



# LIFTING THE VEIL OF SECRECY ON LIVE ANIMAL EXPERIMENTS

A REPORT WRITTEN AND PRODUCED  
BY THE ALLIANCE AGAINST VIVISECTION

18 AUGUST 2003



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Thanks to independent scientist Dr Michael Morris PhD, and Green MP Sue Kedgely for their advice and assistance in the production of this report.

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## INTRODUCTION

Every year in New Zealand over 260,000 animals are used in experiments. Half are killed, and many thousands are subjected to what the government itself describes as severe or very severe suffering. Most animal research in New Zealand is aimed at increasing the profits of the meat and dairy industries. Thirty-five per cent of the animals used in 2002 were used by commercial researchers. A further thirty-five per cent were used by government departments and crown research institutes. The remaining 30 per cent were used in experiments at universities. Only 11.5 per cent were used in medical research.

Animal research in this country is shrouded in secrecy. Although most of the research is funded with public money, few details are released. The National Animal Ethics Advisory Committee (NAEAC) releases a bland annual report every year assuring us that everything is fine and that the New Zealand regulatory system is one of the best in the world. They say animals are used only when it is absolutely necessary, and that all possible steps are taken to prevent unnecessary and cruel research. Our report provides evidence to the contrary.

### REGULATIONS

We believe that Part six of the Animal Welfare Act 1999 (which regulates animal research) totally fails to protect animals. The law, as it stands now, is designed primarily to protect researchers from prosecution. The present system of Animal Ethics Committees (AECs) promotes a culture of secrecy, as all decisions about animal experiments are made in secret with no public accountability, by researchers themselves. There is no legal requirement for researchers to use non-animal alternatives where they exist and there is no mandatory requirement to use pain relief. We compared New Zealand animal research laws with those of several other countries and discovered that the New Zealand system is lagging behind in terms of accountability and openness. For example,

Institutional AECs can approve their own experiments. Institutions can stack their ethics committees with internal members, which means the three external members have little or no influence. For example the Auckland University AEC has 13 members, 10 of which are university employees. In short, the system is entirely self-regulated, and no truly independent inspection process.

### THE STATE OF THE SYSTEM

In the course of our investigations it became apparent that many research institutions seem unclear about their basic legal requirements. Paperwork obtained under the Official Information Act often contained inaccuracies and errors. Even the NAEAC Annual Report found to often contain basic statistical errors. Institutions are required by law to keep animal usage records 'readily accessible', but many institutions admitted they did not have the information. We think this failure to take record-keeping seriously is a reflection of the fact that animal research is conducted in secret with no accountability.

# INTRODUCTION



## A CULTURE OF SECRECY

In this section we outline some of the battles we have undergone to obtain information that should be publicly available. Universities and government institutions involved in animal research are reluctant to release information and often delay and obstruct our requests. We describe instances of institutions providing false or misleading information, long delays in responding to official information requests, and widespread hostility and unhelpfulness.

## BEHIND CLOSED DOORS

This section reveals for the first time descriptions of research conducted at every major publicly funded animal research institution in the country, and provides detailed descriptions of recent experiments. Obtaining details of experiments has proved very difficult, with the animal research community delaying and obstructing us at every opportunity. Consequently, the information in this report is undoubtedly only the tip of the iceberg. We believe the public will be shocked by the experiments described here, and will support our call for a full and open debate about vivisection in this country.

Some of the many examples in the report include:

- ◆ Agricultural experiments which involve massive amounts of animal suffering in shock and burn experiments, and removal of organs in major surgical procedures.
- ◆ The inherent cruelty involved in creating genetically modified or cloned animals.
- ◆ Cats and dogs killed in experiments at Massey University, some of which involve severe suffering.
- ◆ Animal experiments conducted by Auckland University which investigate the effects of nicotine on unborn animals, even though the effects are well known in humans.

The appendices include an example of an institutional animal statistics form and description of the different categorised levels of suffering

We have also included a short article by Dr Ray Greek and Jean Swingle Greek of Americans For Medical Advancement, one of several organisations of scientists campaigning for the abolition of medical research on animals, arguing that animals are an inherently inaccurate model for human medicine. Using animals as models for human illness is bad science and should be abolished in favour of more accurate non-animal methods.



## ANIMAL LEGISLATION INADEQUATE

### INTRODUCTION

“The New Zealand system is recognised as one of the most comprehensive in the world.”

Wyn Hoadley, Chair, NAEAC

NAEAC Annual Report 2001 (page 5) speaking on the Animal Welfare Act

“The Animal Welfare Act 1999 imposes strict legislative obligations and significant responsibilities on those who use animals for scientific purposes.”

Dr Virginia Williams, AEC member

(New Zealand Veterinary Association nominee), BioSecurity Magazine, Issue 44, 15 June 2003

We are told again and again our system is one of the strictest and most comprehensive in the world. But this is, in fact, far from the truth. The roots of many of the problems associated with animal experiments in New Zealand can be traced back to our legislation, which is, in the area of animal research at least, blatantly inadequate.

In short, we believe that the Animal Welfare Act:

- ◆ promotes a ‘culture of secrecy’
- ◆ contains inadequate checks and balances to prevent abuse of the system
- ◆ fails to protect animals

### A CULTURE OF SECRECY

New Zealand has a history of patchy self regulation. The first regulations on animal research weren’t introduced until 1987 and even today the industry remains largely self regulatory. The late introduction of any formal controls and the degree of self regulation researchers have long enjoyed means that they have a history of ‘doing things their way’. It is therefore not surprising the research industry remains hostile to criticism and defensive of the current system.

Not only does the current framework single out the research industry for ‘special’ treatment and exemptions from our animal welfare laws, there are very few requirements for public input and consultation in this area – in stark contrast to other areas of animal use.

To this extent, it is the system itself that has contributed towards creating a ‘culture of secrecy’.



## DIFFERENT RULES FOR DIFFERENT INDUSTRIES

Many industries in New Zealand 'use' animals, but whether the business is a battery hen farm or an intensive piggery, a circus, a rodeo or a zoo, the Animal Welfare Act 1999 (AWA) treats them all in essentially the same way – all of them that is unless of course, they are an animal research or testing company or facility. Then the rules are entirely different.

Animal use for research, testing or teaching purposes is covered by a separate section in the act (Part 6). This means that from the outset, this industry is selected for different, and some would say 'special', treatment. In itself, there is nothing innately 'wrong' in doing this. Animal experimentation has long been one of the most highly emotive and controversial 'animal issues'. Given the fact that animal testing requires animals to be intentionally subjected to what are often painful procedures, many would say different treatment is fully justified, especially if we want to ensure animals are not made to suffer unless absolutely necessary. We might therefore expect more rigorous processes to be in place. However, when we look at Part 6 of the act, we see that the framework it sets up is essentially one of self regulation.

## NO REQUIREMENTS FOR PUBLIC INPUT OR CONSULTATION; STANDARDS NOT PUBLICLY AVAILABLE FOR INSPECTION

While the act sets up the framework and sets some general principles, it is left to the individual research institution or company to set the specific standards, processes and policies needed for them to operate on a day-to-day basis. And unlike other areas of animal use those processes and policies, while having to be approved by the Director-General of MAF, are set without any requirements regarding public input or consultation.

For example:

The AWA is general in nature, setting out broad principles and standards. The act allows various codes of welfare to be drafted in areas where more specific standards are required.

## CODES OF WELFARE

Codes of welfare may relate to a species of animal, or to a particular industry or use of animals. They establish minimum standards detailing how animals must be cared for and treated. When industries decide to develop a code it must be publicly notified so that submissions from the public can be taken and considered. Part 5 of the act sets out detailed provisions relating to public notification, consultation and matters that must be considered when a code of welfare is approved. Codes of welfare must also be available for inspection by members of the public free of charge.

This system allows for public input, discussion and debate. It also means that the public is more aware of standards and practices in these areas, which would assist the public in feeling both informed and heard. Several industries, including the layer hen and pig farming industries, are currently drafting their codes. This has led to widespread debate and thousands of submissions being made on issues such as the battery hen cage and dry sow stall. It means the public is aware of, and informed about, the standard practices employed by those industries, and ensures their opinion is heard and considered.



### CODES OF ETHICAL CONDUCT

Animal use for research, testing or teaching purposes is regulated under a different set of codes - codes of ethical conduct (CECs). CECs also translate the broad principles of the act into more detailed requirements and standards. All those engaged in research, testing or teaching involving animals must hold a CEC, i.e., they must be a code holder. CECs set out the policies and procedures adopted by the code holder and cover matters such as monitoring and compliance, record keeping and animal management practices. The way CECs are drafted and approved is vastly different from the way codes of welfare are treated. There are no equivalent public notification or submissions processes available, and (except via the Official Information Act) CECs are not publicly available.

This system contributes to widespread public ignorance about the policies and procedures applied in regulating animal research or how experiments are approved and on what basis. The public also has no opportunity for input in this area, which greatly restricts discussion and debate.

In short, the framework that research institutions operate under is a far less open one. This stifles debate at the outset and means the public is 'kept in the dark' and is largely unaware of the various issues and problems that exist in this area.

### INADEQUATE CHECKS AND BALANCES

Part 6 of the AWA sets out broad principles and requirements only. It is left to the institutions themselves to set out the detailed policies and processes that will govern their operation, and of course the experiments themselves are approved and monitored by institutionally linked AECs. This framework means that the system lacks integrity and independence. Huge conflict of interest issues exist, and the potential for bias is enormous. What makes the situation worse is that our legislation is full of gaps, and the checks and balances in place are simply inadequate and incapable of preventing abuse of the system – and of animals.

For example:

- ◆ Institutions can 'stack' AECs with internal members, and set their own quorum and voting procedures.
- ◆ Institutions arrange their own independent reviews, appoint reviewers and negotiate payment for inspections between themselves.
- ◆ Inspections may be as infrequent as once every five years and there are no requirements for independent unannounced or surprise inspections.
- ◆ There is no legal requirement that independent reviewers must not have an interest in the institution they are reviewing.
- ◆ It is not an offence for an institution or AEC to breach their own code, and there are no provisions for fines or convictions even for repeated breaches.
- ◆ No independent audits are required to examine the decisions of AECs and the reasonableness of the projects they approve. No additional checks are made, even for experiments involving severe or very severe suffering. It is therefore impossible to gauge how robust and rigorous the standards or cost-benefit justifications being made are, in practice.



## A SYSTEM WIDE OPEN TO ABUSE

### INSTITUTIONAL COMMITTEES APPROVE AND MONITOR EXPERIMENTS

In New Zealand animal experiments are approved and monitored by institutionally linked AEC. Institutions not only set their own processes and policies, they approve and monitor their own experiments, and monitor their own animal management practices and facilities. At the outset this system creates obvious conflicts of interest and raises serious concerns regarding the rigorousness and independence of our system. Because no one set standard exists, there are also problems with consistency from institution to institution.

The use of institutional AECs has been strongly criticised. Because of the issues raised by this system, some countries operate independent regional ethics committees or require all projects to be licensed by a central governmental department.

APPROVAL OF EXPERIMENTS	
<p>New Zealand Institutional AECs approve their own experiments.</p>	<p><b>United Kingdom</b> A system of licences is used. Project licenses are issued by a central governmental body.</p> <p><b>Germany</b> Authorisation must be obtained from the Ministry of Food, Agriculture and Forestry.</p> <p><b>Sweden</b> Regional ethics committees must examine all requests to conduct experiments. However, their advice is highly influential but not binding.</p>

### LIMITED ANIMAL WELFARE AND COMMUNITY REPRESENTATION ON AECs

Legally, every AEC is required to have at least three external members:

- ◆ a nominee of the Veterinary Association
- ◆ a nominee of a territorial or regional council
- ◆ a nominee from an animal welfare organisation such as the RNZSPCA.

It should not be assumed that the inclusion of these members on the AEC will necessarily help to protect animal welfare. In fact legally the council member *must not* be associated with an animal welfare agency, and the veterinary representative may well be involved in animal research themselves – their expertise in that area could be the rationale for their nomination.



