters to follow and nearly impossible for law enforcement to enforce.

Hounds often pursue non-target animals, including animals out-of-season, harassing, wounding or killing them. Hounds can also separate sows from their cubs, have been known to attack livestock, and have impacts on nesting birds.

***Hound hunting results in the harassment of landowners and forces others land users off public land.*** Hound hunting has been restricted in a number of states in recent years, largely due to the harassment of landowners and other outdoor recreationists by hunters with packs of dogs. Alabama, Colorado, Florida, Georgia, Massachusetts, Oregon, Texas, Virginia and Washington have all taken steps to restrict hound hunting, but California is making the unprecedented decision to expand hound hunting across the state.

***Many hunting dogs are viewed as disposable hunting equipment, abandoned when they fail to hunt well.*** In many areas, hunting hounds are routinely abandoned when they fail to hunt well, become old, sick or injured. Some animal shelters in other states report that as much as 90 percent of the dogs they take in are abandoned hunting hounds, and many of these dogs come in emaciated because some hunters mistakenly believe that a starving dog will hunt better.

***Defensive bears sometimes injure and kill hounds.*** When cornered, bears may become defensive and swipe at the dogs pursuing them. According to *Bear Hunting Magazine*, “many a careless bear hound shows the scars of errant encounters with a harried bruin. And just as many are resting in the ground because they were not quick enough to dodge that last vicious, swiping paw.”

***San Luis Obispo County officials oppose the initiation of a bear hunt.*** On March 16, 2010 the San Luis Obispo County Board of Supervisors passed a resolution opposing the expansion of bear hunting within county limits. Bear hunting has never been permitted in this area, and there is no reason to allow it.

**Please sign the legislative sign-on letter to help stop these proposals.**



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