

General Session

Moderator: *Dave Sjeklocha*

A practicing veterinarian's experience with an undercover activist's video

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Abstract

A radical animal rights activist group with a vegan agenda placed an undercover employee on the farm of one of my clients to record a video that was released to the national media as part of their campaign to discredit the dairy industry. The sudden rush of unwanted attention from the People for the Ethical Treatment of Animals video was a severe challenge to the farm and also my clinic. Such videos are designed for emotional impact, but with help from partners within the dairy industry, we made every effort to answer questions openly and to show our concern for the well-being of animals. Such incidents should spur the industry to engage in a wider discussion of farm practices. Farmers who are targeted need to be proactive in telling their story, and need to connect with consumers on an emotional level by showing their empathy for animals and accepting responsibility.

Key words: cattle, dairy, animal rights, activists

Résumé

Un groupe militant radical pour le droit des animaux avec un agenda végétalien s'est servi d'un employé infiltré dans la ferme de l'un de mes clients pour prendre une vidéo qui a été rendue publique à la presse nationale dans le but de discréditer l'industrie laitière. La ruée soudaine d'attention inopportune par la vidéo du PETA (*People for the Ethical Treatment of Animals*) a été un défi sérieux pour la ferme de même que pour ma clinique. Ces vidéos jouent sur les émotions. Toutefois, avec l'aide de partenaires de l'industrie laitière, nous n'avons ménagé aucun effort pour répondre aux questions le plus ouvertement possible et pour démontrer notre préoccupation à l'égard du bien-être des animaux. De tels incidents devraient inciter l'industrie à s'engager dans un plus grand débat sur les pratiques à la ferme. Les producteurs qui sont ciblés doivent avoir une attitude proactive en racontant leur histoire et doivent établir un lien émotionnel avec les consommateurs en démontrant leur empathie envers les animaux et en acceptant leur responsabilité.

Introduction

Palmer Veterinary Clinic is a 3-generation family veterinary practice that has served Clinton County in northeastern NY for more than 50 years. My father opened the practice in 1958. The connection to the Rulfs family, who co-own Adirondack Farms in Peru, NY with Jake Swyers, extends back just as long. I practice with my son and 5 other veterinarians, 3 of whom are mixed animal practitioners.

Adirondack Farms is a pro-active, forward-thinking dairy that has animal care as a top priority. Rulfs Family Farms was founded in the 1950s and Adirondack Farms was formed when several farms joined together in 1996. The farm milks 2,500 Holsteins and has 5,000 head total. They feed a cutting-edge diet based on high quality home-grown forages. They have always emphasized cow comfort. I visit the farm weekly, and have been involved in management decisions, such as helping to design sand-bedded freestalls to maximize cow comfort. I routinely check for open cows and work to improve pregnancy rates, but am also involved in milk quality and culturing all cases of clinical mastitis, calf management, vaccination protocols, fresh cow management, and treatment and record analysis.

As the Animal Agriculture Alliance reports, the Humane Society of the United States (HSUS), the People for Ethical Treatment of Animals (PETA) and other animal rights organizations specifically hire employees or volunteers to gain employment with a farm-related business solely in hopes of obtaining undercover video of mishandling of animals. This has become big business for activist groups because it helps them fundraise, it helps convince the public to support their agenda, and it helps their efforts to pass legislation to make farming and ranching more difficult.

Hiring an Animal Rights Activist

Around Thanksgiving 2011, one of the farm's assistant herdswomen left to start a dairy with her husband, leaving the farm short-handed, especially with time-off for employees around the upcoming holidays. A physically fit, young to

middle-aged male showed up looking for a job. He was new to the area and stated that he had not worked on a dairy farm before but had worked on a large swine operation in the Midwest. He was hired that day; references weren't checked. Later it was discovered that at least one of the phone numbers he provided was an Arlington, VA number, which is where PETA is headquartered.

On Wednesday, March 14, 2012 after finishing my morning herd check at a farm 40 minutes away, I learned of the PETA sting through a voicemail from Adirondack's herdsman. I immediately called Dr. Don Russell, NYS Division of Animal Industry veterinarian, and informed him of the situation. He was the state veterinarian in charge of the New York State Cattle Health Assurance Program (NYSCHAP) and the animal welfare module in this area. I cancelled my plans for the afternoon and went to the farm. Dr. Russell immediately tried to call the NYS Division of Animal Industry office in Albany, but was unable to get through. We later learned that they had also been named as a primary target by PETA, and had gone into executive session to formulate a response. This blackout did not help us in the short-term. Agri-Mark, the farm's milk cooperative, was also a target. Agri-Mark is a farmer-owned cooperative that produces Cabot and McCadam cheeses and sells fluid milk into the New England market.

