

The sale of dogs through licensed pet shops

JULIA CARR BSc (Hons)

CANINE ACTION UK

March 2014

Introduction

A High Priority Issue

The scale of commercial dog breeding has increased at a dramatic rate over the last thirty or forty years. Thousands of puppies are currently being bred in large scale breeding establishments and many of these breeders sell their puppies to dealers and pet shops rather than directly to members of the public. The trade has significant animal welfare, consumer protection and economic implications as well as posing a threat to human health and safety. The commercial dog breeding industry has the potential to impact on a much larger portion of society than those directly involved and therefore this is a high priority issue, which has given cause for concern for many years. A decision needs to be made whether this is an appropriate way of producing and selling pet dogs in the 21st Century.

Unique Requirements

Breeding dogs for family pets cannot be compared to other livestock breeding situations. The pet dog's unique requirements for appropriate socialisation and habituation is crucial and will necessitate a considerable degree of involvement from the breeder. It is also critical that potential breeding animals are assessed for genetic, physical and temperamental fitness to minimise the risk of health and behavioural problems developing in puppies. The commercial dog breeding industry must ensure these requirements are fulfilled, if customer needs and expectations are to be met.

Fit for Purpose

Breeding and selling dogs is likely to remain a legitimate business activity but protecting the rights of businesses cannot be permitted to override the buyer's right to expect that the animal they are purchasing is fit for purpose. No business should be considered legitimate if it cannot fulfil the needs of its customers and if customers and the wider community are placed at unnecessary risk through its activities.

This report examines the effectiveness of existing legislation and problems currently associated with the third party trade in puppies. It also discusses the benefits and any potential issues that a ban on this trade would bring.

LEGISLATION

Animal Welfare Legislation

The Pet Animals Act 1951

Relates to any person carrying out a business of buying and selling animals as pets. This includes those acting as animal dealers who may not have retail premises.

The Pet Animals Act does not impose any duty on licensees to ensure that puppies offered for sale are fit for purpose as family pets. The Act is also outdated and insufficient to cover the particular demands of those operating from non retail premises through online advertising.

Sick Puppies

A significant majority of complaints against licensed pet shops relate to puppies that become sick or die shortly after purchase. A survey by the RSPCA in 2008 revealed that 38% of people who purchased a puppy from a pet shop said it got ill within a few months. Local authorities have limited options to act in response to these complaints, providing the conditions of the licence are adhered to and animals on the premises appear healthy.

Selling through a licensed pet shop generally entails puppies changing hands several times in a short period, which greatly increases the chance of exposure to disease. An acclimatisation/isolation period at the final seller's premises is necessary to allow clinical symptoms of disease to become apparent prior to sale. The intention is to sell animals as quickly as possible so this period is likely to be the barest minimum of about 2-3 days. A further change of environment coupled with the natural progression of a disease means that frequently, clinical symptoms only become apparent shortly after purchase. This may explain why veterinary checks prior to sale do not identify the presence of these diseases. Longer acclimatisation periods increase the chances of diseases becoming apparent before a puppy is sold but there will be negative behavioural consequences if puppies remain in the pet shop environment for a longer period.

Breeding and Sale of Dogs (Welfare) Act 1999

This amended and extended the Breeding of Dogs Acts 1973 and 1991 and applies to anyone breeding five or more litters in a year and/or breeding dogs as a business. It is similar to the Pet Animals Act in the requirements for basic accommodation, food and disease control measures. However, it places greater emphasis on welfare requirements. There are restrictions in breeding frequency and an obligation to keep records.

Breeders are permitted to only sell puppies directly to the final owner or to the keeper of a licensed pet shop. **This is the only piece of current legislation that contains direct reference to selling dogs via pet shops.**

Ongoing concerns about standards in some licensed establishments indicate that there is either a failure to enforce the requirements of the Act and/or the Act itself is inadequate.

Fit for Purpose

Although this is the primary legislation dealing with the commercial breeding and sale of dogs crucially it places no obligation on breeders to ensure the puppies they produce are fit for purpose as family pets. Breeding decisions are generally made on ability, rather than suitability, to reproduce. In particular, the assessment of temperament, physical and genetic fitness of breeding stock is not a legal consideration. This omission is a primary factor in many of the problems associated with third party selling through pet shops and dealers and many welfare organisations, charities and veterinary bodies feel this urgently needs rectifying.

Enforcement of the Pet Animals Act and Breeding and Sale of Dogs (Welfare) Act.

If premises are inspected, approved and licensed by local authorities under the subjective and limited conditions of the Pet Animals Act and Breeding and Sale of Dogs (Welfare) Act, breeders and sellers are lawfully sanctioned to operate, even if there are welfare concerns that fall outside the licensing conditions.

Local Authorities

In issuing a licence, local authorities are conferring a status of approval on establishments, that the public will trust. Local authorities should therefore have a duty to impose and enforce whatever licence conditions are necessary to ensure protection of animal welfare and safeguard consumers from poor practice. Current legislation only requires that local authorities impose basic minimum standards, even for high-risk establishments. The limited income from licence fees will not cover additional inspections or court proceedings, which does not give any incentive for effective enforcement of licence conditions.

Welfare of Animals (Transport) (England) Order 2006

Regulates commercial transportation of animals. The primary focus is on the transportation of farm livestock and horses but other species are also covered. The specific requirements for dogs are that puppies that are transported under 8 weeks old must be accompanied by their mother and there are guidelines relating to feeding and watering frequency.

Limitations

For journeys undertaken in the UK that are under 12 hours, there are no requirements for vehicles and containers to be approved, which means the vast majority of domestic commercial transports of puppies are unregulated. There are also no specifications for minimum sizes of containers or guidance on the number of animals that are permitted per unit of floor space, in complete contrast to the detailed requirements for livestock and large animals. Transporting animals in unsuitable, overcrowded conditions is a welfare issue.

