

# WHY A BAN IS THE ONLY OPTION FOR THIRD PARTY PUPPY SALES



Canine Action UK



C.A.R.I.A.D.



www.pupaid.org



# WHAT IS COMMERCIAL THIRD PARTY PUPPY SELLING?

- ▶ **Dogs (puppies) purchased from their breeder with the deliberate intention of reselling them shortly afterwards for a profit.**
- ▶ ‘Regulated’ by **Pet Animals Act 1951** - excludes private rehoming/reselling a single dog and rescue/rehoming charities.
- ▶ About 80 pet shop licenses permitting the sale of puppies in the UK.
- ▶ More than 60% of licenses are **non-retail**
- ▶ Proposed legislation changes will require **anyone selling pets as a business to hold a pet shop licence**

A ban is vital to protect the welfare of puppies and an essential first step to improving standards in high risk breeding establishments. Removing the legitimacy of a source where even *adequate* welfare cannot be ensured is imperative to support consumers in making responsible purchases.

# THE PROBLEM WITH THIRD PARTY SALES



- ▶ Responsible breeders by definition will personally find homes for their puppies.
- ▶ Depends on and sustains low welfare, factory farming style dog breeding.
- ▶ Breeders receive only a fraction of the eventual sale price - little financial incentive for improvement.

- ▶ Absence of accountability
- ▶ **Unsuited to rearing pet dogs that are physically and mentally fit for purpose**
- ▶ Compounded by: transport, lack of habituation, impulse purchasing.

# SCIENTIFIC RESEARCH



- ▶ Higher levels of aggression towards owners and unfamiliar people
- ▶ More fearful
- ▶ More prone to separation anxiety and house soiling
- ▶ Infected with parasites and pathogens to a significant level

## ANIMAL WELFARE IN ENGLAND: DOMESTIC PETS

EFRA INQUIRY RECOMMENDATION: ***“WE RECOMMEND THAT THE GOVERNMENT BAN THIRD PARTY SALES OF DOGS.”***

### GOVERNMENT RESPONSE

DEFRA ***“CONSIDERED THE MATTER VERY CAREFULLY”***

DOGS TRUST AND BLUE CROSS JOINT BRIEFING, OCTOBER 2016: ***“WHILST WE SUPPORT THE PRINCIPLES BEHIND A BAN ON THIRD PARTY SALES OF PUPPIES, WE ARE CONCERNED IT IS NOT CURRENTLY A PRACTICAL SOLUTION.”***

DEFRA HAS CONFIRMED THAT **NO OTHER ORGANISATIONS WERE CONSULTED DURING THE PREPARATION OF THE RESPONSE.**

# SUPPLY AND DEMAND: THE REASON FOR THE THIRD PARTY PUPPY TRADE?

## SUPPLY

### **Too few ethical breeders?**

- ▶ The illegal puppy trade is NOT necessarily a symptom of a deficit of responsible UK dog breeders
- ▶ Cheap, readily available puppies from Europe may be reducing demand for puppies from responsible UK breeders
- ▶ No indication of shortfall in supply prior to 2012

## DEFINITION OF A 'RESPONSIBLE BREEDER'

Primary criteria is that purchasers will be able to see puppies **with their mother** (Dogs Trust "*Getting a puppy*" factsheet and website; agreed unanimously by **all** animal welfare organisations, the Government and Trading Standards).