## ANIMAL LEGISLATION INADEQUATE

Strictly speaking the three external members are “nominees” *not representatives*. The chief executive of the research institution or company appoints all the members of their AEC and must therefore approve all members. In any case, once a person is on an AEC they are often contractually bound to that institution and to secrecy, and so unable to provide much feedback to their organisation.

### INSTITUTIONS CAN ‘STACK’ AECs WITH INTERNAL MEMBERS

The AWA sets no maximum on the number of members that can sit on an AEC or requirements regarding the proportion of internal versus external members that must be on the committee. This makes it possible for institutions to institute policies allowing them to ‘stack’ the AEC with internal members. Some committees have as many as 13 members on them, the vast majority of which will be internal members.

The act is also silent regarding voting or quorum requirements. This means it is possible for committees to institute policies that allow meetings to go ahead even where the mandatory external members are not present, or to require a majority of internal members to be present.

Because institutions set their own rules about membership, quorum and voting processes there is significant scope for the role of external members on AECs to be undermined. These factors have the potential to affect both the perceived and actual rigorousness of the approval process.

### INSTITUTIONS CAN ‘SHOP AROUND’ FOR AN AECs TO APPROVE THEIR EXPERIMENTS

Persons or institutions that do not operate their own ethics committee or code can use another institution’s, so long as the institution agrees and MAF is notified of the arrangement. It is also open for people or institutions to use more than one AEC, and to have more than one such arrangement. This opens the system up to abuse, especially given that standards and procedures can vary from institution to institution.

## INADEQUATE MONITORING AND ENFORCEMENT

### SELF-MONITORING OF PROJECTS, ANIMAL MANAGEMENT PRACTICES AND FACILITIES

Not only is the monitoring of projects, animal management practices and facilities undertaken by the institution’s own AEC, but the policies, procedures and standards that are set are formulated by the institution themselves. This means that standards and policies can vary from institution to institution. The effectiveness of the framework is made even more difficult to assess since institutions are not required to keep any records of their inspections or audits. (cf. s99(e))

### INDEPENDENT REVIEWS ONLY ONCE EVERY FIVE YEARS

Institutions must also periodically undergo what is termed an independent review. When an institution first applies to use animals, an independent review is required to take place within the first two years of their code being approved. Thereafter institutions are reviewed whenever they apply for their code to be renewed. Because codes can be approved for up to five years this means that most institutions would be subject to a review approximately once every five years. (cf. s105)



## REVIEWERS CANNOT CRITICISE THE DECISIONS OF THE AECs REVIEWED

Independent reviews only focus on checking that committees and institutions are following the right processes. Reviewers are not entitled to pass judgement on the validity or appropriateness of any of the AECs final decisions unless poor process had a “significant bearing” on the decision or they failed to comply with the act. (cf. s106(2))

NAEAC has repeatedly stated that:

*‘...every manipulation having a high negative animal welfare impact must be supported by a strong cost benefit justification’*

NAEAC comment, NAEAC Annual Report (2002: p24); (2001: p20); (2000: p20)

But given that no independent checks are made to examine the decisions that AECs make or the reasonableness of the projects they are approving how can anyone really know how rigorous the system is? There are simply no independent audits or checks made, even for experiments involving severe or very severe suffering.

## INSTITUTIONS APPOINT THEIR OWN ‘INDEPENDENT REVIEWER’. NO UNANNOUNCED REVIEWS

Although they are called ‘independent reviews’ it is important to note that the legislation actually requires the reviews to be organised by the research institutions. Not only does the institution appoint their own accredited reviewer, the institution and reviewer also negotiate the payment for the review between themselves (cf. s107).

New Zealand legislation does not require institutions to be subject to any kind of unannounced or random checks and inspections.

## ‘INDEPENDENT REVIEWERS’ NEED NOT BE INDEPENDENT!

Not only do the research institutions appoint their own reviewer, persons with a relationship or interest in the research organisations being reviewed, or who have been directly involved in developing and approving the institution’s code, can still legally act as an accredited reviewer for the institution. The AWA merely requires them to ‘take all reasonable steps’ to ensure that their judgement is not impaired by their relationship or interest in the institution, and to ‘maintain an appropriate degree of impartiality and independence’. This is unrealistic and frankly inadequate. An ‘independent’ reviewer should be just that – independent. Persons with an interest in the research institution or experiments being conducted there should be barred from acting as their reviewer. (cf. s110)



## ANIMAL LEGISLATION INADEQUATE

HOW DOES OUR SYSTEM OF INSPECTIONS 'MEASURE UP'?

INSPECTIONS	
<p><b>New Zealand</b> Institutions arrange inspections, appoint their reviewer and negotiate payment for the inspections between themselves. Inspections may be as infrequent as once every five years</p>	<p><b>United States</b> Institutions are subject to twice yearly unannounced visits by a USDA inspectorate that has the power to impose fines.</p> <p><b>United Kingdom</b> The UK government operates a specific inspectorate that is dedicated to monitoring compliance. Approximately two-thirds of the inspections are unannounced, and on average facilities are visited approximately four times a year.</p>

### GAPS IN THE FRAMEWORK MEAN POLICING IS INADEQUATE

A member of an AEC who believes their committee or institution is failing to comply “in a material respect” with the AWA, its regulations or their own code, may file a ‘Report of Non-compliance’ to the Director General of MAF. The act is silent however, as to what the Director-General is required to do once he receives such a report. There is no requirement for a formal investigation or directions as to what that might entail. In any case the powers of the Director-General are limited, for example he has no power to initiate an independent review - only the Minister has that power – yet the Director-General is not even legally bound to notify the NAEC or the Minister if a report of non-compliance is received. (cf. s103)

### LACK OF PENALTIES FOR BREACHES

It is not an offence for an institution or AEC to fail to comply even with their own rules and standards (their code of ethical conduct). If an ‘independent’ reviewer files a report that states that they haven’t complied with their code the Director-General can order them to do so. However there is no provision for fines or convictions of any nature even for continual breaches. At most, if the breach is significant, and they have failed to comply ‘in a material respect’ with the Act or their code, then the Minister or Director-General of MAF can *choose* to exercise their *discretion* and suspend or revoke the institution’s code. (cf. s96(2))



## AN ACT THAT FAILS TO PROTECT LABORATORY ANIMALS

Apart from all the obvious welfare problems following on from the issues already discussed, many other problems exist that contribute to the unnecessary suffering of animals in our laboratories.

For example:

- ◆ There is no requirement that animals must be given pain relief.
- ◆ Researchers are not required to consider and use alternatives where they exist.
- ◆ Not all experiments even need approval from an AEC, eg., animals killed for dissection, genetic modifications that are undertaken early in an animal's gestation, and experiments in the 'national interest'.
- ◆ There are no mechanisms to ensure experiments are not repeated.
- ◆ Animal suffering is assessed and reported by the researchers themselves.

## LABORATORY ANIMALS NOT PROTECTED BY OUR ANIMAL WELFARE AND CRUELTY PROVISIONS

Legally, none of the animal welfare or animal cruelty provisions found in Parts 1 or 2 of the AWA can prevent animals being used for research, testing or teaching purposes – no matter how severe the welfare issues raised are. This is a unique exemption that exists only for the research community and no other animal-using industry (cf. section 81).

## NO REQUIREMENT FOR PAIN RELIEF

*“...in all projects associated with moderate, severe or very severe suffering, all possible steps are taken to reduce or ameliorate the negative animal welfare impact.”*

NAEAC comment, NAEAC Annual Report (2002: p24); (2001: p21); (2000: p21)

While the public is continually told that all possible steps are taken to prevent animal suffering, this is misleading. In actual fact in New Zealand there is no mandatory requirement that animals being subjected to highly painful procedures must be given pain relief or euthanased if the suffering cannot be alleviated.

## NO REQUIREMENT TO USE ALTERNATIVES IF THEY EXIST

One of the purposes of Part 6 of the AWA (s80(b)(iii)-(iv)) is to ensure that animal use for research, testing and teaching purposes is replaced, where appropriate, with non-sentient or non-living alternatives. However s100 of the act, which sets out the actual criteria that must be considered in approving experiments, does not place any mandatory requirement on AECs to consider alternatives and use alternatives where they are available.



## ANIMAL LEGISLATION INADEQUATE

ALTERNATIVES	
<p><b>New Zealand</b> No requirement to consider alternatives and use them where they exist.</p>	<p><b>Holland</b> Prohibits the use of animals where the results could be obtained by an alternate means.</p> <p><b>Sweden</b> If it is possible to obtain comparable information in a different way the research is ruled to be not 'in the public interest' and the ethics committee is required to advise against the experiment.</p> <p><b>Germany</b> Project licenses may only be issued if there is evidence that alternatives have been considered.</p> <p><b>United Kingdom</b> Project licenses may not be granted if the project could be 'achieved satisfactorily by any other reasonably practicable method'.</p>

### INADEQUATE PROCESSES FOR ASSESSING ANIMAL SUFFERING

It is only since 2000 that it has been mandatory for research institutions to record the severity of their manipulations. The assessment of the level of pain and suffering is made by the researchers themselves. Can we really rely on the researchers to accurately estimate the severity of their experiments? The scheme may also mean there is inconsistent recording from institution to institution.

### THE 'LIFE' OF A LABORATORY ANIMAL HAS LITTLE VALUE

The way that 'harm' to animals is quantified is inadequate. In assessing and grading the overall severity or invasiveness of a procedure only the animal's pain and suffering is taken into account. The actual life of the animal or lethality of the experiment carries little weight. Major experimental surgery where an animal is killed while under anesthetic receives the same grading as benign preference tests or experiments that involve moving livestock.

### NOT ALL EXPERIMENTS NEED ETHICAL APPROVAL

Animals in the first half of their gestation are not defined as 'animals' under the act, so that experiments on them do not need AEC approval. This is a large gap in relation to the area of genetic engineering, and means that ethics approval and the ethics of these experiments do not need to be considered even if there may be significant welfare issues for the animal later in its life, ie., where the experiments will cause deformities, growth problems or make them more prone to diseases.

### RESEARCH IN THE 'NATIONAL INTEREST' EXEMPT FROM ETHICAL APPROVAL

If the Minister of Agriculture and Forestry is satisfied that research or testing is necessary in the national interest, the Minister may authorise it without the need for approval from an AEC. This bypasses consideration of the types of issues AECs normally address such as: ethical or welfare concerns; whether



controls or restrictions are appropriate; or even the need to consider whether the persons conducting the research or testing are suitably qualified.

There is no legal requirement that research or testing authorised in this way must be urgent or only used in emergencies.

### ANIMALS KILLED FOR DISSECTION NOT COVERED

The AWA only covers live animal use. There is no requirement for institutions to actively consider whether experiments or teaching laboratories involving animal dissections are necessary and use alternatives if they exist. Institutions are also not required to keep records on the numbers of animals killed for dissection or to work to reduce the numbers of animals they use.

### NO WAY TO PREVENT REPLICATION OF EXPERIMENTS

When they approve an experiment AECs must consider whether there is any duplication (s100(j)). This is impossible in practice because there is no way the committee can check to see if the experiment has already taken place at another institution. Because researchers seldom publish the results of experiments that failed or did not prove to be useful these are even more likely to be continually repeated. A more cohesive recording system is necessary if there is to be true consideration of factors such as this.



## STATE OF THE SYSTEM SHAMBOLIC

So, just how efficient is our system for the regulation of animal experimentation in practice? We have already discussed some of the problems with the regulatory framework in New Zealand, but even if there are problems and gaps with the framework that does not necessarily mean that 'things are really that bad' on the ground – does it?

While it is difficult to comprehensively assess the state of the system, our research under the OIA has already highlighted significant issues with how the system is operating in practice. When we started filing information requests we were disturbed at the frequency with which we found ourselves having to explain basic concepts and requirements to institutions. For example: what documents they were legally required to hold; what those documents looked like; and where they might find them if they hadn't kept a copy. Several institutions contacted were not aware that they used animals, or at least could not easily find anyone at their institution that knew what was going on.

The information institutions started to release to us also made it clear how extensive the problems were. Some institutions were unaware of what kind of animal use had to be reported or even what a 'manipulation' was, and reporting errors and inaccurate record keeping appears to be an endemic problem.

