

SHECHITA UK



RESPONSE OF THE JEWISH COMMUNITY TO THE GOVERNMENT'S DRAFT RESPONSE TO THE FARM ANIMAL WELFARE COUNCIL REPORT ON THE WELFARE OF FARMED ANIMALS AT SLAUGHTER OR KILLING, PART 1: RED MEAT ANIMALS

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Date: 24th June 2004

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APPENDICES

1. Papers delivered at the Jewish Community Seminar for FAWC Working Group, May 27 2002
2. Grandin T. Euthanasia and slaughter of livestock. *J Am Vet Med Assoc* 1994; 204: 1354-1360
3. Rosen SD. Physiological Insights into Shechita. *Veterinary Record* June 12, 2004; 154: 759-765
4. Letters from Dr C Daly (dated 19.3.91) and Prof F Ellendorff (dated 14.3.91) to European Board of Shechita re EEG data and perception of pain
5. Kesselman N. Challenges to Shechita and its Protection by Government and Legislation in Late 20th Century Britain. University of London, September 2001
6. Correspondence between DEFRA and the Campaign for the Protection of Shechita
7. Correspondence between FAWC and the Campaign for the Protection of Shechita

1. SUMMARY

1.1 Shechita UK

This submission represents the united views of the Jewish communities of Great Britain. The submission has been coordinated by Shechita UK, a communal body that unites representatives from the Board of Deputies of British Jews, the Campaign for the Protection of Shechita, the National Council of Shechita Boards, the Union of Orthodox Hebrew Congregations, and incorporates representatives from all the Kashrus Authorities in the UK.

The submission relates to the Government's draft response to the Farm Animal Welfare Council Report on the Welfare of Farmed Animals at Slaughter or Killing - Part 1: Red Meat Animals (June 2003), where it pertains to the Jewish religious humane method of animal slaughter for food known as *shechita*.

1.2 Shared objectives

We recognise and share the desire of Ministers and members of FAWC to promote animal welfare - indeed, animal welfare is a cornerstone of the body of Jewish religious law, the *Halacha*. We also welcome Ministers' commitments that nothing should come out of the consultation that will threaten Jewish religious rights and freedoms, and that the Government will not pursue any recommendations which infringe the rights of the Jewish community.

1.3 FAWC's advice

FAWC's report, where it relates to shechita, is inaccurate and unreasonable. It has been highly selective in its choice of scientific reports from the published literature, perverse in its interpretation of them and negligent in choosing to ignore other significant papers. Rather than examining the data in the literature, FAWC have placed great reliance upon the opinions and assertions of a few individuals and organisations with well-known, but partisan views on the subjects of religious slaughter. As a consequence, the Government's draft response - predicated on FAWC's report - unwittingly repeats a number of baseless assertions.

The most objectionable of these is the view that: "*on balance, animals (especially cattle) slaughtered without pre-stunning are likely to experience very significant pain and distress.*" This assertion - for which scientific confirmation is lacking - is a slur on Jewish religious practice, has caused great offence and could invite antagonism on the part of extremists against Jews. We cannot imagine that Ministers would hold this view unless they had been misled by FAWC.

In recent years representatives of the Jewish community have met on a number of occasions with FAWC and other key stakeholders, such as the RSPCA, in order to discuss shechita and associated matters. We have given presentations to explain the religious and social significance of shechita as well as the physiological issues of relevance, based upon scientific data from the peer-reviewed literature¹. Almost until the end of the present consultation process, numerous requests on our part for disclosure of the scientific sources were refused. When a bibliography was eventually produced, it reflected that, as noted above, FAWC's inclination was towards obtaining opinion supportive of its pre-existing attitude towards shechita, rather than evaluating the objective data in a dispassionate fashion.

1.4 Content of this submission

This submission draws on published scientific literature to establish the humane nature of the Jewish religious method of slaughter (**Section 2**) and to refute the allegations of FAWC with respect to shechita (**Section 3**).

In **Section 4**, we respond to the Government's draft recommendations pertaining to shechita, specifically:

- 57 – re-evaluation of restraining pens
- 59 – alternatives to manual restraint for sheep
- 60 – post-incision examination
- 61 – pre-stunning
- 62 – post-cut stunning
- 65 – severance of the oesophagus
- 70 – lairaging and restraining deer

In addition, we explain why it is essential to retain the right to perform a post-incision tactile examination. Attention is drawn to animal welfare and public health concerns that are associated with the standard non-shechita methods of stunning. We also express our deep disappointment that the Government (in contrast with the US Congress) has failed to recognise shechita as a humane method of animal slaughter.

In **Section 5**, we make recommendations with respect to actions the Government might take in the light of the points made in this submission. For example, we ask that the Government explicitly recognises shechita as a humane method of animal slaughter; and that the Government formally requests FAWC never again to issue advice informed by prejudice and conjecture.

