

Environment, Food and Rural Affairs Committee

Oral evidence: Fur trade in the UK, HC 823

Wednesday 25 April 2018

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Members present: Neil Parish (Chair); Alan Brown; Dr Caroline Johnson; David Simpson; Julian Sturdy.

Questions 315 - 403

Witnesses

I: Rt Hon Lord Henley, Parliamentary Under Secretary of State, Department for Business, Energy and Industrial Strategy; Beth Martin, Deputy Director, Consumer and Competition Directorate, Department for Business, Energy and Industrial Strategy; Lord Gardiner, Parliamentary Under Secretary of State, Department for Environment, Food and Rural Affairs; Marc Casale, Deputy Director, Animal Health and Welfare, Department for Environment, Food and Rural Affairs.

- [BEIS and Defra](#)

Examination of Witnesses

Witnesses: Marc Casale, Lord Gardiner, Lord Henley and Beth Martin.

Q315 **Chair:** Welcome. It is good to see you all here this morning. Starting with Marc, would you like to introduce yourself and we will go across the table?

Marc Casale: I am Marc Casale; I work in Defra and I head up the animal welfare policy team.

Lord Gardiner: I am John Gardiner; I am the Minister for Rural Affairs and Biosecurity, and animal welfare and health is in my brief.

Lord Henley: Oliver Henley, Parliamentary Under Secretary in BEIS.

Beth Martin: Beth Martin, Deputy Director in the Consumer and Competition directorate in BEIS.

Q316 **Chair:** Thank you very much. It is good to see you. Thank you very much for coming to our inquiry. As you know, we are looking at the mis-selling, in particular, of real fur as fake fur. My first question to you is this: when did you become aware of the issue around the mis-selling of real fur as fake fur?

Lord Henley: That really comes down to me. We have always known that it can be an issue. We became aware of it because of the media concerns and because of the concern of the Committee. That is why we are more than happy to come and give evidence to the Committee on this subject.

Q317 **Chair:** What seems to be the case is that we have a lot of very inexpensive fur being produced, one way and another, in China in particular. It is tempting to those making garments in China to add real fur to fake fur, because as far as they are concerned, the garment may look better and may sell better. They probably do not look too deeply into any of the animal welfare issues or whether you want to wear fur or not. What we are worried about is the situation seems to be getting worse rather than better. As a Minister, do you feel that what we have in place is adequate and do you feel that we need to do more to enforce it?

Lord Henley: The important thing is to make sure that the consumer is appropriately informed and can then make the valid decision about what he or she wants to buy. I have looked at Alan Brown's website and his comments about most people assuming that real fur is going to be more expensive and then being rather confused to find it is going to be cheaper, and people have an advantage in selling that as fake fur.

We want to make sure that the consumer is adequately informed about that. We are currently bound by the EU regulations, of which you will be aware, that are set out in Article 12 of Textile Regulation EU 1007/2011



on fibre names and products: if it is a textile product, i.e. 80% textile fibres by weight, it must be marked or labelled with the phrase, "Contains non-textile parts of animal origin". Discussing that with those who advise me on this matter, I have to say we got a little confused ourselves as to what precisely that means. It is perfectly legitimate to say that it could be quite difficult, on occasions, for the consumer to cope with that expression in the EU regulation: "Contains non-textile parts of animal origin". What it means is if there is more than 20% of real fur in it that must be clear, but I do not think the consumer would necessarily understand that.

Q318 Chair: I do not think the retailers are very clear about it either. At the moment, we need to make sure that we try to enforce, as far as possible, the EU ruling. There may well be a good idea when we leave the EU to look at this again and perhaps we can have something a little clearer about whether it is real or fake fur, but at the moment we work under that.

I am very flattered that you have come and are taking an interest in it, because we, as a Select Committee, are looking into it, but what are you doing as the Minister, and what are we doing as a Government, to say to retailers and others, "You need to be selling real fur as real fur and fake fur as fake fur. We do not want the two mixed"? It is mis-selling, is it not, basically? Whatever the issue, whether you choose to wear fur or not to wear fur, you should be able to have that choice when you buy your product. At the moment, consumers are buying what they think is fake fur and getting real. Are you talking to retailers?

Lord Henley: We constantly talk to retailers and we put quite a lot of money both into Citizens Advice, to provide help for the consumer, and also into the national Chartered Trading Standards Institute, to help inform the retailer of what must be done. I am a believer that there must be that informed choice by the consumer, and it is the consumer who can then take up their rights, through all the various processes that there are, against the retailer, if the retailer has sold them something that was not what they were intending to buy. It might be that, in the future, we have to look, post EU, at improving that labelling, because under Article 12 of the Textile Regulation that is not the simplest of things to understand.

Q319 Chair: What we found when taking evidence here in this Committee is that there does not seem to be any great desire from the retailers to refer their suppliers to Trading Standards. There seems to be a gap there and that is something I would ask you to really look at. We have had several retailers before us and it seems that there needs to be several times when they have been selling real fur as fake before they stop having garments from that particular supplier, and they did not seem to be very keen then to refer that supplier to Trading Standards.

The trouble is, I rather fear, that because of the situation in China, with, I suspect, such poor animal welfare standards and a lot of fur in the



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marketplace, you are going to get more and more of this happening. It is easy for them and, as far as they are concerned, the garment looks better anyway and they are not going to take an ethical view. We need to do more and so I would urge you, Minister, to really make sure that more is being put through to Trading Standards. Individuals cannot now seem to be able to get a complaint directly to Trading Standards; they have to go through the CAB. I think that is a local government decision and I do not necessarily argue with it one way or the other, but again, it seems to be very difficult to make a complaint and then get that complaint followed through and then get some action. We need some action taken against somebody, so that those who are supplying it and those who are selling it are going to take more notice.

Lord Henley: There are a number of questions there. First, you would like us to look at the relationship between the retailer and the wholesaler in terms of where they are getting it. I am more than happy to say we will look at that, but again the same will apply in terms of selling; the wholesaler will have a duty to the retailer to sell them what the retailer has asked for. It is then a duty on the retailer in their relationship with the customer. I appreciate the customer is in a weaker position, but we want to make sure that the customer is appropriately informed so that he or she can make that rational decision, based on their own views, as to what they wish to buy. If they wish to buy fake fur, they must be allowed to buy fake fur and not be sold real fur as an alternative, and vice versa. I am more than happy to look at it, if you feel that the retailers are having the wool pulled over their eyes.

Q320 **Chair:** Everybody seems to be having, dare I say it, the fur pulled over their eyes in this instance and nobody seems to be really getting to grips with it; that is the worry. I do not know what the status of the Trade Descriptions Act 1968 is anymore, but in the very least it is against the Trade Descriptions Act, because you are not supplying or selling what you are labelling. That is the key to it, basically.

Lord Henley: I would need to take advice on looking at the law about the relationship between the retailer and the wholesaler. I can give evidence about the relationship between the man on the street and the retailer, and there are consumer protection laws to protect that. Dare I say it, I imagine when we come to the retailer and the wholesaler, it will be similar to sales between any parties and the usual rules would apply: that if you say you are selling X it must be X, and if it is not X something has gone wrong, and there are appropriate remedies in both civil and criminal law. I will look at that and, if it is necessary, I would be grateful if I could send a further note to the Committee on that particular issue.

The important point is to make sure that people can make that informed choice. I go back to the point that you, Mr Brown, had spotted: that people just assume that if it is cheaper it must be fake and, therefore, legitimate to buy, if that is what they want to buy.

Q321 **Chair:** In fairness, it is not particularly easy to tell one from another, but,



like I said, that does not stop the fact that we need to make sure that our retailers are making sure that what they are selling is right and that wholesalers do not think they can pass off a product as fake fur when it is real fur.

My second question is this: have either Lord Gardiner or Lord Henley had any discussions with the Humane Society, Sky or the BBC on this issue? This is being very much brought to our attention by them and it is quite right that we are having this inquiry.

Lord Gardiner: I had a very helpful and interesting meeting only last night with a representative of the Humane Society. Obviously, from a Defra point of view, we are absolutely committed to improving the welfare standards of animals across the world. We use opportunities to emphasise that insofar as this particular matter is concerned. Animal welfare is of great importance. Obviously we are subject to the EU laws that there are on furs and so forth, but certainly post our exit there are opportunities to look at the importance of animal welfare and how best that can be achieved. Certainly I had a very interesting meeting only yesterday.

Q322 **Chair:** It is also, of course, about how to label in the future, because there may be an opportunity to label much more clearly. I do not suppose that is necessarily your responsibility; that is Lord Henley's.

Lord Gardiner: No, but we are as one, and obviously the important thing is the collaboration—certainly Defra, for instance, works collaboratively with departments, APHA, Border Force and HMRC. In this cocktail of this area, a number of departments and agencies are engaged in some way or another.