These problems highlight two points. First, in order for any system to operate effectively those involved need to be aware of their legal requirements. They also need clear guidance as to how they can meet those requirements. The AWA addresses this issue. One of the key functions of the NAEAC under the act is to "provide information and advice to Animal Ethics Committees" (cf. s63(g)). Whether NAEAC is simply failing to provide adequate information and advice, or the fault lies with the institutions, something somewhere in the system is not working.

Second, it became evident from the state of the institutional records we obtained copies of, that many institutions were not taking their recording requirements seriously. For example, the records released were often full of mistakes, inadequately filled out, or had key (and required) information missing; animal usage figures weren't added up properly or gave rough estimates rather than actual figures; some forms had notes and corrections all over them, and some were simply impossible to make any sense of. It is no surprise that NAEAC usually releases their annual report and the national statistics in August of each year – many institutions' returns are in such a poor state that it would take six months to unravel them and collate the national totals. Perhaps it also explains why several of NAEAC's annual reports, including that for 2002, have contained errors.

Misunderstandings and reporting problems are bound to occur in any system. But in New Zealand these problems appear to be widespread and commonplace. This is unacceptable and indicates that the issue is not being treated with the degree of importance and seriousness it deserves. Indeed, it calls into question the rigorousness of the system.



How can we believe NAEAC when they tell us that we have one of the most robust and comprehensive systems in the world, when many of our research institutions seem unclear about what their basic legal requirements are?

If institutions cannot take their recording requirements seriously and maintain accurate records, how can we trust them with the even more important job of monitoring their own research?

Several key issues will be outlined in the remainder of this section including:

- ◆ Ongoing problems with reporting errors and inaccurate records.
- ◆ Lack of clarity regarding what a 'manipulation' is.
- ◆ Confusion over the classification of manipulations.
- ◆ Lack of institutional awareness regarding their animal use.
- ◆ Difficulty in contacting institutions and locating information.
- ◆ Late filing of records.

### REPORTING ERRORS AND INACCURATE RECORDS

*"...the New Zealand animal use statistics collection system is recognised as one of the most comprehensive in the world..."*

NAEAC Annual Report (2002: p24); (2001:21); (2000, p. 20)

Institutions are legally required under the Animal Welfare (Records and Statistics) Regulations 1999 to keep details of their animal use. Institutions have to record (see Appendix 1):

- ◆ The species and number of each that were manipulated.
- ◆ Type of manipulations undertaken (teaching, biological research, medical research, commercial use, etc).
- ◆ How many animals were killed.
- ◆ The suffering levels of animals used (from no suffering through to very severe suffering).
- ◆ The sources of the animals used (i.e. 'public sources', 'captured', 'imported', 'breeding unit', 'farm' etc.).
- ◆ Any re-use of animals in more than one project.
- ◆ The status of the animals used (i.e., 'normal', 'transgenic', 'Germ free', 'diseased', 'unborn', 'protected species', etc.).

This information forms what is commonly referred to as the institution's 'Animal Use Figures'. Institutions are required to collate this information into an annual return which is sent to MAF.

We submitted requests under the OIA to all public bodies using animals for research, testing or teaching purposes, asking for copies of their animal usage figures. In doing this we discovered that reporting errors and inaccurate record keeping is an endemic problem in New Zealand.



## STATE OF THE SYSTEM SHAMBOLIC

### WIDESPREAD PROBLEMS WITH INSTITUTIONAL RECORDS

Of the 21 public bodies that have supplied actual copies of their animal usage figures (rather than tabulated or summary data only) over half of these institutions – 12 of them – have supplied records that have been incorrectly filled out, contained inaccurate information, had information missing, or have contained confused or contradictory information.

### SIGNIFICANT REPORTING ERRORS – EVEN AT MAJOR UNIVERSITIES

Reporting problems are certainly more common at smaller institutions such as polytechnics however problems are still relatively widespread even at major universities.

For example, in 2000 the annual animal usage figures of four of New Zealand's seven main universities contained significant errors. The errors ranged from double counting at Waikato University; Otago University omitting to record the suffering details for over 1,500 of the mice they used, to a typing error in the return of Auckland University that resulted in 450 less mice being recorded in their figures than was actually the case. Luckily, NAEAC picked up this last error before their annual report was released.

### REPEATED ERRORS

Some institutions have regular errors in their records almost every year.

For example, Canterbury University has supplied us with their animal usage figures for 1997, 1999, 2000 and 2001. All of these returns contained errors. The errors ranged from animals being recorded as both 'alive' and 'dead', basic mistakes in adding, to information being left out. For example, in 2001 information was left out because they could not find out where the pigeons they used had come from. Sometimes the information supplied has been confused and unclear because they were unsure whether various animals had been manipulated or not. In 1999 information on the number of rats used was confused because several pieces of information had been recorded on the same return. In addition to recording details about the numbers of rats manipulated, the return also recorded the deaths of an additional 700 rats that were not manipulated but were killed due to what appears to have been a large-scale outbreak of disease at their animal facility.

Other major institutions such as the University of Otago and the University of Auckland have also supplied records with inaccurate information or reporting errors on more than one occasion.

### DOUBLE COUNTING

Double counting has been an issue not only with Waikato University but also at HortResearch (in 2001). Both institutions use AgResearch Ruakura's AEC and in both cases their statistics appear to have become confused with that of AgResearch.

### 'APPROXIMATE' RECORDING

Several organisations have submitted approximate rather than actual figures of their animal use. For example, in 2001 the Department of Conservation's animal usage return stated that approximately 92,938 fish had been killed. This occurred because researchers reported the total numbers of fish killed only as ranges. Nelson-Marlborough Institute of Technology has supplied approximate figures on several occasions, though the reason for this is unclear.



### INACCURACIES IN NEW ZEALAND'S NATIONAL STATISTICS

Not surprisingly perhaps, NAEAC's annual reports have also occasionally contained inaccurate figures.

In NAEAC's 2002 annual report the information detailing the suffering levels of animals was inaccurate. The figures provided simply do not add up in both the very severe suffering and the little suffering categories and in relation to the suffering information provided for both pigs and sheep.

NAEAC's 1999 annual report the information given on animal use in schools was inaccurate due to confusion about whether one school had actually manipulated animals or not.

### MISUNDERSTANDINGS ABOUT WHAT A 'MANIPULATION' IS

As basic as it might sound there is widespread misunderstanding about what a 'manipulation' is and what uses of animals require approval from an AEC. This means that sometimes a report is filed, sometimes it's not and sometimes a report is filed but there is a note attached to it saying that the animals were not manipulated!

### PROBLEMS IN HOW TO RECORD MANIPULATIONS

Bay of Plenty Polytechnic's animal usage figures for 2002 had the word 'manipulated' crossed out, so the form just read 'animals used'. In their records, beside the column recording the type of manipulation undertaken is written "Not Manipulated".

In 2000 Canterbury University had a similar problem. The return relating to a study involving 100 bellbirds also had the word 'manipulated' crossed out, and instead was written 'observed in natural conditions'. Despite this, the column recording the type of 'manipulation' undertaken said the animals were manipulated for "species conservation".

Animal usage returns exist and were filed with MAF. These document the use of these animals, but were the animals manipulated or not? It's unclear. This appears to be a significant issue in New Zealand, and the confusion is such that it has even led to inaccurate national statistics being published by the government in 1999.

### PROBLEMS IN DETERMINING WHETHER RECORDS HAVE TO BE KEPT

The problem may also have resulted in under-reporting of animal use in the past. For example in 1999 Unitec did not report their animal use to MAF because "there was no experimentation done on animals nor teaching that involved animals in what is defined as a manipulation under the legislation." Again in 2000 a nil return was filed. But by 2001 Unitec was revising this stance and decided to file a report, stating that their "procedures fall into a bit of a grey area" and that they were "about to seek clarification from NAEAC as to whether they truly fit the definition of 'manipulation' or not. In the meantime, and in response to the new(ish) animal welfare legislation, we chose to err on the side of caution and seek approval."



## STATE OF THE SYSTEM SHAMBOLIC

We do not know what NAEAC's advice was, but in 2002 Unitec filed another animal usage report. What about their animal use in 1999 and 2000 – were they supposed to file a report? If they were supposed to have reported the use did anyone follow this up? Isn't someone supposed to make sure institutions are clear about basic things like this?

### CONFUSION OVER THE CLASSIFICATION OF MANIPULATIONS

Even when institutions seem sure their use is a 'manipulation', they often don't know what type of manipulation it is. This is problematic because legally institutions are required to keep records on the purpose of their manipulations (cf: s 4(1)(c) of the Animal Welfare (Records and Statistics) Regulations 1999).

#### PROBLEMS IN DISTINGUISHING BETWEEN 'TEACHING' AND 'ANIMAL HUSBANDRY' MANIPULATIONS

Due to confusion on how to classify the types of manipulations conducted, in 2001 the animal usage returns that Christchurch Polytechnic (CPIT) submitted to MAF recorded their use as both for 'teaching' and 'animal husbandry' purposes. In its annual report NAEAC specifies what types of manipulations were undertaken that year. Some decision would have had to have been made on how to classify this use. So was the matter cleared up with Christchurch Polytechnic? Apparently not, as in 2002 Christchurch Polytechnic once again recorded their use in *both* categories.

While it might be expected that most animal use at polytechnics is quite similar in nature, as it is usually associated with veterinary nursing or animal welfare courses, some polytechnics like Bay of Plenty Polytechnic have traditionally classified their use as 'animal husbandry' while others like Waikato or Otago Polytechnics have classified it as for 'teaching' purposes.

Inconsistencies such as this reduce the accuracy and usefulness of our reporting system. This also raises questions about how efficiently the system currently operates, and the comprehensiveness of the support and information networks in place.

### INSTITUTIONAL AWARENESS ABOUT THEIR ANIMAL USE

Each year NAEAC publishes a list of the organisations legally entitled to conduct experiments on animals. OIA requests were made to many public bodies using the contact details published by NAEAC, and copies of their animal usage figures were requested. This task proved far more difficult than might be expected. One letter that was sent was immediately returned unopened and several others simply went totally unacknowledged or responded to. Several organisations were entirely confused. No one at "CRI's Palmerston North campus" knew of any working group at the facility operating under the name in the NAEAC Report. The new head of science at Wellington High School and Community College was entirely baffled:



*“I have just received your letter regarding animal usage returns but am none the wiser as to what I’m supposed to do.” And “I’m told that the only animals used for teaching purposes in 2000 and 2001 have been barnacles. Do I still need to fill in this form? I will try to find out to which ethics committee we belong as well”*

Wellington High School and Community College, 18.02.2002 and 19.02.2002

Others were surprised at being contacted and stated categorically that they did not undertake research on animals. For example Nelson Hospital replied via email stating simply “Our DHB does not do any Animal Manipulations” and Agriquality informed us that although they “may be listed as having approval to carry out animal manipulation this is a carry over from when we were part of MAF. Since being formed into an SOE we do not do any of this work at all.” After several further letters, emails and follow ups with MAF, it was found that both these institutions had manipulated animals and filed animal usage returns for the year 2000 to this effect. This is not to imply either organisation was concealing this information, in fact the respondents appeared as surprised as anyone at being informed that their institutions did indeed use animals for research or teaching purposes. It was clear that they had, had as much difficulty as us in locating someone at their institution that knew anything about the work taking place:

*“neither myself nor the Chief Medical Officer of Health were aware of the arrangement or return. Thank you for bringing this to our attention.”*

Nelson Hospital, 28.02.2002

### INSTITUTIONAL AWARENESS ABOUT THEIR LEGAL REQUIREMENTS

#### FAILURE TO HOLD AND KEEP RECORDS “READILY ACCESSIBLE” AS LEGALLY REQUIRED

All organisations using animals, even those that do not operate their own AEC (but use that of another organisation) are required to keep records<sup>1</sup>. Even if no animals are used one year the institution is still required to submit a ‘nil’ return as confirmation of this. Since January 1<sup>st</sup> 2000 the Animal Welfare (Records and Statistics) Regulations have also been in force. These regulations state that these institutional records must be “readily accessible” (cf. s4(1)) and held for a period of not less than 5 years (cf. s4(2)).