Vehicles carrying live animals should be clearly marked but an exception is made where animals are transported in containers, where only the containers need to be marked. Vehicles used to transport small companion animals are therefore not usually externally identified. This poses a welfare risk in the case of an emergency and does not facilitate routine inspections of transport vehicles to ensure they are and remain fit for purpose. Although there is a general provision that animals should

be “transported in conditions guaranteed not to cause injury or unnecessary suffering”, this is so subjective as to be worthless in the absence of any specific requirements.

Enforcement

Although local authorities are primarily responsible for enforcing this legislation, they can only do so on the grounds of non-compliance with the general conditions. The model guidelines for pet shops requires licensees to check transport conditions are appropriate, but there is little incentive for doing this other than ensuring animals are delivered alive. There is no evidence that commercial breeding bitches accompany their puppies on the journey to the point of sale and as the majority of puppies are offered for sale at eight weeks of age, this is an obvious breach of the legislation.

Animal Welfare Act 2006

A widely hailed prevention of cruelty law, including a duty on owners to ensure the ‘Five Freedoms,’ which should provide a further layer of protection.

However there is no statutory duty for Local Authorities to enforce its provisions and limited funds often mean that they do not. The welfare of dogs in commercial establishments therefore continues to depend on outdated existing legislation.

Although the RSPCA can bring private prosecutions under the Act, responsibility for licensed premises falls to Local Authorities who will generally only prosecute where there is a clear breach of statutory legislation.

Animal Welfare Legislation Conclusions

Current fragmented legislation places no obligation on breeders or vendors to ensure that puppies are bred, reared and sold responsibly, *so that they meet consumer expectations and are fit for purpose as family pets.*

The requirements of the existing legislation are insufficiently detailed to meet welfare needs and are open to subjective interpretation. Inspections are restricted to checking adherence to licensing conditions and it is difficult and costly for local authorities to act on concerns outside of these parameters.

Consumer Protection Legislation

The Sale of Goods Act 1991

The Sale of Goods Act does provide an element of protection for buyers that have experienced problems, but certain aspects of puppy sales are unique and not effectively encompassed by the Act. Consumers do not make ‘normal’ transactional decisions when purchasing puppies. The emotional connection between the puppy and the buyer means that returning ‘unsatisfactory goods’ for a refund or replacement may not be appropriate and illogical decisions such as continuing with the transaction in order to ‘rescue’ a puppy may jeopardise purchasers’ statutory rights. The emotional element involved in puppy buying tends to work in favour of the vendor and can leave owners out of pocket.

In most instances, puppies are ‘sold as seen.’ If health problems develop after the puppy has been sold, it can be very difficult to prove that they were present at the time of purchase.

Consumer Protection from Unfair Trading Regulations 2008

These regulations are designed to provide consumers with additional protection and repeal parts of earlier legislation including the Consumer Protection Act 1987 and the Trade Descriptions Act 1968. There are thirty one prohibited practices deemed to be inherently unfair to consumers and other regulations cover practices that are likely to cause the average consumer to make an alternative transactional decision.

Misleading Advertising

Advertisements often do not indicate the seller is operating as a business, which can be very misleading for consumers especially as some dealers with a pet shop licence will sell puppies directly to the public from private residences. Buyers are usually unaware that the puppy was not born on the premises, especially if there has been a deliberate intention to mislead such as having a false 'mother' available to view. Certain information such as the origin of the puppy is also often deliberately withheld until after the sale. Advertisements are used to attract buyers to the sale premises and most people will proceed with the purchase, even if they have concerns about the situation once they arrive.

Consumer Protection Legislation Summary

Legislation to protect consumers is generic and does not differentiate the sale of living animals from other goods. Problems unique to the sale of pet dogs are not adequately addressed and lack of enforcement means it is easy for customers to be misled by advertisements.

