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Sent Via U.S. Mail

Dani Reiss, President and Chief Executive Officer
John Moran, Executive Vice President, Manufacturing and Supply Chain
David M. Forrest, Senior Vice President, General Counsel
Canada Goose Holdings Inc.
250 Bowie Avenue
Toronto, Ontario, Canada, M6E 4Y2

Re: Canada Goose Production and Marketing Practices

Dear Messrs. Reiss, Moran, and Forrest:

We represent the Association for the Protection of Fur-Bearing Animals (“The Fur-Bearers”) and Social Compassion in Legislation, (“SCIL”). The Fur-Bearers is a non-profit organization based in British Columbia, Canada. Since 1953, The Fur-Bearers has advocated for the protection of fur-bearing animals in the wild and confinement through conservation, advocacy, research and education. SCIL is a non-profit organization based in California that engages in campaigns and advocacy to instill greater compassion into law and society for the welfare of all animals.

On behalf of these organizations, we write to express concerns regarding Canada Goose Holdings Inc.’s (“Canada Goose”) claims about the sourcing of the animal-based elements of its products. We believe that consumers are being misled by Canada Goose’s representations regarding its allegedly humane and ethical practices, namely (1) that the fur used in Canada Goose products is humanely sourced; (2) that Canada Goose’s down suppliers’ treatment of ducks and geese adheres to the Five Freedoms; and (3) that Canada Goose’s wool and shearing suppliers treat sheep in a manner consistent with its pledges regarding animal welfare.

We are also writing to request a meeting to engage in substantive dialogue with Canada Goose regarding Canada Goose’s claims. If Canada Goose is unwilling to meet to discuss these concerns, we will explore all legal options to resolve this matter.

Canada Goose makes specific representations about its sourcing and use of animal products.

Fur.

Canada Goose labels and otherwise markets its fur products (along with its down, wool, and shearling products) as “ethically sourced”¹:

We believe all animals are entitled to humane treatment in life and death, and we are deeply committed to the ethical sourcing and responsible use of all animal materials in our products. We do not condone any willful mistreatment, neglect, or acts that maliciously cause animals undue suffering.²

Canada Goose further represents that its fur is “sourced from animals that are not subject to willful mistreatment or undue harm.”³ Both on the Canada Goose website and on product labels, Canada Goose references the specific means by which it allegedly ensures that all of the fur it uses has been humanely sourced:

The Canada Goose Fur Transparency Standard™ is our commitment to support the ethical sourcing and responsible use of real wild fur. The program mandates that all fur sourced by Canada Goose is in accordance with the Agreement of International Humane Trapping Standards in Canada and the Best Management Practices in the United States. It also requires that we only use wild fur from North American suppliers and that we never use fur from fur farms or endangered species. We monitor compliance to The Canada Goose Fur Transparency Standard™ through a third-party sample audit program of traplines. These trappers are strictly regulated by state, provincial and federal standards. . .⁴

Additionally, Canada Goose’s retail employees are trained to communicate the “ethical sourcing” narrative to customers, including through the distribution of leaflets about Canada Goose’s fur and down policies:

¹ *A Word About Fur & Down*, Can. Goose, Inc., <https://www.canadagoose.com/us/en/fur-and-down-policy/fur-and-down-policy.html> (last visited Feb. 27, 2019).

² *Id.*

³ *Id.*

⁴ *Id.*

WHY WE CHOOSE FUR & DOWN

WE DO NOT CONDONE ANY WILLFUL MISTREATMENT AND NEGLECT OF ANIMALS OR ACTS THAT MALICIOUSLY CAUSE UNDUE PAIN, INJURY OR SUFFERING.

AS A FUNCTION-FIRST COMPANY, AUTHENTICITY IS EVERYTHING TO CANADA GOOSE. SINCE 1957 WE HAVE BEEN FOCUSED ON MAKING THE BEST PRODUCTS OF THEIR KIND BY USING THE HIGHEST QUALITY RAW MATERIALS AND CRAFTSMANSHIP TO ENSURE WE DELIVER A PRODUCT THAT PERFORMS WHEN AND WHERE IT'S NEEDED MOST.

WE UNDERSTAND AND RESPECT THAT SOME PEOPLE THINK ANIMAL PRODUCTS SHOULD NEVER BE USED IN ANY CONSUMER GOODS, HOWEVER WE DO NOT SHARE THAT VIEW.

