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Jerusha Klemperer:

There are a lot of ways to raise animals for consumption. And while some would argue we shouldn't be eating animals at all, others advocate rooting out the cruelest of those practices, the ones that cause the most suffering for animals. But how do you measure cruelty? And do some animals deserve to suffer less than others because they're especially cute or smart? And does your right to enjoy a fancy or delicious meal trump the right of an animal to not experience extreme cruelty? In this episode, we look at three controversial foods — veal, foie gras and octopus— and the campaigns launched by animal rights activists to stop their production and consumption. These foods and the animals they come from have a lot to teach us about the ethics of animal agriculture and possibly about ourselves.

I'm Jerusha Klemperer and this is What You're Eating, a project of FoodPrint.org.

We aim to help you understand how your food gets to your plate and to see the full impact of the food system on animals, planet, and people. We uncover the problems with the industrial food system and offer examples of more sustainable practices as well as practical advice for how you can help support a better system through the food that you buy and the system changes you push for. 30 to 50 years ago, people were eating a lot of veal, it was an extremely popular product, both at home and on restaurant menus. And it wasn't just fancy white tablecloth restaurants, it was even on the Burger King menu where they briefly sold a veal parmesan sandwich.

Speaker 2:

The new veal parmesan specialty sandwich at Burger King is \*kiss\* delicioso.

Jerusha Klemperer:

But now you don't see it on many menus, and most of us never eat it at all. And a lot of people think of it as a particularly cruel product. The veal parmesans and veal marsalas of old fancy restaurant menus have largely been replaced with chicken counterparts. That disappearance and fall from favor wasn't an accident. So what happened?

Daisy Freund:

My name is Daisy Freund. I'm the vice president of Farm Animal Welfare for the ASPCA. That's the American Society for the Prevention of Cruelty to Animals. And in that role, I get to lead an amazing team of people who are trying to improve the lives of the more than 10 billion animals raised in the food system. Each year we work through corporate engagement, consumer education, and policy reform to achieve that improvement in their lives and build a better food system.

Jerusha Klemperer:

Most people know that veal is a baby cow whose meat is prized for its pale color and tender mouth-feel. But what you might not know is that veal was created as a product to make use of the male dairy calves who have no place in dairy production.

Daisy Freund:

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So very simply put, veal is the meat of calves versus beef, which comes from an older animal. Veal calves come from the dairy industry which functions by impregnating dairy cows so that they induce lactation. 9 million calves are born as a result of mother cows being impregnated to create milk and other dairy products for human consumption. Dairy calves are almost uniformly taken away from their mothers within hours or a couple days after birth. Obviously, 50% of the calves born in dairy are female and some of them become what are known as replacement dairy cows. Not all of them. The replacement rate in mainstream dairy is about 32%. So 32% of the 9 million calves born will remain on the farm and they're all female and they will end up being the future mother cows and milkers. Until about 20 years ago, many, most of the remaining millions of calves went into the veal industry.

Daisy Freund:

And so, until about 20 years ago after separation from mothers, veal production largely involved confining these newborn animals in crates that were barely bigger than an animal's body, so about two feet by four and a half feet wide. And the calves were housed individually and the crates prevented any physical contact between calves and sometimes even visual contact with other calves. So total social isolation. Calves were often tied in the front of the crate by a tether, a very short tether, which restricted their movement. In some veal crate systems, the calves were also kept in the dark, usually without bedding and fed nothing but milk. And all of these practices were designed to limit the movement of the animal and to keep the meat white and soft, which was what consumers preferred or what had really marketed about veal. So these are baby animals. When you see a calf out in the field with its mother, it is jumping and running and playing.

Daisy Freund:

If given the opportunity, these are really frisky animals and those are all natural behaviors that support their well-being. And so, without any exercise or any sensory or social or nutritional health, all of that deprivation, the calves would become very weak. Their muscles would atrophy, develop ulcers, and all these stereotypical behaviors because they were denied the ability to nurse or socialize at all. And those are all indicative of stress. And then of course, naturally they were more susceptible to diseases, pneumonia, diarrhea, super common in veal calves. Today, veal production does look different in terms of both its scale and the practices that are used. Just about 400,000 calves are moved into the veal industry each year. That's down from a peak of 3.4 million calves around 20 years ago or so. It's a huge reduction, and industry groups now claim that all milk-fed veal calves in the U.S. are untethered.

Daisy Freund:

They're raised in groups by at least 10 weeks of age, if not earlier, and until that time they're raised in individual hutches. There is space to move and turn and bedding in those hutches, so they may be isolated during those first 10 weeks or so, but they have sight lines to other animals, contact with other calves, space to move, and there's a lot of reasons for that change, namely a huge public sentiment shift around the product. And that led to industry and policy changes. In 2007, the American Veal Association's Board of Directors approved a policy that fully transitioned to group housing by the end of 2017, and they did meet that goal. And then in recent years, some states have taken steps to protect farm animal welfare and ban extreme confinement, the use of battery cages for laying hens, gestation crates from other pigs, and veal crates for calves. So there's 15 states that ban some form of confinement and 10 of them specifically have a veal crate ban.

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Jerusha Klemperer:

But industry doesn't change on its own, nor does public sentiment. So I asked Daisy what happened to initiate those shifts.