Farm Triage - Day 1

- Jon Rulfs received an email from PETA telling him that an undercover video had been shot on his farm. The email detailed the alleged animal abuse depicted in the video. It was a coincidence that Jon checked his email – he normally didn't and had he not, the story might have gone to press without the farm's knowledge.
- The media started calling. An Associated Press (AP) reporter out of Albany wanted to go to press with the story that afternoon.
- Industry leaders received letters from PETA, including Agri-Mark, NYS Department of Agriculture and Markets, and National Milk Producers Federation. These letters outlined alleged animal abuse at the dairy including tail banding, dehorning, and the use of rBST. A prolapsed vagina was also featured in the video.
- Industry allies called for a strategic response.
- Adirondack Farms contacted their attorney who sent a "cease and desist" notice to PETA with regard to their publicity campaign. The attorney also sent a letter to the undercover employee maintaining there was a release of confidential information and that the employee did not perform his duties in good faith.

I thought Adirondack's participation in the NYSCHAP animal welfare program would mitigate the situation. I had encouraged the farm to participate in the NYSCHAP animal

welfare module, which is a third party certification, and had thought if there ever was an incident the program would help deflect animal abuse claims. I thought I'd make a few calls and we would be on our way to a quick resolution. But instead, the NYSCHAP program put a bigger target on the farm. We believe that PETA's approach was if they could discredit a farm with such an exclusive accreditation, it could discredit the program, and all of the dairy industry. Their real targets were Agri-Mark and Agri-Mark brands, the NYS Department of Agriculture and Markets, and animal agriculture in general.

Proactive Strategy - Transparency

- The farm contacted the local Society for Prevention of Cruelty to Animals (SPCA) and invited them to visit; they declined.
- Jon Rulfs called the AP reporter and invited her to the dairy. AP declined the visit and informed Rulfs that she had decided not to do the story. In her research she read a news article about the farm being NYSCHAP certified that was sent by the New York Animal Agriculture Coalition as a proactive, positive news release. She contacted PRO-DAIRY to ask about the farm. The farm's positive reputation caused the reporter to question the credibility of PETA.
- On the farm's behalf, I contacted the local media, whom I and associates in our office had a connection with, to invite them to visit the farm. The local newspaper editor was unaware of any pending AP stories as nothing was on newswire and they had not received a press release from PETA. She assured me we would be contacted before any story ran, and at that point none were planned. The local TV anchor was also contacted and seemed sympathetic.
- Various organizations contacted the farm to offer support and statements for the farm to use, including contact by a PRO-DAIRY staff member who had previously worked for the New York Animal Agriculture Coalition and had supported another farm that was targeted by animal rights activists. We declined the offer for continued on-farm assistance, which was a big mistake – having someone on the farm with a clear head, and expertise to handle such a situation, would have been helpful.
- We began to develop talking points with the help of the former New York Animal Agriculture Coalition employee and began to document the crisis with a process that was used in another similar undercover video situation.
- We also contacted our local Congressman William Owen's office, which was helpful to understand the overall strategy of PETA.
- We discussed strategy with Northeast Dairy Producers Association (NEDPA), of which Jon was a board member, and other industry partners. Rick Jackson,

the area representative for Intervet/Schering Plough (now Merck Animal Health), offered the company's national public relations firm to help.

Responding and Facing the Press – Day 2

We had developed our talking points and strategies, but were unsure and very concerned about what could be coming. Reporters were calling, and Jon Rulfs decided to face the media head-on.

The story broke...

- PETA held press conferences in Plattsburgh, NY and Montpelier, VT. They were sparsely attended. These locations were selected because of their proximity to the farm and Agri-Mark.
- The local television news station called early and wanted an interview that morning. We agreed but did not want to respond to allegations before they were announced at the news conference.
- Farm owners and management worked together to brief all employees on the situation and proper response to any questions.

NBC Local Television News Coverage

At this point, I had not really taken the time to view and study the video. I am not sure what I was thinking – whether I was trying to ignore it, discount it, or just busy dealing with the daily demands as a veterinarian and practice owner, but I never made time to sit down to study the video. I did talk to my son at Cornell University College of Veterinary Medicine that night about the discussions on campus around the video.