WHY WE CHOOSE DOWN

The Canada Goose Down Transparency Standard™ is our commitment to tracking the source of all of our down, from farm to factory. Through a third-party audit program conducted by International Down & Feather Industries, we can certify that our down only comes as a by-product from the poultry industry and has not come from live-plucked or force-fed birds. It also ensures that all down we source adheres to the Five Freedoms policy set out by the World Organisation for Animal Health (OIE) and European Convention for the Protection of Animals Kept for Farming Purposes. By January 2017, all down insulation used to manufacture new Canada Goose products will be fully traceable.

We use down because it's recognized as the world's best natural insulator, providing approximately three times the warmth per ounce as synthetic insulators.

We purchase all of our down from Feather Industries Canada Ltd., a Canadian down-procurement company, and it is hypoallergenic, laboratory-tested and exceeds all Canadian and International Cleanliness Standards.

WHY WE CHOOSE FUR

The Canada Goose Fur Transparency Standard™ is our commitment to support the ethical, responsible and sustainable sourcing and use of real fur. The first traceability program to cover the wild habitat, it ensures that all fur sourced by Canada Goose is in accordance with the Agreement of International Humane Trapping Standards (AIHTS) in Canada and the Best Managed Practices (BMP) in the United States, and is fully traceable throughout the supply chain. The standard certifies that we never purchase fur from fur farms, never use fur from endangered animals, and only purchase fur from licensed North American trappers strictly regulated by state, provincial and federal standards. By April 2017, all fur used in new Canada Goose products will be fully traceable.

No matter where they're worn, many of our products are designed and built to protect against the elements in the coldest places on Earth – places where exposed skin can freeze in an instant. In these environments, we believe that fur is the best choice. Having fur trim around a jacket hood disrupts airflow and creates turbulent air which helps protect the face from frostbite.

We only use the best quality fur from the Northwest regions of Canada and the United States, where coyote populations are confirmed to be highly abundant. In fact, in many regions of North America, coyotes are considered a pest as they attack livestock, endangered prey species, pets and sometimes even people. We know that wearing fur is a personal choice and we respect that. In turn, we hope that people will respect our responsible use and ethical sourcing of fur.



*Front and back of leaflet obtained from Canada Goose,
New York SoHo, February 28, 2018*

A video produced by Canada Goose, “Canada Goose: Our Commitment to Traceable Fur,”⁵ makes several statements about Canada Goose’s policies regarding the trapping and sourcing of fur. According to a trapper featured in this video, Gord Klassen, Canada Goose’s fur policy has several key components, including that fur is humane and sustainable: “We live in a highly regulated industry. The main thrust of our trapping regulations is that this is done humanely, that it’s done ethically, that its done sustainably, and finally that it’s for the greater public good.”⁶

Canada Goose’s various representations regarding fur are designed to, and do, lead consumers to believe that the trapping methods used by Canada Goose suppliers do not cause significant or prolonged pain or distress, and that Canada Goose employs rigorous methods, including external oversight mechanisms, to ensure the “ethical sourcing” of its products.

Down.

Canada Goose’s website represents that its “ethically sourced” down is “sourced from animals that are not subject to willful mistreatment or undue harm.”⁷ On both Canada Goose’s website and its product labels, Canada Goose references the standards to which all down in Canada Goose products must adhere, specifically that “our down comes as a by-product of the

⁵ Can. Goose, *Our Commitment to Traceable Fur*, YouTube (Dec. 5, 2016), <https://www.youtube.com/watch?v=dPD7eNwTrAM>.

⁶ *Id.*

⁷ Can. Goose, Inc., *supra* note 1.

poultry industry and has not come from live-plucked or force-fed birds.”⁸ Canada Goose also states that it adheres to the Five Freedoms: “all down used in our products adheres to the Five Freedoms policy set out by the World Organization for Animal Health (OIE).”⁹ A video produced by Canada Goose elaborates on the meaning of the Five Freedoms: “that all animals shall be free from hunger and thirst; from avoidable discomfort, including that caused by negligence; from pain, injury or disease; to express normal and social behavior; from undue fear and stress.”¹⁰

As with fur, both Canada Goose’s website and its product labels refer to internal standards regarding the traceability of down. This Canada Goose Down Transparency Standard is alleged to include third-party audits conducted by International Down & Feather Industries to certify that standards regarding the treatment of birds have been met.¹¹

Canada Goose’s repeated references to the Five Freedoms as an accepted standard of animal welfare are designed to, and do, lead consumers to believe that the down production process used by Canada Goose’s suppliers does not cause birds significant pain or distress.

Wool and Shearling.

Canada Goose makes similar representations about humane practices and animal welfare in regard to its wool and shearling products. According to its product labels, “Canada Goose is committed to tracking the source of all our wool and shearling from origin to the factory. Through our traceability programs, we can source the wool and shearling back to origin, assuring it came from farms that value animal welfare and do not practice mulesing.”¹² These assurances are designed to, and do, lead consumers to believe that Canada Goose does not engage in cruel practices related to wool production.

