



## **DBRG Response to Consultation on banning the commercial third party sales of puppies and kittens**

### **QUESTION 1: Do you agree or disagree with a ban and why.**

Agree.

The position of DBRG, consistent with our objectives, is that a ban on the commercial third-party sale of puppies (our brief does not extend to kittens) is an essential adjunct to incentivise welfare improvements in high risk commercial dog breeding establishments by ensuring transparency, accountability and increased financial gain for breeders.

While the revised licensing conditions for breeding and selling pet dogs are extensive, DBRG does not believe that these can protect the welfare of dogs sold through pet shops, or other third-party outlets. There is a lack of evidence to suggest that similar measures in Wales, Northern Ireland or the Republic of Ireland have been successful where these establishments are supplying external third party markets.

The breeding and sale of pet dogs should be regarded in all circumstances as an activity that demands good welfare standards and DBRG regards all those who breed dogs as having responsibility for compassionately homing them. Third party sellers such as dealers and pet shops represent a key vehicle for the sale of puppies from puppy farms and other irresponsible breeders. A ban on commercial third party selling is, we believe, already long overdue and the arguments and evidence for it well-established. The duty of care should rest with breeders until puppies are sold and breeders should bear responsibility for socialisation and disease prevention.

Banning third party sales will reduce the regulatory burden on local authorities by removing the need and the subjectivity of compliance monitoring of premises for licensing purposes. Enforcement action against illegal sellers can be undertaken and shared between by various agencies and illegal activity can be more efficiently tackled at a regional and national level.

A ban will prevent the sale in England of puppies which have not been bred to standards of welfare recognised by the national and devolved administrations. This will ultimately improve consumer confidence in the industry and transactions will benefit the UK economy rather than breeders based abroad.

A ban removes the legitimacy of a source where even *adequate* welfare cannot be ensured. This is essential in order to assist purchasers to make informed choices based upon seeing a puppy with its mother and encourage responsible buying decisions. It ensures consistency with the Government's

advice that purchasers should see puppies with their mother. Consumers are vulnerable due to the inevitable emotional component involved in purchasing a puppy. Vendors who cannot adhere to the basic good practice of enabling purchasers to see puppies with their mothers should therefore be eliminated from the market place. DBRG recognises that removing the highest risk category of vendors is only the first step towards overall improvements in dog breeding health and welfare standards. It is essential that consumers are also able to identify welfare conscious breeders, for example through the use of the RSPCA/BVA AWF Puppy Contract and breeding schemes such as the DBRG Standard for Dog Breeding. Educating the general public to avoid purchasing a puppy from irresponsible breeders is an important part of an overall official welfare strategy and we are pleased that the Government's preferred option includes an education provision.

**QUESTION 2: Do you believe a ban will have negative or positive impacts on welfare and why.**

Positive.

A ban on the commercial third party trade in puppies will remove a market that perpetuates a culture of low welfare, high volume dog breeding, comparable to factory farming animals for the food chain. Breeders selling through third party agents must maximise the number of puppies produced, while at the same time keeping their overheads to a minimum. This method of breeding is wholly inappropriate for producing fit for purpose companion animals. A ban is imperative to ensure that the physical and psychological wellbeing of breeding dogs and puppies will no longer be inevitably compromised as a result of a market where profit is the only concern.

Removing the option of selling through a third party will prevent problems stemming from the point of origin being compounded by further elements in a chain. This would reduce the number of dogs that subsequently develop health and or behavioural issues.

Responsible breeders, by definition, will want to ensure that they are personally involved in finding suitable homes for puppies that they have bred and for this reason would never sell puppies to a third-party agent. Commercial third party puppy sellers are therefore restricted to purchasing from breeders who are unconcerned about the future lives of their puppies. With this route to the market banned, such breeders will have direct contact with the final purchaser. This would make moral or legal accountability from problems that may develop harder to evade. Limiting the chain of sale to the breeder and final owner will make it easier to identify the point at which problems might have developed.

It is vital to protect puppies from the inevitable short term and long term welfare harm attributable to the intrinsic processes of third party sales. A ban will eliminate the risk posed by transportation away from the breeding establishment, exposure to pathogens in vehicles and the sale environment and disease transmission between animals originating from different sources.

Prohibiting third party sales will also potentially improve the overall health of the UK dog population. A ban may actually benefit some breeders who currently sell puppies through third parties, as they will receive the full market value from sales, rather than a considerably reduced wholesale price. The increased income and competition with responsible breeders will encourage low welfare establishments to make the improvements necessary to attract buyers and meet consumer expectations. At the same time, a ban would eliminate competition from cheap puppies bred by low welfare breeders located outside the UK, removing a significant incentive for commercial UK breeders to compromise welfare in order to minimise costs.

Puppies can be homed from 8 weeks old if sold directly from the breeder, as there is no need for any additional acclimatisation period. This will extend the time available for habituation before the critical window for socialisation closes at around sixteen weeks.