Daisy Freund:

It was really a remarkable moment in animal rights and welfare when sentiment shifted around veal. It did not happen by accident. It was a coordinated effort and it involved incredible work by a lot of animal groups. Undercover investigations were really at the heart of the change. They revealed that painful separation of mothers and calves and particularly the use of tethers and crates to prevent calves from moving and the extremely unnatural conditions that these animals were living in, just the utter deprivation that they were enduring. And that led to — as these undercover investigations tend to — a swell of negative coverage for the industry and then a rise of a coordinated national veal boycott led by some animal groups and that ultimately caused this steep decline in the market for the product. In the '50s and '60s, Americans ate four pounds of veal a year on average, and today per capita consumption is less than half a pound a year. I think most people consider veal not even something they'd touch and not a part of their diet at all, no matter what else they eat.

Jerusha Klemperer:

This shift in public opinion and the consequential decline in consumption of veal is a big deal. This was definitely the most successful animal welfare campaign ever. And even as the industry has responded by shifting its practices and making things more humane, consumers still are really not eating veal. The bad impression stuck.

Daisy Freund:

The change effected by the veal boycott by these undercover investigations, it really speaks to the power of consumers, the fact that when consumers say, "Absolutely not, this is unacceptably abusive," it can lead to tidal waves of change in the food industry, and that's encouraging to me personally. It's really what's driven the ASPCA to focus so much of its time on consumer change as a tool regardless of what people eat to really drive market change and then drive industry change. But it is interesting that even with improvements, this product did not rebound.

Jerusha Klemperer:

But just because conditions for calves have improved and consumption has gone way down, it doesn't mean this is a clean victory because there are still baby males from the dairy industry and we still don't have a place for them to go since they have no use in dairy production.

Daisy Freund:

Some of those animals go into the beef industry, some of them are exported, and some of them are killed right away. And that I think is the dirty secret here. To back up and explain that, the dairy calves produced today do not gain weight easily or produce high quality beef because their genetics are so focused on dairy rather than meat production. They're almost two different animals similar to how there's a type of chicken that is producing chicken meat and the type of chicken that's laying eggs. They really look different, they act different. Their genetics are enormously different. So I think a lot of people assume that, well, there's not veal demand anymore, but those animals are probably going into beef. To

some degree, that's true. There is a joint beef and dairy industry program called Beef on Dairy, and that sends from our research about three, three and a half million calves, mostly steers and then some heifer calves to feed lots from dairy farms.

Daisy Freund:

It's a pretty remarkable amount of our beef supply now that's coming from the dairy industry. They are really going into this low-end beef supply, usually ground beef because as I said, they're not designed to produce high quality beef and some of the cuts that people would be looking for. There's another 2 million calves left though, so what's happening to them? They're either live exported and that's a very low number from what we can tell. The U.S.D.A. doesn't separate out cattle and calf numbers, so it's hard to get a really clear number, but it's under half a million. Sadly, that's a very stressful experience for those animals. But the vast majority of those calves, and this checks out with the U.S.D.A.'s numbers on disposition of animals, roughly 21% or about 2 million calves, one in five calves are culled on farm. They're killed on farm within hours or days of being born, often by blunt force trauma.

Daisy Freund:

That practice is widely acknowledged. It's not really a secret. When you look closely at the industry, they talk about it. It's in the scientific literature, and it's said over and over that that is happening because the only economically viable choice for those farmers. There's no need for the animals in the dairy sector. Most of them are males, but even some of them are females and they just don't need to replace the herd that fast. There's very limited returns or demand for them in the beef sector, and there's no market for veal. And so, any care or feed or labor or space that's devoted to the animals by the farmer is lost revenue for the farmer because they just have so little value in the current system and the margins are so low in the dairy industry. So we just have to ask ourselves, "Why would animals be killed and discarded right after they're born in an industry that's meant to feed people, that's meant to raise animals, to feed people?" It's also enormously wasteful and it's pointing to a system that's just out of whack that's broken, and that is really by design.

Jerusha Klemperer:

And so, there is someone who might hear that and think, "Wait, so are you saying it was better for them to be funneled into a product that could be eaten? Do you wish that then these cows were all going to become some more humanely produced veal?"

Daisy Freund:

It's very positive that veal production as it was in the '80s and before that ended, that animals are not housed in cruel deprivation. That needed to end. The problem that exists now is that we didn't address the system that they were coming from. One of the most common forms of cruelty that's documented right now on dairy farms is the mistreatment of newborn calves and these botched, inhumane on-farm killings. Right now, there's no incentive to treat these animals decently at all. Before the 1970s, farmers never euthanized animals, not just because there was a market for veal, but because the farms just looked different. They were raising hundreds, not tens of thousands of cows, and the farms were more diversified. There were different types of animals, different types of markets, and the markets were much closer to the farm, so they were serving a more local population and the animals were largely eating grass, which actually was much less expensive than relying on the feed market as farmers do now. So their margins were not so tight.

Daisy Freund:

And over time, farms have become highly specialized, concentrated, enormous mega-dairies that are reliant on all these external factors and really driven by agribusiness and by federal policies that are broken. The policies that have been implemented over the last 30 to 40 years have been protecting milk as a commodity. They've been incentivizing farmers to get big to make up for low prices with big volume or to get out, and that's set up this vicious cycle where production has increased, it floods the market, the prices go down, and obviously that's resulted in tons of small farms closing. It's resulted in dairy farmers having an enormously high rate of suicide.