2. SHECHITA

2.1 Shechita under UK law

Article 9 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, now incorporated into British law, protects freedom of religious belief and practice.

Since 1928, shechita has been protected in the United Kingdom by various enactments of primary and secondary legislation.

Since enactment of The Slaughter of Animals (Humane Conditions) Regulations 1990, (re-enacted in the Welfare of Animals (Slaughter or Killing) Regulations 1995), *shochetim* (licensed practitioners of shechita) are required by statute (Schedule 12 Part II, reg. 6 (b)) to comply with the definition of shechita to: "...ensure that each animal is slaughtered by severance, by rapid, uninterrupted movements of a sharp knife, of both its carotid arteries and both its jugular veins."

2.2 Requirements of Jewish law (*Halacha*)

Jewish law requires that animals be treated with consideration, kindness and respect. With regard to the use of animals for food, Jewish law states that, if meat is to be eaten, Jews are required to dispatch an animal in a prescribed humane way. Shechita is the only method permitted by Jewish law to enable Jews to eat meat. In addition, Jewish law requires that an animal intended for food must be healthy and uninjured at the time of slaughter and that the shechita incision should be the effective cause of death of the animal. Stunning by methods other than shechita, for example captive-bolt or electricity, renders an animal forbidden to Jews for food.

2.3 The act of shechita

Shechita is performed with a surgically sharp instrument (a *chalaf*), which must be perfectly smooth without the minutest notch or irregularity. The shochet examines the instrument before and after the procedure to ensure this standard is maintained. The frontal structures at the neck including the trachea, oesophagus, the carotid arteries and jugular veins are severed in a rapid and uninterrupted action causing an instant drop in blood pressure in the brain. This results in the immediate and irreversible cessation of consciousness and sensibility to pain. Proponents of stunning seek to achieve the state of unconsciousness by additional intervention, but shechita humanely incorporates stunning as an integral part of the procedure which dispatches and exsanguinates with a rapid action. English law defines stunning as "any process which causes immediate loss of consciousness which lasts until death"². Shechita conforms to this requirement.

Exsanguination is the bleed-out of the carcase. This is especially important in Jewish law as Jews are forbidden to consume blood³. Exsanguination is necessary in all methods of animal slaughter since blood deteriorates quickly and could putrefy the meat if it is retained in the animal. Shechita ensures maximum exsanguination.

2.4 Restraint of larger animals

In the UK, to maintain optimal positioning, larger animals (bovines) are restrained in a pen in which the animal is supported while shechita is performed. Grandin (1994) has described in detail designs and operating principles for this device.

It is important to note that the restraint is not a 'crush'. Significant features of the upright pen, recommended by FAWC in 1985, are a belly-plate designed to lift and support the animal at slaughter and a chin lift and poll stop. These features were made law in 1992.

2.5 The practitioner of shechita

The *shochet* (one who performs shechita) studies intensively for many years and must have a thorough knowledge of animal anatomy, pathology and the laws of shechita as well as being an individual of exemplary character. The shochet must be licensed by both the Meat Hygiene Service and by the Rabbinical Commission for the Licensing of Shochetim, a statutory body established by Parliament and now governed by Schedule 12 to The Welfare of Animals [Slaughter or Killing] Regulations 1995. Every shochet is examined annually by this Commission and must apply for renewal of his license every 12 months. No general slaughterman is subject to such continuous standards of personal assessment, rigorous training and supervision yet he is "licensed for life."

A shochet receives a salary and will be employed by a Shechita Board or Authority. He is not paid per animal slaughtered. He is therefore under no external time or financial pressure to compromise the meticulous and consistent performance of his act of shechita, unlike general abattoir slaughtermen who are usually paid on a piece-work basis and rely on speed of throughput.

2.6 Physiological aspects of shechita

This topic is discussed more fully in a recent peer-reviewed paper, presented as Appendix 3. In brief, the shechita incision causes severance of the major organs and vessels at the neck, including carotid arteries. This produces a dramatic collapse in the arterial blood pressure, especially marked in the vessels close to the brain. The fall in arterial blood pressure is catastrophic and brain blood flow (perfusion) ceases. The cerebral cortex, the brain region responsible for feeling and thinking, is particularly sensitive to the loss of perfusion, and consciousness is lost rapidly (approximately 2 seconds) and irreversibly.

A second mechanism, which has a dramatic effect on brain function, is the collapse in pressure of the cerebrospinal fluid (CSF), the fluid which bathes and carries nutrients to the brain tissue. CSF also has an important role in supporting the shape and structure of the brain. The sudden collapse in CSF pressure after shechita means that a form of 'implosion' of the brain occurs. This compounds the effects of reduced blood flow to the brain just described.