Lord Henley: I cannot be quite as prompt as Lord Gardiner in meeting them only yesterday, but officials met the Humane Society as recently as October last year. They raised the whole labelling issue and we noted their concerns. We also had discussions with them back in 2016, where we again discussed their report, but labelling is their concern.

Chair: The only thing I would push you slightly on is that we have discussions and they seem to go on for quite a long time, but we do not necessarily seem to get to grips with it. I would urge that perhaps there is a little more, dare I say, urgency in the matter.

Q323 **David Simpson:** Some of the fur sold was cat fur, which we all know is illegal to import. What are you doing to ensure this does not happen again?

Lord Gardiner: On the issue of the policy on the banning of fur imports from cats and dogs, which is prohibited, that is subject to the Department for International Trade's remit and we certainly would be very clear that this is banned; it is not acceptable. We are very clear about that and that for any opportunities there are or any knowledge of where this has



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come in, there are remedies that we must seek. If there are examples of that, then we need to take action.

Q324 David Simpson: There is obviously a lot of concern from the general public about this, and we would like it to see it reinforced very heavily as regards the cat fur coming in. Even though dog and cat fur is banned, it does not stop those who really want to bring it in from smuggling it in, in some shape or form, which has happened in the past, as you know. Should retailers have different responsibilities from consumers depending on whether the goods they are selling are their own brand or from third party sellers?

Lord Henley: The retailer's responsibility should stay as it is: that whatever they are selling, they as the retailer should be responsible for. It is up to the retailer, whether it is their own brand or somebody else's, to make sure. I do not think the law distinguishes: "I am a retailer, I am selling and I ought to know what I am selling".

Q325 David Simpson: We can be strict when people go into a shop to buy material or clothing with fur on it, but can we be as restrictive when it comes to online selling? Can we control it?

Lord Henley: There are two questions. First, let us deal with the law. The important point is that with online selling we have to identify who is selling and who is the platform. The same can be the case with the store and, again, I have taken a bit of advice on this. Say I go to Amazon. Sometimes I am buying something that is from Amazon; sometimes I am buying something that is not from Amazon, but Amazon is still acting as the platform, in much the same way as, I understand, a department store is the platform for the concessions within it. They are responsible. To make the distinction, if I go to a big shopping centre, the landlord of that shopping centre is not the platform; it is those individual shops.

It is what it feels like to you as the consumer. If you go into that big shopping centre, you do not think of the landlord as being the responsible person; you think of those individual shops. If you go into Debenhams, say, and you find a franchise there, you just assume it is part of Debenhams and so, on that occasion, Debenhams is liable. The same applies, as I understand it—and again, if I have this slightly wrong, because these are complicated matters of law, I will write to you—in the example I gave: Amazon would be liable in both the two cases, because they are the platform through which it is being sold.

Q326 David Simpson: That would make sense, but some clarification would be good on that.

Lord Henley: I think our learned friends might have to advise us on these matters; it is tricky. The important thing is to make sure the consumer feels that they know who to go to.

Q327 David Simpson: Your evidence states that you are exploring "whether there is scope to give greater prominence to advice for both consumers



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and businesses with regards to establishing whether products are composed of real or fake fur". Can you clarify and explain that statement?

Lord Henley: In my first answer, I referred to Article 12 and the phrase, "contains non-textile parts of animal origin", which I found confusing and everyone finds a bit confusing, which means that the consumer is going to find it confusing. We are bound by those words at the moment, because that is the EU regulation that we are bound by. It will be open to us to look and see whether there is something better that assists better the consumer. I can say that Citizens Advice has already updated its website in terms of the advice it offers to consumers, but it might be that we can go further in due course. When you want this, you do not want to look at an article and then run off to Citizens Advice to get advice; you want something on the label.

Q328 **Chair:** Lord Henley, the trouble is, at the moment, the retailers are not really terribly frightened by the rules or the regulations. They probably think they have very few teeth and anything you can do to sharpen up both the labelling and the enforcement of that, especially as we leave the EU, would be good. At the moment, it is just not fit for purpose, because I do not think anybody is terribly frightened by anybody and that is the problem.

Lord Henley: Dare I say it, the teeth are there, in that the fine that they can be subject to in England and Wales—in Scotland there are limits—is unlimited. There is a fairly hefty penalty.

Q329 **Chair:** We see no sign of those teeth, though, do we? That is the trouble.

Lord Henley: I can give you some evidence of teeth having been used, but it is there and it is available.

Q330 **Chair:** Lord Gardiner, I do not want to let you entirely off the hook. We talked about cat and dog fur. Cat and dog fur is in a totally different category, because it is banned. We can argue whether we do or do not want to wear fur, but there are very few people in this country who would want to wear cat and dog fur. Are we being proactive enough to find out if this is happening and taking some action? Again, it all seems a very, dare I say, laidback approach, and I want to be reassured this morning that the departments are being active in looking for it, because that is abhorrent to any of us. I cannot think anybody believes we want to wear cat and dog fur in any shape or form. I do not necessarily expect it to be a top priority for Defra, but is it any sort of priority at all?

Lord Gardiner: The first thing to say is those furs you have described, as indeed seal fur from commercial hunts, can never be imported into the UK, and it is Border Force and HMRC that have the responsibility for the enforcement. I agree with your remarks; this is something that everyone feels very strongly about. We do not have evidence of this being regularly traded.



Q331 **Chair:** Do you look for it?

Lord Gardiner: Border Force and HMRC, which have the responsibility for enforcement, do. It is part of their responsibility to ensure that these prohibitions are adhered to. Clearly, as you rightly have said, no consumer should be put in the position of wearing skins or furs of these animals. As I say, our frontline is Border Force and HMRC; they are the responsible bodies for the enforcement and certainly that is an important part of their responsibilities.

Q332 **Chair:** If it was found, do you have a quick means of taking it to be tested? In this country, as it may or may not be coming in or if one is suspicious of what it is, do we have a system that can quickly test that? Do we have a possibility of that and does it ever happen?

Marc Casale: Definitely. Border Force explained all this in some detail to us only yesterday, in fact. They take customs declarations and then apply risk profiles in relation to controlled goods. Following that, they will decide and assess whether to seize particular goods and then to consider, at that point in time, whether or not it is obvious that they are illicit imports. If they are unsure, they will then detain those products and test them scientifically. They do have a rigorous system in place. There is frontline guidance as well.

Q333 **Chair:** This actually happens.

Marc Casale: It does, yes.

Q334 **Chair:** It would be quite interesting if you could provide us, in writing, with how many times this has happened. I know you are not directly responsible for Border Force, but you must be responsible, perhaps, for the testing, are you? I do not know. It would be interesting to see.

Marc Casale: They are responsible for that and they can interrogate some of their databases and provide information.

Q335 **Chair:** We would be quite interested, because the trouble with Government—and I am not blaming either of you—is when we are working across departments sometimes we have to be absolutely certain that it is working. If you could let us have something in writing on that, it would be useful.

Marc Casale: There is a specific laboratory they use as well.

Q336 **David Simpson:** In relation to Border Force, realistically it is not 100% proof. It is like smuggling cigarettes or contraband or whatever; it happens. For that to stop, even from a cigarette point of view, there needs to be a massive improvement in Border Force itself. Obviously, we are heading towards Brexit—dare I mention the word again?—and that is going to have to be, probably, reinforced in some way. Smuggling or bringing in illegal goods is something that has happened for generations, and it is going to be very hard to stamp that out unless there is some kind of stringent enforcement at the border with customs.



Lord Gardiner: I entirely agree that we are very clear that these particular furs and skins can never be imported. It is very important, clearly, that Border Force understands. It is very important that you see the guidance and the whole element of what its work is. As the Chair has said, there is no consumer I know in this country who would ever dream of associating themselves with buying any of these garments or objects or whatever. The consumer, the voice of the consumer and the importance of the consumer is absolutely paramount, but we are very clear that, whatever one's view of fur, farmed fur, fur that is trapped and whether it is humane or inhumane or the conditions, these are skins that are absolutely prohibited. That is very important.

Mr Simpson, you mentioned smuggling. It is clear that you smuggle things that, very often—I imagine, though I have no experience of this—people want.

David Simpson: Neither have I, by the way.

Lord Gardiner: I find it difficult to believe that anyone would want the skins that have been described.

David Simpson: No, I accept that.

Marc Casale: Border Force has a published strategy for their priorities and how they tackle them. They engage in joint agency initiatives as well. There is a lot we can provide you with information about.

Chair: David makes a good point. Our borders are going to be even more necessary to be maintained, manned and checked as we leave.

Q337 **Dr Johnson:** We have talked about the issue that people do not want these furs, but often they are not coming in as whole furs but as a trim or something on, say, the edge of a glove or whatever, and people are not aware of what they are buying. They do not expect it to be cat or dog or whatever, or even real fur, in many cases, and so they are not aware it is happening. We saw the Trading Standards people, who have a responsibility to ensure things are properly traded. The lady who we saw said she had only had a couple of complaints about this, which seems to be a recognition that the public (a) do not expect it, and (b) seem to find it quite difficult to establish that they have fur. What is being done to support Trading Standards in being proactive as opposed to reactive?