Daisy Freund:

And when you have farms that are as unstable and economically unviable as this, where the cost of milk production is below what a farmer is taking home, it's almost impossible to expect them to make costly improvements to how animals are treated. And what's really needed is a complicated set of solutions on the federal level that we're calling for through this farm bill, but it will take a coalition effort and very deep reform to get animals to a place where they're not considered discardable.

Jerusha Klemperer:

Veal might've fallen out of favor, but other excessively cruel products haven't. In New York City where foie gras is on the trendiest and fanciest menus, the sale of foie gras was actually banned in 2019 and it was supposed to go into effect in 2022. But the ban was contested by the state and it's currently tied up in the legal system, but New York City's ban isn't the first and it might not be the last, and it touches on some of the most crucial animal welfare questions at the heart of our food system.

Cheryl Leahy:

So foie gras is actually a French term that translates to fatty liver, and that is what they're going for. The foie gras industry is going for a very specific type of change in the liver of a duck. My name is Cheryl Leahy, I am executive director of Animal Outlook, which is a 501(c)(3) nonprofit organization that focuses on farmed animal issues. We do undercover investigations, legal advocacy, vegan outreach, and cultural mainstreaming and farm transitions work. In this country, they use specially bred ducks. In other countries, they also use geese to create, ultimately, this so-called delicacy or this product called foie gras. So what's actually happening is they're force-feeding the animal with a metal pipe multiple times a day over the course of several weeks. And that whole process is really engineered down to the wire because it's so bad for the animals.

Cheryl Leahy:

If they kept going even for a couple of extra days, the mortality rate would just spike so high that it wouldn't make sense for them to continue to do it because they'd have so many dead animals on their hands. So they're walking them right up to the brink of death by this process, and what they're doing is essentially like a corn mash is being force fed and it's the equivalent of a human eating like 30 pounds of pasta a day. By that, I mean, not just the quantity, but also it's not really nutritionally what the animals need. So if you look at a photo of a healthy liver of a duck and compare that side by side with a foie gras liver, the difference is striking because the texture and the color... It's like the healthy liver is a smooth, brown liver and it's small. And the foie gras liver, it can be eight to 12 times the size.

Cheryl Leahy:

It's a completely different color. It's a waxy, yellowish fatty color, and obviously the texture is completely different. So that's what they're going for. That is a diseased state of the liver. There's a term for it, called hepatic lipidosis, which means fatty liver disease. Ducks and geese are not the only ones who get fatty liver disease, it's actually a known thing that other species can get. The job of the liver is to process toxins in the body. So if you're impairing the liver functions to such a huge degree, you're also going to see other problems that have something called hepatic encephalopathy, which is like brain swelling. You see investigations' footage of these animals panting. There is some investigations' footage where the animals are being eaten alive, like their rear ends are being eaten by rats because they can't get moving. There's necropsies showing that the birds are throwing up the feed.

Cheryl Leahy:

There's perforations, holes in the esophagus from the actual force-feeding process. So the whole thing is extremely cruel. There's actually only two companies that are producing foie gras. Almost all of the foie gras in the United States only comes from two companies. So you can do your own little investigation online and see what they have and how they market everything. And I'd encourage people also just to google an image of a healthy liver, and you can compare that even to the very shiny and carefully curated marketing that the foie gras companies are doing, and you can just see the dramatic difference.

Jerusha Klemperer:

The extreme nature of this particular product and its peripheral place in our diets makes it a good target for a ban. And there have been attempts to get production or sales of foie gras banned in varying cities and states around the country, to varying degrees of success. In 2006, there was an unsuccessful proposed ban in Chicago.

Cheryl Leahy:

Yeah. There was an alderman that introduced the ban, and I think there was pretty savvy PR on the part of the foie gras industry at that time to build this whole narrative around how this is tradition and this is important, and any ban is just a nanny state. And Chicago politics is an interesting whole topic that we definitely do not have time to get into, but the mayor's office is really powerful, and ultimately, Mayor Daley at the time called the law "the silliest law," they overturned it and they called the law the silliest law that he'd ever heard or something like that. During that time, I think it was 2006, they still sold tons of foie gras, and then there were radio DJs being like, "We don't want to go into Chicago, some people out into the suburbs." They made it a big culture war.

Cheryl Leahy:

And I think the problem, when you have something entrenched where the job of the cruel industry is just to perpetuate the status quo, all they have to do is create controversy because then it just helps them. I think it was encouraging to see the ban happen in the first place, but obviously it was not a match for some of these more nefarious tactics by the industry. Fortunately, we have California. The California ban is back in place, and there are a number of countries all across the world that ban the product. It's not as though this is a fringe issue, this is something that if you ask any person walking down the street, "Is this okay with you?" You're going to get overwhelming opposition to foie gras.

Jerusha Klemperer:

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The California ban was passed in 2004 and went into effect in 2012. It was both a sales ban and a production ban, which means it may have nudged the one California foie gras producer to phase out the product. But California restaurants found ways to ignore it or work around it, and almost immediately the ban was challenged and sent into a series of legal maneuverings, including a lower court case that found that the state foie gras law was preempted by federal law. That was eventually reversed, and currently the ban still exists.