Canada Goose’s representations about its sourcing of animal products appear to be false and/or misleading.

Fur.

The Canada Goose Fur Transparency Standard, even if strictly adhered to, does not ensure that Canada Goose’s fur is ethically sourced. In fact, both the AIHTS and BMP fur

⁸ *Id.*

⁹ *Id.*

¹⁰ Can. Goose, *Our Commitment to Ethical Sourcing and Responsible Use of Down*, YouTube (Nov. 22, 2016), <https://www.youtube.com/watch?v=sBpt8qIGNu8>.

¹¹ Can. Goose, Inc., *supra* note 1.

¹² See Canada Goose jacket labels; see also Can. Goose, Inc., *supra* note 1 (Canada Goose webpage stating, “Our standards for the sourcing and use of fur, down and wool reflect our commitment that materials are sourced from animals that are not subject to willful mistreatment or undue harm.... Canada Goose is committed to only using wool from sheep raised without being subject to the practice of mulesing. We require that our suppliers confirm that the wool in our supply chain originates from farms do not use such practices.”).

trapping standards cited by Canada Goose authorize trapping practices that are inhumane and cause undue harm to animals.

The specific language of the AIHTS, which applies to Canadian trapping, allows for up to 20% of animals tested in traps to demonstrate both physical and behavioral indicators of poor welfare—*i.e.*, pain, injury, or suffering.¹³ In the United States, the BMP allows for up to 30% of animals tested to be subjected to similar cruelty and suffering.¹⁴ Furthermore, both the AIHTS and the BMP allow for the use of leg-hold traps that are considered inhumane and have been banned in 57 countries.¹⁵ Multiple U.S. states have also banned leghold traps for recreational or commercial purposes, including California, Colorado, Florida, Massachusetts, New Jersey, Rhode Island, and Washington.¹⁶ Major veterinary associations, including the American Animal Hospital Association¹⁷ and the American Veterinary Medicine Association,¹⁸ oppose the use of leg-hold traps that are implicitly permitted under Canada Goose’s policy. The National Animal Care & Control association “strongly opposes the use of traps that capture the animal by the leg” noting that “leg hold traps . . . can cause significant harm and even death to an animal in a cruel and inhumane manner.”¹⁹

Even if all the trappers in Canada Goose’s supply chain *exceed* the AIHTS and BMP standards by using solely padded or offset leghold traps, the fur used in Canada Goose products could not reasonably be considered “ethically sourced.”²⁰ Both padded and offset leghold traps are banned for fur trapping in countless jurisdictions (as set forth above) because they too cause severe distress and injuries to animals. For example, one study conducted by the USDA APHIS National Wildlife Research Center (“NWRC”) found that the use of padded leghold traps on coyotes resulted in bone fractures in 15-25% of trapped coyotes, and found tendon and ligament damage in up to 20% of cases.²¹ Another NWRC study found that only four percent of coyotes

¹³ *Agreement on international humane trapping standards between the European Community, Canada and the Russian Federation (AIHTS)*, Official J. of the European Cmty. §§ 2.3.1 - 2.3.2, 2.4, <https://fur.ca/wp-content/uploads/2015/09/AIHTS-Copy-of-Agreement.pdf> (last visited Feb. 27, 2019).

¹⁴ *Michigan Trapper Education Manual: A Guide for Trappers in Michigan*, Mich. Dep’t of Natural Res., 44-47, https://www.michigan.gov/documents/dnr/MI_Trapper_Education_Manual_82307_206561_7.pdf (last visited Feb. 27, 2019).

¹⁵ *Laws on Leg-Hold Animal Traps Around the World*, The Law Library of Congress Global Legal Research Ctr. (Aug. 2016), <https://www.loc.gov/law/help/leg-hold-traps/leg-hold-traps.pdf>.

¹⁶ *2017 Trapping Report*, Born Free USA, (Sept. 21, 2017), <http://7a1eb59c2270eb1d8b3da9354ca433cea7ae96304b2a57fdc8a0.r60.cf1.rackcdn.com/BornFreeUSA-2017-Trapping-Report-f.pdf>.

¹⁷ *Position Statements and Endorsements: Leghold Traps*, Am. Animal Hosp. Ass’n, https://www.aaha.org/professional/resources/leghold_traps.aspx (last visited Feb. 27, 2019).

