Expert Report on the issue of the compatibility of the surgical castration of piglets using isoflurane inhalation anaesthesia with animal protection law

on behalf of
Swiss Animal Protection SAP, Basle and the Swiss Veterinary Association for Animal Protection SVAAP, Schaffhausen

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Summary and conclusions for the media

The meat of male pigs above a certain size is very often tainted by an odour (boar taint), which many consumers find unpleasant. Therefore, it is the tradition in Switzerland that newborn male piglets are castrated after a few days. As a result, no odour develops. From 1st January 2010 it will be forbidden in Switzerland to castrate male piglets without the use of analgesics. With regard to this prohibition, the producer organisations, Suisseporcs and SUISAG, the large distributors, Migros and Coop, and the Federal Offices for Veterinary Services, BVET and Agriculture, BLW, together with the ProSchwein project under the direction of the Swiss Agricultural College, SHL, Zollikofen, have examined alternatives to piglet castration without analgesics. In June 2008 the industry decided in favour of three methods, which are to be implemented: inoculation against boar taint, castration under isoflurane inhalation anaesthesia combined with the application of an analgesic and young boar fattening (the last alternative does away with castration or inoculation and fattens the piglets only up to approx. 80 kg instead of 100 kg). Of these methods, castration under isoflurane inhalation anaesthesia is now widely used on most breeding farms.

When searching for alternatives to surgical castration without analgesics, the legality of the various methods was only discussed on the fringe. The expert report drawn up on behalf of Swiss Animal Protection (SAP) and the Swiss Veterinary Association for Animal Protection (SVAAP), examines the admissibility of surgical castration under isoflurane anaesthesia. The avoidance of boar taint is considered by pig breeders to be a legitimate aim.

The expert report starts by dealing with the different methods of avoiding boar taint. Three conclusions can be drawn from the investigations conducted by ProSchwein and from other scientific literature about isoflurane anaesthesia. Firstly, isoflurane anaesthesia does not protect all animals from intraoperative pain. Clearly, the method cannot be used in practice without a certain percentage of errors. Between two and nine per cent of the animals were inadequately anaesthetised. Given an annual rearing programme of around 1.3 million male pigs, this means that up to one hundred thousand are still castrated in pain. Secondly, the pain of castration is not limited to the few minutes of the operation but continues for a further three to four hours, with pain-related behavioural changes regularly lasting 2 to 3 days or even up to one week. Insufficiently anaesthetised animals, which are given a drug to combat post-operative pain, are then at least successfully relieved of this pain. Thirdly, the introductory phase of between one and two minutes means additional suffering for most animals, which should not be underestimated. Animal wellbeing is at least partially, significantly impaired in the case of the castration method that uses isoflurane anaesthesia.

The expert legal report first of all deals fundamentally with the extent of the dignity and wellbeing of the animals under animal protection law and then examines the method of surgical castration using isoflurane anaesthesia for compatibility with the federal constitution and with animal protection law. With reference to isoflurane anaesthesia, on the one hand the ban on causing animals unjustified suffering (Art. 4, para. 2 Animal Protection Law) and, on the other, the requirement only to perform operations on animals using analgesics (Art. 16 Animal Protection Law) are of central importance. Examining isoflurane anaesthesia from a legal viewpoint comes to the conclusion that in practice, this method does not comply with the provisions of animal protection law. Below, the results are summarised and recommendations for regulatory procedure highlighted:
1. The fact that consumers and butchers want pork without boar taint is a justified social and economic concern. However, the removal of boar taint in male piglets must be done in a way that complies with animal protection law.

2. The systematic surgical castration of male piglets, which cannot consider the circumstances of the individual animal, is extremely problematic with regard to the dignity of the creature, which is anchored in constitutional law. Whether this method of avoiding boar taint can be reconciled with the principle of respecting the dignity of the creature under the Federal Constitution and animal protection law seems to us very questionable.

3. The systematic surgical castration of male piglets under isoflurane anaesthesia for the purpose of avoiding boar taint breaches the ban on unjustified suffering under Art. 4 para. 2 Animal Protection Law. Castration subjects the animals to multiple suffering: during the initial phase of anaesthesia, they are put in a state of anxiety; a significant number of piglets receives inadequate anaesthesia and is castrated in pain; post-operative pain, which may persist over several days, is not alleviated by the anaesthesia. It is therefore disproportionate and hence unjustified, if, despite more gentle alternatives, piglets are systematically castrated and their physical integrity therefore impaired.

4. Surgical piglet castration using isoflurane anaesthesia breaches the requirement to eliminate pain under Art. 16 Animal Protection Law. The requirement applies to each individual animal and does not permit any method of anaesthesia where two to nine percent or up to 100,000 animals per year receive insufficient anaesthesia and are castrated in pain. Added to this is that up to now, there is no regulation, which provides for the compulsory administration of an analgesic to alleviate post operative pain.

5. The ability of the method to be controlled in not guaranteed in practice. The duty to anaesthetise can be avoided without it being possible to prove this in the animal.

6. Reasonable methods of avoiding boar taint according to animal protection law are inoculations against boar taint and fattening young boars. Both methods are recommended for implementation by the ProSchwein project and they take account of the dignity of the animal and consider its wellbeing.

7. We recommend the following regulatory procedure:

a) Surgical castration for the purpose of avoiding boar taint as a systematically performed intervention on breeding farms should be immediately banned by the Federal Council by amending Art. 18 Animal Protection Order [TschV]. The order could be amended as follows:

Animal Protection Order of 23. April 2008
Art. 18 prohibited acts on pigs
Also forbidden on pigs are the following:
(...)
d. Surgical castration of male piglets in order to avoid boar taint.

b) Castration under isoflurane anaesthesia, which in our opinion is not justifiable under animal protection law, is mainly introduced at the instigation of two large wholesale butchers at the pig breeding farms. Some of the latter have already made considerable investment, which is why, in our opinion, a transitional ruling to implement the necessary ban on isoflurane anaesthesia, should be examined. As castration with isoflurane gas, which is now the method mainly practised, does not fully guarantee the objectives of the legislator, any transitional solution can scarcely last long enough for all investments to be amortized. We request the Federal Council to examine the necessity
for a transitional ruling and its development by a new Art. 224bis Animal Protection Order. In all events, breeders should not undertake any new investments. The fund built up could be used to cushion the changeover and, if need be, support for rapidly switching the breeders to a method that conforms to the Animal Protection Law, is conceivable.