Lord Henley: We put in considerable resources. There is money that local government put in at their level. We are putting something in the order of £14 million a year into National Trading Standards and Trading Standards Scotland, to help them ensure that what is being sold is what it is. I recognise the problem that you have, particularly in relation to imported goods that might have that small percentage of real fur. It is important, as I say, that we get to a position where we can label that in a manner that does not necessarily use the words “contains non-textile parts of animal origin”, which people find confusing. That is certainly



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something we want to look at post leaving the EU, but we are assisting National Trading Standards and others to try to make sure that they can do their bit in this process.

Q338 **Dr Johnson:** What specifically are you doing to help them?

Lord Henley: We are providing them with funds so that they can do their job.

Q339 **Dr Johnson:** At the moment, essentially, Trading Standards is slow to react on this issue. They say they have a lot of different laws to enforce and this is one of them. They are not getting lots of complaints about it, because people are not proactively going out and looking for it. The impression that we had from them is that they need more support.

Lord Henley: There are always going to be difficult problems relating to the levels of funding that one can make available on this particular issue. Difficult decisions have to be made. The funding we provide is adequate for the job they are doing. I appreciate the concern out there. I would like to see labelling that was slightly more clear, but obviously we are bound by where we are at the moment. We have those words that you have heard me use two or three times that are not necessarily as clear or as helpful to you and me, as consumers, as they might be. I explained how I found, even when I was being briefed on this, that they were not as helpful as they could be.

As you know, we also have a consumer green paper that was issued recently on this issue and, if you look at Chapter 4, it relates largely to enforcement. We would very much welcome any of those who have given evidence to your Committee, and for your Committee itself, to provide more about concerns as a result of that green paper, which is out for consultation at the moment. I forget when the consultation ends.

Q340 **Dr Johnson:** If there are enough resources and it is sufficiently a priority to manage properly, why is it that these groups that went out with the Sky News people were able to so easily find examples where fur was being sold wrongly? That implies at least that it is not being properly managed, does it not?

Lord Henley: It implies that a lot is getting through, just as illegal imports are being made, just as Mr Simpson made it clear that people are still importing illegal cigarettes, and whatever we do on that front, we have great difficulties.

Chair: With respect, Minister, whether it is a great difficulty or not, we want more done about it.

Dr Johnson: It is ineffective.

Q341 **Chair:** Government can put money in and local government can decide how it deals with Trading Standards, but we are finding that you cannot anymore directly go to Trading Standards. People go to Citizens Advice, then they may get to Trading Standards or they may not. Nothing is



really happening. I know, from your perspective, you will say, "We are providing local government with the money", but does your responsibility stop there? Surely your responsibility is to say to local government, "Is your system working?", because plainly it is not at the moment.

Lord Henley: It is the responsibility of local government to decide what resources to put into these matters, and local government puts in something of the order of £124 million, if you take the global figure, into these matters. We then put in further funds, as I have mentioned. It is the responsibility of us, obviously, to make a decision as to how much is necessary, bearing in mind all the other pressures on us. It is the responsibility of the whole of government when one thinks about this.

Q342 **Chair:** My question is not about the resource itself. My question is whether you feel you are responsible at all to say to local government, "You have had some money to deal with Trading Standards and with mis-selling, and it is not working at the moment", or, "Could you tighten it up? Is there a more seamless process?" Because this is not seamless at the moment. In fact, it seems to have so many seams in it you cannot get through. That seems to be the problem. I had 12 years in local government, so I understand local government. I understand Government cannot dictate to local government, but Government can say to local government, "You need to look at this again, because it is not working properly". This is a situation where I might urge you to be a little more robust with local government.

Lord Henley: Mr Chairman, you have been in local government and, many years ago, I have also been in local government. All of us have spent our time saying how important we feel it is that local government gets on and does its job, as it should, because certain powers are devolved to it. All of us also, I have a sneaking feeling, in Westminster and Whitehall have this overwhelming desire to then tell local government what to do. I am going to refrain from doing that and say that local government can make its own decisions about its own priorities, as it does on spending on Trading Standards and will continue to do so. Overall, local government spends considerable amounts of money on this for the benefit of consumers in terms of reacting to the pressures from their electorate.

Similarly, central Government—and I gave the figures—spend certain money, and we will continue to note the concerns and do what we can, but I do have to say that there are limits to what we can do. The example that Mr Simpson gave about, for example, cigarette smuggling is a very good example of that when the price of what is sold legitimately is so much higher than what can be sold illegitimately. One feels occasionally like Canute on these matters. Anyway, that is a matter for HMRC and others. We will do what we can. The best and most important thing is to make sure that the labelling is accurate and that the consumer has the right powers to be able to take the retailer or whomsoever it might be—and we have agreed that there are problems with—



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Q343 **Chair:** You have hit the nail on the head there. At the moment, it is very difficult for the consumer to go directly to Trading Standards and get something done about it. I am not saying you should run local government; I am just saying that perhaps you could give them a little advice.

Lord Henley: I do believe that there is advice for consumers. There is advice through people like Citizens Advice and other points of contact as to where they can get advice from, and then there are remedies and things that the consumer can do to make sure that they are not being sold something they do not want. We know that there are a lot of people out there who have very great concerns and feel very strongly about this issue. I know a lot of them are not slow in taking up the opportunities to launch into attacks on retailers who they feel have sold them something that is wrong.

Q344 **Dr Johnson:** Basically, if I understand what you are saying, you are saying that it is not the Government's responsibility because they have given money to the council. But the councils, if we had them here, may say, "We are doing our best, but the Government are not giving us enough resource". Essentially, people are pointing arrows in either direction and blaming each other. The question I ask is this: we know that some cigarettes will come through and we know that some fur will come through, because it is inevitable that somebody will be lucky, but they are being too lucky at the moment, are they not, because the system is too lax and there are insufficient penalties for getting it wrong?

Lord Henley: I will correct you on one point. It is not a matter of us giving money to local authorities. It is a matter of the local authorities making the right decisions, according to their own priorities, about how they wish to spend money, and local authorities do spend a considerable amount on consumer protection in this area. The Government are also spending money. I accept your point that a certain amount is getting through that should not be getting through. I would put forward that the best way of dealing with that is to improve the knowledge available to the consumer, so that they know what they are buying. That is why I go back to the point about possibly the existing EU labelling rules that we have not necessarily being entirely satisfactory. You and I would both find that expression, "contains non-textile parts of animal origin", not what one might call helpful.

Q345 **Dr Johnson:** I agree that it is not very clear, but it is also not very compliant. A survey by the Fur Free Alliance found 93% non-compliance on the labelling rules in the UK compared to, for example, 49% in Austria. It is not just that we have labelling that is confusing; it is that even the comments that we should be putting on are not being put on accurately. You have to question why it is not being done accurately in this country as compared with other countries around Europe and surely that is a question of enforcement, is it not?



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Lord Henley: Again, we are doing our bit on enforcement. I am more than happy to look to see whether more can be done, but we cannot have police going into every store in the country or other Trading Standards officers going into every store. What we want to do is to make sure the consumer can make a valid choice and that is why I feel that labelling could be improved. It is making sure that there is knowledge there.

Q346 **Dr Johnson:** How many retailers were prosecuted last year, do you know?

Lord Henley: I have some figures on the number of prosecutions. Which particular element?

Dr Johnson: In relation to fur, either inaccurate fur-labelling or selling fur when it was advertised as fake fur.

Lord Henley: I am not aware of any particular case in relation to real fur being sold as fake fur.

Q347 **Dr Johnson:** So the reason we have poor compliance with labelling and that it is so easy for groups such as the Humane Society to go and get real fur being passed off as fake fur on the high street is because there is no penalty. Nobody is being prosecuted for this.

Lord Henley: Going back to what I said to the Chair, the penalties are there.

Q348 **Dr Johnson:** But they are not being used. When was the last time someone was prosecuted or fined for selling real fur as fake fur?

Lord Henley: I am not aware of one.

Dr Johnson: It is not being enforced at all.

Q349 **Chair:** You can imagine any would-be wholesaler selling a product that he or she is not sure does not have real fur in it is going to be frightened to death looking in on this Select Committee. They certainly are not, because, as far as I can see, there have been no prosecutions taking place and we cannot seem to get through to Trading Standards. Why would you stop putting real fur into what is labelled as a fake fur garment if you do not think you are going to get any sort of penalty? This is what we are trying to get to grips with. How can we send a message to those people out there, some of them knowingly selling real fur as fake? Some may not be but some are, and we do not seem to be getting to grips with this issue.

Lord Henley: I have a sneaking feeling, Mr Chairman, that the mere fact that you are holding this inquiry and the publicity that has been generated by others—

Chair: I do hope so, yes.

Lord Henley: People do listen to these things. This will have warned people of the dangers of this. You said earlier on that there were no



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teeth in what we did have, and I made it quite clear that the teeth were there. It might be that there have been no prosecutions, but there is an ability to seek an unlimited fine; it is limited in Scotland. The teeth are there.