AN OVERVIEW OF THIRD PARTY SALES

AN OVERVIEW OF THIRD PARTY SALES		
<p style="text-align: center; color: red; font-weight: bold;">SOURCES</p> <ul style="list-style-type: none"> Transport of young puppies over long distances (often contravening EU Transport regulations) Stress leading to compromised immune system Mixing of litters and poor hygiene increases the risk of disease transmission 	<p style="text-align: center; color: red; font-weight: bold;">POINT OF SALE</p> <ul style="list-style-type: none"> Contradict basic buying advice to see puppy with its mother, therefore cannot be improved to an acceptable standard Puppies have short 'shelf life'. Pressure to sell quickly overrides suitability of purchaser High risk sellers (lack of knowledge, inappropriate accommodation/environment, disease potential, lack of support) 	<p style="text-align: center; color: red; font-weight: bold;">CONSEQUENCES</p> <ul style="list-style-type: none"> Over-production of dogs Easy for consumers to knowingly or inadvertently make poor buying decisions HEALTH RISK to dogs and human population through transmission of diseases e.g. parvovirus and rabies Tax evasion/benefit fraud very possible
SPECIFIC PROBLEMS		
<p style="text-align: center; color: green; font-weight: bold;">COMMERCIAL BREEDERS</p> <ul style="list-style-type: none"> May be licensed or unlicensed, many have poor management standards and practices. Producing puppies cheaply, solely as a saleable commodity with no thought to standards of quality Low value = no investment into rearing and management practices Hidden identity of breeders allows dereliction of responsibility and no long term commitment Usually producing large numbers of puppies Prefer to sell to third parties and discourage disclosure of information to new owners 	<p style="text-align: center; color: green; font-weight: bold;">RETAIL PET SHOPS</p> <ul style="list-style-type: none"> Encourage impulse buying Buyers may be lulled into a false sense of security if 'shop front' appears professional Impression of respectability (vet checked, licensed) Celebrity patronage leads to copycat purchases 	<p style="text-align: center; color: green; font-weight: bold;">OWNERS</p> <ul style="list-style-type: none"> Significant likelihood of emotional and/or financial repercussions due to poor health/behaviour of dog Possible death of dog shortly after purchase Potential for confiscation of dog if illegally imported Significant welfare implications throughout. Health and behaviour certainly affected to some degree
<p style="text-align: center; color: green; font-weight: bold;">IMPORTS</p> <ul style="list-style-type: none"> Commercial imports from EU member countries under the Balai Directive. May not be compliant with requirements and monitoring/inspection insufficient or absent. No common standards for breeding establishments across Europe therefore management standards and practices may fall well below those required for UK breeders under the BSDWA Inappropriate/illegal imports under PETS <p style="color: red; font-weight: bold;">DISEASE RISK (rabies and other diseases)</p>	<p style="text-align: center; color: green; font-weight: bold;">DEALERS (NON-RETAIL PET SHOPS)</p> <ul style="list-style-type: none"> Pet Shop Licence does not require retail premises. Advertise through online websites No public premises, less incentive for regular monitoring. Housing in inadequate environment May mislead buyers by posing as breeder or rescue May sell on to other dealers (puppies may change hands several times prior to sale) Will buy very cheap, poorly bred puppies 'Business' has minimal contribution to economy Difficult to identify/trace illegal traders 	<p style="text-align: center; color: green; font-weight: bold;">IRRESPONSIBLE OWNERS</p> <ul style="list-style-type: none"> Unlikely to have long term commitment High levels of abandonment (increasing burden on taxpayer and organisations supported through charitable donations) Increased risk of neglect/cruelty <p style="text-align: center; color: green; font-weight: bold;">CHARITIES</p> <ul style="list-style-type: none"> Increasing numbers of dogs needing homes Costs increase, especially veterinary Unpalatable decisions – euthanising healthy dogs 'Dumping facility' for ex-breeding dogs
<p style="color: black; font-weight: bold;">BENEFICIARIES: Breeders and sellers (also dog food manufacturers, pet insurance & vets?)</p>		<p style="color: black; font-weight: bold;">VICTIMS: large numbers of breeding dogs, puppies, owners, charities, taxpayers</p>

SOURCES OF PUPPIES SOLD VIA THIRD PARTIES

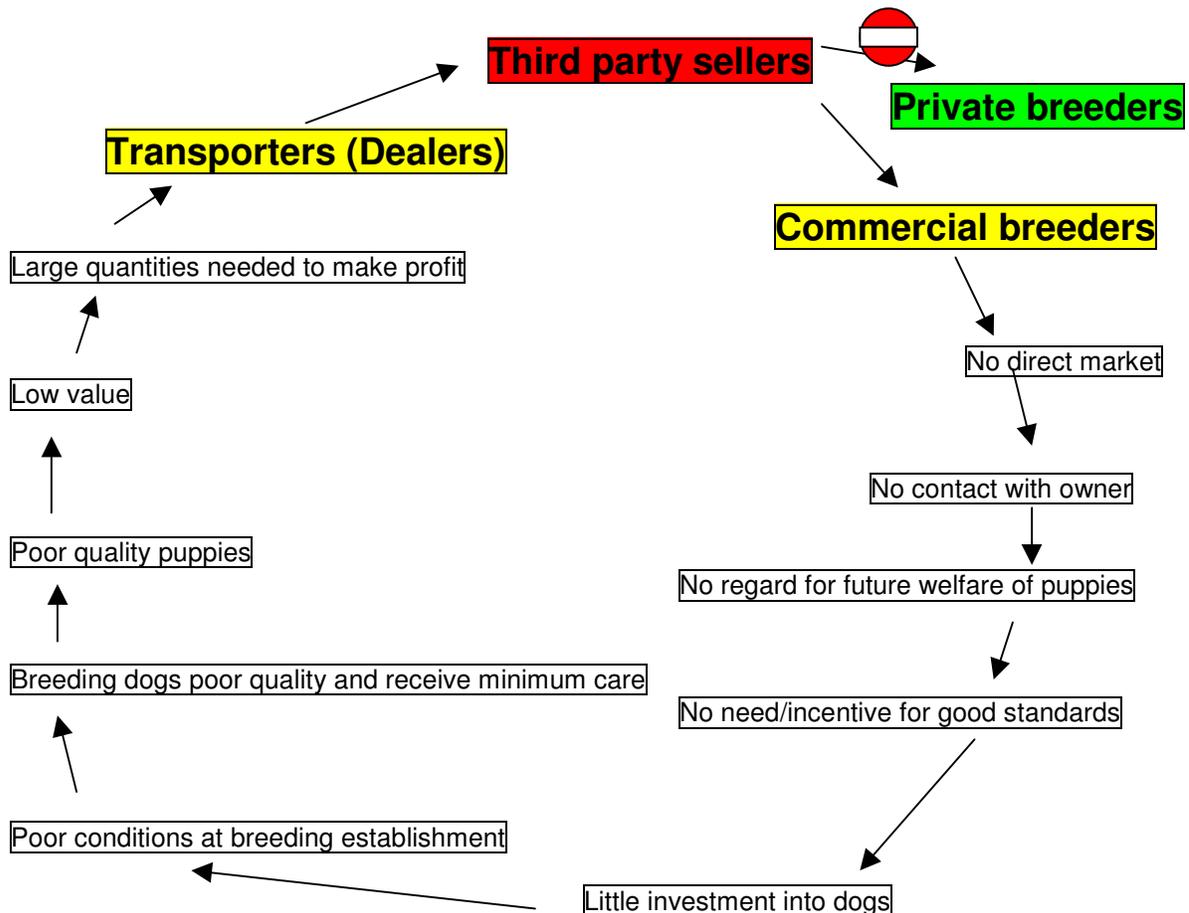
From the moment of their birth until their eventual sale, puppies destined for licensed pet shops are dispassionately treated as a commodity. There is no recognition that they will become family pets and no effort whatsoever is made to prepare them for this role. Minimal attention is paid to ensuring that they are physically and genetically fit for purpose although this is crucially important. **Breeder and vendors' rights are generally prioritised and the needs and rights of owners and animals are largely overlooked.**

Breeders

Breeders that have invested money and effort into breeding and rearing will want to ensure that all their puppies are sold to appropriate homes and will 'vet' potential buyers before agreeing to the sale. They would not consider selling through a third party. **By definition, breeders who are prepared to sell through a third party have no regard for the wellbeing of their puppies.**

Vicious Cycle

A vicious cycle of supply and demand exists whereby pet shops can only obtain puppies from breeders that have put minimal effort into breeding and rearing and have no concern for the future of their puppies.