Cheryl Leahy:

And I would say a lot of the publicity around it was really successful. But I mean, I think it's still a major question mark whether there's any enforcement or if there is, whether it's meaningful enforcement. So that's something that's a major issue. And then we still have the fact that we've got those two farms in New York, they're still doing their thing. It's over a dozen countries, it's California, and then you've got this New York City situation which is running into troubles, legal troubles and stuff. But at the end of the day, it's like everybody knows this product is cruel. It's clearly violating the state animal cruelty law. There's a huge, huge majority of the population that opposes it, and there they go still making millions of dollars on it every year.

Jerusha Klemperer:

Can you talk about the state animal cruelty law? I'm interested in getting into a little how the law protects animals on a state level or federal level.

Cheryl Leahy:

Yeah. So I'll give you a little tutorial of the legal landscape as it applies to farm animals in the United States, it's a short tutorial because there's not that much. So at the federal level, from the time an animal is born or hatched until the time that they're sent out to be slaughtered, there is nothing — or historically has been nothing — that applies to those animals at all. What that really leaves us with at what we call the on-farm level, so born or hatched until sent off to slaughter, is state animal cruelty laws. Most states, about 37 states, have exemptions for things like common or standard or normal agricultural practices. I would argue and strongly feel if you look at the language of the statute and the legislative history and whatever case laws out there, which admittedly is not a lot of case law in most states, that those exemptions are not categorical.

Cheryl Leahy:

And by that, I mean, just because something is done on a dairy or a foie gras facility or a chicken farm, it doesn't mean that it cannot be touched by the cruelty law. And we have had a lot of success taking our investigations footage and doing what we can to get enforcement either through the enforcement agencies that are tasked with that kind of enforcement or finding ways around it through either a private prosecution avenue or a civil avenue or finding ways to sue using cause of action and lawsuits that have nothing to do with animals, but where the cruelty is an underlying issue. So there's actually quite a bit of creative and interesting lawyering that can be done, and that I think is very much worth the effort to do. But at the end of the day, you have a landscape where in most cases, in almost all states, the cruelty law is exclusively criminal, and in most cases, that can only be enforced by the sheriff's department, the district attorney's office, the people who are... government agencies that are charged with these sorts of things.

Cheryl Leahy:

And in most states you have exemptions. So even though they're not categorically broad exemptions, they have this effect of making these prosecutor's offices or the animal controller, whoever's doing the initial investigation, very nervous about using their own judgment on these things and very willing to defer to what the industry is doing or is saying. So what's cool about New York and what's maddening about the whole situation in New York is that does not have one of these exemptions. So there's no reason why the cruelty code could not and should not be used to go after foie gras. It's so clearly cruel. It's not mixed up in some of the other cultural trappings of other animal products, and it's in a state where there is no exemption.

Cheryl Leahy:

The cruelty exists at corporate or institutional levels almost exclusively. If you're looking at how cruelty laws are enforced here and there, neglect on a dog and cat, that's very different from billions of animals. So we have to do our job as animal advocates and animal lawyers to make the law work for these animals. But just as importantly, I think, is just using this example as a mirror to society to say, "Do you care about animal cruelty? Are you willing to let this system fail these animals in numbers that we can't even wrap our minds around?"

Jerusha Klemperer:

It was interesting to read some of the media coverage around the New York ban and the California ban and chefs passionately describing rich people's right to eat something delicious and fancy, and then categorizing it as a culturally significant food as having this French heritage that was super important. And obviously at issue there, this thing of the human right to eat something delicious really showcases that hierarchy, of course, of human rights as being more important — and human rights, meaning, the human right to eat something yummy— human rights as being above animal rights. And at issue here with foie gras, this idea of extreme suffering, the idea of cruelty, and all of these gradations of like, "What is extreme suffering? Is it okay if they only suffer a little?"

Cheryl Leahy:

I would love to respond to your point about the media and the chefs real quick because I think what you just described is such an interesting example of how media can be manipulated. The media loves stories where there's a conflict and where you can have one side battle with the other side. So that's going to look like a debate, but really it's an extremely lopsided debate. If you allow those louder proponents of wanting to continue doing this to frame the debate. And now, as reasonable people we're trying to take their points and mull them over. And now we're thinking about, "Well, is it a reflection about an unfair hierarchy that people's taste preferences should override something that's suffering or is it about culture and what does culture mean to all this?" No. Remember, the function is to get you to distract yourself from the core issue and to look like it is, let's say, symmetrical: one side or the other side.

Cheryl Leahy:

And it really is not, these are effective diversion tactics because at the end of the day, if you really plainly say what they're doing, they're saying on one side you have the vast majority of human beings who say, "This is cruel and we don't want it to be around and it's really, really bad." And on the other side, you have a small number of people who A, are benefiting financially from this. And B, their main complaint is they don't want to be told what to do. Well, sorry, but that's not how morality works, that's not how law



works. We have a society with principles and governance and fairness and justice and all of these processes that go into discerning what can or cannot be put into the stream of commerce, what can or cannot be produced in the first place. And there is no reason why somebody's general frustration with a rule existing should be put on the same moral plane as the majority of other people who have a strong argument like you say, this is extreme suffering.