¹⁸ *AVMA Policies: Trapping and Steel-jawed Leghold Traps*, Am. Veterinary Med. Ass’n, <https://www.avma.org/KB/Policies/Pages/Trapping-and-Steel-jawed-Leghold-Traps.aspx> (last visited Feb. 27, 2019).

¹⁹ *NACA Guidelines*, Nat’l Animal Care & Control Ass’n, 7 (Sept. 3, 2014), https://cdn.ymaws.com/nacanet.site-ym.com/resource/resmgr/Docs/NACA_Guidelines.pdf.

²⁰ *See Certified Traps - AIHTS Implementation in Canada*, Fur Inst. of Can. (July 1, 2018), <https://fur.ca/wp-content/uploads/2015/10/Certified-Traps-List-FIC-July-1-2018-Eng-8%20BD-X-14.docx.pdf> (stating that the use of AIHTS certified offset and padded traps is “not yet mandatory”).

²¹ Glenn H. Olsen, *Injuries to Coyotes Caught in Padded and Unpadded Steel Foothold Traps*, Nat’l Wildlife Research Ctr., 219 - 223 (1986), <https://nwrc.contentdm.oclc.org/digital/collection/p16473coll8/id/31856/rec/1>.

caught in padded leghold traps suffered no injury, and recorded injuries including lost claws, severely broken teeth (likely from desperate attempts to bite off the traps), lacerations, dislocated joints, swelling, and “severe joint hemorrhage.”²² Other peer reviewed studies have demonstrated that animals experience prolonged psychological distress when trapped, even in the absence of physical injury.²³ These studies have documented how traumas that are commonly ignored in the literature (*e.g.*, psychological distress) or characterized as minor (*e.g.*, lost claws) can actually have lethal long-term effects for trapped animals. Nevertheless, these cruel traps are widely used in the U.S. and Canada by trappers who meet the standards cited by Canada Goose.²⁴

Coyotes are also captured and killed with snares—metal nooses designed to tighten around a coyote’s neck and kill the animal by strangulation. Killing snares are considered inhumane by wildlife biologists, veterinarians, and animal welfare experts, and have been banned in several countries, including the UK, and in multiple US states.²⁵ Snares are still used, however, in all Canadian provinces and across the US.

Although the AIHTS does not set performance criteria for snares, and is silent on the devices, it does require that for coyotes, other devices designed to kill must render the animal irreversibly unconscious within 300 seconds, which means coyotes could be left to suffer, fully conscious and struggling for breath, for up to five minutes.²⁶ Even under the extremely low AIHTS standard for killing devices, snares fall short. A 2015 review of scientific information related to the humaneness of killing neck snares used to capture coyotes concluded that all neck snares studied were inadequate to consistently render canids unconscious.²⁷ In a study by the Federal Provincial Committee for Humane Trapping (FPCHT), researchers found that many canids were still alive when found—some more than 12 hours after being snared—and that in most cases, the animals did not die within 300 seconds.²⁸ Another test with canids noted the difficulty of consistently capturing animals around the neck, and found that only two out of seven animals tested lost consciousness within 300 seconds.²⁹

²² John A. Shivik et al., *Initial Comparison: Jaws, Cables, and cage-traps to Capture Coyotes*, Nat’l Wildlife Research Ctr., 1379 (2005), <https://naldc.nal.usda.gov/download/36306/PDF>; *see also*, Graziella Iossa et al., *Mammal trapping: A review of animal welfare standards of killing and restraining traps*, *Animal Welfare* 16, 3 (Aug. 2007), available at https://www.researchgate.net/publication/228668169_Mammal_trapping_A_review_of_animal_welfare_standards_of_killing_and_restraining_traps.

²³ Shivik et al., *supra* note 22; Iossa et al. *supra* note 22.

²⁴ *Id.*

²⁵ Born Free USA, *supra* note 16.

²⁶ AIHTS, *supra* note 13.

²⁷ Gilbert Proulx et al., *Humaneness and Selectivity of Killing Neck Snares Used to Capture Canids in Canada: A Review*, *Can. Wildlife Biology & Mgmt.* 4, 55 - 65 (Jan. 2015), available at https://www.researchgate.net/publication/272151929_Humaneness_and_selectivity_of_killing_neck_snares_used_to_capture_canids_in_Canada_a_review_Can_Wildl_Biol_Manag_455-65.

²⁸ Federal-Provincial Committee for Humane Trapping, *Report of the Federal Provincial Committee for Humane Trapping*, Fed.-Provincial Wildlife Conference, Can. Wildlife Serv. (1981).