Banning third party sales removes the legitimate market for puppies bred in European countries where dog breeding welfare may be inadequately regulated and where breeding dogs may be subject to abuses that would not be tolerated in the UK.

DBRG's aim is to promote the breeding of sound, healthy dogs. Measures to improve dog welfare related to genetic and breed related health, breeding, rearing and selling practices are more likely to succeed if breeders cannot utilise a market which has no regard for puppies' long term welfare.

DBRG is aware of concerns that banning third party sales could drive the activity 'underground' and the suggestion this could pose an even greater welfare threat than permitting the activity to continue under regulatory control. DBRG contests this argument because regulatory control has so far not afforded any meaningful protection to puppies in the third party trade, therefore the benefit of regulation is minimal. Detection of illegal sellers will also become easier following a ban as the activity itself will be illegal. Third party sellers must constantly attract new customers and are heavily dependent upon advertising. As a result they are forced to remain equally visible to enforcement agencies as to prospective customers. There is no evidence to indicate that third party sellers would be any less likely to comply with a ban than with a robust licensing scheme. It is possible to impose heavier sanctions on illegal sellers than upon sellers in breach of licence conditions.

Without the presence of a legal market for imported puppies, there will be no legitimate reason for dealers to bring large quantities of puppies into the UK, even 'correctly' under commercial movement rules. While a ban may not be a deterrent to those already engaged in illicit activity, it will make such activity easier to identify because it will not be concealed by the fact that a trade is legal.

DBRG has concerns that the perceived 'demand' for puppies is partially due to irresponsible buying choices – not everyone who wants a puppy *should* be able to buy one. If availability is reduced, buyers may give more thought to the purchase, ultimately promoting more responsible dog ownership.

It has been claimed that the illegal puppy trade exists because the demand for certain breeds cannot be supplied by responsible UK breeders. There is *no* conclusive evidence to support this theory and it is equally plausible that the surge in popularity of breeds such as Pugs and French Bulldogs is a reflection of the availability of these dogs, rather than buyers' relentless determination to own them. DBRG is particularly concerned about the rapid rise in the popularity of brachycephalic dogs and wants to see this trend reversed. Dogs of these breeds should be bred under UK regulation, which may provide some element of control and protection. It may not be ethically appropriate to aim to maintain the volume of sales of breeds such as French Bulldogs and pugs. Arguably, no matter how responsibly bred, the quality of life for dogs which have a conformation that predisposes them to health problems will be compromised. Reduced availability would promote a more considered acquisition culture which could be backed by educational campaigns.

The defining characteristic of a responsible breeder is that puppies will be sold by the breeder directly from their place of birth. Eliminating the option to sell through a third party would immediately increase the number of breeders meeting this criteria.

### **Question 3. Views on assumptions and conclusions in the Regulatory Triage Assessment**

DBRG feels that omitting the reference to commercial intent in points 3, 9 and 15 could be potentially misleading. A ban targets the commercial resale of puppies by a person other than the breeder, rather than the sale/rehoming of dogs/puppies in a wider context.

DBRG agrees the estimates made in the RTA are reasonable relating to the volume of third party sales, the number of businesses affected and direct costs to third party sellers. We also concur with the estimated direct and indirect benefits to breeders. However DBRG feels that the number of breeders potentially dropping out of the market as a result of a ban (point 28) appears to be overestimated (the estimate is based upon figures relating only to breeders selling to third party sellers). We would predict that the number of breeders withdrawing from the market as a consequence of a ban will be far lower, even accounting for breeders based outside the UK. The estimated revenue and subsequent loss of revenue (points 31 and 32) may therefore need recalculating.

We agree with the conclusions that accurate data relating to all aspects of the trade is largely unknown. DBRG feels that the absence of information relating to the trade is further proof of the difficulties involved with attempting to regulate the industry and is a strong indication that the intention of those involved is to operate covertly. Given the known severity and scale of welfare risk associated with the trade, DBRG does not believe that absence of accurate data should delay implementation of a ban.

DBRG agrees with the RTA's overview of the current market and the conclusions relating to the impact of a ban upon animal welfare, consumers and the supply.

Point 36 seeks evidence for reasons why breeders chose to sell via third parties and the potential for them to adapt to selling directly to the public. DBRG's view is that breeders using indirect routes of sale are able to abdicate responsibility for their puppies once they leave the premises. Utilising a market which simply requires a constant supply of cheap puppies enables breeders to make a profit with minimal effort and outlay. The third party market allows breeders to rear dogs as livestock rather than companion animals and it is no coincidence that establishments supplying commercial third parties are often agricultural premises, and that breeding dogs are identified by sheep marks or tags. Breeders that view dogs as livestock are generally unlikely to be willing to transition to a business with a direct customer based focus but the potential for increased income may provide some incentive to adapt.