Q350 Chair: Would you accept, Minister, that if you could take some action against somebody who has mis-sold it would send a real message to others? At the moment, it does not seem as though there is a real urgency or concern. That is the thing that we are trying to find out. I know it is not all your responsibility, but it is about how we can make those cases and get them to court. It is like with fly-tipping or with any of these matters: if you can make a case and get somebody prosecuted, you send a message to all those others who might want to. At the moment, I do not think we are sending any sort of message, if I could be so bold.

Lord Henley: Prosecution is a great way forward for dealing with these things. I remember when I was sitting in Lord Gardiner's seat that related to fly-tipping, something again that is notoriously difficult to get at, because it is finding the people to prosecute.

Q351 Chair: It is not so difficult to find these people.

Lord Henley: It is not so difficult here and if one could find a suitable, high-profile case to prosecute, it might send the appropriate signals—a proverbial shot across the bow. There are a great many other means of dealing with non-compliance and one should always seek to use those other methods before one goes on to prosecution. I am talking about warning letters to the retailer and other methods. Again, I am not aware whether local authorities and others have tried them.

Q352 Chair: Have any warning letters gone out?

Lord Henley: Do we know of any? I cannot cite chapter and verse, but I think that probably is the case.

Beth Martin: Bromley Trading Standards has taken enforcement action and issued warning letters to the businesses concerned. It has also put a press notice on its website inviting consumers to come forward with other examples so that it can investigate them.

Chair: Right, okay. If you have any more cases that you can let us have in writing, it would be useful.

Q353 Dr Johnson: We have had people in front of this Committee for this inquiry who are retailers, who have clearly stated that they are sorry that they have, as retailers, sold things as fake fur that were real fur. Somebody has sat and admitted it and yet there does not seem to have been any action.

Lord Henley: Whether they have committed an offence obviously is going to be a matter for the prosecuting authorities. They have admitted, unknowingly, that they were selling real as fake.



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Q354 **Dr Johnson:** Is not knowing an excuse? You said earlier on that it is the retailer who is responsible, not the franchisee that supplies it, because they are the platform that you are selling with.

Lord Henley: I believe in that case both the franchisee and the retailer would be responsible. You are going back to the question about the wholesaler or whoever has supplied the retailer.

Q355 **Dr Johnson:** No, what I am saying is we had retailers in here who said that they have sold items that were identified as fur when they were being sold as fake fur. If that is the case, if they have said that they have done that and you are saying they are responsible for ensuring that what they sell is correct, because they are the ones having an interface with the consumer or providing a platform, why has no action been taken with those people?

Lord Henley: They have said they sold it as fake fur when it contained real fur, but they are claiming they did not know.

Q356 **Dr Johnson:** Okay, and that is considered an excuse?

Lord Henley: Again, can I take advice on this? I am not sure what the position on the mens rea of the retailer is, in terms of whether it is an offence of absolute liability and that they are guilty irrespective of the state of their knowledge. That is quite an important point of criminal law.

Q357 **Dr Johnson:** It is, but given that so many of these garments are produced overseas, if the retailer who sells them in the UK is not responsible and the person who is producing them is overseas, then we have no ability to get redress, do we, for the consumer?

Lord Henley: I want to take advice on, as I said, the state of mind of retailers as to what state of knowledge they have to have. This is a very crucial point in criminal law. If I believe something to be legitimate, am I still committing an offence if it is illegitimate? Can I take advice on that and write to you? My understanding, at the moment, is that it is the retailer's responsibility to know what it is. I am guessing here that if he had not adequately made efforts to try to find out whether it was legit or not, he would be committing an offence—he would be committing an offence, quite obviously, if he knew it was real fur and he was selling it as fake fur. That is obviously straightforward. What I am not clear about—and this is something the lawyers need to get clear to us—is what has to be his state of mind.

Q358 **Dr Johnson:** It would be interesting to know to what lengths the retailer is expected to go to find out. If all they require is a signed document from their supplier that says, "This is genuinely fake fur", and that is as far as they are requested to go, really we have no protection for consumers, do we, because the retailer here is quite safe and the production is occurring overseas?

Lord Henley: We are getting on to even trickier points of law about the reasonableness of what he must do.



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Q359 **Dr Johnson:** It may be that the law needs changing, to be tightened up.

Lord Henley: We are bound by the existing law at the moment. Certainly that can be looked at, as can that whole question about what should be the duty of the retailer, i.e. the seller, in terms of finding out about what he is selling. Can I write and provide further detail on that?

Q360 **Chair:** Yes. Could you take advice from your lawyers and see where the existing law is, whether they believe it is adequate and whether, in the future, we may well need alterations to that law, as Caroline was saying? I cannot expect you to do that here this morning.

Lord Henley: My gut feeling, Chair, is that one should be very wary of creating new, absolute criminal offences that do not allow a degree of reasonableness on the part of the retailer. The retailer needs to take adequate steps; it will be arguable as to what those adequate steps are, as Dr Johnson said very clearly. Just getting a letter from whoever supplies them possibly is not adequate, but as long as they take proper and adequate steps to find out, that possibly should be a legitimate defence. I do not know where the law is on this at the moment. I apologise for not having taken slightly more detailed legal advice.

Q361 **Chair:** No, I understand. I accept that you cannot have all the detail of all parts of law, but could we have something in writing? In the end, if the retailers stop that wholesaler supplying them, that is probably the best message of all. Like I said, there is no more business to be had and that is usually what sends a wholesaler a really loud message. Lord Gardiner, did you want to come in?

Lord Gardiner: I am on to the territory of Lord Henley, but it seems to me that the retailer and the manufacturer need to have a proper relationship in which the retailer can trust the source of that manufacturer as to, first, these being legitimate furs, but also there then being an awareness that, if it is real fur, it is marked as real fur and, if it is fake fur, it comes to the consumer. In the end, it goes back to the consumer having the decision, so it is about traceability and transparency, and it is in the vested interest of the retailer, on behalf of their customers who they want to come back to their shop, that they have trustworthy articles.

Q362 **Dr Johnson:** Why would you say that we have such poor compliance with labelling compared with other countries in Europe?

Lord Henley: I have no evidence to suggest that we necessarily do have poorer compliance than other countries on this matter.

Q363 **Dr Johnson:** A survey by the Fur Free Alliance found 93% non-compliance with labelling rules in the UK compared with 49% non-compliance in Austria. 93% non-compliance is virtually non-compliance across the board, is it not?

Lord Gardiner: What I would say is we should be compliant.



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Q364 **Chair:** The point you make, Lord Gardiner, is a good one, but is it the consumers' responsibility when we buy something? Surely, when we go to buy something we expect that product to be what it is labelled as. That is the issue and, at the moment, it seems to be up to the consumer, through the Humane Society, through Sky and through the BBC; we have to get all of this out into the open via that way, and that is where we are feeling that the system is just not working.

Lord Henley: It is the penalties we are putting on the supplier, so it is the retailer who will face the criminal law.

Q365 **Chair:** Yes, provided the retailer takes that action. I think what our inquiry will do, and the publicity through from Sky, the BBC and the Humane Society, is put pressure back on the retailer. Their reputation is at stake, but we still would like a bit of enforcement if at all possible.

Lord Henley: The retailer has their reputation, as you say. They also have advice from Trading Standards, which we are supporting. On top of that, there are the criminal sanctions that are available, with those unlimited fines.

Q366 **Alan Brown:** Lord Henley, you have said in evidence this morning that in terms of the EU regulations for fur-labelling, you found the text of the regulations confusing and you also used the phrase, "not helpful". Have you assessed the overall adequacy of the regulations and, if so, what opportunities are there for the Government to seek changes while the UK is still within the EU?

Lord Henley: I think, Mr Brown, you know that making changes to EU regulations sometimes takes quite a long time. I have sat in on some of the processes that go on at Council and then being sent to the Parliament and so on. We are where we are at the moment and we have Article 12 of that Textile Regulation 1007/2011. As I said, I do not think the wordings provided to the consumer are as helpful as they may be. We have no current plans to seek further changes to that while we are in the EU. There are quite a lot of other matters being discussed as part of ongoing EU business and I do not think it would be helpful to seek to make changes there. Obviously, the minute we leave the EU we will be in the position that we are now as we leave, but it will then be open to the United Kingdom Government and Parliament to seek to make changes. We are open to advice on that and, no doubt, your Committee will be offering advice and suggestions.

On the theme that I am trying to get over, the most important point is making sure the consumer is properly informed. We have to bear in mind, as you put it on your website, the consumer is often ignorant on matters such as this because they assume, as I did until this happened, that real fur is going to be more expensive than fake fur and, therefore, there was not the incentive to do this. We are very grateful for you making that point and for others repeating it. It is quite obvious that some better wording will be necessary. I do not think we can get that



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while we are in the EU at the moment, but we can all collectively look to that later on.