The claim that effective perfusion of the brain can be maintained by an alternative blood supply, namely through the vertebral arteries is not supported either by logic or experimental observation. As explored more fully in Appendix 3, once the carotid arteries have been severed, blood flow within the remaining intact vessels will follow the route of least resistance and for the vertebral arteries this is away from the head. The only situation in which some perfusion of the brain has been maintained by the vertebrals in this context has been after carotid *clamping*. Even then, Shaw,

Bager and Devine ⁴ have reported that in their series of calves subjected to carotid clamping, cortical function could not be maintained or re-established and the time course of loss of brain function was identical to that after carotid severance without clamping.

2.7 Behavioural responses to shechita

In assessing the effects on an animal of any stimulus, directly observed behavioural responses are most important. Despite the fact that cattle and sheep are sentient creatures, they show no sign of fear of impending death and continue to ruminate normally at the point of slaughter. Similarly, there is no direct evidence of behavioural signs of stress in anticipation of shechita. It can be observed that the restrained animal is calm and still prior to the act of shechita.

Professor Temple Grandin ⁵ of the Department of Animal Sciences, Colorado State University has reported in a study of cattle that prior to shechita, at the moment of the incision, and immediately after shechita there is no flinching and no reflex defence response suggestive of any sensation of pain. In a further report ⁶, it was pointed out by the authors that Grandin and colleagues had deliberately applied the head restraint so lightly that the animals could readily pull their heads out. Despite this, "none of the ten cattle moved or attempted to pull their heads out".

Further, Grandin and Regenstein ⁷ (1994) stated that, "it appears that the animal is not aware that its throat has been cut." Bager et al ⁸ reported a similar observation with calves. Further observations of twenty Holstein, Angus and Charolais bulls indicated that they did not react to the cut. The bulls were held in a comfortable head restraint with all body restraints released. They stood still during the cut and did not resist head restraint."

These experiments clearly demonstrate that animals do not suffer pain and distress from the shechita incision. As cited by Grandin, Bager et al (1992) also observed the lack of flinch. The lack of a response to the shechita incision is in contrast to the observable effects of inflicting such painful stimuli as ear tagging or captive bolt stunning.

Approximately 30 seconds after the act of shechita, animals are observed to make very slow and laboured respiratory efforts and shortly afterwards there are muscular spasms which can produce some violent thrashing of the limbs. Both of these phenomena are the consequence of hypoxia (oxygen starvation) of the spinal cord and are in no respect at all a conscious reaction to pain. Such movements are well described in decapitated animals.

2.8 The issue of pain

Pain is difficult to define, it is intrinsically subjective and there are few objective means of assessing it besides the observation of behavioural responses and some non-specific features such as heart rate, blood pressure or neurohormonal responses. A much more detailed critique of the scientific literature on pain and animal slaughter as it relates to shechita can be found in Appendix 3.

Brain electrical activity has been employed extensively in pain research. Classically, brain electrical activity has been measured from the surface of the scalp - the electroencephalogram (EEG) and, more invasively, by means of recording electrodes on the brain surface - the electrocorticogram (ECoG).

A number of early studies employed simple EEG techniques and showed early (within 3-7 seconds) qualitative changes in waveform. An isoelectric state (flat trace) supervened in 15-30 seconds in sheep, goats and cattle (Nangeroni & Kennet 1963⁹). Schulze¹⁰ observed no effect of the shechita incision upon the raw EEG trace; an isoelectric state supervened in less than 13 seconds in the sheep and less than 23 seconds in calves.

The use of raw EEG data has been much criticised for several reasons, e.g. anaesthetised subjects do not have a flat EEG and yet are insensible to pain. Most dramatically, EEG activity can even be demonstrated in severed heads¹¹. The mere presence of an EEG trace therefore does not equal consciousness; by the same token, the claim that the stunning method of choice is the one that is first to produce an entirely flat EEG, is irrelevant. Time to insensibility is not actually being measured in any of these experiments, let alone time to loss of any possible pain.

A paper much cited in discussions of welfare and shechita has been that of Daly, Kallweit and Ellendorf (1988)¹² who assessed brain function in adult cattle after conventional captive bolt stunning compared to shechita. The authors reported that compared to captive bolt stunning, the act of shechita led to greater variability in the time to loss of responses evoked by visual or sensory stimuli, the variability being between 20 and 126 seconds (mean 77 seconds for somatosensory and 55 seconds for visually evoked responses), with spontaneous activity lost between 19 and 113 seconds (mean 75 seconds).