²⁹ Gilbert Proulx et al., *Assessment of Power Snares to Effectively Kill Red Fox*, *Wildlife Soc’y Bulletin* 18, 27-30 (Spring 1990), available at <http://www.jstor.org/stable/3782303?origin=JSTOR-pdf>.

Coyotes caught in killing neck snares who do not die are reported to suffer painful injuries that are similar to or worse than those suffered by coyotes caught in leg-hold traps.³⁰ Coyotes may chew through the snare cable if the device does not tighten sufficiently to cause death, or if they are snared on another body part. There are multiple reports of escaped canids sighted with tightened snare loops around their necks and other limbs.³¹

The troubling injuries documented in coyotes caught in snares but not killed are compounded by the fact that killing devices may be left unchecked for days or even weeks at a time, leaving injured animals to suffer and die slowly from injuries, exposure, exhaustion, dehydration, or starvation. Killing snares may be left unchecked for up to 72 hours in Saskatchewan (depending on proximity to urban areas),³² and 14 days in British Columbia³³; in Alberta and Quebec, there are no legally required checking times for killing snares devices.

The Canada Goose website and product labels also reference the Canada Goose Fur Transparency Standard, and Canada Goose tells consumers that this means it purchases fur only from monitored suppliers and trappers “strictly regulated by state, provincial and federal standards.”³⁴ Canada Goose thus creates the image of a well-designed and effective system of oversight. But many of the bodies referenced by Canada Goose on labels and in marketing materials have no legal mandate to control or regulate trapping practices. For example, Canada Goose refers to the North American Fur Auctions (NAFA) as part of its supply chain³⁵ and has portrayed that NAFA “monitors very closely” the practices of trappers.³⁶ Contrary to this depiction, NAFA is merely an auction house for furs, not an oversight body, and NAFA monitoring of adherence to relevant laws, regulations, and best practices relies exclusively on self-declaration by fur shippers.³⁷ According to previous investigations, “[t]here is no mechanism within the NAFA to provide any degree of oversight of the trapping practices of the trappers from which NAFA accepts consignment pelts.”³⁸

Likewise, Canada Goose’s statements about the licensing of fur trappers are designed to give consumers a sense of assurance about trappers’ practices. In reality, according to the North American Fur Industry Communications group (NAFIC), such licensing is simply a matter of

³⁰ Gilbert Proulx & Dwight Rodtka, *Steel-Jawed Leghold Traps and Killing Neck Snares: Similar Injuries Command Change to Agreement on International Humane Trapping Standards*. *J. of Applied Animal Welfare Sci.* 20(2), (Feb. 2017), available at <https://www.ncbi.nlm.nih.gov/pubmed/28375756>.

³¹ Proulx et al., *supra* note 27.

³² The Wildlife Regulations, W-13.1 RRS § 24(3) (1981).

³³ Wildlife Act Commercial Activities Regulation, 338/82 BC Reg, § 3.05(1)(c) (1982).

³⁴ Can. Goose, Inc., *supra* note 1; see also Canada Goose jacket labels.

³⁵ Laura Collins, *EXCLUSIVE: Trendy Winter Coat Maker Canada Goose Accused by Campaigners of “Using Fur Obtained by Cruelty to Animals and Covering Up Truth with False Marketing”*, *Daily Mail* (Mar. 19, 2015, 2:24 PM), <http://www.dailymail.co.uk/news/article-3002883/Trendy-winter-coat-maker-Canada-Goose-sued-campaigners-using-fur-obtained-cruelty-animals-covering-truth-false-marketing.html>.

³⁶ *Id.*

³⁷ *Vision 2020 NAFA’s Fur Certification and Traceability Policy Position*, *N. Am. Fur Auctions*, 2 (Mar. 2017).

³⁸ Collins, *supra* note 35.

taking a training course on conservation and trapping systems, and then purchasing the license.³⁹ As to the actual administration of any humane standards, enforcement bodies struggle to fulfill their mandates. According to information obtained from the province of British Columbia by the Association for the Protection of Fur-Bearing Animals (APFBA), as of 2013, the almost 950,000 square kilometers of British Columbia were covered by fewer than 90 British Columbia Conservation Officers, or one officer per 11,000 square kilometers.⁴⁰

Canada Goose also assures consumers that its standards prevent the trapping of endangered species.⁴¹ In multiple studies on the use of leghold traps and snares, however, animals other than coyotes have been caught, including not only wild animals but also pets, with up to 67% of animals caught not being the target species.⁴²

American Humane Association, which manages the United States' oldest and largest third-party animal-welfare auditing program,⁴³ has averred that humanely-produced fur is an impossibility.⁴⁴ In sum, Canada Goose is making representations about its fur trapping supply chain that are designed to sell apparel but do not match actual practice.