Cheryl Leahy:

It not only is a lopsided debate, it's a lopsided power dynamic because all they have to do is let the status quo continue and we're trying to actually change something. And then to answer your question about animal welfare, animal rights, I think this point about cruelty is really the most powerful point. If you have extreme amounts of suffering and you are imposing that, humans are imposing cruelty, so that would be pain, suffering, and deprivation, and they're all a little bit different, you are going to be on the wrong side of public opinion for about 97% of the population. So, as far as I can tell when I looked around for the research that I could find on this, it does not matter how you slice up people, what country you're from, where your political orientation is. It matters a tiny bit on political orientation, especially if you flag environmentalism in it.

Cheryl Leahy:

It doesn't matter your gender, your age, any of those things. It does seem like more or less, it is a human quality inherently to oppose cruelty to animals. Now the paradox is we have in every place where all those surveys were done, we have extreme amounts of cruelty to animals being done at very, very widespread levels, and there's a lot of money that's being produced in that process. That's the backdrop. To me, it's the cruelty is the thing, and then it's a question of if you roughly want to define animal welfare, it's the focus on how are the animals treated and how do you reduce suffering and less of an interest or no interest at all in trying to change the system of the fact that they're being bred and raised in confinement, et cetera, and killed and more how do we improve the conditions within that system. It's not really challenging the system.

Cheryl Leahy:

Animal rights, I mean, at an academic level, it's very sort specific has this whole rights history, but I would say more commonly what people think about that is what I would think of as abolitionism, meaning saying the system is so bad and the unfairness of the fact that we are creating animals' lives just to put them in these systems where they're going to suffer and they're going to be deprived and they're going to be in pain and then we kill them way before their natural life spans would be up. That itself is the problem. So we want to upend the system. So I would say those are the two ways of looking at it. Honestly, I think in real life most of the interventions that we can do are aligned with both points of view.

Cheryl Leahy:

I do think most people when they're new to the issue are probably more welfare aligned, and then as they learn more and they learn just how bad it is and just how complex animals are, they start to push themselves more into the rights or abolition side. I mean, certainly for myself, after having almost 20 years of looking at investigations' footages, the system is absolutely broken. It's completely rotten. There's no way to do this in a way that even the most moderate welfare person could stomach after they're looking at the reality of what happens in these places.

Jerusha Klemperer:

Do you think there's also something that happens on a moral level that once we've said yes to the factory farming of animals, it becomes hard morally to parse out specific practices, once you've opened the door to factory farming, you're just like, "It's fine," and the brain has trouble even separating out certain practices as being worse than others?

Cheryl Leahy:

I don't know if you've had this experience, but whenever I bring up what I do for a living to a person, let's say, I'm at the park talking to another mom, or I'm at a party, or whatever, I'll get one of two responses. One is, "Oh my God, that's so cool." Or, "Don't tell me about it because it'll make me want to stop eating animals." And what is people doing when they're saying that, they're realizing that the system itself is such a problem that if they had the facts, they could not sit in that dissonant place, even if they don't have to fully articulate that whole process of, "Well, I've already something that I realize is hard to justify and therefore it's going to be clouding my judgment on individual practices," they see that the logical conclusion would take them to a place that they're not ready to go yet.

Cheryl Leahy:

We also have to realize that every opportunity we have to get a platform. Every time we get media on this issue, every time we're out there talking to people on the streets, we have to connect the dots for those people. We have to tell a bigger story. Don't waste those opportunities to educate people and engage them on these issues because as much as it is about the thing, we want to get those ducks out of the system. It's also about building that groundswell and that grassroots movement, which is absolutely a necessary part of every movement.

Jerusha Klemperer:

Factory farming of land animals has been happening for decades, and activists have been fighting these cruel institutions for most of that time. But the latest campaign I encountered represents one to stop the factory farming of an animal that hasn't ever been farmed at all before, octopus.

Dr. Elena Lara:

The octopus that we consume came from wild fisheries, so wild caught octopus. So the problem is that we have been over-exploiting these populations, these wild stock populations, and then industry realized that if we were able to farm them, that could be a big business.

Jerusha Klemperer:

For the past decade or so, octopuses have been having a moment. They've garnered new respect and admiration. Remember Inky who in 2016 captured the world's imagination by escaping from a New Zealand aquarium and slithering into a drain on the floor and making it out to sea, or the cephalopod at the center of 2020's documentary, the Octopus Teacher. People have come to understand that octopuses are intelligent, creative, and sentient, capable of sensing and feeling. If Inky couldn't stand the aquarium, it stands to reason that farming these creatures in crowded tanks would be a bad idea.

Dr. Elena Lara:

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I am Dr. Elena Lara, and I work in Compassion in World Farming as a senior research and public affairs advisor. So my organization, it's an organization that is advocating for the welfare of farm animals and also to improve the systems and the conditions where we produce right now farm animals because not just for the welfare, but of the animals that are involved in this production systems, but also for the environmental impacts that it has and also for the impacts that has also in the health of people. We are not a vegan or vegetarian organization, we mainly are against factory farming.

