

“Boycotting dogs bred in puppy farms will increase these dogs’ suffering further and therefore cannot be justified.” Discuss

Chris Sangster, A-law Student Essay Competition Winner 2017

Whilst only around seventy pet shops in the UK sell puppies, around 16% of the current population of 9 million dogs were sold through these outlets, as well as through the internet and newspaper advertisements.¹ More likely than not, these dogs will have been bred in so-called ‘puppy farms’. The Kennel Club defines a puppy farmer as “a high volume breeder who breeds puppies with little or no regard for the health and welfare of the puppies or their parents.”²

Although the suffering of animals raised for food is commonly discussed, it is less common for

there to be a focus on the origins of companion animals, meaning the terrible conditions of commercial breeding establishments are often overlooked. Discussion of ‘puppy farms’ inevitably highlights the status of companion animals as property, in particular “the risks inherent in the commercialisation of animals,”³ which are inextricably linked to the “ethical tension between wealth maximization and animal welfare.”⁴ Breeders often do not feel any moral responsibility towards these puppies, viewing them as they do as commodities.⁵

As the main purpose is the maximisation of profits, puppies are raised with no concern for their welfare in order to keep prices competitive.⁶ Puppies are separated from their mothers before the recommended eight weeks, whilst guidelines regarding the maximum frequency of litters are disregarded. Puppy farms do not provide adequate socialisation of puppies and fail to adhere to basic health procedures, leading to physical and psychological health problems, such as normally preventable common infectious diseases, or behavioural issues.⁷ Dogs bred in these conditions are

¹ Kennel Club 'Puppy Awareness Week' (PAW) survey 2014. According to the 2014 survey, 41% of purchasers did not see the puppy with its mother, whilst 53% did not see the breeding environment: <<http://www.thekennelclub.org.uk/our-resources/kennel-club-campaigns/puppy-farming/>>

² Puppy Farming: <<http://www.thekennelclub.org.uk/our-resources/kennel-club-campaigns/puppy-farming/>>

³ Katherine Cooke [2011] "Defining the Puppy Farm Problem: An Examination of the Regulation of Dog Breeding, Rearing

and Sale in Australia" Australian Animal Protection Law Journal 5 [10]

⁴ Kailey A Burger [2013] "Solving the Problem of Puppy Mills: Why the Animal Welfare Movement's Bark Is Stronger than Its Bite" Washington University Journal of Law & Policy 43 [278]

⁵ Kailey A Burger [2013] "Solving the Problem of Puppy Mills: Why the Animal Welfare Movement's Bark Is Stronger than Its Bite" Washington University Journal of Law & Policy 43 [265]

⁶ Katherine C Tushaus [2009] "Don't Buy the Doggy in the Window: Ending the Cycle that Perpetuates Commercial

Breeding with Regulation of the Retail Pet Industry" Drake Journal of Agricultural Law 14.3 [503]

⁷ This also has an economic effect on owners, as they are left with expensive fees for treatment of these diseases. According to the 2014 Kennel Club PAW survey, parvovirus affected 20% of puppies bought from pet shops or over the internet, representing four times the average. This is an often fatal disease, and treatment can cost up to £4,000.

also likely to suffer painful congenital conditions and shorter life spans.⁸

The suffering of these dogs is by no means limited to their experiences at the puppy farms, as commercial breeders will be less likely to ensure that the lifestyle of the new owner is appropriate. This can be linked to an increased number of abandoned animals.⁹ Unfortunately, those purchasing from commercial breeders are unlikely to be responsible pet owners.¹⁰ In addition to the effects on the puppies, there are indirect consequences on communities who struggle to address overpopulation humanely, as well as the environmental impacts of more large-scale operations.¹¹

It may seem a sensible solution to simply stop purchasing dogs that have been bred in puppy farms; the reality is that the situation is much more complex than this. It is necessary to consider the suffering of those animals

currently living on puppy farms, and consequently to develop alternative approaches which can adequately meet the welfare needs of these animals.

“Enforcement is problematic where local authorities do not have the necessary resources and expertise, exacerbated by the lack of clarity in current guidance.”

Under current legislation, local authorities licence and inspect establishments within their jurisdiction.¹² The current system is not fit for purpose for a number of reasons.¹³ Enforcement is problematic where local authorities do not have the necessary resources and expertise, exacerbated by the lack of clarity in current guidance. Healthy dogs are put down simply because they cannot find a home,

whilst licences continue to be issued for puppy farmers, allowing them to breed more dogs.

Whilst the Department for Food, Environment and Rural Affairs (Defra) found that there is a “strong public expectation” that local authorities are capable of enforcing current legislation, this legislation is often outdated and incompatible with changing business practices, such as internet sales. According to Defra, “the laws, and their specific requirements, are often decades old, and difficult to adapt to the changing types of animal-related businesses.”¹⁴

The existing system is therefore “complex and burdensome for both business and local authorities,”¹⁵ arbitrarily focussing inspections on the end of the year. Further, businesses with multiple functions are forced to have multiple separate licences, imposing complex and unnecessary burns of bureaucracy.¹⁶

⁸ The PAW survey found that 20% of dog owners spent more on vet’s fees than they anticipated, increasing to 38% when the dog was purchased from a pet shop.