Down.

Canada Goose frames the treatment of birds by its suppliers as adhering to the Five Freedoms (freedom from fear, distress, pain, injury, and physical discomfort), but a 2017 investigation by the People for the Ethical Treatment of Animals (PETA) into James Valley Colony Farms (JVC), a Canada Goose down supplier, and Schiltz Foods, a slaughter plant where JVC has sent many of its geese, further undermines Canada Goose's claim that its down is ethically sourced.⁴⁵ JVC employees were filmed abusing and injuring geese.⁴⁶ Video from the investigation depicts birds crushing each other in extremely crowded conditions, and further

³⁹ *How Fur is Produced: Trapping*, Truth About Fur, <http://www.truthaboutfur.com/en/becoming-a-trapper> (last visited Feb. 27, 2019).

⁴⁰ *What is Wrong with Trapping*, The Ass'n for Prot. of Fur-Bearing Animals, <http://thefurbearers.com/the-issues/trapping/what-is-wrong-with-trapping> (last visited Feb. 27, 2019).

⁴¹ Can. Goose, Inc., *supra* note 1.

⁴² *Welfare Implications of Leghold Trap Use in Conservation and Research*, Am. Veterinary Med. Ass'n (Apr. 30, 2008), <https://www.avma.org/KB/Resources/LiteratureReviews/Pages/Welfare-Implications-of-Leghold-Trap-Use-in-Conservation-and-Research.aspx>.

⁴³ *Becoming American Humane Certified*, Am. Humane Certified, <http://www.humaneheartland.org/our-farm-programs/american-humane-certified> (last visited Feb. 27, 2019).

⁴⁴ *Position Statements: Animals Skinned for Fur*, Am. Humane, <https://www.americanhumane.org/position-statement/animals-skinned-for-fur/> (last visited Feb. 27, 2019); *See, e.g., Every Single Luxury Brand, Retailer and Magazine that has Gone Fur Free - So Far*, Fashionista (Apr. 5, 2018), <https://fashionista.com/2018/04/fur-free-designer-brands-magazines-retailers> (in response to the growing recognition of the inevitable cruelty involved in fur production, several leading fashion companies have removed fur from their clothing); *see also* Zachary Toliver, *Breaking: San Francisco Becomes First Major US City to ban Fur Sales*, PETA (Mar. 20, 2018), <https://www.peta.org/blog/breaking-san-francisco-bans-fur-sales/> (three cities in California have enacted bans on the sale of fur).

⁴⁵ *Geese Crushed, Suffocated at Canada Goose Down Supplier*, PETA, <https://investigations.peta.org/geese-crushed-suffocated-at-canada-goose-down/#video> (last visited Feb. 27, 2019).

⁴⁶ *Id.*

shows workers stepping on geese and carrying them around by their necks, as the birds panicked.⁴⁷ The birds were also filmed in filthy and cramped transport crates, where they were left for up to 24 hours without food or water.⁴⁸

At the slaughterhouse, where USDA inspectors have previously observed workers kicking and throwing birds,⁴⁹ PETA documented geese with visibly bruised wings and wings with broken bones or dislocations.⁵⁰ Since bruises are exclusively an antemortem phenomenon, it is clear that these geese were injured while they were still living.⁵¹

Professor Donald Broom of the Department of Veterinary Medicine at the University of Cambridge has studied and published on the effects of housing, management procedures, transport, handling, and slaughter on domestic animal welfare, including specifically geese, for more than five decades. Professor Broom reviewed footage from PETA's investigation and advised that Canada Goose's supplier's "method of catching, lifting and moving the geese causes pain and fear to the goose and might damage or dislocate the neck at the cervical vertebrae." During the pile-ups caused by the workers entering the goose pen, "[t]he birds at the bottom will have difficulty in breathing and will be subject to forces that could break their bones," and "[t]hese birds have been caused extreme stress as well as fear and pain."⁵²

Multiple other animal behavior experts and veterinarians confirmed Dr. Broom's assessment, describing the conditions recorded in the investigation as "definitely . . . cruel," "evidence of abusive treatment," and "inhumane practices." They further characterized the footage as depicting "geese . . . exhibiting signs of extreme fear and distress," "severe overcrowding," potential "crushing injuries" and "asphyxiation."⁵³

Accordingly, Canada Goose's statements that the geese used for its down "have not been subjected to any . . . undue harm" and that the Company "adheres to the Five Freedoms policy" are highly suspect.⁵⁴ These findings also belie entirely Canada Goose's repeated pronouncements of "ethical sourcing" and "responsible use," as well as its expressed commitment to "humane treatment."⁵⁵

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ *The Welfare of Birds at Slaughter in the United States: The Need for Government Regulation*, Animal Welfare Inst., 12 - 13, 15 (Apr. 2016), <https://awionline.org/sites/default/files/products/FA-Poultry-Slaughter-Report-2016.pdf>.

