

Senate Standing Committee on Economics

ANSWERS TO QUESTIONS ON NOTICE

Treasury Portfolio

Additional Estimates

26 February 2014

Question: AET 2997

Topic: Free-range egg claims (ACCC)

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Senator RHIANNON asked:

2997. Mr Gregson: The two most recent matters are Pirovic and Snowdale, in which we have made allegations of free-range-egg claims. They are different from the previous matters we have referred to you in response to questions on notice. The answer to your earlier question on numbers is that we do not have them broken down presently in relation to free range specifically, but roughly we deal with about 300 food-labelling complaints a year. For the year to date we are at about 180.

Senator RHIANNON: Could you remind me, does that information cover the outcome of the investigations and where they are up to, or could you include that?

Mr Gregson: We can certainly provide you with matters that we have proceeded to formal resolution, either through courts or otherwise, and certainly matters on which we have formal allegations in the court. I am happy to provide you high-level data about where particular investigations are up to.

Senator RHIANNON: Thank you, because there certainly is a lot of interest in it.

Answer:

2997. The ACCC recently filed two separate proceedings in the Federal Court resulting from free-range egg investigations regarding:

- Snowdale Holding Pty Ltd (WA)
- Pirovic Enterprises Pty Ltd (NSW)

In both cases the ACCC alleges the companies falsely represented eggs as 'free-range' when the hens were not able to move about freely due to:

- stocking densities of the barns
- physical openings of the barns
- conditions of the outdoor range
- manner in which the hens were trained in the barns.

These allegations remain before the Court.

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The ACCC previously provided responses to Questions on Notice regarding free-range eggs which detailed the number of matters received and the number and stage of our investigations.¹

There are currently a number of ACCC investigations into free-range egg claims at varying stages involving egg producers located throughout Australia. Where these matters result in enforcement action on completion of investigations, further information will be made available at that time.

The ACCC is also engaging in broader compliance activity, liaising with consumer agencies and consulting with industry representatives and experts in order to ensure customers receive accurate and truthful messages concerning their purchase of 'free-range' eggs. Further information is also available in the NSW Fair Trading's response to complaints from CHOICE concerning free-range egg claims.²

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- 1 Question on Notice provided to Senator RHIANNON, AET 43-45, concerning Complaints Regarding AEC and Free Range Eggs Labelling, Received from Committee – 19 February 2013
 - 2 NSW Fair Trading, 'NSW Fair Trading Response to CHOICE Super Complaints on Free-Range Egg Claims in NSW,' 7 December 2013