⁹ Melissa Towsey [2010] “Something Stinks: The Need for Environmental Regulation of Puppy Mills” Villanova Environmental Law Journal 21.1 [163]

¹⁰ Some have linked the puppy farming industry to other practices which treat dogs as commodities, such as dog-fighting: see Proshanti Banerjee, “The Harm Principle at Play: How the Animal Welfare Act Fails to Protect Animals Adequately” [2015] University of Maryland Law Journal of Race, Religion, Gender and Class 15.2 [368]

¹¹ Melissa Towsey [2010] “Something Stinks: The Need for Environmental

Regulation of Puppy Mills” Villanova Environmental Law Journal 21.1 [177-180]

¹² The Breeding of Dogs Act 1973, as amended by the Breeding and Sale of Dogs (Welfare) Act 1999

¹³ Imogen Proud, ‘Licensing Consultation – DEFRA publishes summary of responses’: <<http://alaw.org.uk/2016/11/licensing-consultation-defra-publishes-summary-of-responses/>>

¹⁴ Department for Environment Food & Rural Affairs, ‘The review of animal establishments licensing in England: A summary of responses’ (September 2016) [1] <[\[le/552955/animal-establishments-consult-sum-resp.pdf\]\(https://www.gov.uk/government/uploads/system/uploads/attachment_data/fi/552955/animal-establishments-consult-sum-resp.pdf\)>](https://www.gov.uk/government/uploads/system/uploads/attachment_data/fi</p>
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¹⁵ Department for Environment Food & Rural Affairs, ‘The review of animal establishments licensing in England: A summary of responses’ (September 2016) [2]

<https://www.gov.uk/government/uploads/system/uploads/attachment_data/fi/552955/animal-establishments-consult-sum-resp.pdf>

¹⁶ Department for Environment Food & Rural Affairs, ‘The review of animal establishments licensing in England: A summary of responses’ (September 2016) [1] <https://www.gov.uk/government/uploads/system/uploads/attachment_data/fi



A positive response to improvements suggested by Defra's consultation regarding the licencing of animal establishments¹⁷ has led to a government commitment to crack down on puppy farms. However, some animal welfare groups argue that such reforms are insufficient.¹⁸ Whilst new legislation will make it illegal for breeders to sell puppies under eight weeks old and require formal licences for anyone breeding and selling three or more litters per year, these rules

represent less than the desired ban on third party sales.

Such regulations would not guarantee that these establishments would invest more resources in caring for their animals. There would be a significant burden on local authorities to invest more resources in enforcement of legislation. The purchaser would also have a responsibility to carry out appropriate due diligence, ensuring the animal they are purchasing is in good health and

comes from a properly registered breeder.

Any reforms should consider the fact that it is highly unlikely dogs could ever be banished from our lives, as the "benefits to humans of caring for dogs are too well known and documented."¹⁹ Beyond simply providing companionship, dogs serve to assist people with disabilities, in addition to serving in military, police and therapeutic contexts.²⁰ Regulation, therefore, could never abolish the breeding of

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¹⁷ There were 1,386 substantive responses to the consultation questions. 6% came from animal welfare organisations, whilst 49% were from members of the public with an interest in the subject. <<http://alaw.org.uk/2016/11/licensing->

consultation-defra-publishes-summary-of-responses/>

¹⁸ Tom Bawden, New rules for puppy breeders 'a step in the right direction' but not enough, campaigners say: <<https://inews.co.uk/essentials/news/health/new-rules-puppy-breeders-step-right-direction-not-enough-campaigners-say/>>

¹⁹ Katherine Cooke [2011] "Defining the Puppy Farm Problem: An Examination of the Regulation of Dog Breeding, Rearing and Sale in Australia" Australian Animal Protection Law Journal 5 [18]

²⁰ Kailey A Burger [2013] "Solving the Problem of Puppy Mills: Why the Animal Welfare Movement's Bark Is Stronger than Its Bite" Washington University Journal of Law & Policy 43 [259]

puppies; it must instead focus on safeguarding their welfare more efficiently.

Mainstream support is necessary, as if all consumers were to demand humanely bred dogs, the breeders would be forced to comply in order to avoid losing business.²¹ The purpose of the Campaign to Expose and End Puppy Farming is to end battery farming and the sale of puppies through third parties, utilising undercover investigations to bring these cruel practices to the attention of the public.²² An education campaign instructing the public on good practice in obtaining a companion animal would be invaluable.

Puppy farms represent a vicious cycle, in that as long as people continue to purchase from them, they will continue to breed puppies for sale in terrible conditions. An essential step, therefore, towards their eradication is to boycott those establishments which employ these methods of breeding. Regulation cannot hope to effectively destroy this cycle as long as the demand is present. Failure in inspection and enforcement of licence conditions allow violations of animal welfare to go unpunished, meaning that far from being unjustified, boycotting puppy farms is a necessary step in ending suffering.

About the Author

At submission of the essay (April 2017) Chris was in the final year of the MLaw Exempting degree at Northumbria University, which is a Masters-level qualification that incorporates the Legal Practice Course. Chris's dissertation concerned the status of animals as property.

²¹ Kailey A Burger [2013] "Solving the Problem of Puppy Mills: Why the Animal Welfare Movement's Bark Is Stronger

than Its Bite" Washington University Journal of Law & Policy 43 [280]

²² <<http://www.puppylovecampaigns.org/>>