Despite this, when we tried to request a copy of the animal usage figures submitted to MAF by a range of public bodies, many organisations either did not hold the information or it was not readily accessible. For example Christchurch Polytechnic referred us to MAF in both 2000 and 2001 as they had not retained a copy of their figures. The Southern Institute of Technology informed us that their figures had been archived, so once again we would need to contact MAF. Several other institutions, including HortResearch and Agriquality also had to refer us to MAF as they could not locate their figures. Nelson Hospital on the other hand initially refused requests on the basis that they did not exist, until again MAF helped them to locate their information. Crop and Food had even bigger problems:



## STATE OF THE SYSTEM SHAMBOLIC

*“have heard from our contact staff member recently the AEC has collapsed due to resignation of the chairman... I will need to find out the status of the AEC and find out whether an annual return has been filed“*

Crop & Food, 19 February 2002, (Using Lincoln University's AEC)

Issues can even arise in relation to universities. Waikato University also initially had problems locating their 2000 figures and until 2000 Massey University did not retain a copy of their animal usage figures in a readily accessible form. Massey's figures can still be difficult to access. Because of technical problems with the computer software used, 2001 figures for example could not be obtained until MAF had downloaded them and returned a hard copy to the university.

For unknown reasons, it has proven extremely difficult to obtain the animal usage figures from various other organisations as well. For example, Forest Research have continually failed to supply their animal usage figures. Instead a summary of selected information is sent with no explanation why the forms requested are not provided, despite ongoing queries about the availability of their actual returns.

### LATE FILING OF ANIMAL USAGE RETURNS

*“I have just finished compiling the 2001 return” ... “as soon as I have finished sorting out all the last details will send a copy of the 2001 stats to you”*

Correspondence dated 28 February 2002, Waikato University

*“sincere apologies” ... “for yet another delayed return”.*

Letter to MAF, dated 28 February 2002  
Universal College of Learning (Manawatu Polytechnic)

The Animal Welfare (Records and Statistics) Regulations 1999 also requires that the institutional animal usage figures kept by institutions be compiled into a return “setting out for the immediately preceding year details of the records kept for that year” by “January of each year”. However this doesn't always happen. This was discovered by chance through open admissions and notes on official information released by several institutions. Late filing of returns could actually be quite common.



*“The availability to the public of regularly updated, good quality information on what animal experiments are done and why, is vital to create an atmosphere in which the issue of animal experimentation can be discussed productively.”*

House of Lords Select Committee on Animals in Scientific Procedures report  
16 July 2002, Conclusion No. 6 (Volume 1 page)

It is virtually impossible to obtain reliable and detailed information on animal experiments in New Zealand – trust us, we’ve tried.

Since 1999 regular requests for statistical information on animal use for research, testing or teaching purposes have been made under the OIA from approximately 30 public bodies. Obtaining even this basic information from institutions has been a major task, due to the incredible level of secrecy that pervades the research community here. In some cases it took months if not years to get even rudimentary information. Indeed some institutions still refuse to release even basic statistics on their animal use. Letters went unanswered and ignored, institutions responded with flat refusals on often totally illogical grounds, institutions refused to release information unless exorbitant sums of money were paid for its collation, or letters were simply but continually ‘misunderstood’. For example, it took over a year to obtain statistical information on animal use at Victoria University in Wellington, and more than three years to obtain that information from Waikato University.

Of the institutions contacted during this period at least:

- ◆ Thirteen have supplied inaccurate or false information on at least one occasion.<sup>2</sup> In fact one University has never supplied accurate animal usage figures (for three years in a row).<sup>3</sup>
- ◆ Eight have supplied less information than the requestor had asked for or have provided alternative documents with less information on them without providing reasons as to why the information was being withheld.<sup>4</sup>
- ◆ Fifteen have failed to respond to an OIA request or follow-up letter from a requestor regarding a request, or have delayed so long in responding that a follow-up letter had to be sent to remind them of the request.<sup>5</sup>
- ◆ Most of the organisations contacted (at least 17) were unaware of (or intentionally ignored) their responsibilities under the OIA including: time limits for responding<sup>6</sup>; the requirement to give reasons for withholding information and the basis of those reasons when requested; the requirement to refer requests if another body holds the information; the requirement to supply the information in the way requested; and the requirement to advise the requestor of their right of appeal to the Ombudsmen.



## CULTURE OF SECRECY UNPROFESSIONAL

Some of the reasons information is difficult to access include factors such as:

- ◆ Institutional hostility, suspicion, evasiveness and general unhelpfulness to persons requesting information.
- ◆ Misunderstanding requests and failure to read requests properly causing considerable delays in responses.
- ◆ The use, or threat, of charging to discourage requests.
- ◆ The need to resort to the Ombudsmen where institutions are uncooperative, resulting in large delays.
- ◆ The supply of partial, unidentified, incomprehensible or inaccurate information.

These issues are of course all linked. Institutions that are hostile to releasing information are often the most eager to set charges for its supply, to fail to respond to requests, to misinterpret requests and need greater clarification, and to be unaware of, or oblivious to, their requirements under the OIA.

To show just how difficult it can be to obtain even the simplest statistical information from an institution, we have provided one close-up example of an OIA request that documents all of the requests made to one institution in order to get just one tangible piece of information. The example given is just one of many that could have been selected, and should not be seen as an isolated case, but symptomatic of the much larger and more widespread systemic problems that exist. To demonstrate this clearly, we have then taken a more general sweeping look at the types of responses we have received from a range of public institutions, giving one or two examples in each case.



## EXAMPLE OF AN OIA REQUEST

It is useful to provide the entire history of at least one request for information, made under the Official Information Act, to illustrate more clearly just how difficult it can be to obtain basic statistical information on an institution's animal use.

### OIA REQUEST FOR THE "ANIMAL USE FIGURES" FOR NELSON-MARLBOROUGH INSTITUTE OF TECHNOLOGY

- |               |   |
|---------------|---|
| December 2000 | A request for NMIT's 1999 figures was made. The polytechnic did not respond.  |
| April 2001    | Another request for NMIT's 1999 "Animal Usage Return" ... "as submitted to MAF" was made.   |
| May 2001      | Ms Mellor of NMIT responds. No figures or return are supplied, vague information on their animal use was given "some cattle and sheep from surrounding farms", "Dogs: several privately owned", etc.  |
| December 2001 | A request for NMIT's "Animal Manipulation Statistical Returns" for 2000 as submitted to MAF was made. NMIT was asked to refer the request to MAF as per s14(b) of the OIA if they did not hold a copy of the return. The polytechnic did not respond.   |
| February 2002 | A request for NMIT's "Animal Usage Returns" for 2001 as submitted to MAF was made. The requestor asked about their previous request for the year 2000 figures, and noted that the OIA required a response to be given within 20 working days. Note: in each request the requestor gave NMIT their home phone number and email address and asked NMIT to contact them if they had any questions or needed more time to respond.  |
| Undated       | Ms Mellor responded via an undated handwritten letter and informed the requestor that their previous letter "may not" have reached her as she had been away. No returns were supplied and only a rough estimate of NMIT's animal use was provided: "4-6 rabbits, ~20 sheep, ~70 cattle...". No other information from their return was given, eg., on suffering levels, numbers killed, sources or re-use figures. No grounds for withholding the information were given. Ms Mellor also stated that "it would be useful if you were to give me an indication in future of why you require these statistics while we are happy to supply them". |
| 5 March 2002  | The requestor thanked Ms Mellor for her response but stated they were seeking NMIT's "Animal Use Returns submitted to MAF". The requestor explained what the requested forms were, what information they contained, and why they were requesting the information. They noted that if NMIT were withholding the  |



information the OIA required them to provide the requestor with the reasons for that withholding. The requestor explained they were happy for the names of any persons identified on the documents to be deleted.

8 March 2002 Ms Mellor responded stating she was surprised “to get yet another demand letter” as they had “supplied the information” requested and that if the information “was not in the FORMAT you require then I suggest that you be more specific with regard to that.”... “If you want me to fax you the 16 or so pages I fill in for MAF each year please be specific”.

Note: The requestor had already asked – 5 times - specifically for the returns NMIT submitted to MAF, had described them in detail and offered to supply a copy of a blank return if that would help clarify the format requested.

Ms Mellor continued:

*“the tone of your requests unnecessarily didactic and judgmental and particularly resent the implication that I or my institute may be deliberately hiding information. In fact, this may be libelous...I should advise you that I am not prepared to accept any hectoring on this matter. You may not understand but there are those of us who spend our time and energy teaching the proper care and sensitive handling of animals and awareness of their welfare. Threats will lower your demands in my priority list. Diana Mellor”*

8 March 2002 The requestor contacted MAF for assistance in resolving the matter, informing them of the history of requests to NMIT.

Linda Carsons from MAF contacted Ms Mellor.

13 March 2002 Ms Carsons from MAF contacted the requestor and informed them that Ms Mellor was “the person who normally submits the forms to MAF, so she does know what the forms are like.” MAF told the requestor that if they re-contacted the polytechnic and “specifically” asked for their “Animal Use Figures” forms that were “supplied to MAF” then the polytechnic would supply them.

13 March 2002 The requestor contacted Ms Mellor to confirm that they were seeking the “Animal Use Figures forms supplied to MAF”.

13 March 2002 Ms Mellor informed the requestor that she had “passed this problem on to our office administrator, Heather, to deal with. Please communicate to her with all requests. I am sure if you make it clear precisely in which form you want the past two years information, she will be happy to help you.”



- 13 March 2002 Ms Reid from NMIT contacted the requestor noting that “Diana Mellor has handed this matter over to me to follow up, and has asked me to specifically identify what you would like with reference to these statistics....If the data provided is not in the form you prefer, could you PLEASE RESPOND to her request of last Friday 8 March (by email) as to whether you wish to be faxed copies of the actual full pages we sent to MAF rather than a summary. I await your reply so I can action it.”
- 13 March 2002 The requestor contacted Ms Reid restating (for now the seventh time) that they were seeking the annual figures NMIT had submitted to MAF.
- 16 March2002 The requestor received a copy of NMIT's 2001 return. NMIT had written in their 2000 figures on the 2001 return in red. The forms still contained approximate figures only for example: “20-30” sheep, “4-6” rabbits.
- November2002 A request was made for a copy of NMIT's “Approved Code of Ethical Conduct” and a list of the organisations that have a “notified arrangement” to use that code and the polytechnic's AEC.
- November2002 The polytechnic supplied partial information – the ”Terms of Reference for their AEC” - which they noted was only “a subsidiary part of the overall approval NMIT codes of conduct, which we can supply if required”. No information on any notified arrangements (if any) was provided. The polytechnic did however supply a copy of the minutes of their last AEC meeting, although that had never been requested. The polytechnic wished the requestor a “happy new year.”

To demonstrate how widespread these problems are, and how hostile, evasive, and generally unhelpful institutions using animals are to releasing even general statistical information about their animal use, we have profiled the responses we received from a range of public institutions. It clearly shows how pervasive the ‘culture of secrecy’ really is in New Zealand, and how unhelpful and hostile institutions generally are to requests for information. Hopefully it also explains why so many animal advocates are so thoroughly frustrated and angry about the level of information and openness that exists on this issue. Finding out even the most basic information on experiments in New Zealand is like banging your head against the proverbial brick wall. If everything here is working so well, and things are so great why is it no one will tell us anything?



## THE UNIVERSITY OF AUCKLAND

### REQUEST FOR EXPERIMENTAL PROTOCOLS FOR TEACHING LABORATORIES USING ANIMALS

In late 2002 we requested a copy of the experimental protocols for all teaching laboratories at the University that used live animals. The university immediately responded with hostility informing us that the request would involve collating perhaps ten protocols so that there could be a delay. They commented that:

*“the staff involved all have heavy workloads. I trust you can appreciate the amount of work a request of this nature involves us in? We will have to start charging you for processing such requests if you cannot make your requests more manageable in terms of our workloads and the time required to process them.”*

Grant Wills, Office of the Vice Chancellor, University of Auckland, (27.11.2002)

Of course there had been no way of knowing how much information would be caught up in the request beforehand. We pointed this out to the university and let them know that we would be happy to modify the request, or alternatively, if they could supply a list of the ten protocol titles we could selectively choose several from that rather than ask for copies of them all. The university agreed to compile a list. When the list arrived, only five protocols were listed. We asked for, and were sent a copy of all of these. However in the letter accompanying the protocols the university then mentioned that a further document actually existed and was being withheld until they could consult with the staff member concerned. Although we were told the sixth protocol would be released in the New Year (it was Christmas time) the sixth protocol was never sent to us.

