



Capturing the meaning of “free range”: The contest between producers, supermarkets and consumers for the higher welfare egg label in Australia

Dr Rachel Carey, Prof Christine Parker and Dr Gyorgy Scrinis

Introduction

The article analyses the development of Australia’s national information standard for free range eggs. We take a critical policy analysis approach, demonstrating how the definition of the policy problem shifted during the development of the information standard. Our analysis is based on a wide range of policy documents, including submissions to the public consultation for the information standard.

The analysis shows how the egg industry was able to shape this consumer law initiative, with the support of primary industries ministers, to define the meaning of “free range eggs” in accordance with existing, industrial-scale, barn-based free range production systems, rather than the smaller scale, outdoors-based systems preferred by consumer advocates and some other stakeholders.

Key findings

Key findings reported in the article include:

- **The definition of the policy problem shifted** during the development of the information standard from a problem of “consumer uncertainty” to a problem of “industry uncertainty”. The egg industry argued that industry uncertainty had been created by “the approach adopted in judicial decisions and regulator actions”¹ prompted by Australian Competition and Consumer Commission (ACCC) action on misleading “free range” egg labelling.
- **The meaning of free range eggs shifted** during the development of the standard from a definition which aimed to reflect consumer perceptions of “free range”, and which had emerged from ACCC cases, to a definition based on the existing model of industrial-scale free range egg production practised by the egg industry and the major retailers.
- **Two key “advocacy coalitions”** emerged during the development of the information standard. The “egg industry coalition” argued strongly for a maximum outdoor stocking density of 10,000 birds per hectare, reflecting the current production practices of industrial-scale egg producers. A second advocacy coalition of small-scale egg producers and allies argued for a maximum outdoor stocking density of 1500 – 2500 birds per hectare, consistent with their typical production practices.

¹ Egg Farmers of Australia (2015) New Definition of Free Range. Media Release 10 June 2015. Egg Farmers of Australia.

- **Two critical policy windows** influenced the development of the information standard. The first window was opened by the consumer group Choice, with its “super complaint”² to NSW Fair Trading, which initiated the development of the standard. A second policy window was opened during the public consultation, allowing the egg industry to reframe the policy problem.
- **The information standard represents an incremental improvement** on the previous industry proposal of an outdoor stocking density of 20,000 birds per hectare to the marginally better 10,000 birds per hectare in the new standard. However, the new standard does not address key issues relevant to whether hens actually access the range.
- **There are opportunities to achieve further improvements in hen welfare** through changes to the meaning of “free range”. There are signs of change in the industry, with one of Australia’s three major retailers (Sunny Queen) setting a maximum outdoor stocking density of 1500 birds per hectare. Coles also acknowledged in its submission to the consultation that “the industry worldwide may be moving to the standard of 1500 birds per hectare”³ and civil society advocacy for a stocking density of 1500 birds per hectare continues, particularly from the consumer group Choice.

Timeline of events leading up to the development of the national information standard for free range egg labelling



Figure 1: Timeline of events for the development of the national information standard for free range eggs

² Choice (2013) Free Range Egg Claims in NSW: Super-complaint to NSW Fair Trading, 29 August 2014. Choice, Sydney.

³ Coles (2015) Submission to the Free Range Egg Labelling Consultation Paper, 27 November 2015. Coles, Melbourne.

Conclusions

Australia's egg industry was able to "capture" the development of the national information standard, ensuring that "free range" was legally defined as industrial-scale free range, with the tacit support of Australia's two dominant retailers, who had already set standards for "free range" eggs, which underpinned the industry's proposed definition.

Moreover, the standards for "free range" set by Australia's retailers had, in turn, been influenced by consumer pressure and by the activism of animal welfare groups. Underlying this apparently simple case of "regulatory capture" is a complex network of stakeholder interactions and contestation.

Consumer concern about hen welfare and the meaning of free range is likely to continue. Ongoing stakeholder contestation over the meaning of "free range" may open new "policy windows" in future for regulation that increases the transparency of free range egg labelling in Australia and improves the welfare of layer hens, but much depends on the actions of Australia's two dominant retailers.

Further details

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For further information about the project or the article contact:

Dr Rachel Carey

Faculty of Veterinary and Agricultural Sciences, University of Melbourne

E: rachel.carey@unimelb.edu.au

Professor Christine Parker

Melbourne Law School, University of Melbourne

E: christine.parker@unimelb.edu.au

Dr Gyorgy Scrinis

Faculty of Veterinary and Agricultural Sciences, University of Melbourne

E: gyorgys@unimelb.edu.au