At noon Thursday we had an emergency team meeting at the farm. Their usual team meeting facilitator, from a national feed company, was there as well as a representative from a pharmaceutical company. No one from Agri-Mark was on the farm. In the meeting, the PETA video was played on a small laptop computer, with a dusty screen and glare coming in from the window – all making it hard to see, plus I was standing off to the side of the screen. I am not even sure if the audio was on. Thus, I still had not clearly viewed the video. At the end of the meeting, the TV reporter from the local NBC station was waiting for an interview. All the company representatives left by the back door and Jon went out the front door to face the media. I did not want Jon to face the media by himself, so I went with him as moral support, and ended up in front of the camera.

I was expecting the reporter to throw softball questions. But she was blunt, well-prepared and asked tough, pertinent questions. This is where I embarrassed myself and said the calf being dehorned did not display any excessive pain (because that is what others who had watched the video told me). I was called out for this statement on AABP-L. Vocalization and kicking by the calf on the video were clear and evidence of pain, which I do agree is unacceptable.

The dehorning video had been made on a weekend when no member of management was around. The undercover PETA employee created the situation by asking a Hispanic employee to demonstrate how to dehorn a calf. Adirondack Farms did have a dehorning protocol that included use of lidocaine, but it was not used when the camera was running, an example of procedural drift and lack of management buy-in and supervision.

In one scene of the video, involving an unruly heifer in the holding area of the parlor, the PETA worker was supposed to help get the heifer into the milking parlor. Instead, he backed off and secretly filmed the episode, contributing to the problem by failing to provide the support for which he had been hired.

These are common tactics when undercover videos are filmed. In this and other videos, the undercover employees were also effective at provoking comments that can be taken out of context, such as when farm employees use humor to talk about an unpleasant condition.

The farm owner did a nice job of expressing his remorse over what was shown in the video, and talked about what they were doing to make sure employees understand animal care expectations at Adirondack Farms. He again opened the doors to anyone who wanted to visit. While some of what is shown are routine farm practices, like AI and dehorning, the general public who is 3 to 4 generations removed from living on a farm, who aren't good at disassociating farm animals from pets, and who are motivated more by moral/ethical reasoning than scientific reasoning, could be disturbed.

When consumers trust a farmer, they generally don't question farm practices, but when animal welfare concerns are raised, consumers will support regulation of animal care. At the 2010 Northeast Dairy Producers Association (NEDPA) conference, Candace Croney, Animal Behavior and Bioethics at The Ohio State University, indicated a failure to engage on ethical issues will lead to pressure to regulate US animal care practices. For example, California signed into law effective January 2010, landmark legislation that outlawed the "painful and unnecessary tail docking of dairy cows." It was supported by the HSUS, as well as the California Veterinary Medical Association, American Society for the Prevention of Cruelty to Animals, California Cattlemen's Association, and California Farm Bureau. In 2010, New York Assembly Bill A.9732 proposed to ban tail docking. The timing of the bill's proposal corresponded to the release of an undercover video taken on another New York farm.

Responding with a Statement

As the story hit the news and the internet, the farm's phones rang incessantly. The phone calls were mostly from PETA supporters. The farm had to disconnect all land lines on the farm and homes for 4 days. I was briefly concerned that they might try to picket my small animal office, but that never occurred.

We prepared a statement and briefed industry leaders on events and strategy. A statement was emailed to NEDPA farm members with a brief outline of the situation and tips on how to be proactive and vigilant.

A statement was released to the media that emphasized Adirondack Farms' commitment to animal well-being, and highest priorities that include:

- providing a safe, quality product.
- ensuring animals receive the best care possible.
- a commitment to continuous improvement and regular examination of practices through internal and third-party audits and certification processes to ensure meeting or exceeding industry standards and applicable regulations.

Through the statement Adirondack clarified the facts. The statement read:

"Although we can confirm the undercover activist was in our employment for a period of 3 months in 2011, we cannot verify that the footage was actually taken at Adirondack. We are conducting our own investigation into the situation. The actions in the video do not represent the farm's highest standard of best practice. The undercover employee is no longer employed with us because he left the farm."

They also took responsibility and outlined the next steps:

- "We take full responsibility for all of our employees, their actions, and their treatment of our animals depicted in the video.
- We are committed to continuously improving our practices, and additional training throughout our organization will be implemented immediately.
- And, we repeat our values statement that includes our priority is to produce the safest, highest quality milk product and to ensure our animals are taken care of to the best of our ability through continued examination, improvement, and certification."

The Attack Continues – Day 3 and Beyond

PETA had an agenda and the attack continued into a third day.