Similarly when we sent another request, this time for a listing of all active teaching protocols involving both live animals as well as animal tissue (for dissection purposes etc.), the university responded that they would need to assess how long this would take to prepare and determine if a charge should be made. This was in February of 2003 - we are still waiting to hear back from them.

### REQUEST FOR A COPY OF THE UNIVERSITY'S CODE OF ETHICAL CONDUCT (CEC)

In November 2002 we requested a copy of the university's CEC and a list of the organisations that used that “code and Auckland University's animal ethics committee”. The CEC is a document that outlines the University's policies and processes for approving and monitoring animal experiments, including the membership requirements of their animal ethics committee. Although we were clearly seeking information relating to animal experiments, and had been submitting requests for information about animal experiments at the University for several years, the university subsequently sought clarification that our request was for their CEC for animals, not humans.

When a copy of the CEC was provided we noticed that the document was due to expire in a little over a month's time. We contacted the university in January asking whether an updated code “was available”. The University then informed us that they had *“been working to seek approval for a new CEC for some time.”* although this had never previously been mentioned. The University then asked for further clarification: *“I take it that your letter, whilst unclear on this point, is actually asking for a copy of the new CEC? If so please confirm and I will seek a copy.”* A copy of the new code was subsequently sent to us via email.



## THE UNIVERSITY OF WAIKATO

All of our initial requests, in 1998 and 1999, for information on animal use at the University of Waikato were responded to with demands that we pay for the collation of the figures requested. They would not process the requests further until they had a commitment that costs would be covered. This was despite the fact that the institution would already have compiled the information for MAF as part of their annual return. But at least this was a response. The requests we subsequently filed in 2001 were both ignored. Another letter was sent in February 2002, asking for a copy of their 2001 figures, and finally a response was received – although rather than the document requested we were sent provisional and incomplete figures. After a further complaint the actual figures requested were sent through. It had taken over three years to obtain any information from the university, and it appears that the situation only changed at all because a new person started work there and took over the task of dealing with the requests.

## MASSEY UNIVERSITY

Our initial requests for information on animal use at Massey University were either refused or large fees were demanded for its collation. So automatic were these responses that specific advice or queries we attempted to make about these issues went largely ignored, Massey just whipped out their response and did not reply directly to the points we had raised. This meant several letters were often required before a request was properly responded to.

For example, in December 2000 we requested a copy of the 1999 animal use figures Massey supplied to MAF, and asked if they could refer the request to MAF (as per s14(b) of the OIA) if they hadn't retained a copy. The university refused the request on the basis that the information did not exist, but at the same time informing us that MAF held the figures. They did not refer the request. After approaching MAF and being told they would not release institutional information for policy reasons without the approval of Massey we contacted the University again, letting them know what MAF had said and again asking if they could refer the request themselves. This time Massey responded, again totally ignoring what we had asked in our letter, and stated that they now could release the information but would charge for collating it, and that the collation would cost several hundreds of dollars.... A few weeks later we received another response, someone had actually read the letter, and realised what we had been asking all along. In a letter to MAF the University states: "upon rereading the original letter ... it would appear that I misunderstood"... the requestor "asks that a letter agreeing to the release of information forwarded from Massey University to MAF". Massey had at last referred the request and MAF released the information soon after.

## CHARGING ISSUES

There is a large variation between organisations in terms of charging and general helpfulness with requests. Massey University, always the quickest institution to charge for OIA requests if at all possible, required a fee of \$38 for collating a list of the teaching protocols. The list itself consisted of six protocol titles. Auckland University on the other hand supplied a similar list and also copies of the five protocols at no charge, and Otago University supplied copies of eight protocols at no cost.



#### QUESTIONING REQUESTORS ABOUT THEIR ANIMAL ADVOCACY GROUP AFFILIATIONS

As will be seen in relation to several other institutions, there is often a large degree of paranoia regarding OIA requestors that can result in people being grilled for information as to their intentions and their affiliations (if any) with animal advocacy organisations. When Massey University noticed that one requestor's address had also been used by the animal rights group Auckland Animal Action, they began to question them about whether they were "requesting this information as a private individual or on behalf of Auckland Animal Action?" Comments and questions such as this only serve to perpetuate paranoia and hostility. As the Ombudsmen has pointed out on several occasions, when information is released under the OIA it must be assumed that it will enter the public domain and will be available to everyone. For this reason the identity or affiliations of the requestor are irrelevant. The information is either public or it is not. And animal rights organisations have just as much right to know what is happening to animals as anyone else.

#### VICTORIA UNIVERSITY OF WELLINGTON

In December 2000 we requested a copy of Victoria University's animal usage figures for 1999. The university refused the request on the grounds the information was "already publicly available". While national consolidated figures are obviously published by MAF, no institutional information is included in that report, so this reason for denying information was difficult to understand. Several months later we tried again, this time requesting their year 2000 figures. This time there was no response at all. A third attempt was made to contact the university the following year. We asked for a copy of their 2001 figures and also asked what had happened with our previous request. We subsequently received a letter from the university's solicitor. The university acknowledged they had received our previous request but were "unable to provide any explanation for the non-reply." The university then refused to supply either their 2000 or their 2001 figures again, on the grounds that the information was already publicly available and also because they considered that "disclosure of the university's animal usage figures would be likely to endanger the safety of University staff." We wrote to the university pointing out that NAEAC only published national figures that contained no institutional information on animal use at the University, and that we only sought statistical information and were happy for the names of anyone identified on the documents requested to be blanked out. In February 2002 the university "reconsidered" their refusal "in light of the comments made" and released the information. It had taken over a year to obtain any figures or information on animal use at the university.

#### CANTERBURY UNIVERSITY

Canterbury University was also extremely defensive and cagey when first approached. When we contacted the university in 1998 for information on their animal use they responded advising us that: "the University does not have a Medical School, an Agricultural Faculty or a Veterinary Faculty." Miraculously, the university had no problem in releasing their animal usage figures to us however they declined various other information because they took the view that it was "appropriate to release statistical information only." No additional reasons for withholding the information or recognised grounds under the OIA were provided.



However in February 2002 we requested a copy of the university's animal usage figures for 2001 to which we received no response. Another letter was sent in November. In December we tried emailing our usual contact person at the university as 24 working days had passed and we had still had no response. The university then responded, supplying the information requested and apologising for the delay. By now it had taken more than 10 months to obtain the university's 2001 animal use figures.

## OTAGO UNIVERSITY

The University of Otago operates three AECs, one at each of their Wellington, Christchurch and Dunedin campuses. Because each committee holds its own information it has been necessary to write to three different committees to obtain information on their animal use. Obtaining information from some committees has been more difficult than others, so that even within a single institution responses are not uniform.

One of the commonest tactics institutions use to try to avoid releasing information is to provide figures in an alternate form. The animal use figures we request contain a lot of information on things such as: the levels of animal suffering, the manipulation types, the numbers killed and the status of the animals used, eg., transgenic. One way to avoid releasing parts of this information is to provide tabulated summary data instead that contains less detailed information categories. It is difficult to believe that when institutions provide such tabulated data in lieu of the returns requested it is really because of genuine 'misunderstandings' or mistakes. This is especially the case in this situation.

In 2002 Christchurch Medical School, who had been responding to requests and releasing their animal usage figures without issue until that point, suddenly became very evasive and unhelpful, even though we were asking for the same information as before and the same person was dealing with our requests. In February 2002 we requested the university's 2001 animal usage return as usual. Robyn Niven, the secretary of the AEC responded but instead of supplying the return, selected tabulated data on what species had been used and how many of each was all that was released.

We wrote pointing out that much less information had been supplied than requested, restating that we sought their complete animal usage figures, just as they had released to us the year before. We also asked to be supplied with the grounds on which the remaining information was being withheld. Ms Niven responded again, this time supplying information on the suffering levels of animals at Canterbury in 2000 and 2001. All the other figures were still not released, while they had already supplied the year 2000 statistics the year before. No grounds for withholding the returns or other information were given as had been requested.

We wrote again asking on what grounds the remaining information was being withheld. Ms Niven responded that our "enquiry" had been forwarded to the committee and advised that they would give "their response in due course." On March 20 the University released the animal usage return requested; they gave no explanation as to why there had been such a problem in releasing the information. To get the university to release a single document, of a type they had released in the previous year without issue, had taken three separate letters. Interestingly, that same year Wellington Medical School responded in exactly the same way initially, however they released the information requested after only one follow-up letter, and immediately apologised for the "misunderstanding".



## WAIKATO INSTITUTE OF TECHNOLOGY

Most animal use at polytechnics is fairly benign. The Waikato Institute of Technology (WIT) is the only polytechnic that routinely records cats and dogs in the 'moderate suffering' category. They are also one of the most difficult institutions to deal with and obtain information from. In April 2001 we requested a copy of their animal usage return for 2000. We received no response. In December another letter was sent. The polytechnic sent the forms requested, no explanation for the delay was provided. In February 2002 we requested their 2001 figures, on 5 April (35 working days later) the information was received. Again no apology or explanation for their delay or failure to comply with the OIA's 20 day time limit was given. Instead, as always, an unsigned typed memo was attached. This time the memo said: "Our Animal Ethics Committee is interested to know why you require this information and what you intend to do with the statistics. Please send us details of the nature of your intentions." In November 2002 we requested a copy of the polytechnic's code of ethical conduct and a list of organisations with a notified arrangement to use that code. We also explained why we were collecting the information. Just as the 20 day time limit for response was up, WIT sent a letter informing us that their AEC was about to meet and that they would discuss the requests at their meeting. This indicated that they had not even considered the request yet. In late June 2003 WIT finally responded, supplying a copy of their code – over six months after the initial request had been made. While they indicated that they have a notified arrangement they did not state with whom, and the grounds for withholding that information were not given.

## FOREST RESEARCH

We have continually requested copies of Forest Research's animal usage returns, however they have always supplied tabulated summary data containing significantly less information than the returns requested would. They have never provided the grounds for withholding this information. On several occasions Forest Research informed us that MAF holds their returns but despite this they have never referred a request as s14(b) of the OIA requires them to do, even when we have specifically asked them to do this.

## HORTRESEARCH

When initial requests were made for statistical information on animal use at HortResearch huge problems were encountered relating to issues such as charging, their lack of awareness of OIA requirements, and their inability to identify and source the documents requested. Many of the problems arose out of pure unhelpfulness or simple failures to respond directly to the questions we asked.

For example: In December 2000 we requested statistical information on HortResearch's animal use for 1999. John Shaw, a scientist at HortResearch responded stating that he was going to assess the size of the request, that they would charge \$150 per hour for collating the information, and asked us to indicate that we were willing to cover the costs. We wrote pointing out that the first hour of work and 20 pages of information were typically free in relation to OIA requests. We also said that the document would not be more than 20 pages and would already have been collated for MAF so that we were hesitant to agree to pay



for the information. We were then told that Dr Shaw was away and would respond when he returned in mid-January. In January HortResearch provided us with a list of the species that they had used, but none of the other information sought was supplied. We were then asked to direct further requests to the AEC who held their figures - AgResearch Ruakura.

However when we contacted Ruakura and told them HortResearch had referred us to them for the information, Jim Ivens at Ruakura told us that HortResearch had filed their own return and suggested we contact HortResearch directly.