This study of Daly has been cited frequently in the context of animal welfare because the length of time during which an animal *could* potentially experience pain has been assumed by some to be a surrogate of the relative risk of distress associated with the particular technique of slaughter. The caveats of the authors themselves must, though, be noted: "The evoked responses do not represent a conscious awareness of the stimulus but are produced by neural activity at a rudimentary level which precedes conscious awareness. This is best demonstrated by the fact that evoked responses can be recorded in anaesthetised animals."¹³

Bager et al (1992) described a study of calves using a further refinement of EEG analysis. They found that animals subjected to an unstunned gash cut (assumed to represent shechita) became insensible very quickly unless the carotids re-occluded. The authors commented "simply using the amplitude of the EcoG, therefore, is insufficient to determine sensibility. A delayed attainment of an isoelectric EcoG also does not indicate that the animal is sensible." Bager et al commented that "Slaughter without stunning, while mostly resulting in rapid irreversible loss of ECoG activity, may sometimes be associated with a period of low frequency [EEG] activity when a residual blood supply is maintained." It will be recalled that such a residual blood supply will not be operative when the act of shechita is performed correctly.

In summary, for the sensation of pain, a functioning cerebral cortex is required along with a peripheral stimulus of adequate intensity. In the case of shechita, the starting point is, indeed, an animal which is conscious up to the moment of the act of shechita, but i) there is a drastic and rapid fall in cerebral blood flow immediately after the shechita incision that inactivates the cerebral cortex by depriving it of its blood supply immediately leading to a rapid and irreversible loss of consciousness; and ii) the exquisite sharpness of the *chalaf*, coupled with the smoothness of the incision, mean that there is minimal stimulation of the incised edges, typically below a level adequate to activate the pain pathways.

3. THE FAWC REPORT

3.1 Independence of FAWC

We understand that as FAWC is independent of DEFRA it is free to recommend what it likes to Ministers. We trust that Ministers also recognise that they are independent of FAWC and that they can reject FAWC's views. This is especially significant when those views do not stand up to the required standards of scientific scrutiny and when major issues of rights are concerned.

We note that FAWC's membership comprises individuals who are, or have been, closely associated with organisations which have been openly opposed to shechita.

3.2 Lack of scientific basis

FAWC has consistently resisted requests to provide the scientific evidence on which its assertions are based. No new experimental data are quoted in the June 2003 Report. If the committee has sought new input on which to base its reports, this would appear to be unpublished research and/or expressions of opinion, rather than peer reviewed science.

Dr Judy McArthur Clark admitted as much at the FAWC Open Morning on Wednesday 18th June 2003 despite her claim in the Foreword¹⁴ of the FAWC report that "much new research has advanced our understanding of animal welfare during the slaughter process".

She also conceded that "it is not possible to measure pain objectively". Yet the FAWC Working Group has consistently maintained its stance that, where there was uncertainty over whether animals felt pain, "we will always give animals the benefit of the doubt". That stunning was humane constituted a "tenet of belief" on the part of a number of the FAWC membership, on the basis of "intuitive argument".

3.3 Submissions of Shechita UK

Evidence was presented to members of the FAWC Working Group on 27 May 2002 at a seminar organised by the National Council of Shechita Boards and the Board of Deputies of British Jews¹⁵. At the FAWC Working Group's request, Dr Stuart Rosen gave a further lecture in September 2002, specifically on the subject of physiological aspects of shechita.

We deplore and deeply regret the fact that the Welfare at Slaughter Working Group chose totally to disregard our submissions and we suggest that as a consequence, their recommendations forfeit credibility as a basis for proposed changes to legislation.

3.4 Assertions on pain and distress

The FAWC report states:

The level of restraint required to expose the throat, perform an effective cut and hold the animals until it has bled out is greater than is needed for conventional slaughter. (Para 186)

When a very large transverse incision is made across the neck a number of vital tissues are transected including: skin, muscle, trachea, oesophagus, carotid arteries, jugular veins, major nerve trunks (e.g. vagus and phrenic nerves) plus numerous minor nerves. Such a drastic cut will inevitably trigger a barrage of sensory information to the brain in any sensible (conscious) animal. We are persuaded that such a massive injury would result in very significant pain and distress in the period before insensibility supervenes (Para 195)

These assertions are disingenuous since the FAWC Working Group received scientific evidence disproving the assertions (cited in 2.6 – 2.8 above) but chose to ignore it. Despite their allegation of "very significant pain and distress" suffered, FAWC have not cited any data in support of their claim that rebuts the analyses that we have presented.

3.5 Effect of the shechita incision

FAWC argues that electro-encephalographic (EEG) data show electrical activity in the brain of an animal slaughtered by shechita long after the incision. This, it is claimed, is proof that the brain continues to function for up to two minutes after shechita, the implication being that the animal is therefore alive – and experiencing pain - for this period of time ¹⁶.

This point is dealt with in 2.8 and at greater length in Appendix 3. It is of particular note that the very authors of the paper most frequently cited by FAWC on this point, expressly reject any notion that their technique can demonstrate pain or consciousness ¹⁷. It is therefore mischievous to impute to the scientists the false assertions that have been made in the name of their scientific data.