Dr. Elena Lara:

And about the animals that we work with, it's farm animals, land animals, and we have also a team of aquatic animals that since now it has been quite like no one has properly paid attention to the aquatic animals that we farm because the consumption of octopus, we know that in Mediterranean countries it's a tradition like Greece, Portugal, Spain, Italy, we can consume octopus as a traditional dish, but there's also new countries interested on this product like Korea, Japan, U.S. as we are over-exploiting the wild populations. Industry thought that it could be quite good if we were able to farm them, to farm octopus.

Dr. Elena Lara:

So we are at this point scientists, right now for in Spain, have been around 20 years investigating how to raise octopus in captivity. But the project started with scientific interest. It was not behind this project. There was not a business interest or commercial interest. It was just like scientists wanting to close the biological cycle of octopus. It was very difficult. Octopus change, I don't want to say the morphology, but yeah, I mean, somehow there's different phases in the biological cycle of octopus. The adult octopus lives in rocks, but the larvae, it's just a swimming animal. So there's different process in the biological cycle. So it was not easy to close the biological cycle.

Dr. Elena Lara:

Once they did it, a company or several companies were interested to buy this knowledge. You apply it for commercial reasons, so to farm them. One company in Spain bought this information, we call it a patent, like the scientific group established a patent, and this company bought this patent in order to use this knowledge and farm this octopus. So at the beginning, as far as we know, was difficult because all the biological characteristics of these animals to keep them in intensive conditions or keep them in tanks, it looks like they have achieved this and they plan to build the first octopus farm in Spain, in the Gran Canaria Islands. It's in the moment that we are right now.

Jerusha Klemperer:

Can you explain a little bit what you mean by closing the biological cycle for an octopus?

Dr. Elena Lara:

Yeah, of course. When you have an animal in captivity, you can take them from the wild and raise them in tanks or in a cage or what you can do, it's just recreate the biological cycle. So you are able to have your animals in captivity that goes from the egg until the animal dies. So you can take the juveniles or the larvae from the wild and then leave them in a farm or, I don't know, in a zoo or in a cage. For example, in octopus, the female needs to feel comfortable to spawn. The larvae needs a specific diet. That was really difficult for the scientists to know exactly what the paralarvae and larvae needed in order to become juveniles and also to not to have high mortality rates and not lose most of the juveniles or larvae in the process.

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Jerusha Klemperer:

For anyone who knows a little bit about fish aquaculture, they know that there's a few different ways you can do this. You can do it in open water close to the shore, you can do it way out in open water, and this is all with nets, or you can build a tank on land and do it there.

Dr. Elena Lara:

We are talking about land-based systems, so they cannot be in tanks, enclosed in tanks on-land farm. I mean, from our perspective, first, the reason that these animals are not suitable for intensive farming conditions because we know that octopus are solitary animals in nature. They do not live in groups, they live alone. They usually, in nature, they hide. And they just go out for hunting or if it's mating period. So when you think about an intensive form, they're going to be in a tank with a lot of octopus, and this is going to be really stressful for an animal that their natural behavior, it's solitary and territorial animal.

Dr. Elena Lara:

This is going to become a very stressful situation and also can become aggression between them. We have seen also that this can also lead to cannibalism between individuals. One reason is this one. The other reason is that we know that these animals are very intelligent, so keeping them in tanks that are completely empty with no interactions and with nature and nothing that they can develop their intelligence, we think it's cruel. We are an organization that we are against factory farming and we think that we should stop factory farming and find more natural friendly regenerative ways to farm animals. So creating a new factory farm, it's not right now what we think that it's a right forward for aquaculture industry to do that.

Jerusha Klemperer:

And as with the farming of any animal, how we kill the animals, how humanely or not is a big question.

Dr. Elena Lara:

One thing that we are really concerned also, it's the killing methods that they are planning to use for the farm. They want to use this technique that it's called ice slurry. So mainly the method is to put these animals in huge tanks with cold water and ice. And it's a method commonly used for fish and has been used in the past for aquatic animals. But now, thanks to the science and the research that has been done in the topic, we know that animals suffer with this method. It's a really slow and long and painful death. And when we saw that the NWAP is planning to kill octopus, this really concerns us. And it's another point we are saying this farm cannot go ahead, if at least, and your main method of a slaughter, it's used because you cannot put this project in place, say that you're going to plan to slaughter 1 million animals per year and you don't have even a humane method in place.

Jerusha Klemperer:

You mentioned earlier, we're already far down the road with so many other kinds of factory farm. This hasn't started yet. Let's not start it. Can you talk more about that opportunity here of stopping something before it starts?

Dr. Elena Lara:

If we have the opportunity or we are successful in stopping this, it means we are in the right way. We don't want more factory farms. We don't want new species in these factory farm systems, in these intensive production systems. Since I work around octopus, it's like a lot of people ask me like, "Which one is the difference between a pig or an octopus? What makes them special? Why people... It's completely against octopus farming, but what happened with pigs or other animals?" And, for me, it's just the answer is they're the same because we know also that pigs are really intelligent. For me, the difference is like, "Let's not do the same to a new animal, a new species. Let's stop it before it happens." Right now, we have the amazing opportunity to avoid that what we have done in this intensive farms of pigs, we can avoid that to octopus. So I think that's the great thing that we can achieve here.

Jerusha Klemperer:

For a long time, as we discussed with Cheryl Leahy of Animal Outlook, there have been some animals that are protected by basic animal cruelty or animal welfare laws, and some that are not. And marine animals, including octopus, generally have not been considered worthy of those very minimal protections.