At this point we contacted HortResearch and asked them if they would refer our request to MAF as neither they nor Ruakura appeared to hold the figures we had requested. We explained MAF would not release institutional information without their consent, and pointed out that by s14(b) of the OIA they should have referred the request for us in any case. Dr Shaw responded, as he had previously, that he would follow up our queries but wanted confirmation “in writing” that we would cover the costs of securing the information, at a rate of \$150/hour. We informed HortResearch that we considered they were being unhelpful, they had not referred the request as required, and that the matter had been unnecessarily delayed, certainly not dealt with within the 20 working days required by the OIA. We stated we would not pay for the information and asked HortResearch to provide their grounds for not releasing the information if they were going to withhold it. HortResearch then told us they were not refusing to release information but were concerned about the cost of providing access, and said there would be no charge if the task was as simple as we had stated. On April 27<sup>th</sup> HortResearch referred the request to MAF and on May 14<sup>th</sup> MAF supplied the figures we had requested. It took over five months and numerous letters and emails to get the information requested released, even though it was never technically refused.

## INFORMATION ON STATE AND INTEGRATED SCHOOLS

It has also been difficult to obtain information on animal use in schools. In trying to locate this information we dealt both with the Ministry of Education and also with MAF. We believe that MAF were both unhelpful and unprofessional in how they dealt with our requests, and that their attitude unnecessarily delayed our access to the information we had requested.

Because the Ministry of Education was listed as the code holder on behalf of state and integrated schools we initially assumed the ministry would file a return on behalf of schools and contacted them requesting their return. However when we contacted the ministry they informed us they did “not hold the information”, they therefore forwarded our request to MAF who provided summary tabulated data detailing the use of animals in schools for the year 1999.

The following year we requested the animal use figures for 2000 from the Ministry of Education once more, and asked them to refer the request to MAF as they had done previously if they did not hold the information, since MAF had told us they would not release institutional information directly. We also asked them if they knew whether information on animal use for dissection purposes in schools was recorded anywhere, and where we might obtain that information. The ministry replied: “As stated in my letter of the



14 December 2000, the Ministry of Education does not hold the information about animal usage for live purposes or for dissections.” This response was surprising since we had not previously asked about dissection, and had already explained why we had contacted them rather than MAF. In any event, the Ministry had referred the matter to MAF.

Linda Carsons at MAF now responded to our request, in a condescending, misinformed and hostile letter that read:

*“As has been explained to you by the Ministry of Education on two occasions, the Ministry of Education does not submit any manipulation returns to MAF.”*

In fact the ministry had never explained that they did not submit returns, only that they did not “hold” the information requested. As many institutions we had approached had not retained a copy of their returns this had not seemed unusual at all. Linda Carsons declined our request “pursuant to section 18(e) of the Official Information Act 1982, as the document you have requested does not exist.” Ms Carsons then informed us that if on the other hand we “would like to request copies of the returns submitted to MAF by individual schools for animals manipulated during 2000, please advise me and we will consider your request at that time.”

It is difficult to believe that Ms Carsons was not fully aware that we were requesting precisely these forms, especially given the tone of her response, and the fact that MAF had previously provided figures on animal use in schools to us. In December we contacted Ms Carsons and asked for a copy of the “Year 2000 Animal Manipulation Statistical Returns for state and integrated schools” and pointing out that what she has said, the Ministry had never explained that they did not submit a return. Ms Carsons responded in January 2002 stating that only two schools had manipulated animals in 2000 and asking if we wanted copies of the “the nil returns submitted by other schools.” We advised her that we did not require copies of all the nil returns. On the last day of February 2002, David Bayvel at MAF supplied us with a copy of the animal usage figures for the two schools manipulating animals. The name of one of the schools was withheld, even though the year before their 1999 figures had been released to us.

## NELSON HOSPITAL

Like many of the other examples given, our experience in trying to obtain information from Nelson Hospital demonstrates that it is simply impossible to access much information unless you are prepared to persist - even when everyone is telling you the information does not exist - and requestors must be willing to contact multiple people and organisations to double check nothing has been missed. It should not be the job of the information requestor to do this. However institutions are generally unhelpful and unwilling to make these checks themselves, even if the matter could be cleared up by a simple phone call on their part.

When we initially contacted Nelson Hospital in January 2002 for a copy of their animal usage figures for 1999 they responded via an email that simply said “Our DHB does not do any Animal Manipulations”. We sought clarification as Nelson Hospital was listed as an organisation with an arrangement to use an animal ethics committee, and asked whether their response indicated they had filed a “nil” return, and if we could



obtain a copy as confirmation. No response was received so we wrote again in February asking for a copy of their 2001 figures and asked about the status of our previous request. We informed the hospital that even if no animals had been used they would still have been required to submit a “nil” return, and that MAF would have a copy of the return if they had not retained one. The hospital explained there had been a delay as they were researching the matter, but repeated that they “do not do any animal manipulations.” The hospital told us that they had not been able to locate any information and that they had not completed the returns in question. On that basis they refused to supply the information as “the document does not exist“.

As it became clear the hospital was not going to supply the information, or contact MAF themselves to find out what was happening with their returns, we contacted MAF and asked if the hospital had filed their returns. Ms Carsons at MAF responded: *“I confirm that all code holders (and for the purposes of statistics, organisations with an arrangement to use another AEC are code holders) are required to submit a return. So, yes nil returns are required”*. Ms Carsons also confirmed that Nelson Hospital had submitted a return for the year 2000. We contacted Nelson Hospital referring this information to them and asking if they would reconsider our request as the forms did exist. MAF also contacted the hospital, and also sent them a copy of their returns. Nelson Hospital subsequently sent us the information we had requested, qualifying that their *“original response was based on the fact that neither myself nor the Chief Medical Officer of Health were aware of the arrangement or return”*. The returns showed that animals had in fact been used for teaching purposes by the hospital in 2000.

## AGRESEARCH

While not as openly hostile as other institutions AgResearch remains one of the most difficult organisations to deal with due to their blanket refusals of requests without explaining the basis for their reasons, their failure to respond to requests, and refusal to respond to the actual questions asked of them. Their refusal to engage in any real discussion or correspondence is an ongoing issue. It is doubtful this approach conforms with OIA requirements regarding helpfulness. These tactics also allow AgResearch to minimise the information they release or to withhold information even where proper or rational reasons cannot be supplied to support the refusal.

The problems we have encountered with trying to access information about animal use at AgResearch are too extensive to go into in detail, so we have provided just two examples:

### REQUEST FOR AGRESEARCH'S 1999 ANIMAL USE FIGURES

In December 2000 we wrote to AgResearch requesting a copy of their animal usage figures for 1999. We were unsure about how their statistics were held, whether AgResearch had consolidated national figures or whether, like Otago University, each AEC maintained their own records and we would need to write to each committee separately. We asked AgResearch to respond as they felt appropriate. AgResearch responded with a generic letter that simply stated all information was being withheld, and listed a series of sections in the OIA as their reasons: “request is denied pursuant to Clauses 6(c), 6(d), 9.2(b), 9.2(a), 9.2(g), 9.2(i) of the Act”. We believe their reaction, typical of later responses as well, indicates an intentional strategy on the part of AgResearch to block all access to information, and to withhold as much information as possible. This



is totally contrary to how institutions are supposed to respond when they receive requests, as the OIA works on a principle of availability. For example some of the grounds listed relate to the potential to endanger persons, or commercial sensitivity, yet we only requested statistical information. They made no attempt to justify or provide any kind of reasons for why they considered the reasons to apply. They also failed to provide us with any information even as to how their information was held, or advise us as to how and to whom we should address our requests. We informed AgResearch that we were happy for the names of any people or companies identified on the documents to be blanked out, and we specifically asked AgResearch to elaborate on the grounds for their refusal. AgResearch then sent us some figures that appeared to detail what types of manipulations had taken place, and some information on sources. Categories of sources were listed, eg., 'teaching', 'medical research', and these had numbers next to them. However the information provided was untitled and unlabeled so it was impossible to know what year it occurred in, or whether the information related to AgResearch or just the Ruakura campus. They did not elaborate as to the grounds of their refusal to release information, even though they are legally required to do so under the OIA when a requestor asks them to. We wrote asking for more clarification, but AgResearch never responded.

#### REQUEST FOR AGRESEARCH ANIMAL USE FIGURES FOR 2000 – BY ANIMAL ETHICS COMMITTEE

Because AgResearch had not clarified whether we should request consolidated or campus-based animal use figures, when we requested AgResearch's 2000 figures we asked for these according to AEC, as Otago University, who also operated several committees, had always required our requests to be made that way. Again we said we were happy for the names of any persons identified on the documents requested to be deleted. Jim Ivens supplied aggregated institution-wide information detailing the species and numbers of each used at AgResearch. He refused to release information by AEC, and referenced an Ombudsmen decision in support of that decision. We responded stating that institutional-wide information was perfectly acceptable to us. However we pointed out only information on the species they used had been provided although the forms we had requested detailed information on things such as the number of animals killed, and their suffering levels. We queried the grounds on which the remaining information had been withheld. No response to this letter was ever received.

Requests for information made to AgResearch, Wallaceville, and AgResearch Palmerston North Campus were also ignored.



## FAILURE TO UNDERSTAND AND COMPLY WITH OIA REQUIREMENTS

One of the key problems in accessing information from research institutions stems from widespread lack of understanding and knowledge about the OIA and its requirements. Institutions frequently fail to meet their legal requirements under the OIA, these are some examples of the more common problems we have found:

**Responses must be given within 20 working days (s15(1)).**

Many institutions simply fail to respond within the 20 day time limit, others simply fail to respond. Some institutions appear completely unconcerned with time requirements, for example Waikato Polytechnic has taken up to six months to reply to a request.

**If institutions do not hold the information but know the body that does, they must refer the request to that body within 10 working days (s14(b)).**

Institutions are legally required to hold a copy of their animal use figures; however many institutions had not retained or could not access these. Most of these institutions asked the requestor to contact MAF or another organisation instead, which resulted in requestors being shunted back and forth between several bodies trying to locate the documents. For example HortResearch advised one requestor to contact AgResearch for their figures, while AgResearch directed the requestor back to HortResearch (despite the requestor having already advised them they had already done this). The figures were eventually supplied by MAF, after the requestor suggested, for a second time, that HortResearch should refer the matter to MAF if they could not locate the documents.

Massey University has stated that either they do not hold information but that MAF does, or advised that MAF should be contacted for the information requested on at least five separate occasions. In two of these instances this happened even though the requestor had specifically asked for the request to be referred to MAF if the university did not hold the information and cited s14(b) of the OIA.

**Reasons for withholding information must be supplied, and the grounds to support those reasons must be given if they are requested (s19)**

Many institutions failed to supply reasons for withholding information or for why less information than had been requested was provided. Even where information was withheld and reasons under the OIA were provided, the grounds to support those reasons were not supplied even when the requestor specifically asked for them. For example AgResearch has routinely withheld information, presenting requestors with a list of clauses in the OIA as grounds. Requests for more information as to the basis or grounds for those reasons were not supplied even though the requestor specifically asked for them, and on several occasions presented their basis for believing the grounds indicated were not applicable.



## CULTURE OF SECRECY UNPROFESSIONAL

Institutions must supply the information in the way requested by the requestor, and if it is provided in an alternate way they must provide the reasons having done this (s16(2) and (3)).

At least nine institutions<sup>7</sup> (some repeatedly<sup>8</sup>) have provided information in an alternate way, most typically as tabulated data or summary notes rather than as copies of the institution's actual animal use returns as submitted to MAF. In each case the result was that less information was released than was originally requested. While some institutions stated the reason was because they did not have a copy of the document requested, many offered no explanation.<sup>9</sup>

The “principle of availability” and the duty to provide “reasonable assistance” to requestor's (s5 and 13).

This is seen clearly in the responses of many institutions, as demonstrated below in the case studies of several public bodies such as Auckland University, AgResearch and Nelson-Marlborough Institute of Technology amongst others.



## INTRODUCTION

A variety of research involving animals is carried out in tax-funded public institutions throughout New Zealand, mainly in crown research institutes such as AgResearch and at most universities.

This section comprehensively scopes the research using animals undertaken in New Zealand, particularly examining the use of animals in agricultural and commercial research.

## SOURCES AND PROCESS OF OBTAINING INFORMATION

The information in this report has been compiled from documents written by the experimenters themselves. The two main information sources used are AEC application forms, and published research articles.