Q367 Alan Brown: I like the fact that you keep referring to my website; with luck, it will get a few more hits after this, so we will see what happens. We are saying that the regulations are inadequate at the moment, but things take time in the EU and there are other things going on, so we will just leave and it is possibly a post-Brexit issue. If we think there are issues with the regulations as they stand, should the Government not be making representation within the EU for improvements?

Lord Henley: I did not exactly say they were inadequate; I just said I did not think they were as helpful as they might be. That is why I keep going back to quoting—

Chair: You are splitting hairs, Minister, dare I say it.

Alan Brown: We have 93% non-compliance in the UK, and they are not helpful but they are not inadequate.

Q368 Chair: What does that mean, Minister?

Lord Henley: I do not think they are as helpful to the consumer as they should be. I am more than happy to raise this with the appropriate commissioner. I do not see it being realistically possible to make changes. I see one of the advantages of coming out being that here is something where we and the United Kingdom Parliament could act, and act quite swiftly, to seek some changes.

Chair: There may be an opportunity. What happens in Europe, having had a little bit of experience there myself, is that, if it happens to be happening in other countries across the European Union, sometimes you will find, in the Council of Ministers and elsewhere, that you actually get a much better response to your suggestions than you think. Perhaps we could encourage you, even at this late stage, to raise it there.

Lord Henley: I am grateful for the encouragement but I am never an optimist on the speed of the processes.

Chair: I can understand your views on that one, yes, from experience.

Q369 Alan Brown: Just to echo your comments, Chair, I put in a written parliamentary question on the fur regulations, and the answer confirmed that, to date, the Government have not made any representations to the Commission on the effectiveness of Article 12. It seems to me that this was first raised in April 2017 in the media. The officials met the HSI in October 2017 so they have known about this issue for a while. Should this not be raised to the Commission? Another part of the answer to my written question was, "Should the Commission seek views on the effectiveness of Article 12 ... we would engage at the appropriate time". Is that therefore not way too passive, rather than actually trying to lead on the issue itself?



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Lord Henley: I was not in BEIS in April 2017. I promise that I will have a look at your written question. I do not know who answered it back then.

Q370 **Alan Brown:** To be clear, when I say April 2017, that was when it was in the media. That was when it was first exposed by Sky News, so it became a national issue then.

Lord Gardiner, can I just ask something on that same thing? Earlier on, you said you were committed to improving animal welfare across the world. As we know, part of the issue of real fur being labelled as fake fur is that we do not know how the animals have been reared, but the very fact that they are getting reared, slaughtered and turned into product cheaper than a fake product would suggest that the welfare is not too good. Therefore, again, if the UK is concerned about leading animal welfare across the world, should the UK not be more proactive than, at the very least, the EU Commission in terms of fur-labelling regulations?

Lord Gardiner: We have certainly used our opportunities at the World Organisation for Animal Health—OIE—and other places to advance the cause of animal welfare discussions. I understand that in Canada, for instance, there have been discussions specifically on this matter. We think that there should be an adherence to humane standards, whether it is in trapping or in fur farming. We think that there should be opportunities in terms of looking at sourcing and improved standards. These are the sorts of challenges that I would have thought, frankly, regardless of this important work that the Select Committee is undertaking, the fur industry should be looking at in advancing welfare standards. Under Article 3, there are already requirements for farmed animals including fur, so within the EU itself there are requirements. It is incumbent on the fur industry to be looking to raise standards so that those who wish to have real fur can also feel confident that the animals have been reared and farmed and indeed killed in a humane manner.

It is why of course, when we are no longer part of the European Union, we will be able to have our own bilaterals on many of these things. Obviously, at the moment, in the prism of the EU, a lot of these discussions are within the EU, but I certainly hope that we will use the opportunities of bilaterals and other ways in which we can work not only with our European partners but around the world, through the global agencies as well as the EU, to advance animal welfare in this sector as well.

Q371 **Alan Brown:** As the UK prepares for bilaterals and the wonderful opportunities that will come post Brexit, should they still not be taking the opportunity to engage the EU and push for change in the EU at the same time?

Lord Gardiner: We do, in this country, have a track record of advancing animal welfare. I certainly see this as an area where we should be—and, in the future, will want to continue—saying that animals for whatever



purpose are reared and then killed in a humane manner. There are regulations already in place within the EU. Unfortunately, even at home, we have high animal welfare standards that are recognised and then there are some loose connections where there are prosecutions or whatever in this country in the farming sector. Most farmers, for instance, in this country would say high animal welfare standards are part of the ethos of good farming. There are, I am sure, bad or indifferent examples of fur farming.

We, meaning the fur industry and the industry more generally, need to be thinking about how we produce fur in a more humane manner. Examples of innovation are in the time of killing. There are more general ideas about how we kill animals that are used in a more humane manner. This is where we should, not only for today but more generally in the advance of welfare, be looking at whether there are better ways of doing things. I would therefore encourage that we bring back all the strong regulations. We have mentioned cat and dog fur, commercial seals and CITES. These are very strong regulations that are already there but there should be a much greater consideration around the world, not just for regulation, that fur farming, if it is to have a future, needs to be concentrating on humane and sustainable farming and trapping.

Q372 Alan Brown: I accept all that. I was really making the point that while we have inadequate fur-labelling going on, tracking and understanding the humane treatment of animals becomes a moot point because, if we do not know that they are actually ending up in products, then clearly there is no traceability to that source and how they are bred. That takes me back to yourself, Lord Henley. What improvements will the UK Government make to legislation in regards to the labelling of fur products post Brexit, if we assume that we need to wait until the post-Brexit opportunity?

Lord Henley: I am not going to put forward any specific improvements at the moment but I think we could make changes. The important point behind labelling—and this is the general point—is that we want labelling to provide proper information so that the consumer can make the informed choice so that they know what they are buying—they know they are buying fur or they are buying fake fur, and they are not buying real fur when they want to buy fake fur.

Q373 Alan Brown: How closely is your department looking at this? I know there is a lot going on with Brexit, but how closely is your department looking at this in terms of timescales? Obviously, we have to do some preparation: assess the regulations, assess what improvements are needed and figure out timescales for implementing that. What are we talking about in terms of timescales?

Lord Henley: Let us leave this at the moment to say that we will, at the moment we leave after the implementation period, be in the position that we are in now. It will be a matter for us—and this is why I will welcome the report of this Committee and we will look very closely at what you



have to say—to look at where labelling regulations can be improved. I am not going to say anything about timescales or how they can be improved, other than to make the general point that we would like labelling to be something that is useful to the consumer, so that he or she can make a proper decision.

I go back to those words, “non-textile parts of animal origin”. As I said, when I was being briefed on that, we got ourselves into such a muddle as to what it meant. Basically, “non-textile parts of animal origin” means something with a bit of skin on but I do not know how you put that into simple words, and that is what we want to get at, whilst making sure that the labelling is not too complex and too prescriptive so as to cause yet further confusion. Can we wait for your report?

Q374 **Chair:** I thank you for the fact that you will look seriously at our report. If there are, hopefully, some good suggestions in there, perhaps we can implement them reasonably quickly after we leave.

I want to go back to Lord Gardiner. You made a very good comment that we need better animal welfare across the whole world. Do you fancy a trip to China? I actually feel that a lot of this issue lies in China. There is a lot of fur being produced at very low cost and therefore it is going into the garments. It would be very interesting for somebody to go and see. I have been to China on various bear bile issues and others over the years, and they have a different attitude towards animal welfare than we do. I cannot say, because I have not seen them, but the fact that it is being traded so cheaply makes us come to the view that these are probably very poor conditions. It needs to be checked out. I do not know whether you fancy a trip to China or not. I do not know if you want to answer that question.

Lord Gardiner: Of course. I am not sure the Chief Whip will give me a slip at the moment. Through our discussions and our reputation, there is an acceptance, certainly when I have been to Council meetings and so forth in the EU, that we feel very strongly about these matters and we will raise these matters. Clearly, there have been all sorts of occasions when there have been discussions at very senior level, whether it is on human rights, the environment or animal welfare, and there are all sorts of opportunities.

I have to mention, regarding the Chinese, the work that they are undertaking, for instance, on recognising their environment needs to be improved. Different countries are at different places in what I call this journey about recognising the place of animals and their use and the respect for animals. I would not for one minute say that the attitude we hold is universal around the world. We have the opportunity to raise these matters and to raise them in a way that is helpful rather than hectoring. That, generally, is a better way forward. If there is an acceptance that animals are to be used, whether for meat or textiles, consumers in this country and in other parts of the world will be concerned that they should be properly respected and cared for, and that



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is something that we in this country feel strongly about. Obviously, in the EU there is a strong acceptance of that. Other parts of the world are not there yet. This is what I describe as a journey of accepting that the wise and kind use of animals is a better way forward in countries where animals have been, until quite recently, beasts of burden.