FAWC also implies that after shechita an animal remains conscious due to the vertebral arteries supplying blood to the brain.

As discussed above in 2.6 and *in extenso* in Appendix 3, it is well known that in vertebrate mammals, after carotid severance, blood flow, from the body and the head, follows the route of least resistance and pours out from the cut ends of the carotid arteries. Vertebral flow is no different – there are no data to suggest that there is a continuing flow of blood via the vertebrals adequate to sustain brain function. In fact data from Levinger (1976) ¹⁸ and Shaw, Bager and Devine ¹⁹ show the opposite.

4. THE GOVERNMENT'S DRAFT RECOMMENDATIONS

4.1 Humane nature of shechita

While we acknowledge the Government's intention to conform to the European Convention for the Protection of Human Rights and Fundamental Freedoms, we deeply resent the Government's unvalidated statements which have seriously impugned shechita, in particular the view that *"on balance, animals (especially cattle) slaughtered without pre-stunning are likely to experience very significant pain and distress."*

4.2 Stuns and mis-stuns

The Government's response has failed to address adequately the animal and human welfare issues associated with stunning in the general slaughtering industry, as well as the significant pain and distress suffered by animals as a result of mis-stunning.

A number of animal welfare agencies, including the RSPCA, have found many instances of the stunning techniques being inefficient or misapplied, thereby causing unnecessary suffering to the animal²⁰. It is estimated that 2.4 million of the 26.3 million red meat animals slaughtered in the UK each year are mis-stunned.²¹

However, there are data to suggest that the stunning techniques widely employed may cause substantial pain even when applied in the prescribed fashion. Mechanical stunning is a technique in which a severe blow is delivered to the head of the animal. It entails a massive sympathetic discharge, which might be taken to indicate a very large stress response^{22 23}. Of considerable public health concern is the recent suggestion that the captive bolt method of stunning may be associated with risk of transmission of infection, including prion diseases such as variant Creutzfeld-Jacob disease (vCJD) in association with bovine spongiform encephalopathy (BSE).²⁴

Notwithstanding the above, the only reference that appears in the FAWC report in relation to pain suffered by animals is in connection with shechita. As regards vCJD, the risk of contamination to humans is entirely disregarded, in the face of fear of the 'major animal welfare challenge' that would accompany the potential loss of the captive bolt methodology²⁵.

Electrical stunning causes insensibility in the animal by means of a large electrical discharge across the animal's head. The electrical discharge is likely to achieve its effect by a number of means, the most likely of which is asphyxia due to paralysis of the respiratory muscles²⁶. Massive sensory stimulation is probable and this might be extremely painful^{27 28}, although the paralysis of the motor system would prevent the animal from moving and displaying its pain. An animal subjected to non-shechita stunning could recover sensibility prior to sticking and bleeding out²⁹. Conversely, shechita incorporates a highly effective stun, with the added advantage that this stun is irreversible.

4.3 Recommendation 57 – re-evaluation of restraining pens

The Government has accepted that it should *"arrange for the re-evaluation of all restraining pens currently in use, in terms of the efficiency of restraint of animals of various sizes."*

In its Report of June 2003 (paragraph 187 page 33) FAWC reported: "...We are concerned about the effectiveness of restraint and the distress caused to animals that we observed during our visits..."

We do not agree that there is a need for a re-evaluation of the restraining pen currently used for shechita. Further, we do not agree with FAWC's assertion that after the incision has been made and the chin lift released that "further pain and distress" could be caused if the animal's head dropped forward onto the metal work of the restraining pen. We maintain that the incision causes immediate and irreversible loss of consciousness and sensibility.

In 1958, the RSPCA recommended that use of the Weinberg rotary casting pen for shechita be required by law. Parliament enacted the The Slaughter of Animals (Prevention of Cruelty) Regulations 1958 that "...no adult bovine may be slaughtered by the Jewish or Muslim method unless it is restrained in a casting pen of the Weinberg, Dyne or North British Rotary type or some other type approved by Ministers."

In its 1985 Report (ref book 262), FAWC recommended that, "the law be amended to permit the use of pen which restrains the animal in a standing position provided that the design of the pen, which must be approved by Ministers, incorporates effective restraint and support for the animal. We recommend... that the use of rotary pens should be prohibited at the end of the next two years." The Humane Conditions Regulations 1990, enacted that as from 1992 it would be unlawful to use the rotary casting pen. Those Regulations required use of the upright pen recommended by FAWC and approved by Ministers. This upright-pen has been in compulsory use since 1992. It is our view that the current regulations ensure that restraining pens in use are effective.