### ANIMAL ETHICS COMMITTEES

Every animal experiment done in this country has to be approved by an AEC. Scientists applying to use animals have to fill in an AEC application form before they start the project.

Official Information Act (OIA) requests for a copy of these application forms is usually turned down by the institution involved, but after an appeal to the Ombudsman's Office we are able to obtain most of the information several months later. Even then, large sections of the text are often deleted.

### PUBLISHED RESEARCH

If an experiment is successful, it may be published in a scientific journal. This can be up to a year or two after the experiment is performed. It is important to remember that published research accounts for only some of the animals used. Failed experiments and preliminary research are not published.

### ANNUAL ANIMAL USAGE FIGURES

Each institution using animals is required to send its annual animal usage figures to MAF in January of the following year. Most public institutions will supply these figures. From these, we can identify some basic information about the research done at that institution, and request further details. For example, in 2001 we discovered that Auckland University used 183 mice in 'very severe suffering' experiments. We then requested the AEC application forms for those experiments. After several months of refusal letters and investigation by the Ombudsman's Office, we were supplied with a brief description of the experiments. From that we could search for similar experiments in medical research journals, and obtain more details.

### INTERNET DATABASES

Internet databases of medical research publications can be searched to obtain abstracts of published papers. If we know the name of the researcher we can search for all publications by that person. Or we can search for 'Auckland University' and 'guineapig' to bring up relevant experiments. The full text of these experiments can then be found in university libraries.



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### AGRICULTURAL RESEARCH

Agricultural research accounts for a large number of animals used in experiments in New Zealand. Organisations which use animals in agricultural research include AgResearch (approx 50,000 animals per year), Waikato University, Massey University, HortResearch and a large number of private companies.

Obtaining information about agricultural experiments is hampered by that fact that many of the companies involved are not covered by the OIA.

### AGRESEARCH'S WITHHOLDING OF BASIC INFORMATION

The single biggest user of animals in New Zealand, AgResearch, has a policy of withholding even basic information about its use of animals in experiments. What we do know is that AgResearch uses cattle, dogs, guineapigs, mice, possums, rabbits, sheep, pigs, rats and hamsters in experiments. The statistics on levels of suffering, and percentage of animals killed, have all been withheld on the grounds that release of this information may be used to "identify and harass staff"<sup>10</sup>.

### TRANSGENIC CATTLE AND MICE

In 2002 AgResearch reported experiments on 83 transgenic cattle and 763 transgenic mice. It is important to remember that the actual number of genetic experiments on animals will be much higher than these statistics suggest, as the process of creating transgenic animals is recorded as an experiment on the non-transgenic mother. Also worthy of mention is that none of the cattle (GE or otherwise) used by AgResearch in 2002 were used in experiments classified as 'medical', which suggests AgResearch's statements about the supposed medical benefits of the milk from transgenic cattle are made for publicity purposes only.

### SURVEY OF AGRICULTURAL RESEARCH INVOLVING ANIMALS

The information we do have about agricultural animal experiments is largely due to the work of Dr Michael Morris, who has published many scientific papers critically examining agricultural research on animals in New Zealand. Dr Morris is a speaker at the ANZCCART conference this year. Dr Morris and Dr Sean Weaver have conducted a survey of scientific literature on intrusive agricultural experiments published in New Zealand<sup>11</sup>. Experiments published in the last five years were reviewed in terms of the degree of animal suffering involved, and the necessity for this suffering in relation to research findings. When measured against animal welfare criteria of the Ministry of Agriculture, thirty-six studies inflicted 'severe' or 'very severe' suffering. Many of these experiments had questionable short-term applications, had an application restricted to agricultural production or economic growth, or could have been modified to prevent or reduce suffering.

The following are examples of agricultural experiments on animals carried out in New Zealand in recent years.

### CLONING AND TRANSGENIC EXPERIMENTATION

The main application of genetic technology in animals is to improve the profits of the meat and dairy industry. Even if there were a public demand for genetically modified animal products, the economic benefits would be outweighed by the suffering caused to the animals.



Cloned foetuses (with or without a foreign gene added) often become deformed, and if they survive to the third trimester may experience prenatal suffering as a result. The surrogate mothers can also suffer from infection and complications with the birth, which means that a caesarean operation often has to be performed. The AWA protects embryos only in the second half of their development, presumably because early stage embryos are not judged to be sentient. Nevertheless, although the cloning procedure is performed on the early stage embryos, the suffering is carried over to late stage embryos or even new-borns. Deformities may even carry over for several generations.

In one cloning experiment<sup>12</sup>, AgResearch scientists implanted cloned embryos into 37 ewes. Seven of these reached an advanced stage of pregnancy. Four of these aborted or died inside the uterus. One of the ewes had to be killed to remove the dead foetus. The lambs from the remaining three ewes were removed by caesarean section, and one of the three lambs only survived for 10 minutes after birth.

In another experiment<sup>13</sup> the same research team inserted 100 single cell embryo clones into 50 cows. Seven foetuses were “lost” in the third trimester, and 10 calves were born by caesarean section.

They also cloned the last surviving member of the Enderby Island breed of cow, from adult cells<sup>14</sup>. Two calves were born from 22 implanted cows. At least one of these was delivered by caesarean section. One of the calves had a defective rumen and abomasum, and was euthanised after two days, very likely in pain. The stated purpose of the experiment was conservation of a rare breed, and the authors emphasise the possible uses of cloning technology in conserving not only domestic breeds but endangered wild mammalian species. In the case of the Enderby Island cow, the surviving calves are all female which means there is no way to preserve the breed naturally. Most species extinction is caused by habitat destruction in areas of high diversity, which includes New Zealand. Given the expense of cloning experiments and their ineffectiveness in preventing habitat loss, it is unlikely that cloning will prove to be a practical method for saving endangered species.

AgResearch scientists<sup>15</sup> used genetically modified mice for an investigation into the genetic control of lactose synthesis in dairy cattle. The purpose of the experiment was to investigate a way of genetically engineering cattle so that they can manufacture milk without lactose. The procedure used by the authors involved firstly killing pregnant mice in order to extract their embryos. These were then put into the uterus of another mouse who gave birth to them and treated them like her own offspring. This requires an intricate surgical operation on the mother mouse, given under anaesthetic, but without analgesia. Such experiments are listed among those causing ‘severe suffering’ in the MAF guidelines.

### CUT AND PASTE EXPERIMENTS AT AGRESEARCH

These experiments conducted at Wallaceville AgResearch laboratories involved internal parasite studies in sheep. This involved monitoring the activity of parasites inside the sheep by surgical manipulations. Sheep were subjected to ‘cut and paste’ operations where sections of their intestines were cut out and separated from the rest of the gut so that researchers could conduct experiments inside the intestines<sup>16</sup>.

Invasive operations like this cause severe suffering to the animals. Photos were taken by the researchers during one of these experiments, and have been obtained under the OIA (included in this report). There are other more immediate and less intrusive ways of tackling the problem of parasites in sheep. These include



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breeding parasite-resistant sheep as on organic farms and rotating grazing of sheep and cattle so that parasite loads don't build up in the soil.

### ELECTRIC SHOCK AND BURN EXPERIMENTS

The experiments described here were carried out over several years by Dr Christian Cook while employed at HortResearch Ruakura. The supposed purpose of the experiments was to alleviate pain in animals and humans. Cook shocked 24 sheep<sup>17</sup> with a device that was “aversive” to human test subjects, and caused “vigorous body movements” in test sheep. He concluded that avoidable shock was less stressful than unavoidable shock. Not only was this experiment cruel and pointless, it was one which has been carried out many times before by scientists around the world.

Cook and two other scientists repeated this experiment<sup>18</sup> and further increased suffering by inserting tubes into the heads of 84 sheep in a major surgical operation. Animals were burned with a “thermal stimulus” as well as shocked. A great deal of data on brain chemicals was generated from the experiment, but the authors themselves admit that much of this had already been found in other species, and that they did not understand the meaning of the new results. Nor was there even any attempt to relate this to any practical application.

Cook continued brain surgery investigations<sup>19</sup>, using a “thermal stimulus” to find which opioids best reduced pain in sheep. Any practical applications in pain relief for sheep or even humans would be in the extreme long term. Better results have been gained from experiments on human volunteers recovering from operations and cited by Cook in his own research. Using humans as test subjects has the immediate advantage that they can communicate their feelings. Experiments with human subjects can also be designed so that the subjects can stop the experiment as soon as the pain becomes too intense. The sheep in Cooks research have no such option.

Cook's personal webpage<sup>20</sup> lists his research interests as animal welfare and animal stress. We requested details of Cook's recent research but he declined, claiming it was all commercially sensitive<sup>21</sup>.

### FISTULATED CATTLE

The photo in Appendix I shows a fistulated cow at Massey University. Similar operations are carried out at AgResearch Ruakura and by some private cattle research companies. Dexcel Ltd, near Hamilton, is one example of a private company that uses fistulated cows in experiments<sup>22</sup>. These procedures are carried out in order to conduct nutrition research in cattle. A hole is cut through the side of the cow into the stomach and a plastic plug inserted. This allows the researchers to have easy access to the cow's stomach so they can carry out further experiments. The surgery is done with local anaesthetic as the animal must remain standing during the operation to ensure the fistula is fitted correctly. This procedure would be classified as 'moderate suffering' in the MAF guidelines.



### COMMERCIAL RESEARCH

It has proved very difficult to obtain details of commercial animal research in New Zealand because the research is not subject to the OIA. We do know the names of companies licenced to carry out animal research, and we have a small amount of information about some of these companies.

As far as we know, there are no companies involved in the testing of cosmetics and household products on animals in New Zealand. For more information on which personal and household products available for sale in New Zealand are tested on animals, see the SAFE Cruelty Free Guide.

#### TRANSPLANT EXPERIMENTS AT DIATRANZ IN AUCKLAND

Diatranz is an Auckland-based company developing diabetes drugs. The company breeds pigs in laboratory conditions. They then take cells from the piglets produced for use in transplant experiments. They have conducted these xenotransplantation experiments on mice, pigs and 'various animals'<sup>23</sup>.

So far they have managed to cure diabetes for a year or two in various laboratory animals, despite the fact that curing artificially induced diabetes in an animal does not necessarily mean that the results will apply to humans. Even if Diatranz does manage to produce a viable product, the expense and risk to human health<sup>24</sup> of cross-species transplantation means this technology will never play a major part in the fight against diabetes.

Diatranz is the only New Zealand organisation known to use pigs in experiments that we have not obtained animal usage figures for<sup>25</sup>. We have obtained the animal usage figures for several other organisations that used a total of 600 pigs in 2002, which accounts for nearly all the pigs used in 2002. This suggests that Diatranz is responsible for the remaining pigs, including the nine that underwent 'very severe suffering'. Overseas evidence of xenotransplantation trials reveal high levels of suffering are likely in this sort of research<sup>26</sup>.

#### SOUTH PACIFIC SERA LTD

South Pacific Sera Ltd, in South Canterbury, produces blood and blood products. The company is based on a large sheep station. Dr William Rolleston, chair of the Life Sciences Network, is a director. Animals used to produce blood products include sheep, horses and other farm animals. According to their website, they produce products for the biotechnology market, including polyclonal antibodies (PABs). This involves injecting animals with substances to provoke the production of antibodies, where animals often reveal signs of acute pain and distress, and undergo severe pathological changes. Animals may be injected anywhere on the animal's body, including lymph-nodes, spleen, foot pad and penis. The antibodies are removed by taking the animal's blood - usually about 15% of the total blood volume at a time, but sometimes by total exsanguination (bleeding to death). The animal is then killed.

#### OTHER COMMERCIAL ANIMAL RESEARCH FACILITIES

We have little information on the remaining commercial animal research facilities in New Zealand. Hyclone NZ, in Tauranga, is part of the Hyclone group. Hyclone collects blood from unborn calves and produces blood products for sale to the scientific community worldwide. Genesis Research is another Auckland-based genetic research company that experiments on animals.



