



UK CENTRE FOR ANIMAL LAW (A-LAW)

WILDLIFE WORKING GROUP

THE FUR MARKET IN GREAT BRITAIN – DEFRA CONSULTATION RESPONSE

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ALAW – The Fur Market in GB

Introduction

The Department for Environment, Food and Rural Affairs (“**DEFRA**”) launched a public consultation regarding further regulation of the fur trade in Great Britain which closed to submissions on 28 June 2021. DEFRA stated they consulted as “[DEFRA] are seeking information and evidence on the commercial fur sector in GB to inform future decision making, including trading activity.” (the “**Consultation**”).

Given the importance of the fur trade in the context of animal welfare, A-Law’s wildlife Working Group submitted a formal response to the Consultation. The content of A-Law’s response is reproduced below against each Consultation question.

Executive Summary

A-Law maintains that the fur trade is inhumane as it causes unnecessary suffering to millions of animals worldwide. Whilst Great Britain has already banned domestic fur farming, we implore this Government to take the next logical step and prohibit the sale, advertisement, import and export of fur. Other jurisdictions have already taken this step and such a development is necessary for this Government to deliver on its state promise to uphold world leading animal welfare standards.

1. What is your name?

UK Centre for Animal Law (A-Law) Wildlife Working Group

2. What is your email address?

[Redacted]

3. Are you responding as an organisation?

Yes

4. Give a summary of who your organisation represents

A-Law exists to promote knowledge and education about the law relating to animal protection, as well as more effective enforcement of relevant legislation. We seek to be a source of objective, independent legal analysis on animal protection law issues. Whilst legal topics are often complex, it is our job to explain them as clearly as possible, so as to increase the effectiveness of UK animal protection organisations collectively and to promote informed public debate. We are registered as a charity in England and Wales and are politically neutral.



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4. (Continued)

In addition to publishing legal analysis to inform public debates, we provide animal protection organisations with access to high quality legal advice to assist their work. We also promote the teaching of animal law in UK universities.

A-Law is led by lawyers – predominantly practicing solicitors and barristers – and works closely with legal academics. This present submission is the product of a working group for wildlife made up of a practicing lawyers and legal academics.

For further information about us, or to access our online resources, please see our website: www.alaw.org.uk.

5. Where are you based in the UK?

England

6. Would you like your response to be confidential?

No

7. What type of organisation are you responding for?

Charity

8. What is the primary purpose of your organisation?

Animal welfare

9. Is it wrong for animals to be killed for the sake of fur?

Yes – strongly agree

10. What are your views on whether any of following methods are acceptable ways to produce fur products?

Farming animals primarily for their fur.

Strongly disagree

Farming animals primarily for their fur but only if subject to an assurance scheme.

Strongly disagree

Trapping or hunting animals for their fur.

Strongly disagree



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10. (Continued)

Trapping or hunting animals for their fur but only if as part of a conservation scheme.

Strongly disagree

Producing fur as a by-product of legal farming (where fur is not the primary value and purpose of animal production but is a component part e.g. meat).

Strongly disagree

Producing fur as a by-product of legal hunting or population control (where fur is not the primary value).

Strongly disagree

11. What is your attitude towards the import and/or sale and/or export of fur or fur products in GB?

The ability for fur products to be imported into, sold within or exported from Great Britain is a blight on this country's animal welfare and moral record. The fur trade represents an outdated opulence which causes death and suffering to over 100 million animals world-wide every year.

Such suffering is unnecessary given the exponential rise in availability and popularity of "faux fur" products which allow clothing, apparel and other previously fur inclusive products to be created without causing suffering.

The lack of any ban on the importation, exportation or domestic advertisement or sale of fur product is in bizarre contrast to the country's ban on fur farms pursuant to the Fur Farming (Prohibition) Act 2000. It is illogical for the government to continue to permit the UK to participate in the fur trade when it recognised the inherent cruelty of the procedures required to produce fur over 20 years ago.

The international fur trade continues to heavily rely on intensive farming to generate fur for the fashion industry with around 85% of fur used in retail products coming from intensive farms. Fur farms, wherever they may be around the world, have repeatedly been demonstrated by various animal welfare organisations such as the Humane Society International to trap animals in inhumane conditions resulting in animals farmed for fur suffering for the entire duration of their lives.

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11. (Continued)

Such suffering has been explicitly recognised by scientific organisations including the European Commission’s Scientific Committee on Animal Health and Animal Welfare which found in its report on the issue of fur farming that *“Current husbandry systems cause serious problems for all species of animals reared for fur”*.

This is also the case for “certified” and supposedly sustainable farms which purport to uphold higher welfare standards as the practical checks used to ensure such higher standards of welfare have been shown to be perfunctory.

In addition to being cruel, intensive fur farming of such species represents significant health risks to animal and human populations alike as such farms are rife for harbouring and spreading zoonotic diseases as sadly demonstrated by Denmark’s decision to cull 17 million mink being farmed for fur due to the spread of a Covid-19 mutation within farmed populations of the species.



12. Other than for clothing and apparel, what uses of fur should we be aware of?

Fur is also used in various smaller and less auspicious accessories (e.g. keychains) and also may inherently form the part of hunting trophies if the animal killed has fur.

13. Is your organisation directly involved in the fur sector?

No

If you selected No, please skip to Question 23.

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23. How has the overall domestic market for real fur products changed over the last 5 years?