We note that the Government may consider yet another re-evaluation of the restraining pen used for shechita. We are concerned that this may simply be an indirect means to impede shechita. We hope that the requirement for any modification would be based solely upon valid and demonstrable welfare need (and note that this may lead to the use of a casting or reclining pen). Grandin³⁰ has drawn attention to the welfare benefits of the type of restraining pen that is used in the UK for shechita. At a practical level, our pens have also been popular with the general slaughtermen who perform non-shechita slaughter.

We object to the Government "assessing what, if any, modifications need to be made to the existing pens to enable the slaughterman to carry out an immediate post-cut stun". DEFRA has wrongly linked re-evaluation of restraining pens to the subject of a "post-cut" stun. This goes further than FAWC's recommendations.

4.4 Recommendation 59 – alternatives to manual restraint for sheep

The Government has accepted that the industry should explore other possible "alternatives to manual restraint methods for sheep"

We are concerned to ensure that other methods, including the v-shaped restrainer, should not interfere with the process of shechita.

4.5 Recommendation 60 – post-incision examination

The Government is minded to accept FAWC's recommendation that *"where an animal has not been stunned, the OVS must ensure that nothing is inserted into the neck wound post-cut."*

This recommendation is based on an incorrect presumption on the part of FAWC. In its Report 2003 page 35 paragraph 196 FAWC stated,

"...we observed the slaughterman place his hand into the neck wound of cattle immediately after the cut had been made, presumably to try to ensure the free flow of blood from the severed carotid arteries... This procedure in itself is, in our view, likely to cause further unnecessary pain and distress and is also unlikely to achieve its objective."

The observation of this procedure and an erroneous assumption about its purpose, led FAWC to the mistaken view that further unnecessary pain and distress was likely. This is a further example of FAWC's unscientific approach.

FAWC *"...observed the slaughterman place his hand into the neck wound..."*. If concerned about this, the Working Group should have asked him why he did this, rather than to make no enquiry and rely on a presumption which is false. The true reason for this examination, carried out by a shochet, is to ensure that the incision has severed organs and vessels. It is an integral part of shechita. In any event, this examination takes place on the unconscious animal. It is a matter of the gravest concern that DEFRA accepted FAWC's recommendation and responded that legislation would be introduced to ban an integral aspect of shechita.

4.6 Recommendation 61 – stunning before slaughter

The Government did not accept FAWC's recommendation to repeal the current exemption which permits slaughter without pre-stunning. However, it accepted *"...the report's conclusion that, on balance, animals (especially cattle) slaughtered without pre-stunning are likely to experience very significant pain and distress."*

The Jewish community is deeply concerned that the Government accepted FAWC's assertions about the subjective experience of animals during shechita. FAWC's conclusions were reached without any published scientific confirmation and ignored the scientific data which show that shechita is a humane method. FAWC admitted that *"...It is difficult to measure pain and distress during the slaughter process in an objective scientific manner and subjective indicators... are prevented from being displayed..."* (page 34 paragraph 194). However, FAWC stated *"We are persuaded that such a massive injury would result in very significant pain and distress in the period before insensibility supervenes"*. It is unreasonable that DEFRA has accepted the Report's conclusion about the *"very significant pain and distress"* without questioning what criteria *"persuaded"* FAWC to reach this conclusion. By FAWC's own admission, these criteria were neither objective nor scientific.

We are particularly concerned that the false message that shechita is likely to cause "very significant pain and distress" will foment social division and prejudice against the Jewish community.

4.7 Labelling

FAWC's report made no recommendation about labelling. Without producing any evidence, the Government states "...it is clear from the public reaction following the publication of the FAWC Report that there are strong feelings against slaughter without prior stunning, on the part of consumer and animal welfare groups." The Government expressed concern that meat slaughtered by a religious method could find its way onto the ordinary meat market and that consumers are not able to identify it at the point of sale. The Government expressed a wish for "consumer and industry groups to consider whether this problem could be successfully addressed through a voluntary system of labelling."

The Jewish community is concerned that any labelling of shechita-produced meat which refers to its method of slaughter should not be critical or pejorative of shechita expressly or by implication in distinguishing it from meat with other labels. Unacceptable labelling could be exploited by some groups opposed to shechita. The Jewish community is particularly concerned that any form of labelling should not reflect the Government's opinion, unsupported by evidence, that shechita is likely to cause "very significant pain and distress". Consumer choice must necessarily include, inter alia, labelling which informs of risk to human health by BSE/vCJD through use of captive-bolt stunning and whether the animal was mis-stunned.

4.8 Recommendation 62 – stunning after slaughter

In partially accepting FAWC's recommendation (paragraph 203) the Government sees merit that until the current exemption which permits slaughter without pre-stunning is repealed, cattle not stunned before slaughter should receive an immediate post-cut stun. "...we are mindful of likely opposition to this from some religious groups and would intend to seek progress on a voluntary basis."