⁵⁰ *Id.*

⁵¹ Peter Vanezis, *Interpreting Bruises at Necropsy*, 54 J. of Clinical Pathology 348 (2001), available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1731416/>.

⁵² Letter from PETA to Thomas B. Pahl, Acting Dir., FTC Bureau of Consumer Protection, 9 (Nov. 1, 2017), https://www.mediapeta.com/peta/PDF/PETA-Canada_Goose_Deceptive_Advertising.pdf.

⁵³ *Id.*

⁵⁴ Can. Goose, Inc., *supra* note 1.

⁵⁵ *Id.*



“Severe overcrowding” documented during the PETA investigation of James Valley Colony Farms (2017).

Canada Goose has responded to this evidence of abuse by claiming that different geese raised by JVC—not the particular geese whose abuse was filmed by investigators—are used for its products.⁵⁶ However, even if that is true, Canada Goose has produced no evidence to suggest that JVC has higher or more effectively enforced animal welfare standards for birds used for Canada Goose products than it does for other birds.

Wool and Shearling.

A review of recent press regarding Canada Goose’s expansion into merino wool sweaters mentioned the sourcing of wool from Argentina.⁵⁷ Although mulesing is not practiced in Argentina,⁵⁸ investigations into the Argentine wool industry appear to belie Canada Goose’s assertion that its wool is sourced from “farms that value animal welfare.”⁵⁹ Cruelties documented in the Argentine wool industry include the banding, docking, and castrating of lambs without any anesthesia; the live skinning of sheep, often in view of other animals; the whipping and beating of pregnant sheep, who are then driven into the desert to give birth, despite the risk of hypothermia from having recently been shorn; and the rough slaughter of sheep once their wool

⁵⁶ Eve Watling, *Are Canada Goose Jackets Inhumane? The Controversy Explained*, Newsweek (Feb. 14, 2019), <https://www.newsweek.com/are-canada-goose-jackets-unethical-controversy-explained-1329557>.

⁵⁷ Robert Klara, *Why Outwear Legend Canada Goose is Taking a Chance on Wool Sweaters*, ADWEEK (Aug. 14, 2017), <https://www.adweek.com/brand-marketing/why-down-parka-legend-canada-goose-is-taking-a-chance-on-wool-sweaters/>.

⁵⁸ See, e.g., Annabelle Cleeland, *Two Global Standards Aim to Steer the Wool Industry*, FarmOnline (Jul. 12, 2017), <https://www.farmonline.com.au/story/4781371/the-mulesing-debate-is-over/>.

⁵⁹ See Canada Goose jacket labels.

production ceases.⁶⁰ Investigations provide images of sheep with long and deep wounds on their necks, torsos, and even udders and anuses, all from rough and careless shearing.⁶¹

Despite its assurances regarding sourcing only from “farms that value animal welfare,”⁶² to date Canada Goose has not signed onto the Responsible Wool Standard (RWS),⁶³ a “voluntary global standard that addresses the welfare of sheep and of the land they graze on.”⁶⁴ Many of Canada Goose’s competitors, including Patagonia, Vaude, REI, and Kathmandu, have signed onto the RWS,⁶⁵ which offers a certification process tied to the Five Freedoms.⁶⁶ Canada Goose’s decision to forgo citing any such external obligations suggests that Canada Goose is making representations about its wool and shearing procurement that are designed to sell apparel but do not match actual practice.

These types of animal-welfare representations are meaningful to consumers, and we invite Canada Goose to a productive discussion of the representations.

Consumers are demanding ever more transparency about the impact of their purchasing power, including how their purchases affect animals.⁶⁷ Market surveys have demonstrated growing consumer concern about the treatment of animals used in food,⁶⁸ cosmetics,⁶⁹ and clothing industries.⁷⁰ According to one survey, 47% of consumers support companies that avoid inhumane treatment of animals.⁷¹

⁶⁰ *Patagonia’s ‘Sustainable Wool’ Supplier Exposed; Lambs Skinned Alive Throats Slit, Tails Cut Off*, PETA, <https://investigations.peta.org/ovis-lamb-slaughter-sheep-cruelty/> (last visited Feb. 27, 2019).