These are all places where we have a role to play, and there will be opportunities. Whether I can go to China or not, as I say, is above my pay grade but these are the sorts of things, collaboratively with international bodies and elsewhere—I have mentioned the OIE, for instance—where we use our voice. I would also say that our new chief veterinary officer will be using those opportunities, as indeed her predecessor did, to beat the drum for welfare. There are plenty of examples where our CVO and others are beating the drum for animal welfare.

Q375 Chair: When we are dealing with situations like this, we have a better chance if we can see them on the ground. I accept that China is very much a sovereign country and defends that hugely and you can expect her to do so, but it is about, as you say, whether we can influence them. However, we need to be able to see it on the ground to know what those welfare standards really are before we can comment further.

Marc Casale: In addition to visits, we already have established mechanisms with Chinese departments and Defra, so we can use those legitimate mechanisms without necessarily having to go over there to raise these issues. We can explain in some detail what standards currently apply within the EU where we have a directive for all farmed animals, including farming for skin and for fur, and we have a regulation for welfare at slaughter, and we can explain more broadly what we consider to be acceptable practices, including in relation to trapping. Those dialogues exist and those mechanisms are in place already, and we can make use of those.

Q376 Chair: Are you saying there would be officials from Defra actually going to China? Is that what you are saying?

Marc Casale: We do not have to physically go there. Sometimes people do, but we have other means of communicating with them, and they come over here quite often.

Q377 Chair: Yes, but my point is that means of communication is one thing. They can communicate what they like. It is a bit like if we are going to export meat to China; China will come and look at our slaughter processes and check them all out. They are doing it on beef at the moment. If we were to import any sort of fur from China, should we not also be checking the means of process and production?

Marc Casale: Yes, and we seek to do that by the relations we have. There is also a China-Britain Business Council that helps foster that mutual understanding. I would say that, from a Chinese perspective, it is in their interests to understand what is driving our market demand. If



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they understand that we actually place a high value on high welfare and on having transparency in relation to where products are coming from, then they will respond to that. We have Chinese production responding to other demands, for example environmental.

Q378 David Simpson: I have a brief question. The International Fur Federation notes that synthetic fur should be labelled to improve consumer choice. What is your view and opinion of that? Would you consider labelling synthetic fur for consumer choice?

Lord Henley: It is a way forward. I have talked about the inadequacies of the existing labelling. Let us have a look at that in due course if we feel that the consumer is not properly informed as it is at the moment.

Lord Gardiner: I agree with what Lord Henley has said. The spirit of this is that the consumer must have the ability to know what they are buying. Whatever means that requires is obviously worthy of very strong consideration because, in the end, it is in everyone's interests that the retailer, the manufacturer and the producer—everyone—is engaged, if the consumer is going to continue to buy either fake fur or real fur, and in the consumer knowing what it is. It is also important, from a welfare point of view, that there is a recognition that most people, if they wish to continue to have real fur, would increasingly like to feel that it has been produced in an animal welfare compliant way.

David Simpson: We are moving in that direction because we are looking at the food products, the labelling, the country of origin and all of those things. Surely it adds on that, if this can help even with the synthetic fur, it would help there.

Q379 Chair: Can I also add to David's question? There is another side to this. It is not exactly what this inquiry is looking into at the moment but we are also conscious of plastic at the moment and, of course, it would be interesting to know what is in these fake fur products—if they are being washed, all those plastic particulates are getting into the water and so on. Consumers might like that choice in a minute as well.

It is like when you go to buy a pair of shoes. Sometimes, if you want to buy leather, you cannot be entirely sure from some of the labelling whether you are getting leather or whether you are not, especially with some of the pictures that you have on the labels. I think they do more to confuse than they do to elaborate. That could be interesting.

Lord Henley: As one who has recently taken the pledge in the spirit of my forebears, I find buying those sorts of products occasionally quite confusing. I am very grateful for the fact it is now clearer and clearer which beer is alcohol-free and which is not. My advice to anyone trying to put labels together—we will bear this in mind in any consideration and I hope the Committee will bear this in mind—is to keep these things simple and clear. You are now getting on to plastics and we do not want a whole essay there; we want to help the consumer.



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Chair: We do.

Lord Gardiner: On that point, Mr Chairman, clearly we have in this country a strong track record of banning microbeads. Clearly, we are all—this is another journey—learning more about the impacts of microplastics and the wake-up call. Not only is your reference timely but these are all issues that we will all need to reflect upon as to, indeed, whether there is better guidance for consumers as to how they might wash. I am hearing about certain things like fleeces being washed in a bag to reduce exposure.

Q380 **Chair:** For instance, if you do not want to have fur on a bobble on a hat, it may actually be better to have wool on that bobble rather than an acrylic plastic. This is going to be interesting as we go through our choices through life now; plastic will be one of those things that we will be much more conscious of. In a minute, we will have to make sure that we label. I know it is slightly outside this inquiry but, in a way, it is linked because, if you do not have fur and you have fake fur, you want to know what you are having but you also want to make sure, if it is fake fur or another product, that it is good for the environment and safe to wear.

Lord Gardiner: Of course. My guess is that, as this becomes better understood and known, anyone who is manufacturing fake fur will be thinking very consciously, now that this has again been raised, as to the qualities, from a plastics point of view, of fake fur and how that can be countered with innovation. In a sense, all of this has exposed a number of issues that need to be addressed. Regarding fake fur, we should not be sleepwalking into producing something that has a damaging impact on the environment, particularly on assessment if it becomes clear that it is.

Chair: That is right.

Lord Henley: It all comes back to the difficulty of getting labelling right, and this is why whatever we do, whether it is advice from you or what the department says, we must keep it simple. I am reminded of an occasion many, many years ago of someone trying to avoid buying South African products and being deeply concerned by a tin of fruit of some sort that came from a French company and ending with those letters "S.A." meaning "société anonyme" but assuming that that meant it was from South Africa and therefore suggesting that they could not possibly buy it. It is difficult to get it right with the amount of information there. All we can do is keep it simple.

Q381 **Julian Sturdy:** How important is the fur industry to the UK?

Lord Henley: We have no specific BEIS estimate of the size of the fur trade in the UK. We do not always do specific things for every industry. We know, roughly speaking, how much is imported and how much is exported, and that the difference between the two gives some idea of how much that is. Have we got the figures for imports and exports? We imported some £63 million worth of fur and articles of fur, and of that



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nearly £17 million was raw or tanned fur. That is according to HMRC figures. In the same year we exported £33 million of fur and articles of fur, suggesting that around £30 million was for UK consumption. I understand you also have figures from the trade itself about the size of that industry, and that obviously will include mark-ups and so on, so obviously that is different from that £30 million.

Julian Sturdy: On that, would you say that it is an industry that we would not want to be stopping or closing down at any point?

Lord Henley: I have no desire to close things down. I am not in the business of banning things. It is perfectly legitimate as long as we exclude those parts that we have taken the decision to consider illegitimate, such as farmed cats and farmed fur and so on. I am satisfied that it is legitimate and I do not do bans.

Q382 **Julian Sturdy:** Given that, going back to the labelling question, how important do you feel it is to actually get this labelling issue sorted out as quickly as possible so that consumers can actually make an informed choice, so that we are not put in a position where, ultimately, a ban might have to happen?

Lord Henley: It is fairly important that we do get this right. I hope the theme of my evidence has been that we think that it is important that consumers have appropriate knowledge of what they are buying. They are entitled to buy legitimate products such as fur, or they are entitled to buy fake fur without fur if that is what they want. There is obviously considerable concern out there. The fact that you are having the inquiry indicates that. The fact that there has been press coverage about it indicates that. Therefore, it is right that we should look at making sure that we get the labelling right. As I understand it, we are stuck with the labelling that we have at the moment under Article 12 of whatever the regulation was that I quoted earlier, and therefore we have those words that I do not think are quite as helpful as they might be. There is a case for getting on with this and looking at it to see whether we can make improvements in due course, when we leave the EU.

Q383 **Julian Sturdy:** Surely the uncertainty over labelling that this inquiry and what we have heard so far has borne out is having a damaging impact on the actual industry.

Lord Henley: It is also raising the issue with the industry and the industry are realising how important it is to get these matters right, to make sure that they can provide the proper evidence, so that I or you or whoever, as the consumer, when we go along and buy that hat with the bobble on that the Chairman mentioned, can say, "Is that bobble real or fake fur?" and they can give us a true answer because they themselves are concerned, because of the publicity that has been going on, about that unlimited fine that they could be subject to should they be prosecuted.



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Q384 **Julian Sturdy:** Apologies if this has come up earlier but what conversations have you been having with the industry over this?

Lord Henley: We have not discussed it with the industry itself. I referred earlier to the discussions that we have had with the HSI, and Defra have also had discussions. The industry, i.e. the retailers, will be sufficiently aware of what is going on just from the publicity that has already happened. The industry will be aware of the potential for reputational damage to them and will be aware of the economic damage to them and of the criminal sanctions that are available. I think the industry will take note of that.