Breeders that sell through pet shops have to minimise their costs to make a viable profit, which in turn drives poor breeding practices. Many commercial breeders sell their puppies to dealers rather than directly to the final vendor. This practice considerably increases the risk of disease transmission and confuses the audit trail. When 'middlemen' (dealers and pet shops) are involved in the sale of puppies it creates a chain of problems because each party involved will keep costs to a minimum to take a larger portion of the profit. Breeders at the beginning of the trade will receive only a fraction of the amount that the puppy is eventually sold for which means there is an obvious incentive to keep 'production costs' to the absolute minimum in order to maximise the profit on every sale. **Intensive, low budget breeding leads to a very high risk of subsequent health or welfare issues** as demonstrated by the 'battery farming' of chickens and pigs.

Anonymity

Breeders have developed a high degree of anonymity, which they are very keen to preserve, in order that there are no repercussions or sanctions for producing poor quality puppies. Problems that are discovered subsequent to the final sale are rarely traced back to the breeder because the audit trail in the commercial puppy trade is often very fragmented.

Breeder knowledge and competence

Commercial dog breeders are not required to hold an appropriate qualification or even to demonstrate knowledge of good breeding principles. Breeders often claim they are experienced, but this does not necessarily equate to competence as poor breeding practice may have been followed for many years. Breeding dogs are often kept in conditions that would be in breach of the Animal Welfare Act's 'Five Freedoms' (although they apparently pass licensing inspections). This also indicates a lack of comprehension and consideration for canine behavioural needs.

Limitations of commercial breeding establishments

The health, temperament and condition of the parent animals will have a considerable effect on their offspring, particularly in the case of the mother. If breeding dogs are not exposed to 'normal' levels of exercise, physical disabilities may not be apparent and abnormalities will be allowed to perpetuate. Commercial breeders' lack of appreciation of the importance of health screening heightens this risk. Bitches that exhibit signs of extreme nervousness are also routinely bred from. It may be impossible to assess temperament in the limited environment of a commercial breeding establishment and most commercial breeders, especially those with a farming background, do not have a sufficient grasp of the unique socialisation requirements that are essential when breeding dogs suitable as family pets. Breeding animals and puppies will not therefore not receive sufficient handling or habituation.

Staff

The numbers of staff at breeding establishments are insufficient to provide adequate social interaction with adult dogs and puppies. The RSPCA recommends one member of staff to every ten dogs and one staff member for every five nursing/whelping bitches¹ but staff levels at commercial breeding establishments are far below these recommendations. One person may be responsible for 40 or more dogs and this will

¹ Working Together to Tackle the Puppy Trade, RSPCA 2008

only permit a few minutes per day to be spent with each animal, including routine tasks such as feeding and cleaning. Some breeding establishments have installed automated feeding systems and this will further reduce time spent interacting with the dogs meaning that even basic care and husbandry may be compromised.

Transporting Puppies

Many licensed breeders will not sell their puppies directly to the final vendor. Instead puppies are bought by intermediaries or dealers, who collect litters of puppies from as many as ten different breeders every week and deliver them throughout the country to the final vendor, or in some cases, another intermediary. Dealers hold pet shop licences, enabling them to lawfully buy the puppies for resale from licensed breeders. Some dealers will also breed dogs themselves.

Transport conditions

Vehicles are not normally modified to carry animals and may have no fixing points to secure containers. Provision for cooling or heating may be inadequate so puppies could endure extremes of temperature. They will probably travel without access to water (in full compliance with regulations). Bedding or floor covering is usually minimal, often consisting of shredded paper, which has limited absorbency. Young puppies under considerable stress and possibly with gastro-intestinal conditions will be urinating and defecating with a higher than normal frequency which could lead to dehydration. There is a high risk for the spread of disease, especially if puppies have to remain in prolonged contact with contaminated bedding material or if the containers are not properly cleaned between journeys. Too many animals per unit area of floor space can also contribute to the risk of disease transmission.

Imports from Europe and Ireland

Stakeholder groups including animal welfare charities and veterinary organisations have raised ongoing questions and concerns about the threat of rabies entering the UK since the relaxation of the pet travel regulations in 2012. Trading Standards offices throughout the country have also recently issued consumer advice posters informing the public about the dangers of purchasing a puppy that has been imported into the UK.

Balai directive

A framework of rules for trade in live animals between EU member states. Commercially traded dogs must be imported from a holding or business registered with the EU Member State of origin and must be vaccinated against rabies and microchipped. Puppies must be a minimum of 12 weeks old before the rabies vaccine can be administered and must wait 21 days before being allowed to travel. Each puppy must be accompanied by a valid passport with details of microchip, rabies vaccination, treatment for *echinococcus* (tapeworm) and a veterinary health certificate issued 24 hours prior to transport. The recipient of the consignment of puppies must contact their local Animal Health and Veterinary Laboratories Agency (AHVLA) office in writing 24 hours prior to their delivery/arrival to allow Trading Standards to inspect the paperwork that accompanies the puppies.