# TACKLING THE LACK OF RESPONSIBLE BREEDERS/RESPONSIBLY BRED PUPPIES

- ▶ Increase the number of responsible breeders/responsibly bred puppies OR
- ▶ Facilitate alternative suppliers

Cannot encourage irresponsible dog breeding so the only acceptable action is to **increase the number of responsible breeders AND/OR encourage existing responsible breeders to produce more puppies.**

## A ban will:

- ▶ **Increase availability of puppies bred under more responsible conditions** - compel all dog breeders to meet baseline criteria for responsible breeder by selling puppies directly to the public. **This is the essential first step in any attempt to reform dog breeding welfare**
- ▶ **Reduce competition from irresponsible breeders** - prevent sale of cheaper puppies bred in Europe under conditions that do not meet UK breeding regulations. **Incentivise responsible breeding practices.**

# ISSUES WITH COMMERCIALLY IMPORTED PUPPIES

## *Balai Directive 92/65/EEC*

- ▶ At risk of increased abuse resulting from potential stricter enforcement of PETS
- ▶ Cannot prevent the harm caused by processes of third party trade (transportation, stress, inadequate socialisation, risk of disease etc.)
- ▶ Cannot ensure that puppies have been bred by responsible breeders or to UK standards

# IMPACT OF A BAN UPON ILLEGAL PUPPY SMUGGLING

- ▶ Illegal activity will not be concealed by the presence of a legal trade, making detection easier
- ▶ Tackling puppy smuggling is essential irrespective of the legal status of the trade
- ▶ A ban would be at least as effective a deterrent as alternative options

# DEMAND

## Is it necessary to meet demand?

- ▶ Impulse purchasing is a long standing problem and often leads to abandonment/relinquishment
- ▶ Catering for 'demand' only makes impulse purchasing more likely.
- ▶ Planning canine policy to cater for demand is entirely inappropriate.

## THE REALITY OF 'MEETING' DEMAND



- ▶ 'Meeting demand' for puppies in reality means exceeding demand
- ▶ Irresponsible breeders will breed to capacity to provide a steady supply of puppies.
- ▶ Mortality rates are unrecorded - additional puppies bred or purchased to allow for anticipated deaths.

# WHAT IS THE DEMAND ACTUALLY FOR?

- ▶ *Puppy buyers would never deliberately chose a low welfare supplier when searching for their new canine member - **Great British Puppy Survey 2016***
- ▶ Deception is a hallmark of the third party puppy trade.
- ▶ Puppy buyers can only purchase what is available to them but **don't** just want a puppy at any cost
- ▶ No demand for irresponsibly bred puppies that carry a high risk of developing health or behavioural issues.

- ▶ Real 'demand' is for a physically and mentally healthy puppy, not just 'a puppy'.
- ▶ Puppy buyers are vulnerable to exploitation due to the unavoidable - and necessary - emotional element of choosing a puppy.
- ▶ Puppy dealers are expert at manipulating potential customers through advertising and at point of sale



# UNINTENDED CONSEQUENCES?

## Underground puppy dealing?

Regulation *may* be preferable over a ban if the activity would continue to exist outside the regime.

- ▶ Illegal sellers need mainstream advertising to attract a constant new stream of purchasers – cannot evade detection.
- ▶ Purchasers have access to puppies from legitimate breeders and therefore have no need to seek a puppy elsewhere.
- ▶ Purchasers will not knowingly seek out a hidden criminal underworld.
- ▶ Recent prosecutions against puppy dealers proves **illegal** activity is identifiable irrespective of volume or circumstances.

# THIRD PARTY COMMERCIAL 'RESCUE CENTRES'?

- ▶ Would be illegal under any circumstances
- ▶ Age and type of dogs being 'rehomed' would raise suspicions.
- ▶ A 'rescue' operating as a commercial enterprise is a fraud and tax evasion situation as well as an animal welfare concern and would not escape detection for long.
- ▶ Dependence upon advertising ensures it will remain visible.
- ▶ Anecdotal reports suggest licensing has apparently not prevented this from happening, so cannot be viewed as a solution.

## Are puppies better off being sold by licensed third party sellers than illegal dealers?

**Successful outcome: protection afforded through effective enforcement**

**Licensing** will only provide better protection for consumers and for animal welfare if the following statements are accurate:

1. **Licensing conditions** are demanding enough to protect welfare of animals
2. **Effective enforcement of licence conditions** with prompt and meaningful sanctions for non-compliance.
3. **Presents a strong deterrent against unlicensed (illegal) activity**, enabling efficient detection of offenders and strong penalties.