Greatly decreased

24. Please provide any evidence of the scale and trends of the GB market in faux fur

Market research has demonstrated a substantial decrease in the popularity of fur in the UK as markets in economies like China have taken over as the main drivers of demand, with Asia now accounting for 40% of global fur sales. That said demand is even decreasing in China. Work by OCC Strategy Consultants shows that a large number of fur companies have closed due to a decline in demand in the face of an oversupply, whilst the Covid-19 pandemic has further dampened demand by creating nervousness about trading or importing animal products.

Questions 25 – 30 are not relevant to A-Law's response as they only concern businesses operating in the fur trade industry

31. If not a seller, are you aware of the level of mark-up that is placed on fur products in retail sales?

50-100%

Questions 32 – 37 are not relevant to A-Law's response as they only concern businesses operating in the fur trade industry

38. We are interested in finding out more about other countries' existing or planned restrictions on fur. Please provide any information and/or evidence that you are aware of.

Several different countries, states and councils around the world have gone a step further than Great Britain and banned the domestic trade and/or international import and export of fur.

Israel enacted its prohibition on the domestic buying and selling of fur in June 2021. Under the new regime, special government permits will be required in order to buy and sell fur products which will only be granted for specified legitimate purposes. These purposes are tightly defined to include only "scientific research, education, for instruction and religious purposes and tradition".

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38. Continued (1)

Such a limited derogation from a general ban demonstrates that the wider prohibition of the fur trade is not incompatible with ensuring important scientific research can continue and some small discretion is afforded to religious practices which use small amounts of fur (for example the fur hats called shtreimels worn by Haredi Jews).

The ban comes into force in Israel within 6 months of the date of the implementing legislation, demonstrating that whilst prohibitions affecting the fur trade may require some short grace period in order for industry stakeholders to ensure they comply with the law, this does not need to be a matter of years during which the fur trade is permitted to continue.

In addition to Israel, numerous US State and Council legislators have banned local fur trading. These include Los Angeles, San Francisco and West Hollywood City Councils whilst the state of California has passed Law AB-44 which bans the sale, advertisement and manufacture of “fur products” within California.

Law AB-44 adopts a wide definition of fur products as covering “any article of clothing... or fashion accessory” apart from apparel which is expressly negatively carved out in Law AB-44 as not amounting to a fur product which includes leather and wool. Law AB-44 also provides for a limited derogation on the sale of fur products used for religious or traditional tribal purposes.

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38. Continued (2)

The use of the derogation is monitored as Law AB-44 requires any sales made pursuant to the exemption to be recorded for at least a year to allow for state inspection. Failure to properly record may result in civil or criminal penalty. Law AB-44 also allows private individuals to retain any fur products they currently own to prevent undue waste of fur already in private circulation.

Law AB-44 provides for stepped fines and penalties for contravention of the prohibition, up to a maximum of USD 1,000 for repeat offences. Fines for contravention of a fur trade ban are a positive step, however this Government should strongly consider raising the maximum penalty above that provided for by Law AB-44. It is doubtful whether a maximum thousand US dollar fine represents any substantial deterrent against the trade of fur and also could simply be “priced in” to the mark-up applied to fur products by businesses who still wish to sell fur. This Government is urged to consider potential criminal sanctions for the most egregious contraventions of a potential fur ban to ensure proper deterrence by making offenders aware they face significant penalties if they try to undermine the ban.

39. Please provide any other relevant evidence you would like to include to inform decisions on the GB fur trade

In addition to the demonstration in response to question 38 above that other legislators have already enacted effective prohibitions which this Government can draw some precedence from, we highlight the contemporary fashion industry’s shift away from the use of real fur products. Leading designers and brands including (but not limited to) Stella McCartney, Gucci, Versace, Coach, Chanel, Prada, Burberry, Michael Kors, Giorgio Armani, Nordstrom, Tom Ford and within the last few days, Canada Goose, have all stopped using real fur. This highlights that real fur is no longer a part of the fashion industry’s long-term plans and that a ban would reflect brand and designer choice to move away from fur.

The industry’s move away from fur reflects wider consumer consensus and buying behaviour. Over one million people have signed the Humane Society International’s petition for a fur free Britain and a 2020 YouGov poll revealed that 93% of respondents don’t wear fur and further that an overwhelming majority supported a complete ban on the sale of fur in the UK.

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39. Continued

The joint consensus of the fashion industry and consumers that fur is cruel and unnecessary in modern society is not currently reflected by this country's law. It is further noted that the existing laws on the labelling and trade of real fur have been proven to be unsatisfactory to ensure retailers and consumers do not respectively sell and buy real fur as fake fur.

We note DEFRA's report of July 2018 which criticised retailers and authorities for omitting to properly enforce the existing regulations around the sale of fur, and also found that the current fur labelling laws are confusing for both retailers and consumers. It is therefore evident that the UK's current regulatory framework is confusing and ineffective and should be replaced by a blanket prohibition on the manufacture, advertisement and sale of fur subject to very limited derogations. Such a policy would be simpler to understand and enforce resulting in better protection of retailers, consumers and animals

Finally we implore this Government to remember that a ban on the import, export and domestic trading of real fur would not necessarily breach the UK's international trade obligations. The World Trade Organisation has previously accepted that that moral concerns regarding animal welfare constitute a legitimate reason restrict trade as evidenced in the 2014 case concerning the European Union's market ban of seal products. The UK could therefore rely on Article XX(a) of the GATT to justify any ban as an exception to the GATT's trading rules for measures that are necessary to protect public morals. Any fur ban prohibiting imports could not be viewed as a protectionist measure, since the UK does not domestically produce fur.



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