

Support B16-0886: The Increased Consumer Information for the Sale of Eggs Act of 2006

The Increased Consumer Information for the Sale of Eggs Act, introduced by Councilmember Jim Graham (D, Ward 1) as B16-0886, protects consumer choice by requiring stores which sell eggs that may be from caged hens to post a sign near the egg case indicating this fact. Caged laying hens are confined in battery cages so small they cannot even spread their wings. Many consumers believe that confining birds in this way is cruel and inhumane, and those consumers should be provided with the relevant information necessary to make an informed purchasing decision.

Animal welfare is an important factor for many egg consumers.

Whether or not a laying hen is confined in a battery cage influences the purchasing decisions of many consumers. In fact, a recent study commissioned by the United Egg Producers (UEP) indicates that 50% of American consumers consider production methods to be an important factor when deciding between food products.¹ A 2000 Zogby International poll found that 86.2% of American adults polled think the use of battery cages is unacceptable.² A recent trend towards cage-free eggs reflects these survey results. Over 100 universities have ended or dramatically reduced their use of eggs from caged hens, including George Washington University, Georgetown, and American University. Major national retailers such as Whole Foods Market, Wild Oats Natural Marketplace, Trader Joe's and Ben & Jerry's are also transitioning to cage-free eggs. Given this trend, it is imperative that consumers be provided with accurate information about how eggs are produced so that they can make informed decisions that reflect their values.

The egg industry has routinely misled consumers about how laying hens are treated.

Although methods of production are important to many consumers, the UEP study also revealed that 51% of consumers have little knowledge of actual production practices.³ Labels on egg cartons routinely give false impressions, implying better-than-actual production methods through inaccurate imagery and language, both of which can rise to the level of misbranding under federal law. The Better Business Bureau has twice ruled that an animal welfare logo used by the majority of egg producers was misleading, and, in September 2006, the UEP paid \$100,000 to settle false advertising claims—related to misleading animal welfare labeling—brought by the D.C. Attorney General and 16 state attorneys general. The egg industry's history of misleading consumers underscores the need for full disclosure to consumers.

Requiring stores to post a sign indicating that eggs may come from caged hens protects consumer choice.

Councilmember Graham's signage requirement helps to protect consumer choice. The egg industry itself has repeatedly reported its belief in consumer choice.⁴ However, consumers can only make informed decisions about their purchases if they have all of the relevant information. Several surveys have shown that consumers are willing to pay substantially more for eggs they perceive to have come from higher welfare production systems.⁵ Because of the egg industry's history of misleading such consumers, full disclosure is necessary to counter often misleading labeling.

Councilmember Graham's signage requirement will not increase retailers' costs or affect retail egg prices.

Passage of B16-0886 will not affect retailers' acquisition costs for eggs, nor will it result in fewer supermarkets in the District. The one-time nominal cost of affixing a sign is not an economic burden to the grocer and imposes no cost whatsoever on egg producers. Councilmember Graham's bill does not restrict the sale of any type of egg and does affect the cost of any type of egg. The American Egg Board (AEB) itself urges grocery stores to devote more space to eggs and to "prime" the egg case with a variety of choices for consumers.⁶ The signage required by B16-0886 will merely give egg consumers the information that many of them find material to their purchasing decisions.

¹ *Laying Out the Facts*TM, GOLIN/HARRIS INTERNATIONAL, 2005, at <http://www.meatami.com/content/presscenter/animalcarerepresentations/head.pdf>.

² *Poll: U.S. Citizens Support Humane Treatment for Egg-Laying Hens*, REUTERS, CNN, Sept. 20, 2000, at <http://archives.cnn.com/2000/FOOD/news/09/20/food.hens.reut/index.html>.

³ *Laying out the Facts*TM, supra n. 1.

⁴ See, for example, United Egg Producers Certified, at <http://www.uepcertified.com/news/release20060410.html>.

⁵ See, *Poll: U.S. Citizens Support Humane Treatment*, supra n. 2; *Laying out the Facts*TM, supra n. 1.

⁶ *News from AEB*, American Egg Board, July 21, 2006, at http://www.aeb.org/AboutAEB/News/aeb_news_july_06.pdf.