Any post-shechita stun is unnecessary and reference to a "post-cut stun" is misleading since shechita renders the animal instantaneously and irreversibly unconscious and insensible from the moment of the incision. We are gravely concerned at even partial acceptance of this recommendation: shechita stuns the animal. The stun effected by shechita conforms with the requirements of the legislation: " 'stunning', in relation to an animal, means any process which causes immediate loss of consciousness which lasts until death;" (paragraph 2(1) of Part I to The Welfare of Animals (Slaughter or Killing) Regulations 1995) (WASK 1995). Shechita accomplishes what other methods attempt, namely the immediate and irreversible abolition of consciousness until death supervenes. Neither Government nor FAWC have produced any scientific data to justify a post-shechita incision stun on animal welfare grounds.

4.9 Recommendation 65 – severance of the oesophagus

The Government's response states (paragraph 213), *"The law should require that bleeding should be carried out by severing both carotid arteries,"* but that *"a decision on this recommendation will be delayed until the effect of the new EU Meat Hygiene regulations that include a requirement that for red meat species the oesophagus must not be cut during sticking can be considered."*

Recommendation 65 goes to the essence of the shechita process. Severance of the oesophagus is an absolute *Halachic* requirement. Any measure to prevent the severance of the oesophagus is unacceptable to the Jewish community.

4.10 Recommendation 70 – lairaging and restraining deer

The Government partially accepts FAWC's recommendation (FAWC Report 2003, paragraph 240) that *"Facilities used for lairaging and restraining deer, wherever they are killed, should be specifically designed for the purpose."*

Currently, the Jewish Community is deprived of venison by reason of Schedule 12 WASK Regulations 1995 which excludes deer from the list of animals upon which shechita may be performed. In 1987 Ministers of Agriculture (MAFF) declared that shechita for deer would not be permitted until a suitable head restraint could be devised. Any redesign of the pen for accommodating deer should take account of the potential for use in shechita.³¹

5. THE JEWISH COMMUNITY'S RECOMMENDATIONS

- 5.1 The Government should state unequivocally that it recognises shechita as the Jewish religious humane method of animal slaughter. In the USA, shechita is expressly defined by Federal Law (Humane Method of Animal Slaughter Legislation) and the US Department of Agriculture as a humane method³².
- 5.2 The Government should withdraw its statement that, *"on balance, animals (especially cattle) slaughtered without pre-stunning are likely to experience very significant pain and distress."*
- 5.3 The recognition of shechita as the Jewish religious humane method of animal slaughter should be enshrined in UK legislation. To that end, the Government should use its delegated powers to amend the WASK Regulations 1995 (in line with Article 5 of EU Directive 93/119/EC) to recognise the instantaneous nature of shechita as well as its religious nature.
- 5.4 The Government should inform FAWC that the onus of proof is on them to demonstrate, unequivocally, that any religious procedure that they wish to ban causes unnecessary pain and suffering to animals.
- 5.5 The Government should accept that current regulations are sufficient to restrain animals of varying sizes and that any further changes to the regulations should not impose unnecessary burdens on the industry (recommendation 57).
- 5.6 The Government should ensure that no alternative to manual restraint for sheep is made mandatory (recommendation 59).
- 5.7 The Government should reject FAWC's recommendation that "where an animal has not been stunned, the OVS must ensure that nothing is inserted into the neck wound post-cut" (recommendation 60) and state that it accepts that tactile inspection of the incision is both painless and an integral part of shechita.
- 5.8 The Government should ensure that any voluntary system of labelling is not pejorative of shechita expressly or by implication and does not "single out one method of production or slaughter in isolation."³³
- 5.9 The Government should confirm that shechita complies with the statutory definition of stunning and that introducing a post-cut stun is unnecessary (recommendation 62).