Underage

Puppies should be a minimum of 15 weeks old before they can be imported into the UK and by this age they are already losing appeal to buyers. There is therefore considerable incentive for traders to illegally import underage puppies. It also appears that many of the importers do not hold pet shop licences and are therefore trading illegally.

Exploitation of PETS

There is growing evidence that PETS is being utilised to illegally import puppies commercially into the UK. With the regulation stating that one owner is permitted to travel with up to five pets, several people travelling together can import a bulk consignment of puppies and evade the AVHVA checking process that is required under European Transport Regulation 1/5000. (PETS still requires that dogs are microchipped, vaccinated against rabies with a further 21 day waiting period, treated for tapeworm and travel with a Pet Passport).

Rabies risk

In the last eighteen months there has been considerable focus on the risk of rabies being brought into the UK from puppies that have either not been vaccinated or have been vaccinated too young for the vaccine to be effective. Figures from DEFRA show a 75% increase in the number of dogs imported into the UK since 2011 and the number of dogs stopped from entering the UK illegally tripled from 96 in 2011 to 376 in 2013 according to the AHVLA. This is likely to be only the tip of the iceberg. There are a significant number of cases where puppies have been identified as being imported illegally and sold to unsuspecting owners, who only realise that there is a problem when they take the puppy to their vet.

Effect on UK commercial breeders

There is no common dog breeding welfare standard across Europe. UK dog breeders are disadvantaged if they are forced to compete against cheaper puppies imported from countries that do not have even minimum standards for welfare. This does not give any motivation or incentive to improve practices at commercial kennels. The reverse may well be true as breeders try to cut more corners to minimise their costs.

POINT OF SALE

Inevitable consequences

It is not possible to improve third party sales to a point where they become acceptable, because they go against basic buying advice to see a puppy with its mother. There is also little incentive for those involved in the third party puppy trade to improve their processes. The business is so lucrative that the benefits of non-compliance far exceed the penalties. This is evident from the number of traders that persistently flout the requirements of current legislation and the length of time that infringements continue before action is taken. It is highly unlikely that traders can be motivated to adopt best practice strategies with additional financial costs, while a legitimate market exists for puppies bred under intensive, low budget conditions. There will inevitably be a long lasting impact on welfare where very young animals are permitted to be sold at premises other than where they were born.

Puppy ‘shelf life’

Puppies have a very short ‘shelf life’ when they are at their most appealing, so there will be considerable pressure to sell them before this window of opportunity closes. To this end, puppies are often removed from their mothers at six weeks of age or younger in order that they can be falsely advertised as ‘eight weeks old’ for a longer period of time. The intention will be to sell puppies as quickly as possible in order to minimise costs and maximise the turnover. Third party sellers will not provide environmental enrichment, socialisation or training and it is likely that puppies retained on the premises for more than a few days will become institutionalised. This can have serious consequences for behaviour and training once the puppy is sold and the problems will increase in severity the longer the puppy remains on the premises. For example, housetraining will be very much harder with a puppy that has been kept in a sawdust filled pen for several weeks. Rescue centres will go to great lengths to train and socialise older puppies but pet shops are under no such obligation. It is unusual to see puppies over four months offered for sale and it is unclear what happens to puppies that are unsold after a period of time. Many older puppies are probably resold back to breeding establishments as breeding animals and some are passed to rescue organisations but there is a possibility that some unsaleable puppies are killed simply because they are no longer cost effective to keep.

Disease risk

The majority of third party sellers will have several breeds for sale at any given time and litters are often sourced from several different breeders, especially where there are a large number of puppies offered for sale. This clearly poses a high risk in terms of disease transmission as puppies from different breeding establishments are housed within the same area, although litters are normally kept separate. Even with stringent biosecurity precautions the potential for the spread of disease is still significant.

Lack of knowledge

Third party vendors will not be able to provide information about the health status and temperament of the puppy’s parents and will generally not have personal experience of living with adult dogs of the breeds they are selling. They will therefore not be in a position to offer advice and support to new owners.

Pet Shops

Sales technique

Pet shops focus on presenting a picture of respectability to potential owners. Clients are assured that puppies are all responsibly sourced from reputable licensed breeders and the puppy will be usually be sold with ‘free insurance’², food and a puppy pack, which furthers the impression of a professional service. It is very difficult to ascertain exactly why owners knowingly choose to buy from pet shops, but it is likely that the wide choice of puppies, professional appearance and package deals are significant factors. Retail pet shops will also withhold information relating to the source of their puppies, at least until after the transaction is complete, for the same reasons as dealers.

² Four weeks free insurance is usually offered through *Pet Plan*, although their ‘Breeder Cover’ is not intended for third party sales and this actually contravenes the agreement between the seller and the insurance provider.

Puppy supermarkets

Relatively few 'traditional' pet shops now offer puppies for sale but a new trend for puppy 'supermarkets' has developed. These are establishments that exclusively sell puppies and offer a large range of breeds for sale. Some will have more than fifty puppies on the premises at any one time. Where pet shops sell a large number of different breeds, staff will be unable to give customers detailed, breed specific advice. The impulse buying culture of pet shops means that owners may purchase a breed that is unsuited to their circumstances, because they buy the puppy first and research later. Some outlets use celebrity patronage as an advertising tool and this may lead to copycat purchasing.

Conditions

Conditions vary but are generally reasonable in terms of construction of accommodation. Puppies are normally housed in tiled cubicles with front access, which provides an easily cleaned but barren environment. Some shops will provide a selection of puppy toys but others just provide a bed. Play is necessary for development and the lack of stimulation is a major concern if puppies remain in the shop for more than a few days. Staff will only be present on site during opening hours. Potentially this can mean that puppies are routinely left unattended overnight for 12 or more hours.

As far as can be ascertained, none of the retail pet shops that sell puppies are members of the Pet Industry Federation.