## 1. Licence conditions

- ▶ Licence conditions primarily restricted to animal husbandry and administrative requirements while on the premises.
- ▶ NO indication that licence conditions will (or need to) be radically revised and **any revisions would still fall short of meaningful improvement**
- ▶ Housing conditions observed in illegal establishments often very similar to those seen in fully licensed premises
- ▶ **Licensing regime only able to bring very slight benefits for welfare, compared against the illegal trade.**

## 2. The licence regime in practice

- ▶ Third party puppy trade does not have a normal business culture.
- ▶ Little chance of voluntary self-regulation when non-compliance is more profitable.
- ▶ System designed to guide is ineffective.
- ▶ Inspections need to be frequent and unannounced but gaining access to non-retail properties without prior consent may be impossible.

- ▶ Breaches of licence conditions usually result in improvement notices rather than sanctions.
- ▶ Difficult to enforce subjective conditions or those which rely upon honesty of licensee
- ▶ Assessments limited to compliance with licence conditions - cannot investigate beyond scope of conditions
- ▶ **Lack of inspector expertise**, subjective interpretation and variable application of licence conditions. (The Government has not committed to provide support and resources for additional training)

### 3. Slipping through the net?

- ▶ Enforcement of licensing regime itself falls entirely to local authorities.
- ▶ Existence of legal trade masks illegal activity.
- ▶ A sufficiently 'robust regime' may equally encourage illegal activity.

Irrespective of the legality of the activity, there will be an element of non-compliance. **The question of enforcement is therefore critical.**

# ENFORCEMENT

## Evidence of success

- ▶ Third party puppy sales are **illegal unless the seller holds a pet shop licence**
- ▶ Successful prosecutions against illegal puppy traders every month to date in 2017 and at least nine successful prosecutions against illegal dealers in 2016.
- ▶ Prosecutions brought by various enforcement agencies, including local authorities, trading standards and the RSPCA.
- ▶ **Illegal trading is easier to prove and enables a more definitive and conclusive result. Enforcement is clearly possible and indicates ineffectiveness of licensing at preventing illegal activity.**

- ▶ Comparable lack of enforcement against licensed third party sellers
- ▶ Licensing system shields third party sellers, restricts enforcement options for local authorities and is problematic and burdensome to administer.
- ▶ Fees paid by licensed establishments do not cover the costs of investigating sellers operating illegally.
- ▶ In terms of resources for detecting *illegal* activity, **the challenges are the same.**

## MORE RESEARCH?

- ▶ Extensive research has recently been carried out by many organisations, including Dogs Trust and Blue Cross. Scientific and field evidence **conclusively** proves harm caused by third party puppy trade.
- ▶ Research cannot uncover a solution that will end third party selling while allowing it to remain legal.
- ▶ No evidence to suggest there is a more effective solution than an outright ban.

# CONCLUSIONS

- ▶ Radical measures ARE needed and urgently if dogs and people are not doomed to further suffering and heartbreak.
- ▶ Regulating third party puppy sales through licensing has been tried as a solution for many years and failed to either protect dogs within the regime from harm or to prevent illegal activity.
- ▶ Objecting to a ban on grounds it will be unsuccessful implies that even basic animal welfare goals are unachievable and suggests a lack of faith in society's ability to protect the vulnerable and prevent criminal activity.

# THE CONSEQUENCES...IF NOTHING CHANGES

*“It ripped our family to pieces”*

*“The experience we have been through is, I feel as bad as losing a human being. “*

*“our son insisted that he wanted to say goodbye to his dog”*



Rascal, died aged 7 months

# MORE DOGS AND MORE FAMILIES WILL PAY THE PRICE

*“We bought our puppy on Friday and on Monday he was hospitalised, where he still remains suffering from sickness and diarrhoea.”*

*“we said our goodbyes and watched our puppy die. “*



From this... to this...

Dead within a week of purchase