Q385 **Chair:** You probably do not have figures for this but there are figures for the amount of fur that is imported and exported. Have we any idea how many garments are imported that have fake fur? We probably do not. Do we have figures on that or do we look for them? It would be quite interesting to compare. It is a bit like the number of horses that went missing in Ireland and there happened to be quite a lot of horse meat in beef burgers. I think 2,000 horses went missing and so therefore they probably ended up in the beef burgers. It would be interesting if we had figures where you had the amount of fake fur. Perhaps we could compare the two to see whether it is being mixed. I suspect that we do not go there, do we?

Lord Henley: Those were HMRC figures. You could possibly write to HMRC. I do not know how they break things down. I do not think they do.

Q386 **Chair:** If there are such figures, we are happy to have them but I understand if there are not. It is how we compare what is coming in.

The UK Government have made no secret that they want to cement our place as world leader on animal welfare. San Francisco has recently banned the import of fur. Israel and Switzerland are considering a ban. Minister, you have told us that you do not like bans. What do the UK Government propose to do following Brexit? Have you come to any conclusions yet?

Lord Gardiner: Mr Chairman, may I take your reference to animal welfare? Clearly, we are subject to the EU arrangements at the moment. Yes, our departure gives us opportunities. That is why I mentioned discussions with other countries on these sorts of matters and taking the opportunities. Our pursuit will always be, through our global reach and the organisations that we are members of and work with, to seek to improve animal welfare standards. We think that that in itself is an important feature. It will be for the consumer to take a view in varying parts of the world as to whether they wish or not to have real fur.

Obviously, until we leave, these are theoretical matters. Obviously, the push from my department will always be that we need to feel that animal welfare considerations are recognised. I was not present but there have been discussions with Canada, for instance, which is one of the countries



from which we would import fur. The most important thing from a welfare point of view is to constantly emphasise that, if the consumer is of the view that they would wish to wear real fur, there is increasing desire in terms of provenance and assurance schemes. If I was in that industry, I would be looking at that direction because, as I say, it is part of the journey that people are much more aware of animal welfare and rightly so. No firm decisions have been made—I do not think one would expect there to be at this stage anyway—but there are obviously options that we would be in a position at least to consider, which, at the moment, we are not.

Q387 Chair: Minister, you are probably conscious—I have said this many times—that, while we are in the EU, we can forever blame those policies on the EU. When we leave, we will actually have an opportunity to change them; we just have to be conscious that we will be able to change them and take some action. I do not know what we will do when we can no longer blame the EU for what we do not particularly like. I would just say to you that it is something that probably needs to be looked at.

The Human Society International UK has accused the UK Government of outsourcing animal cruelty. I do not know if you want to respond to this, Ministers.

Lord Gardiner: I do not identify with that. We live in the real world where other countries have different views about welfare standards. We are clear that, through our global reach, whether in China or in our discussions, as I mentioned, with Canada or other EU countries—indeed, as you will have heard, the EU itself has fur farm audits and has undertaken a number of audits in different countries where there is a fur farming interest, so there are all sorts of regulations about these matters—that it is accepted and understood that this is an area that should be regulated. We increasingly want to feel that animal welfare is at the very heart of the regulations, and that whatever arrangements we come to—obviously I cannot predict them—as a country outside the EU, animal welfare will be a consideration as part of the whole environment in which we will then be as a third country.

Q388 Chair: We as a Committee will go to Denmark to see some of the fur farming, so it will be interesting to see what our views are when we come back from there. If you consciously want to wear fur—and that is a decision for you as an individual—you have to be certain that that fur has been produced in a reasonably welfare-friendly way. That is something that we will need to look at very seriously further down the road.

Marc Casale: We also have controls on fur that is caught via trapping. We have spoken a lot about fur production.

Chair: This will be wild fur basically.

Marc Casale: Yes, in terms of trapping practices, at the moment there is an EU-level regime that will be coming across after we exit, which means that we specify, in relation to particular countries, which species we are



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allowed to import fur from according to whether or not they have acceptable trapping practices. At the moment we are also consulting on implementing an agreement on international humane trapping standards, which the EU has currently not implemented. We are planning to go beyond the EU once we leave, and that will further extend those controls on unacceptable trapping. That is also something worth mentioning.

We have not really mentioned fur from endangered species, where we have the Convention on International Trade in Endangered Species—the CITES regime—that is applied very rigorously here in the UK, which has been very effective.

Lord Gardiner: That is by Border Force, which has a dedicated team on CITES.

Q389 **Julian Sturdy:** I just want to come back and raise a point. Listening to what has been said, obviously there is a lot of regulation out there; I get that. You can argue whether, when we leave the EU, we need to tighten up our own regulation. Surely it comes back to the absolutely key issue of proper labelling. You talked about trapped fur and wild fur and how that is trapped. We have talked about farmed fur. We have had evidence in this Committee that while fake fur might be 95% fake fur, it might also have 5% animal hair in it. If we do not get this labelling issue absolutely nailed down, I really do fear not only for the industry going forward, if that is an important part of the UK as an industry, but also consumer rights. Consumers must be able to make an informed decision; whatever anyone's view on fake fur or real fur, they have to be able to make that informed decision. I do not feel that we are doing enough on that at the moment. From what I have heard from you today, I do not think that we really are grasping that.

Lord Henley: Point taken. I go back to Article 12 of whatever.

Q390 **Chair:** We did actually drill down quite a lot on this at the beginning of the meeting but you are quite right to reinforce it, Julian. Ministers, is there anything that you can give us in writing to reassure us? It is easy to say that the labelling must be much more simple and easier to enforce, but somehow or other I believe that we can come up with that. Lord Henley, do not let the lawyers in your department tell you that it cannot be done because sometimes it can be done. Sometimes the law can be useful but sometimes it is done—dare I say it?—perhaps to delay things. I am not a lawyer. You probably were, is that right?

Lord Henley: I have a legal background but I have forgotten most of the law that I ever knew. As I said, I want to take some legal advice on the questions from Dr Johnson about the duties of the retailer. I will also look at whether it is possible to make any changes. At the moment, we are bound by the EU regulation and, as I made clear, I do not think that EU regulation is as straightforward and as simple in terms of what it puts on the labelling.

Q391 **Chair:** We made the point that other EU countries, even under the



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present EU law, seem to be able to enforce it better than we do. There need to be some improvements.

Lord Henley: For all I know, it translates better into German than it does into English.

Chair: Perhaps it was German in the first place. We never quite know.

Q392 **Alan Brown:** I have a question that sticks to labelling but looks at it from a welfare aspect. A WelFur certification programme was launched in January 2017. There is a new labelling process, FurMark, to be launched in 2020. This is supposed to relate to the welfare of the animals in terms of our products. What confidence do you have in the scheme?

Lord Henley: I do not know who should be answering that. That is the FurMark.

Lord Gardiner: I am pleased they are doing it. It is important that the industry takes their role responsibly in terms of recognising that animal welfare is important for the industry, and that it is important for the consumer but it is also a responsible thing to do. It is important that the industry looks carefully at itself and recognises that one of the prime issues that comes forward is a concern about welfare standards. I think I am right in saying that 85% is from the farmed fur sector. From the trapping sector—the other 15%—quite a lot of work has gone on there in terms of the recognition of innovations in terms of more humane trapping. I think this is the right direction of travel.

As to an assessment at this point, I cannot tell you today that it has definitely advanced animal welfare. All I would like to say is that I hope so, because the whole purpose of having schemes like this is precisely to give those who wish to have real fur the confidence to be comfortable and content that the fur they are wearing has come from a sustainable and humanely produced source, in the same way as people who wish to have fake fur should have confidence it is fake.

Q393 **Alan Brown:** You are saying at the moment that you cannot definitely say that it has improved welfare conditions. Humane Society International UK have actually said that, in their opinion, the fur industry, with this labelling exercise, want us to believe that we get nice fur from Europe and North America but that the fur farms in China are bad and that they do not want to engage with them. However, they say that their investigations show that it does not matter whether it is Chinese fur farms or fur farms in Denmark, Finland and America; they all have the same welfare problems, with animals with gaping sores and animals with abscesses and infanticide. What concerns does that cause and what can be done to actually understand that and then improve these welfare conditions?

Lord Gardiner: It is important that, with the EU Commission, I have the varying countries where there have been inspections of the welfare conditions. Obviously, it is very important that the member states take



the EU regulations that there are in terms of welfare. Article 3 says, in part, to ensure that animals bred for their fur are treated humanely. The rules include housing, freedom of movement, feeding and watering requirements and staff qualifications. It is important, clearly, that Article 3 of this particular EU directive on welfare of farm animals, which includes fur, is adhered to. That is why it is very important that the EU Commission audits continue.

