

## **What 'free range' means - a legal definition**

**The Federal Court found that by labelling and promoting eggs as 'free range', a NSW egg company Pirovic Enterprises represented to consumers that the eggs were produced by hens which were able to move about freely on an open range each day, and that most of the hens did so on most days. Pirovic admitted, most of its hens did not move about freely on an open range on most days.**

**The Court found that the eggs supplied by Pirovic were produced by hens, most of which did not move about on an open range because of a combination of factors:**

- the stocking densities inside the barns where the hens were housed;**
- the flock sizes inside those barns; and**
- the number, size and placement and operation of the physical openings to the open range.**

**This decision provides clear guidance that any free range egg claim must be backed by farming conditions and practices implemented by suppliers under which hens actually move about on an open range each day.**

**The ACCC and Pirovic agreed on joint submissions and proposed orders put to the Court. That resulted in fines of \$300,000 plus costs to be paid by Pirovic for misleading consumers.**

**The court found that there are a number of farming conditions that impact on whether hens move freely on an open range each day. The conditions vary between producers and no single condition is conclusive. The relevant conditions include:**

- the internal stocking density of sheds;**
- the conditions of the internal areas the hens are housed in;**
- the number, size and location of any openings to an outdoor area;**
- the time of the day and how regularly the openings are opened;**
- the size and condition of the outdoor area, including any shaded areas, the presence of food, water and different vegetation and ground conditions;**
- the stocking density of any outdoor area; and**
- whether the hens have been trained or conditioned to remain indoors.**

**Freeranger Eggs**