Dr. Elena Lara:

Europe considered that cephalopods are sentient beings. There's a piece of legislation in Europe that protects animals that are used for scientific purposes that protects the welfare of cephalopods. Last year or two years ago, the UK also recognized not just cephalopods but also like decapods, like crustacean, decapods, cephalopods, other animals as they are invertebrates. We were not consider as sentient. UK, for example, last year recognized this group of animals as sentient. And it has been because a group of scientists in UK from the London School of Economics, they produce a report gathering all the scientific information and proving to the government like, "Hey, these animals are sentient. They need to be recognized by legislation, they are sentient." And from there we need to create welfare protection for them. And Europe, for example, also recognize these animals are sentient and protect them for scientific purposes.

Dr. Elena Lara:

The problem is as they have never been farmed before, there's no legislation covering their welfare needs. In U.S., legislation is more complicated because I think it, and I'm not fully aware how it works in U.S., but I think that aquatic animals, as far as I remember, they are not covered. But, well, now U.S. is doing great steps on octopus farms and I think they are putting the way forward for other countries, Washington state was the first one to create a bill to ban octopus farming in this state. The bill was signed. So right now is the first piece of legislation in the entire world that prohibits octopus farm. And Hawaii and California is following Washington state. So there's bills there to prohibit octopus farming.

Dr. Elena Lara:

But the most exciting thing is that California has gone further. They want to ban octopus farming in California, but they also want to ban imports, which this will be huge because it means, for example, we know that the Spanish company that is planning to build this farm in Spain, one of the objectives also export octopus products to U.S. because in U.S. octopus products are becoming quite famous, and big part of the production was to export to U.S.. So we see that these bills are happening in U.S. banning imports. This is going to be huge because it's a very big step that makes harder for the companies to make it success an octopus farm.

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Jerusha Klemperer:

What are the nuts and bolts of your campaign against this proposed farm in the Canary Islands?

Dr. Elena Lara:

So our objective, it's not just to stop this farm, is to stop octopus farming, the concept of farming these animals. So we think that the win comes from the public awareness, of course, and the other thing that we need, it's a policy win. I think we are working from local, national, European global level, it's not something that we think, "Okay. If we close the Canary Islands farm, we have win because maybe this not happened, but might happen in other places." So we're looking for it just like more systemic change, I would say.

Jerusha Klemperer:

I wanted to ask, back to kind of the sentience and intelligence question. Do you find as campaigners for animal welfare, is it helpful to have as your poster child, an octopus, a creature that captivates people's imagination and that is intelligent and sentient and all of those things? Can you talk about the kind of opportunity there?

Dr. Elena Lara:

I've been working on aquatic animals for the past six years, and it has been so hard for our team to get people engaged with the topic. It's so difficult that people show empathy, and care, and interest on fish and other aquatic animals. And then when we start working on octopus, we saw that a lot of people wanted to collaborate, engage with us. The work that we do on octopus opened the door for other aquatic animals-

Jerusha Klemperer:

With others, sentient, highly intelligent and social animals like pigs, the factory farming ship has sailed. It's an entrenched, highly integrated and powerful system. And while we can try to change the cruelest of confinement practices like gestation crates, which are now prohibited in California law along with veal stalls, it's hard to imagine stopping the whole enterprise. Octopus represents an opportunity to stop something entirely before it begins.

Jerusha Klemperer:

There's something else to note about veal production. There's technology being developed to identify male calves before they're born to eliminate the need to figure out what to do with them all. It's similar to in industrial egg production where new technology has been developed to sex and egg and destroy the male eggs before they become developing embryos. So you don't have the problem of needing to kill all of these male chicks. So I was curious to know from Daisy Freund if this represents a real potential solution to the problem of veal.

Daisy Freund:

On the dairy side, there is a practice that is growing and a lot of interest in the dairy space and a lot of literature on it of using sexed semen. So they know that this is a socially unacceptable situation where in addition to being an economic problem for farmers, and there is a push to impregnate dairy cows with female sexed semen so that they produce more females. Like I said, that dairy industry only needs 32%

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of the calves that they produce to replace their herd. So having 100% females would just create more of a glut of females. It's not a perfect solution. There is not a 100% replacement rate. It's not a silver bullet, but what's also happening is using semen from the beef industry on dairy cows, so they're actually cross-breeding to create a calf that's going to grow up a bit more quickly and more like a beef animal.

Daisy Freund:

So you can see there's this incredible amount of technology and intervention that could be happening on the average mega dairy where there's many tens of thousands of cows being raised and milked, where exact proportion of them are receiving sexed semen to create the number of females that they need, and then the rest of them are receiving semen from the beef industry, and that's hopefully creating animals that would go into the beef sector. That would be maybe what they'd consider the ideal. The reality is that that's expensive. It's not an expense most dairy farmers are able to take on, and from what I've read, there's also a lower conception rate with sexed semen. So if even a small percentage of dairy cows on these farms where the margins are minuscule, do not get pregnant when they are impregnated, that can eliminate any of the financial gain that could be derived from using sexed semen.