I go back to the fact that it is very important in each of the EU member states and in the other fur producing countries that there is a strong and increasing recognition that people around the world wish, if there is to be fur production, for it to be produced to respectable animal welfare standards. This is precisely why, as I said, in our discussions with the Chinese, the Canadians, and the work that is going on within the EU and indeed within the EU Commission on inspections—Mr Chairman, you referenced your visit to Denmark, and obviously you will be able to reflect on what you see—everyone has become more conscious of welfare. I would suggest that there are certain parts of the world that had no conception of welfare interests say 20 years ago, that are much more aware that other parts of the world feel very strongly about it, and probably that other parts of their own nation are getting very interested in it.

I believe in the benign or respectable use of animals, whether that is for meat consumption, the wool they provide or whatever it may be, or indeed fur, but it should be on the basis of a principle of recognising that welfare is an important part, whether it is farming, fur farming or animal husbandry generally, as is staff qualifications. One of the most important things, clearly, whether in the slaughterhouse or in any farming, is training and adequate understanding of how animals behave from those that are responsible.

In a sense, there is a lot there in the regulations. It is incumbent on member states and all of us to raise animal welfare issues as part of legitimate concerns. It is by doing that that you start to get other countries that are less tuned into that to reflect that this is a better way forward.

Q394 Chair: I just have one further point on that, Lord Gardiner. If, under WTO rules, we were able to differentiate between countries on welfare standards, would you consider, when we leave the EU, a ban if, for instance, China is not up to standard as far as welfare concerns over fur farming and the producing of fur? If you can actually stop fur coming in that is being reared under extremely bad conditions, you send a message back to that country that, "You need to improve those standards or else we do not trade with you". It is not so much that we impose our will upon them but rather that we send back the right message. Would you be considering that?

Lord Gardiner: I do not think that I am in a position to say what the varying options would be in the varying countries. You mentioned China,



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Mr Chairman. The discussions with the Chinese are well above my position.

Chair: As animal welfare Minister, this is something you need to advise on.

Lord Gardiner: I would not want to say something definitive about a trade deal because, as I say, that is something that would not be my responsibility.

Chair: You understand my point: if you send the right message back on animal welfare through trade, it has the ability to improve those conditions in that country.

Lord Gardiner: Yes. We should not be silent about animal welfare in our discussions around the world, and we are not. Therefore, the improvement of animal welfare around the world is a principle that we believe in and adhere to, and there are examples of, as I say, our global reach in terms of pushing for that. Therefore, I would suggest that the direction of travel will be that animal welfare conditions will be thought through in the same way—we are very strong in this country about what we think our brand will be, and we will be a country that domestically has high animal welfare standards, not only because it is the right thing to do but because we think it is what consumers would want.

Chair: You actually need to make sure, beyond the fur trade, on meat trade and everything else, that those products coming in have met our standards. That is something that we would also be very strong on, but that is probably not for today's inquiry.

Lord Gardiner: As you know, my Secretary of State has been robust on the matter.

Q395 **Chair:** He has. He has given us those assurances. We will make sure he sticks to them, all being well.

This is the final question. You talked a little bit about trapping. The UK currently allows the import of fur caught in leg-hold traps from Canada, Russia and the USA. Why is this? Are you happy with leg-hold traps, or do you think that is perhaps something that should be looked at?

Lord Gardiner: I am just looking so that I give you the absolutely right response. This is one of the issues that we are consulting on, are we not?

Marc Casale: There is the Agreement on International Humane Trapping Standards, which does not currently apply in the EU. We are consulting at the moment on applying it in the UK once we leave the EU. That would also cover the EU, USA, Canada and Russia.

Q396 **Chair:** Under EU law, fur from leg-hold traps is allowed at the moment; is that right?



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Marc Casale: No. Under current EU law, regulation 3254/91 specifies 13 different species and, in relation to those species, import of fur is acceptable only if the right kind of trapping practices are used. That involves a certification regime, so, for the furs that are imported into the EU, you need to have a certificate that shows positively that they have been trapped in the right way. That, in effect, bans the import of fur from those species trapped using unacceptable methods.

The Agreement on International Humane Trapping Standards operates in the same area but would expand it a bit to cover a wider range of countries.

Q397 **Chair:** It all sounds very complicated. How can we be absolutely sure, when a fur garment has come in, that it has not been caught in a leg-hold trap or any other kind of trap that may or may not be allowed? It sounds to me to be a fairly interesting way. Do we just rely on the paperwork that says it was caught in a certain way? How do we regulate this?

Marc Casale: Border Force and HMRC look at the certificates that come with the furs.

Q398 **Chair:** Once the garment has been, dare I say it, made into a hat, a coat or whatever, you will not be able to tell whether that was caught in a leg-hold trap or any other kind of trap. You will not be able to test the fur to see how it was caught. The whole idea of these traps is to try to make sure, from a fur point of view, that you do not actually damage the fur; whether that is right from an animal welfare issue is another matter. You will not be able to check any of these things.

Marc Casale: The way these regimes work is that it is not reliant upon the consumer deciding whether the fur was trapped in the right way; it is reliant upon ensuring that fur that comes from the wrong kind of trapping does not actually enter the country.

Q399 **Chair:** That is the question I am asking you. At the moment, all you get is a document with that import. Russia is interesting, is it not? We can have people, dare I say it, bumped off in the middle of Salisbury and yet we can be absolutely convinced that the Russian authorities will check how fur is caught in a trap. I think not, to be perfectly blunt with you. I still think it is a paper chase, is it not?

Marc Casale: Ultimately, there is a certificate and, as part of us being satisfied that the certificate is worth the paper it is written on, there have to be other practices for double-checking what processes apply in those countries in terms of who awards certificates and what they do to check that the right practices are used in reality. There is something backing up the certificates but you are right: ultimately Border Force and HMRC will look at the paperwork.

Q400 **Chair:** I just have a final point on this. Will you look at the leg-hold traps as we leave the EU? What is the situation at the moment? Do we accept



that or do we not? I am not quite clear from your answer.

Lord Gardiner: Again, the Council regulation prohibits the importation of furs and fur products from some wild animal species originating in countries where they are caught by leg-hold traps or trapping methods that do not meet international standards of humane trapping. Defra, the Scottish Government, the Welsh Government and Northern Ireland are jointly consulting on the implementation of the agreement on international humane trapping standards, which set the minimum standards for live and kill traps for certain species, and that is going beyond others. This is an area again where, in terms of the assurances, we are having our fur as humanely trapped as is possible. The direction of travel for this Government, the Scottish Government, the Welsh Government and Northern Ireland is that we wish to implement the revised new standards on humane trapping, which is very important.

Q401 **Chair:** Are these new standards coming from Europe? Where are they coming from?

Marc Casale: It is an international body. It is an agreement that has been around for a while. It is actually putting into force an agreement that was devised a while ago. The EU has not put it into force but we plan to once we leave the EU.

Chair: So we can be reassured that you will take that action quickly and not wait. I imagine that this agreement has been on the table for many years.

Marc Casale: Yes, and it is open to consultation at the moment. The point about the certification is the same as the health certification. Obviously, at the border we check that the paperwork is there and we are reliant upon other countries' undertakings to commit practices with the right kind of competent authorities so that the paperwork is reliable. There are then other mechanisms for double-checking that their procedures and their bodies are doing the right kind of job.

Q402 **Chair:** I do think these countries need to be checked out rather than just relying on a paper process of following the product and saying that it has met those welfare standards.

Lord Gardiner: I was not privy to them, but that is why, for instance, the discussions with our Canadian friends are very important. Canada is a country that has had a trapping tradition of wild animals for furs over a comparatively long period. Welfare is always important in these dialogues. Traps have changed in all sorts of ways as we have sought to have more humane trapping. The important thing is that the most contemporary and—if I use the word—benign trap to secure an animal is used rather than traps that we in this country banned a very long time ago. It is important that we have continuing dialogue with countries where this is going on, on the basis that, again, this is about an assurance to the consumer who wishes to have real fur that this is an



animal that has been trapped humanely or has been farmed humanely. That is the challenge obviously.

Q403 **Chair:** The point I make, without being too politically incorrect, is that there are some countries whose systems you could perhaps trust in terms of making sure that you are getting what you are getting and that it has been trapped relatively humanely, while there are other countries that are less reliable. I probably do not need to reiterate the statement I made earlier as to checking. It is a bit like when we go through a slaughterhouse. We look for the risk spots in terms of where there may be a food hygiene or animal welfare issue. We need to check some countries—dare I say it?—more than others as to whether it has been trapped humanely and brought in under the standards that we require.

Lord Gardiner: Mr Chairman, undoubtedly in the sourcing of furs, if I was a manufacturer, I would be looking to countries where there was a reliability that what it actually said on the certificate was how it happened. That would be my instinct.

Chair: Thank you very much, Ministers. Thank you very much. We have had a long session this morning. We appreciate your evidence. If there is anything further, when you think to yourselves or through your officials, that you would like to give us in writing, we would be very happy to receive that. When we have concluded our report, we will make sure you get it. As you said, Lord Henley and Lord Gardiner, you will be taking a great deal of interest in it, so we look forward to actions from our reports. Thank you very much.