Dealers (Non Retail Pet Shops)

The internet provides an almost limitless market and this has caused an explosion in non retail sellers. The Pet Industry Federation states that less than 1% of retail pet shops actually sell puppies, but many pet shop licenses are held by people operating from private premises.

Conditions

Conditions are likely to be worse than in retail outlets, as customers generally do not have access to the housing areas. Environmental enrichment will be minimal or absent and puppies may not even be provided with a bed. Dealers are less reliant on reputation than retail outlets and often sell cheaper puppies therefore they will probably purchase the lower quality puppies at a discounted price.

Misleading

There is no obligation for non-retail sellers (dealers) to state that they are operating under a Pet Shop Licence and this means there is a huge potential for buyers to be misled. A 2013 survey by the Kennel Club found that as many as one in three people bought their puppy after looking online, on social media, in pet shops or through free newspaper ads, all outlets used by third party sellers. Research indicates that people who respond to advertisements placed by dealers are almost always unaware that the puppy was not born on the premises. Some licensed breeders also hold pet shop licences, which enables them to sell bought in puppies alongside those bred on the premises. Buyers may be misled into believing that the vendor has bred all the puppies offered for sale as there is nothing to suggest otherwise in the advertisement.

It is highly likely that if consumers were provided with additional information on the origin of the puppy and circumstances of the sale, they would make alternative buying decisions.

Illegal trading

The difficulty of identifying small scale dealers means that many will operate illegally without a pet shop licence, especially if they supply other dealers rather than retail outlets. There is a considerable potential for earning undeclared income through cash deals and falsified records. Costs are minimised to maximise profits so with the exception of fuel, vehicle maintenance and a minimum outlay on transporting containers, there will be almost no positive contribution to the economy.

CONSEQUENCES

Society

Economy

The commercial third party trade in puppies contributes only minimally to the economy. There is a definite potential for tax evasion and benefit fraud due to the untraceable and clandestine nature of the trade. It is likely that the cost involved in dealing with the repercussions of the trade actually exceed any financial benefit that it might bring. If Local Authorities receive complaints about breeders and licensed sellers they may decide to investigate. Interim inspections are not a part of the normal licensing process and will cost money, which is not covered by license fees.

Prosecutions can be extremely costly and will ultimately be funded by the taxpayer.

Health risk

There is an alarming number of reported incidents of puppies being illegally imported into the UK either unvaccinated against rabies or vaccinated too early for it to be effective. While the risk of rabies may not be as significant as portrayed by the media, every puppy that enters the UK with insufficient vaccine protection theoretically could be carrying the disease. This poses an unacceptable risk to public health, especially to owners, their families and to veterinary surgeons. Even where the imports are legal, it is probable that puppies will have been bred in conditions below UK licensing standards and will have experienced considerable stress during lengthy journeys across Europe. This results in a very high probability of disease transmission and many puppies that have been imported under these conditions have died from illness shortly after purchase.

There is a risk that diseases or infections could potentially be passed to humans if puppies are carrying worms (e.g. *Echinococcus*) or harbouring other internal or external parasites

Impulse Buying

There is a very high risk of individuals buying dogs on impulse that are not suited to their circumstances because immediate purchases are not only permitted, they are usually encouraged. This is a major welfare concern and it can also lead to problems for society if the dogs are later abandoned.

Dangerous dogs

Apart from breeds banned under the Dangerous Dogs Act 1991, there are no restrictions on which breeds may be offered for sale and puppies sold via third party outlets include those from powerful guarding breeds that require knowledgeable training and handling, such as German Shepherds, Rottweilers, Japanese Akitas. A number of premises are also selling mastiff type breeds including Dogue de Bordeaux and Cane Corso. Because of their size and strength, dogs of this type may potentially develop into a hazard for society if they are sold to irresponsible owners.

Owners

Unacknowledged problems

Obviously pet shops and dealers do have satisfied customers, otherwise they would cease trading. However a dog may have low level chronic issues that are not attributed to the source it was purchased from or the manner in which it was bred. It is probable that the incidence of health and behavioural issues resulting from commercial breeding and selling practices is far higher than reported. For example common behavioural problems such as resource guarding and separation anxiety may stem from inadequate rearing and interaction with people. Skin complaints, early onset arthritis and digestive conditions could be inherited or result from poor quality nutrition during the early weeks. Owners often simply accept these types of issues without questioning why they have arisen. Because they generally develop months or even years after the puppy was purchased, chronic complaints may never be attributed to a poor start in life that the owner did not even witness.

Immediate problems

Unfortunately many owners will experience serious problems immediately after they bring home their new puppy. Often this will be acute illness such as canine parvovirus, which can be fatal. Other frequently reported problems are kennel cough and bacterial infections including *campylobacter* and *giardia*, (both of which are transmittable to humans). Puppies with immune systems already compromised through stress will not be able to fight these diseases unless treatment is very promptly administered. The puppy will probably have appeared healthy at the time of purchase and may have passed a vet check but diseases can be incubated without showing any clinical signs for the duration that the puppy spends on the premises.

Research by the Kennel Club in 2013 revealed that one third of people who bought their puppy online, over social media or in pet shops failed to experience 'overall good health'. Almost one in five puppies bought via social media or the internet (primary sales outlets for third party sellers) die before they reach six months old.

Financial implications

The financial consequences for owners can be huge. If medical problems occur soon after purchase, in addition to the purchase price owners are likely to be faced with a large bill for veterinary treatment, which may run into hundreds or even thousands of pounds. Some puppies will die shortly after purchase. Chronic health problems developing later in the dog's life may necessitate long term spending on treatment over many years.