6. REFERENCES

- ¹ See Appendix 1
- ² The Welfare of Animals (Slaughter or Killing) Regulations 1995 Part I, regulation 2(1)
- ³ Genesis IX: 4 and Deuteronomy XII: 23
- ⁴ SHAW F.D., BAGER F. & DEVINE C.E. (1990) The role of the vertebral arteries in maintaining spontaneous electrocortical activity after electrical stunning and slaughter in calves. *New Zealand Vet J* 38; 14-16.
- ⁵ Appendix 2 - GRANDIN T. (1994) Euthanasia and slaughter of livestock. *J Am Vet Med Assoc* 204: 1354-1360
- ⁶ GRANDIN T. & SMITH G.C., Animal Welfare and Humane Slaughter:
<http://www.grandin.com/references/humane.slaughter.html>
- ⁷ GRANDIN T. & REGENSTEIN J.M. (1994) Religious Slaughter and Animal Welfare: a discussion for meat scientists. *Meat Focus International* p115-123
- ⁸ BAGER F., BRAGGINS T.J., DEVINE C.E., GRAAFHUIS A.E., MELLOR D.J., TAVENER A. & UPSDELL M.P. (1992) Onset of insensibility at slaughter in calves: effects of electroplectic seizure and exsanguination on spontaneous electrocortical activity and indices of cerebral metabolism. *Res Vet Sci* 52; 162-173.
- ⁹ NANGERONI L.I., KENNET P.D. (1963) An electroencephalographic study of the effect of shechita slaughter on cortical function in ruminants. Ithaca NY.
- ¹⁰ SCHULZE W., SCHULZE-PETZOLD H., HAZEM A.S. & GROSS R. (1978) Versuche zur Objektivierung von Schmerz und Bewusstsein bei erkonventionellen (Bolzenschussbetäubung) sowie religionsgesetzlichen (Schächtschnitt) Schlachtung von Schaf und Kalb. *Deutsche tierärztliche Wochenschrift* 85: 62.
- ¹¹ MAYEVSKY, A. and CHANCE, B. (1976) The effect of decapitation on the oxidation-reduction state of NADH and ECoG in the brain of the awake rat. *Oxygen Transport to Tissue II, Adv. Exp. Med. Biol.* 75: 307-312.
- ¹² DALY C.C., KALLWEIT E. & ELLENDORF F. (1988). Cortical function in cattle during slaughter: conventional captive bolt stunning followed by exsanguination compared with shechita slaughter. *Veterinary Record* 122: 325-329.
- ¹³ In the letters included as Appendix 4, Daly and Ellendorff have explicitly reinforced the point that the evoked responses do not represent a conscious awareness of pain.
- ¹⁴ FAWC Report on the Welfare of Farmed Animals at Slaughter or Killing - Part 1: Red Meat Animals (2003) Paragraph 3, page vii
- ¹⁵ See Appendix 1
- ¹⁶ FAWC Report on the Welfare of Farmed Animals at Slaughter or Killing - Part 1: Red Meat Animals (2003). para 198
- ¹⁷ See also Appendix 4
- ¹⁸ LEVINGER I.M. (1976) Medical aspects of shechita. In: Munk E, Munk ML, (eds). *Shechita. Religious, historical and scientific aspects*. Gur Aryeh Publications, Jerusalem: 147-149.
- ¹⁹ SHAW F.D., BAGER F. & DEVINE C.E. (1990) The role of the vertebral arteries in maintaining spontaneous electrocortical activity after electrical stunning and slaughter in calves. *New Zealand Vet J* 38; 14-16.
- ²⁰ The Times, 23rd February 1990
- ²¹ DEFRA report May 2004; Compassion in World Farming estimates a 9% rate of mis-stunning.
- ²² MITCHELL G., HATTINGH J. & GANHAO M. (1988) Stress in cattle assessed after handling, after transport and after slaughter. *Vet Rec* 123: 201-205
- ²³ HARTUNG J., NOWAK B., WALDMANN K.H., & ELLERBROCK S. (2002) [CO₂-stunning of slaughter pigs: effects on EEG, catecholamines and clinical reflexes.] *Dtsch Tierärztl Wochenschr* 109; 135-139
- ²⁴ LOVE S., HELPS C.R., WILLIAMS S., SHAND A., MCKINSTRY J.L., BROWN S.N., HARBOUR D.A. & ANIL M.H. (2000) Methods for detection of haematogenous dissemination of brain tissue after stunning of cattle with captive bolt guns, *J Neurosci Methods* 99: 53-58
- ²⁵ FAWC Report on the Welfare of Farmed Animals at Slaughter or Killing - Part 1: Red Meat Animals (2003). Para 162
- ²⁶ HILLMAN H. (2003) The physiology of sudden violent death. *Resuscitation* 56: 129-133
- ²⁷ SASSOON S.D. (1956) A critical study of electrical stunning and the Jewish method of slaughter. Letchworth, Herts.
- ²⁸ HILLMAN H. (1993) The possible pain experienced during different forms of execution. *Perception* 22: 745-753
- ²⁹ FAWC Report on the Welfare of Farmed Animals at Slaughter or Killing - Part 1: Red Meat Animals (2003). para 176
- ³⁰ See Appendix 2
- ³¹ KESSELMAN, N. (2001). See Appendix 5, chapter 2, page 6 & endnote 12, page 52
- ³² US Department of Agriculture Food Safety and Inspection Service FSIS Directive 6900.2 (10/7/03) Humane Handling and Slaughter of Livestock. This instrument is a recent elaboration on Section 1902 (b) of the Humane Methods of Slaughter Act (1978)
- ³³ DEFRA website under Labelling: <http://www.defra.gov.uk/animalh/welfare/farmed.slaughter.htm>