⁶¹ *More Disturbing Videos: Sheep Kicked, Stomped On, and Mutilated for Wool*, PETA, <https://investigations.peta.org/australia-sheep-abuse-wool/> (last visited Feb. 27, 2019); *PETA Calls Out Patagonia for Secrecy Around New Wool Source*, PETA (Sept. 13, 2018), <https://www.peta.org/blog/peta-responds-patagonias-lack-concern-new-sheep-cruelty-expose/>.

⁶² See Canada Goose jacket labels.

⁶³ *Certification*, Responsible Wool Standard, <http://responsiblewool.org/certification/> (last visited Feb. 27, 2019).

⁶⁴ Arthur Friedman, *Responsible Wool Standard Being Adopted by Argentine Wool Industry*, Sourcing J. (Oct. 11, 2017, 3:24 PM), <https://sourcingjournal.com/topics/raw-materials/responsible-wool-standard-adopted-argentine-wool-industry-73219/>.

⁶⁵ *Find RWS Companies*, Responsible Wool Standard, <http://responsiblewool.org/find-rws-companies/> (last visited Feb. 27, 2019).

⁶⁶ *What is the RWS?*, Responsible Wool Standard, <http://responsiblewool.org/about-rws/> (last visited Feb. 27, 2019).

⁶⁷ The Hartman Grp., *Animal Welfare: Consumers Want Transparency*, Forbes (Sept. 11, 2015, 4:13 PM), <https://www.forbes.com/sites/thehartmangroup/2015/09/11/animal-welfare-consumers-want-transparency/#1c97af96169d>.

⁶⁸ *Consumer Perceptions of Farm Animal Welfare*, Animal Welfare Inst., https://awionline.org/sites/default/files/uploads/documents/fa-consumer_perceptionsoffarmwelfare_-112511.pdf (last visited Feb. 27, 2019); see also Sarah Schmidt, *Animal Welfare an Increasing Concern for Consumers*, Mkt. Research (Apr. 26, 2017), <https://blog.marketresearch.com/animal-welfare-an-increasing-concern-for-consumers>.

⁶⁹ *U.S. Poll Shows Consumers Want Cosmetics to be Cruelty-Free*, Humane Soc’y Int’l (Oct. 23, 2012), http://www.hsi.org/news/news/2012/10/cosmetics_poll_usa_102312.html.

⁷⁰ Mario Abad, *The 3 Reasons Several Luxury Brands are Saying No to Real Fur*, Forbes (Mar. 27, 2018, 4:47 PM), <https://www.forbes.com/sites/marioabad/2018/03/27/sustainable-luxury-brands-anti-fur-faux-fashion/#2680bced6177>.

⁷¹ The Hartman Grp., *supra* note 67.

The representations and practices outlined above create a legal risk for Canada Goose on the basis of false and misleading advertising. Canada Goose's conduct has (1) misled consumers into purchasing Canada Goose's fur, down, and wool products when they otherwise would have sought more humane alternatives; (2) adversely affected competition in the market for humane clothing products; (3) harmed consumer confidence in clothing labeling; and (4) deprived consumers of the ability to support humane clothing alternatives. In fact, there is a wide range of pending litigation involving animal-welfare marketing representations that do not match reality. *See, e.g., Food and Water Watch v. Pilgrim's Pride Corporation*⁷²; *Organic Consumers Association v. Ben & Jerry's Homemade Inc.*⁷³

Canada Goose says that it hopes "people recognize our commitment to responsible use and ethical sourcing of fur."⁷⁴ The organizations that we represent, as they prepare public advocacy campaigns to address harmful conduct in the clothing industry, conversely hope that Canada Goose will engage in an honest discussion of its production practices and how its practices are portrayed to the public. We appreciate your prompt acknowledgement of receipt on or before May 27, 2019 and look forward to engaging in substantive dialogue. Alternatively, if Canada Goose is unwilling to meet to discuss our concerns, we will explore all legal options to resolve this matter.

Very Truly Yours,



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⁷² *See, e.g., Darcey Rakestraw, Watchdog Groups Sue Pilgrim's Pride for Deceptive Advertising*, Food & Water Watch (Feb. 7, 2019), <https://www.foodandwaterwatch.org/news/watchdog-groups-sue-pilgrims-pride-deceptive-advertising>.

⁷³ *See, e.g., Katherine Paul, Organic Consumers Association Wins on Motion to Dismiss in Case Against Unilever-Owned Ben & Jerry's for Deceptive Marketing Claims*, Organic Consumers Association (Jan. 10, 2019), <https://www.organicconsumers.org/press/organic-consumers-association-wins-motion-dismiss-case-against-unilever-owned-ben-jerrys>.

⁷⁴ Can. Goose, Inc., *supra* note 1.

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