

PRESS RELEASE: Animal Cruelty Legal Victory

Appellate Court Orders Prosecution Following Animal Protection Group's Investigation of Large Pennsylvania Dairy

In robust opinion, appeals court reverses trial court's ruling on District Attorney's refusal to prosecute, orders prosecution, calls District Attorney's position "absurd"

Chambersburg, PA and Washington, DC – February 10, 2022 – This week, the Superior Court of Pennsylvania issued its ruling in a case stemming from a 2018 investigation conducted by Animal Outlook, a national non-profit animal protection organization, of Martin Farms, a dairy facility in Chambersburg, PA. At that time, Martin Farms was supplying milk to Nestlé, and dropped the farm as a supplier shortly following Animal Outlook's video. The video depicts cows unable to stand being pushed and dragged with a tractor bucket, calves being restrained and thrashing and resisting while having their horns burned off with a hot iron and no pain relief, and cows being hit, stomped on and kicked, among other issues.

These and other instances and practices led Animal Outlook to present to the Pennsylvania State Police and the District Attorney's (DA) office a list of 327 incidents it determined constituted animal cruelty, aggravated cruelty, and neglect under PA law, many of which were captured on video. The DA's office declined to prosecute, and Animal Outlook initiated a petition with the court asking for review of that decision, arguing it was made in error. In 2021, the lower court dismissed the complaint, and Animal Outlook appealed. This week's appellate decision reverses the lower court's decision, concluding that the "trial court committed multiple errors of law" such as having only "hand-picked few of the alleged instances of abuse." The court found that Animal Outlook had demonstrated sufficient evidence of neglect and cruelty from Martin Farms' handling of downed cows, excessive shocking and tail pulling, and horn removal, and that it was not exempted from prosecution under Pennsylvania's "normal agricultural operation" exemption. The court ordered the trial court to direct the DA to prosecute.

The appellate court took particular issue with the issue of hot-iron horn removal of calves and the inapplicability of the "normal agricultural operation" exemption to this practice, saying "The most obvious evidence overlooked by the trial court was that concerning the dehorning of calves ... the technique used by Martin Farms as shown in the video caused the calves to be "in agonizing pain, shown by their violent thrashing and bellowing." It called the DA's position on the exemption "absurd."

"We have never doubted that the cruelty and neglect revealed by our investigation is squarely within the scope of conduct prohibited by Pennsylvania law, and that includes so-called standard practices. We have long believed that if we were given access to fair and thorough process under the law, this cruelty would be recognized. We're grateful that the Superior Court did just that here, thoughtfully considering the

weight of evidence from our investigation that confirmed Martin Farms' conduct violated Pennsylvania's animal protection laws," said Will Lowrey, legal counsel for Animal Outlook. "The Court's ruling sends a clear message that animals used in agriculture are worthy of protection."

Erin Wing, Animal Outlook's deputy director of investigations who documented the abuse while working as an undercover investigator and employed at Martin Farms, said, "Since the end of my investigation of Martin Farms in 2018, the images of routine cruelty and violence I witnessed there have been burned into my memory. It made me wonder what the limit was for how much cruelty a farm could put animals through before such blatant abuse was recognized. With that accountability finally being delivered by this ruling, I hope this sets a new standard going forward."

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Animal Outlook is a national nonprofit 501(c)(3) animal advocacy organization based in Washington, DC. Our mission: Working today to build a better tomorrow for all animals. We're strategically challenging the status quo of animal agribusiness through undercover investigations, legal advocacy, corporate and food system reform, and empowering everyone to choose vegan.

Media contact:

Jenny Hunter, Director of Communications, Animal Outlook

jhunter@animaloutlook.org



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