Behavioural problems

Scientific research and extensive observations over many decades have proven that the experiences a puppy has during the first few weeks 'hard wire' its behavioural responses. Puppies reared in large-scale commercial establishments with minimal human contact and limited environmental stimulation will often struggle with life in a normal family home and are highly likely to exhibit some degree of behavioural abnormality. This may be compounded by negative experiences during transport and at the sale premises. A contributory factor in the temperament and behaviour of a dog is the manner in which it was reared. Under-socialisation or incorrect handling can mean a dog develops a fear of people, which can turn to aggression.

Complaints

Many consumers do not think to contact Trading Standards because they are unaware that the Sale of Goods Act covers animal sales or may be deterred by the various stages necessary to get their complaint recorded. The number of complaints made directly to the seller will be substantially higher than made to the local authority because the majority of dissatisfied customers will not pursue the matter further unless there have been very serious issues. Therefore any number of officially recorded complaints should be taken seriously as an indication of much wider issues rather than the sum total of all customers that have had issues.

Quarantine

Where a puppy is identified as being imported illegally, it will need to be quarantined, usually at the owner's expense. If owners are unable to finance the quarantine bill, which is usually several hundred pounds, they will be forced to consent to having the puppy euthanised.

Emotional

A unique aspect of pet animal sales is that when problems occur, the impact on consumers can be extensive. Purchasers immediately feel responsible for the puppy and form an emotional connection. This means they will frequently incur substantial veterinary costs and emotional distress rather than return their puppy, even a few hours after the sale. Coping with a sickly puppy is upsetting even where the condition responds to treatment. In some cases, acutely ill puppies will die, or owners will be forced to take the decision to euthanise. Puppies purchased from third party sellers are frequently sold to people with young families, and the sudden death of a new puppy can be devastating for children. Longer-term chronic medical problems or behavioural issues may place significant strain on the owner and family relationships can be affected.

Irresponsible Owners

The ease by which a puppy can be purchased may lead to the dog being neglected. An adolescent dog having received little or no training quickly becomes a nuisance and may well be subjected to varying degrees of abuse.

Charities

Overproduction

There are an estimated 8.5 million dogs in the UK and clearly there is a large discrepancy between supply and demand, with the numbers being bred exceeding the

amount of responsible homes that are available. In their 'Stray Dog Report,' Dog's Trust state that there were 111,986 stray and abandoned dogs in 2013. This is equivalent to 307 stray dogs per day. While commercial breeders cannot be held solely to blame, the sheer scale of puppies being produced must be regarded as a significant contributory factor. Public donations support charities that rehabilitate and rehome unwanted dogs and the costs incurred are huge. There is no contribution from the commercial dog breeding industry towards the costs.

'Ex-Breeding Dogs'

Commercial breeders often use charities as waste disposal facilities by 'donating' their breeding dogs and bitches when they are of no further use. These animals require costly veterinary treatment and lengthy rehabilitation before they can be rehomed. Often they will require medication for the rest of their lives, which is a considerable commitment for potential adopters. The breeders contribute no funding towards the work of the rescues because they know that the desire to give the breeding animals a chance of a better life will compel rescuers to continue taking the dogs without attaching clauses. No other legitimate business is allowed to routinely evade responsibility for 'stock' it has no further use for.

CONCLUSIONS

- The processes of the third party puppy trade mean there is a very high risk of health and behavioural problems in puppies sold via licensed pet shops. It is not possible to improve third party sales to a point where they become acceptable. There will always be an impact on welfare to a greater or lesser extent where very young animals are permitted to be sold at premises other than where they were born.
- The production of pet dogs is wholly unique and not comparable to any other 'livestock' breeding enterprise. Appropriate socialisation and habituation is crucial for companion animals and dogs have particular requirements that necessitate a considerable degree of involvement from the breeder.
- Existing fragmented legislation covering the commercial breeding and sale of dogs places no obligation on breeders or vendors to ensure that puppies are bred, reared and sold responsibly, so that they meet consumer expectations and are fit for purpose as family pets.
- The sale of puppies through licensed pet shops leads to low budget, intensive breeding practices and a dereliction of responsibility for problems that may arise. The limited scope of the Pet Animals Act 1951 and a consistent pet shop outlet for cheap, mass produced puppies perpetuate serious welfare issues at some licensed breeding establishments.
- Traders that adhere to their licence conditions cannot be prosecuted on the grounds of poor welfare. There are unique aspects to the sale of pet animals that are not adequately covered by generic consumer protection legislation.
- Licensing, does not offer any additional protection to consumers and the opposite is generally the case. There are equally suitable and indeed preferable sources for

obtaining puppies other than through licensed pet shops, therefore a specific market for this trade does not exist.

- The third party trade in puppies is heavily dependent upon misleading adverts, concealing information and buyer ignorance, sympathy or unsuitability. This is clearly unsatisfactory from a consumer protection perspective and is not indicative of a legitimate, sustainable industry. The consequences for owners cannot be compared to purchases of substandard inanimate goods and it is for this reason that puppy buyers require greater protection.

Solution

- Taking no action on the issue of third party sales is only an option if the Government considers that the current legislative system is fit for purpose against the presented evidence of significant failings. However, this will not be a resolution of the issue because there will be ongoing campaigns and changes to the legislation of the devolved administrations will result in unequal animal welfare laws throughout the UK. This will be almost impossible to enforce where animals are transported between regions and is likely to result in some areas becoming 'hotspots' for poor practice as breeders and dealers will be attracted to regions with fewer restrictions.
- Legislation should reflect that those who breed and sell dogs as a business have a duty to their customers to meet the highest standards rather than the barest minimum to ensure consumer confidence in the industry and trust in the licensing system. Establishments that are unable to comply with these standards should not be regarded as legitimate businesses and there should be no question of compromise on licence conditions where this poses a risk to animal welfare or consumers. It is crucial that welfare standards for commercial establishments are at least as demanding as those for private individuals to give equal protection to all dogs in the UK.
- Regulatory changes to improve sales of dogs through licensed pet shops are unlikely to be successful unless accompanied by stringent enforcement and penalties that are severe enough to act as an effective deterrent. Local authorities are unlikely to have sufficient funding available to cover increased monitoring of licensed pet shops and the cost to taxpayers would not be justified as the trade brings minimal benefits to the economy and creates problems for society.