- PETA emailed the farm and demanded that employees shown in the video be fired.
- An interview with Wayne Pacelle, president and CEO of the HSUS, aired on a local public radio program about HSUS lobbying efforts and "ag gag" legislation, which demonstrates the coordination between animal rights activist groups. Animal rights activist organizations partner to create videos that negatively feature farm practices they are attempting to build support to regulate.
- I was in the area to visit another nearby farm and stopped at Adirondack Farms. I was there when a

reporter from the local newspaper, the *Press Republican*, showed up without an appointment and I ended up being interviewed. The news article highlighted Adirondack's commitment to animal care and explains standard procedures seen in the video, such as AI and dehorning. I was later told by several local people that they appreciated my support of Adirondack Farms. Beth Meyer, American Dairy Association, said that my support was critical to help defuse the story.

March and April

The Sheriff visited the farm to begin his investigation and informed us that PETA was unable to produce the undercover employee as he was out of the country for the next 30 days.

After a 5-hour audit investigation by 6 members of NYSCHAP, 5 of whom were veterinarians, no issues were found and the farm was recertified. The audit included an overview of culling reasons; SOPs and treatment protocols; and cattle health, including scoring every animal on the farm for flank hygiene, udder hygiene, locomotion score, hock score, slips and falls, and body condition score.

Adirondack Farms worked with an attorney to develop a new employment application and handbook to ensure that employees understand the farm's animal well-being expectations. Four representatives from Agri-Mark also visited. Until this time they had remained in the background. PRO-DAIRY also checked in.

On April 1st, PETA filed a "freedom of information law" (FOIL) request to NYS Department of Agriculture and Markets for all information on file for Adirondack Farms. Since Adirondack participates in NYSCHAP, a taxpayer-funded program, with information collected by state employees, PETA claimed it was subject to FOIL. Adirondack, NEDPA and NY Farm Bureau (NYFB) countersued to prevent this release of information. Eventually most of the information was not released.

Due to the efforts of NYFB, NEDPA and others, legislation was eventually enacted to prevent this data from being FOILable. Unfortunately, in the meantime, many large dairies dropped out of NYSCHAP, as in the short-term the state could not guarantee that their information was protected. NYSCHAP also drastically changed their animal welfare program. It no longer includes any on-farm audit, but is a collection of best management practices that the farm self-audits and adopts.

The Outcome – Grand Jury Drops the Case

While the investigation lasted through the end of the year, the Sheriff found no reason to move forward with the case. Several, including myself, had to appear before the grand jury. PETA did threaten at one point that they had a "Cornell-trained veterinarian" ready to testify against me

and discredit anything I would say. Fortunately, the grand jury did not return an indictment, and no arrests were made. A few Hispanic employees left the farm because they were concerned that they could be arrested or that the publicity would lead to a Department of Homeland Security raid.

Evaluation and Key Learnings

Even though this was a disturbing situation, we were able to learn some important lessons for the future.

- Check your email daily! If Jon hadn't checked his email, this story may have gone to press without the farm's knowledge or input.
- Be careful what you say, and don't answer before doing your research.
- Be proactive – tell your story. Call in any and all contacts to help manage the story.
- Create a good relationship with your clients – you are on the farm a lot and can be of great assistance to them. Colleagues can and should stand up for good clients! I was glad to stand up for one of my best clients.
- Bring in someone with knowledge of the situation, but not too close, and a clear mind, such as an outside public relations person. You can reach out to your local dairy cooperative, Farm Bureau, and commodity groups for help.
- No matter how bad a situation seems, it is not what happens that matters, but how you react to it that really matters.
- ALWAYS be proactive and prepared.
 - I now carry the dairy checkoff talking points with me in my truck at all times – you can call them to get a copy.
 - All involved parties should stand together and deliver a similar message!
 - Cultivate relationships with the local media, and let them know you are available to comment as appropriate.

- Develop animal care commitment statements for each of the farms you work with.
- Work with those who aren't following good protocols and help them work toward bigger goals/continuous improvement.
- The public does not expect us to be 100% perfect, but does expect we should all try to do the right things, the right way.
- Attend a media training workshop. If targeted obtain help from a public relations professional
- Your supporters in private won't always be your supporters in public.
- Honesty and integrity is the best policy. The owners demonstrated a willingness to open the farm, accepted responsibility, and showed remorse.
- Check the references of all potential employees!
- Common practices that we accept may not be acceptable to the general public, and we should have a broader discussion about them:
 - Dehorning without pain relief.
 - Use of canes and poles: although they may be well intended to minimize injury to humans, they can be misused, and should not be used on a farm.
 - We removed canes and electric prods and no one missed them.

Today Adirondack Farms has grown and learned from the experience. They have adopted protocols they ensure all employees are following to avoid procedural drift. They focus on making it an enjoyable place to work. Adirondack Farms has shown it's important to have a strong supportive network. They took the concerns very seriously, responded to them, and are focused on continuous improvement.