DBRG is keen to ensure that if breeders cease breeding or downsize, that the welfare of any unrequired breeding dogs and puppies will be protected. Rescue organisations may need to prepare for a short term increase in relinquished ex-breeding dogs and for the rehabilitation of these animals, however a lead in period coinciding with the legislative process should allow for the gradual rehoming of breeding dogs and puppies. Every attempt should be made to encourage breeders to release dogs to rescues rather than using alternative methods of disposal.

DBRG agrees with the RTA's conclusions on consumer impact. The loss of a puppy shortly after purchase will be devastating to owners but severe chronic conditions which develop months or years after purchase can be equally distressing and financially costly. While it is not possible to attribute such conditions solely to irresponsible breeding, it is highly likely that this is a significant

contributory factor. For example, lack of health screening will increase the risk of inherited diseases. Severe acute and chronic health conditions may have additional consequences, for example generating higher pet insurance premiums. Third party selling is a retail activity and the desire to maintain a high turnover of puppies may lead sellers to encourage impulse purchasing. DBRG shares concerns about puppies acquired without due consideration for their needs and suitability for the intended home. The emotional aspect of buying a puppy leaves consumers extremely vulnerable to poor purchasing decisions, for instance knowingly buying an ill or distressed puppy in order to 'save it'. Education of consumers can have limited effectiveness in these situations and a ban will help protect buyers by reducing the number of circumstances where they will be faced with making difficult choices.

DBRG does not believe that the impact of a ban on the supply of puppies is uncertain (point 49) nor that the price of puppies will change as a result. In terms of the overall volume of puppy sales per year, the number of puppies sold through third parties is relatively small and as discussed, the number of puppies being bred will be unlikely to alter dramatically as the majority of breeders will continue breeding. The possibility of the trade going underground (point 50) is not supported by evidence of current buying behaviour. Puppy buyers purchase from the most obvious and accessible sources, rather than deliberately seeking out illegal suppliers and sellers are almost entirely dependent on advertising, which will be visible to enforcement agencies as well as potential buyers. DBRG also notes the contradiction in claims that a reduction in the supply of puppies would drive the trade underground, because a reduction in supply would indicate that enforcement against illegal traders was effective! DBRG supports the Government's preference for an education campaign to accompany a ban on third party selling. However, until there is a demonstrable improvement in the welfare of dogs in all licensed breeding establishments or evidence to indicate that unlicensed (exempt from licensing) sellers pose a high welfare risk, there are insufficient grounds for informing consumers about the danger of buying pets from unlicensed sellers. Additionally as a ban will also apply to the sale of kittens, but as cat breeders are not required to be licensed, this would be inaccurate.

While DBRG recognises the value of risk based licensing for dog breeding establishments it views annual licensing inspections as essential and disagrees with the statement that "potential buyers will be able to buy with a more confidence from a licensed breeder with a three year licence." DBRG is anxious that a three year licence is too long however high the original standards of welfare were on the previous inspection. It would not take long in some cases for standards to deteriorate if a breeder knew s/he will not be inspected for three years.

Point 51 comments that "only people who had bred the animals would be allowed to conclude the sale in England" leading to a possibility that breeders located outside England would be able to transport puppies to England for the purpose of selling. This could be avoided by amending the new licensing regulations, Schedule 1, Part 5 (Breeding Dogs) to state: 8. (b) "breeding dogs and/or advertising a business of selling dogs". This would ensure that anyone selling dogs (under 6 months old) commercially in England must be a licensed breeder with premises located in England.

DBRG agrees with the view expressed in point 54 that a ban on third party selling is not intended to apply to genuine rehoming centres. Point 10 of the Consultation document states that "The proposed ban on commercial third-party sales could be introduced through a new licence condition in Schedule 3 of the licensing regulations (Specific conditions: selling animals as pets)." As the RTA acknowledges that Government proposes to investigate the potential regulation of rescue and rehoming centres, it is clear that activity of this nature is not regarded as falling under the scope

of the new regulations for animal selling. If rescuing/rehoming activity is conducted with a view to making a profit (as per the Business Test, Schedule 1, Part 1 of the new regulations) then it would either be prohibited under a ban, or would require licensing as an animal seller. As such, there are no loopholes that could be exploited by illegal third parties and there is little change from the current situation under the Pet Animals Act 1951.

DBRG agrees that small and micro businesses should not be exempt from the scope of a ban on third party sales as the nature of the trade is inherently damaging to welfare irrespective of the scale of the business. Additionally most if not all third party sellers may fall within the category of small businesses and an exemption would negate the purpose of a ban.

**Questions 4 and 5.** These questions are outside the remit of DBRG, however we feel that while there may be merit for considering regulation of rescue centres, these questions do not fall within the scope of a consultation on banning commercial third party selling of puppies and kittens. Point 54 of the RTA is clear that the potential regulation of rescue and rehoming activity is a separate policy area and therefore these questions should be asked under a specific consultation dealing with this issue.