Daisy Freund:

So right now it's, I'd say, not at the point where it's a solution, and it's one of those things that, especially in the dairy space where it feels like a very crude fix for a bigger problem. It's like with pigs and piglets in the most intensive pork industry, they have a problem of the pigs being so frustrated that they chew each other's tails, so they decided to cut their tails off. Is that the solution or would it perhaps be better to give them more space and enrichment and the kinds of environments that they need? It feels a bit like that where we are trying to lean on technology to get out of a big mess that has been created here.

Jerusha Klemperer:

Question about the UK and the EU. Why is the EU so far ahead of us on a bunch of these things? Is animal welfare just... Does it play a different role in the culture there?

Daisy Freund:

It's a great question. I would love to ask my colleagues at organizations that are international. We're just dealing with the U.S. consumer base, but from everything I've heard from talking to them and watching how the campaigns play out, you are dealing with the population in general that's just closer to the farm, closer to their agricultural roots, and also industries that are less entrenched and powerful and able to spin out these deceptive marketing campaigns to counter our most natural instincts about what should be going on. So it's a combination of those things.

Daisy Freund:

There's so much investment by our U.S. food industry and marketing that obscures the truth about how animals are raised and so little regulation, so little history of regulation, and then really no political will to regulate these big entities. And so, it just continues, and consumers are understandably in the dark about what's happening on farms and how their choices impact animals. That's really why the ASPCA launched the Shop With Your Heart program because we want to harness the incredible power of consumers and help them and factory farming, and it's very much possible, but for sure an uphill education climb when there's so much money behind this altered reality that big ag would present.

Jerusha Klempner:

I think the veal story is such an amazing one because it really shows the power of the consumer when really the consumers just all drop their forks at the same time. It's just like, "Oh hell no. I'm not going to eat that." And you can see this really dramatic, almost instant shift. At the same time, we all know that that's a very extreme and dramatic example, and that some other "vote with your fork" efforts have been less successful. I know at FoodPrint we're always trying to find that sweet spot of empowering individuals because we have really seen consumer choice and demand shift markets over the past, let's say, 20 plus years. At the same time, we know systemic change has to happen, and that's why you have a farm bill platform with all of those very exciting and meaningful proposals in them and California state level bills proposed and things like that.

Daisy Freund:

Yes. This is the ultimate question, is really where does responsibility lie and who should be driving the change and not wanting to claim that this is really solely a consumer's work to change a system that has been overwhelmingly shaped by federal policy. And that's the reality. And I'm loathe to put the onus on people who are struggling to feed their families and facing higher food prices than ever to shift a system when taxpayers are propping up the industrial ag system right now, and it can really feel like a drop in the bucket.

Daisy Freund:

However, it is extremely important that consumers are educated and have accessed information so that those of us who have the ability to maybe spend a little bit more time finding something better or spend a little bit more money to pay for something better can do so because if we only took the people who are extremely well-meaning and spending more money on products right now that are labeled as natural and family farmed and hand-fed, and whatever the absolute BS terms are that industry is churning out, if we took all those people who are feeling unfortunately good about their purchase and even their increased cost on products that have almost no value, that are just rebranded factory farm food, and we converted them to buying products that are genuinely better for animals, that would represent an enormous impact on industry.

Daisy Freund:

So there has to be an approach and a multi-interest approach. This cannot just be consumers, and it can't just be people in animal welfare circles going at this problem. You need all of the interest groups, farmers, environmental groups, worker groups pulling together for holistic reform. So the farm bill is in process. People can be contacting their elected officials and asking them to fight for a farm bill that incentivizes more humane agriculture to spend taxpayers money on transitioning CAFOs to higher welfare, farming or specialty crops, rather than entrenching the way we raise animals now through more funding and more subsidies.

Daisy Freund:

There's also a threat right now in the farm bill that needs to be blocked, something called the EATS Act, the Ending Agricultural Trade Suppression Act, which was introduced by big ag interests, and it would override existing bans on confinement, including veal crates. Although that industry is fully transitioned away from extensive confinement, the others, like we talked about, have not. Gestation crates and egg laying hens and are still confined in battery cages. And all of the awesome work done by animal groups



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across the country to pass these state bans in 15 states could be undone if the EATS Act or any language like it is inserted in our farm bill. So we try to work on many tracks at once. It certainly stretches us then, it stretches all the groups then who are working to reform animal agriculture.

Daisy Freund:

Food is a system, and that means we have to attack it from all sides. We have to have a more informed consumer base. We have to have better federal policy, better laws, and better institutions upholding the food system.

Jerusha Klemperer:

Laws can limit the cruelest practices like extreme confinement for pregnant pigs or veal calves, or the force-feeding of ducks in a handful of cities and states. But the food and restaurant industry will always contest these laws because they pose an existential threat to the entire enterprise of farming animals at a large scale. And these laws merely poke at the edges of this system, teasing out its cruelest practices or singling out the most intelligent or beloved animals. Can they save animals from humans' worst impulses? Can they force us to consider animal rights as worthy of our consideration?

Jerusha Klemperer:

What You're Eating is produced by Nathan Dalton and FoodPrint.org, which is a project of the Grace Communications Foundation. Special thanks to Daisy Freund, Cheryl Leahy, and Elena Lara. You can find us at [www.foodprint.org](http://www.foodprint.org) where we have this podcast as well as articles, reports, a food label guide, and more.