- A prohibition on sales of dogs through licensed pet shops is the only way to ensure a high standard of welfare in the commercial dog breeding industry. This will improve public perception and increase consumer confidence and will effectively eliminate the legal market for imported puppies without infringing European trade legislation.
- A ban could be easily and cheaply implemented either through an amendment to the Pet Animals Act 1951 or as secondary legislation under the Animal Welfare Act 2006. It does not require new primary legislation and could be relatively quickly and cheaply progressed. A requirement for puppies not to be sold without the mother being present would also make illegal third party trading easier to identify and would significantly improve owners' awareness of good buying protocol.

BENEFITS OF A BAN

Animal welfare

Removing the outlet for outsourced, cheaply bred puppies would force breeders to improve conditions to facilitate direct sales and focus on quality rather than quantity of puppies produced. A greater transparency of the trade combined with ongoing public education will mean that buyers are in a position to make informed choices based on animal welfare, which should drive improvements.

Increased awareness and demand from the public for dogs that have been tested for inherited conditions should make this standard practice for all licensed breeders. Where required, licence conditions could stipulate health tests prior to breeding.

It will no longer be necessary to transport young puppies over long distances to a selling destination. Requiring sales to take place from the breeding establishment considerably reduces the potential for disease transmission and will eliminate unnecessary stress caused by transportation.

Local authorities

An unambiguous prohibition on third party sales would be easier and cheaper to enforce than the current licensing system. Illegally operating dealers would become easier to trace, as they would be unable to 'hide' amongst licensed dealers. If further regulations for breeders are introduced in the future, they will be easier to enforce and monitor if there are fewer high-risk breeders.

Restraint of trade

It has been claimed that prohibiting the sale of puppies in licensed pet shops may be classed as a restraint of trade. Where there are sufficient grounds for implementing restrictions including those in the public interest, this should not present a significant argument.

European imports

Prohibiting the sale of dogs through licensed pet shops would remove the legal market for commercially imported puppies, therefore would drastically reduce the numbers of puppies being brought into the UK without contravening EU legislation. Puppies trafficked illegally would be much easier to identify and trace due to the scale of the problem being reduced.

Breeders

If breeders sell directly to the new owners they have far greater connection to the long-term outcome of their breeding practices. A more personal involvement increases the motivation to sell an animal that will meet the owner's expectations and breeders should develop a pride in their business. This should raise standards at commercial establishments in an effort to facilitate sales and minimise complaints. Breeders may be able to command higher prices for better quality puppies and because profit will not be shared with dealers and pet shops, this will leave funds for further improvements.

UK breeders would not be competing against breeders in EU States that do not have breeding welfare legislation. This would be an encouragement to focus on quality rather than cost. A ban on third party selling will affect a minority of breeders that are unable to sell puppies directly, either due to their location or circumstances. However, in all industries market forces and legislation changes will negatively impact upon some businesses. This should not be allowed to override the benefits a ban would bring to the majority.

Eliminating the legal market for commercially imported puppies would reduce the risk of rabies and other diseases entering the UK.

Improvements to hygiene and conditions at breeding establishments should reduce the incidence of infections such as *campylobacter* and *giardia*.

Owners

People would be less inclined to buy puppies on impulse although online advertising does mean this will continue to be an issue to some extent.

A requirement for direct selling improves the transparency of the trade. People can buy with confidence knowing that adverts are unlikely to be dealers posing as private sellers. It will be far easier for websites to monitor adverts and identify those trading illegally.

A ban will reduce the overbreeding of dogs. Breeders will need to restrict breeding if there is insufficient demand for their puppies. Society and the economy will benefit if the number of unwanted dogs decreases to a manageable level and breeders are forced to take a greater degree of responsibility for the animals they sell.

Licensed pet shops

There will inevitably be an impact on licensed pet shops and dealers holding a pet shop license. Retail pet shops selling puppies only constitute a very small percentage of licensed pet shops and many of these would be able to make up the shortfall from the loss of sales by diversifying into pet food, grooming services, bedding etc, for which there is a huge market.

There will be a greater impact on licensed dealers, who do not have retail facilities. Consideration must however be strongly weighted in favour of the consumer.

Public Support for a Ban

There is considerable public support for a ban on third party selling. This is demonstrated most clearly by Marc Abraham's e-petition calling for a ban on the sale

of puppies and kittens unless the mother is present. The petition to date has received over 108,000 signatures and is the biggest welfare petition of all time.

This simple and very popular option would be one of the most significant changes to animal welfare law in recent times.

Please support a ban on the sale of dogs through licensed pet shops.

This report is a summary. For further information, please request a copy of *Evidence supporting the case for a ban on the sale of dogs through licensed pet shops* from CANINE ACTION UK.

Author Biography

Julia Carr has over fifteen years involvement with dogs, including obedience, breed showing, agility, heelwork to music and running companion dog shows. She has also bred, judged and exhibited rabbits. She has a long term interest in dog breeding welfare, having written *Suggested Initial Measures to Raise Welfare Standards for Dog Breeding in the UK* (2010), a *Supplement* (to this document) (2011), *Study into Online Advertising of Puppies in the UK* (2012) and *Independent Report into the Breeding and Sale of Dogs as Pets in the UK* (2012).

She has a BSc Honours Degree in Biology. (Royal Holloway 1999) and is an Associate Member of the Kennel Club, member of the Kennel Club Accredited Instructor scheme and member of several dog breed clubs.

Professionally she has a background in Quality Assurance and the monitoring of compliance in insurance.

Canine Action UK was established in 2012, campaigning for the prohibition of puppy sales through licensed pet shops.