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Several multinational chemical companies conduct animal research in New Zealand, mostly in the field of agricultural vaccine production. These include Merial Ltd, and Schering Plough Animal Health Ltd, which produces sheep, cattle and pig vaccines at its Upper Hutt laboratories.

### UNIVERSITY RESEARCH

#### AUCKLAND UNIVERSITY

In 2002 (the latest figures available) Auckland University used more than 10,000 animals in experiments. Species used include guineapigs, mice, rats, rabbits, sheep, pigeons, and fish.

The University graded each experiment as mild, moderate or severe suffering. In 2002, 472 rats and mice were killed in experiments graded as 'severe suffering'. This contrasts with the previous year when 1413 mice, 323 rats and six rabbits were subjected to severe suffering, and 183 mice were subjected to 'very severe suffering'. Regardless of the reported level of suffering, most of the animals were killed after the experiments.

The following are detailed descriptions of some of the ongoing vivisection studies at Auckland University.

#### Rabbit experiments by Dr Simon Malpas

Dr Simon Malpas is based at Department of Physiology, Auckland School of Medicine, at the University of Auckland. He spent several years in the 1990s experimenting on cats and dogs in Japan and Australia before returning to New Zealand to take up his current position as head of the Circulatory Control Laboratory at Auckland University. He is also a member of the National Animal Ethics Advisory Committee (NAEAC) which regulates the use of all animal research in New Zealand.

Malpas investigates renal function and the sympathetic nervous system by experimenting on rabbits. He has published dozens of experiments on the renal nervous system of rabbits. A recent experiment<sup>27</sup> involved operating on rabbits to implant electrodes into the renal nerves. Wires and a flow meter were run under the skin and out through the shoulder blades. A second group of rabbits had their renal nerves destroyed. Six days later, the experiment began. Catheters were inserted into the ears and drugs and fluid were administered while the researchers made measurements. The researchers concluded that the results of this experiment were different from a similar experiment using dogs. They fail to mention the obvious conclusion that if two mammal species can give different results, there is no way of knowing whether the rabbit data has any relevance to humans. In a second experiment<sup>28</sup>, rabbits had electrodes implanted so that Malpas and his team could measure blood pressure and nerve activity while 60% of the conscious rabbit's blood was drained from its body over a twenty minute period. The rabbits did not survive.

Many of Malpas's experiments are funded by the Lottery Grants Board. Requests for copies of recent animal experiment applications by Malpas have been turned down on the grounds that this would be an invasion of his privacy<sup>29</sup>.



### Cancer research at Auckland University

Many of the animals used in 'severe suffering' experiments at Auckland University are used in the Auckland Cancer Society Research Centre (ACSRC)<sup>30</sup>. Cancer research on animals often involves severe suffering. If a researcher wants to study cancer tumours in mice, the first thing that must be done is to give the mouse cancer. This alone causes suffering. The most common form of research involves dosing these sick animals with drugs to measure the effects of the drug. The researchers increase the dosage until the animals die, and then use the results to calculate the maximum tolerated dose.

Another disturbing aspect of these experiments is that the researchers themselves admit they are not that useful. In one paper published in 2002, researchers stated "The results indicate that animal models may have a limited role in the extrapolation to patients of drug interactions with agents such as DMXAA that have immunomodulating activity that may vary widely between species"<sup>31</sup>. In another experiment<sup>32</sup>, the same researchers discovered that the reaction to an anti-cancer drug varied in rats depending on their gender, in contrast to the mouse.

Bruce Baguley, Co-Director of the ACSRC, has said "one could not extrapolate from animals to humans"<sup>33</sup>. If a senior scientist who has spent most of his career doing animal experiments is prepared to admit that animal experiments have little application to human medicine then we think its time the Cancer Society reviewed its funding of this animal research laboratory.

Baguley is speaking at the 2003 ANZCCART conference. We requested copies of his most recent applications to the Auckland University AEC but these were denied on the grounds that releasing them would endanger his safety, lead to a breakdown in law and order, and prejudice the health and safety of the public. This decision will be appealed.

### Nicotine experiments on pregnant mice

A recent publication<sup>34</sup> shows that experiments on the effect of nicotine on animals still continue, despite the fact that the effects in humans are already widely known. Indeed the researchers mention previous studies in humans that show infants of smoking mothers have impaired breathing ability. Not only does the paper describing this experiment frequently mention that the effects of nicotine exposure in rats are often different to the effects in mice, it also mentions that the effects in humans are different again.

Despite this, the Auckland University AEC gave the go ahead for the experiment. The researchers implanted small pumps under the skin between the shoulder blades of pregnant mice. Water with nicotine dissolved in it was fed into the mice through this pump over several days. The offspring of these mice were placed into small airtight containers so the researchers could control the air supply to these animals. The mice were forced to breathe air with low oxygen levels to see how they would react compared with mice that hadn't been exposed to nicotine in the womb.

The researchers concluded that prenatal nicotine exposure delays normal development of breathing patterns. The researchers thanked the National Child Health Research Foundation, the Health Research Council, the Auckland Medical Research Foundation, the Marsden Fund, and the Neurological Foundation for their support for this project.



## BEHIND CLOSED DOORS CRUELTY TO ANIMALS

### Bird brain experiments

J. Martin Wild, of the Anatomy Department at the Auckland University School of Medicine, has been studying the brains of songbirds for several years. In a 2001 experiment<sup>35</sup> 38 songbirds (a mixture of male and female zebra-finches, cardinals, cowbirds and one canary) had holes drilled in their skulls, and electrodes implanted into their brains. Lesions were inflicted on the brain surface around the area responsible for bird song. Several days later, the birds were killed and the brains were dissected to see what effect the damage had on the brain. Wild has been doing similar experiments on bird brains throughout the 1990s. The purpose of this research is not mentioned anywhere in the reports.

### Electric shock experiments by Nigel Shaw

Also employed at the Department of Physiology, Auckland University School of Medicine, is Professor Nigel Shaw. His research interest is electroconvulsive shock.

In one experiment<sup>36</sup> he examined the effect of electroconvulsive shock on the retina of the rat. He took several adult rats, inserted two stainless steel screws into the nasal bone of each animal and attached electrodes to one of the screws. A ground lead was attached to the other and then a ring electrode the same diameter as a rat's eye was slotted under the rat's eyelid and secured with a drop of quick-setting glue next to the eye. "Generalised seizure activity" was induced by passing an electric current through bulldog clips attached to the rat's ears. The seizures were described as lasting a minute, followed by unconsciousness and loss of reflex activity for up to three minutes. Seven rats were excluded from the final analysis because the seizures caused proptosis (bulging or protrusion of the eyeball) and thus caused the ring electrode to become displaced. Shaw then tested the remaining 15 animals' responses to flashes of light and recorded the results. A second experiment was performed using another 16 rats this time to take slightly different measurements.

The conclusion reached was that interference with vision caused by electro-convulsive shock does not appear to originate in the retina, but must originate elsewhere. This experiment was funded by the Maurice and Phyllis Paykel Trust. Shaw makes a few passing references to epilepsy, which may be his justification for doing these experiments, but epilepsy artificially produced in an animal with mechanical and violent means is in no way comparable to human epilepsy, which arises from within, spontaneously, and has usually more than one cause, which cannot be reproduced in an animal<sup>37</sup>. Human epilepsy is not caused by electric shocks.

### MASSEY UNIVERSITY

Massey University is one of the main vivisection centres in the country and Massey staff hold influential positions in the animal welfare regulatory bodies. Professor David Mellor is chairman of the government's National Animal Welfare Advisory Committee, and Senior Lecturer Kathleen Parton sits on the National Animal Ethics Advisory Committee, responsible for overseeing all animal research in New Zealand.

Last year 23,608 animals were used in research at Massey, a big increase on the previous year's total of 18714. The most commonly used animals were chickens, sheep, mice, cattle, and birds (excluding chickens). This reflects the fact that Massey is an agricultural university unlike Otago and Auckland which both have large medical schools.



Massey is the only university in New Zealand to use both cats and dogs in experiments. A small number of cattle are subjected to high levels of suffering at Massey each year. 30 cattle were used in 'severe' suffering experiments in 2001. Last year eight cattle experienced 'severe' suffering. Massey is the biggest user of hamsters in research, accounting for 320 of the 354 used in 2002 nationally. All the hamsters at Massey were used for commercial research, and 70 were subjected to 'severe suffering'. All were bred at Massey, which has the only hamster breeding colony in the country.

Massey University advertises its Animal Health Services Centre (AHSC) as New Zealand's premier contract animal research centre. The centre was established in 1986 and in the last five years an increasing amount of contract research has also been undertaken for overseas organisations. The AHSC provides the commercial farming and animal exploitation industries with access to the expertise and extensive animal research resources at Massey. The main areas of research offered by the centre relate to toxicity, 'safety' and residue determinations.

The Centre has a staff of 24, and is headed by Allen Goldenthal, a Canadian who describes himself as an 'in vivo' specialist. Goldenthal was involved in toxicity testing on animals at various overseas pharmaceutical companies before he became director of the centre. The AHSC website boasts that they have access to the university's small (rabbits, rodents, etc.) animal breeding unit, a small dog colony, and a medium size cat colony. The AHSC advertises itself as offering "competitive pricing for academic research projects" and able to assist with "all your animal manipulation requirements"<sup>38</sup>.

### Dog and cat research

In 2002 Massey used 55 cats and 26 dogs in teaching. This probably involved training of vet students. Another 65 cats and 55 dogs were used in veterinary research (probably nutrition experiments). Twelve dogs were used in commercial research.

We have obtained information showing that dogs are being used in commercial testing of surgical products that can involve severe cruelty. In December 1999, an experiment involving seven dogs was carried out where the university reported 'severe suffering' to the animals. The experiment involved taking healthy dogs and subjecting them to major hip replacement surgery in which new methods of attaching replacement hip joints could be tried<sup>39</sup>. The Ombudsman ruled that the details of this research could be withheld<sup>40</sup> to prevent "improper pressure or harassment" of Massey staff.

A recent experiment on dogs is typical of the nutrition research at Massey<sup>41</sup>. The aim was to compare digestibility at different points along the digestive tract of dogs. For 10 days the dogs were housed in kennels while being fed a standard diet. Then they were killed and dissected, so the contents of the intestine could be analysed. While this sort of research is relatively humane compared to some of the other research we have found, we still think that these deaths and this type of research is unnecessary. Research into the nutrition of companion animals can be done by clinical means without the need for the deaths of animals.



In a cat experiment<sup>42</sup> published in 2001, researchers investigated which chemicals were involved in the production of felinine (an amino acid produced by cats). Small amounts of radioactive chemicals were injected into each cat's abdominal wall, and they were caged for nine days in order to collect urine samples for analysis.

In a joint study between Massey University, the University of Illinois (USA) and Vericore Ltd<sup>43</sup>, published in April 2000, researchers studied the effects of carprofen (an anti-inflammatory drug) and its effect on the stomach lining of healthy cats. Kathleen Parton was one of the authors of this study. We have been unable to locate the full-text of this experiment so are unable to confirm where the cats in this experiment were located. Researchers injected carprofen, saline, or aspirin into five cats with a period of two weeks between treatments (Aspirin is considered a toxic substance for cats). The cats were examined eight hours after the injection using an endoscope - a tube with a lens on the end - to visually inspect the cat's stomachs and intestine. The researchers looked for any evidence of bleeding or ulceration, the examination eight hours after injection revealed that one of the aspirin-treated cats had already developed erosions of stomach lining.

### 'Animal welfare' experiments

Professor David Mellor is Chair of the National Animal Welfare Advisory Committee (NAWAC) and as such, is the government's most senior advisor on animal welfare issues. Professor Mellor is also a vivisector with a particular interest in pain and stress experiments on animals. Earlier this year we requested details of all applications for animal experiments made by Professor Mellor since 2001. The University refused our request claiming it was acting to protect Mellor's privacy<sup>44</sup>.

The experiments carried out by Mellor and his colleagues aim to measure the suffering and stress that sheep and cattle go through as a part of normal farming operations. If no additional suffering was caused by these experiments it could be argued that they would be advancing the cause of animal welfare by doing this research. Unfortunately for the animals involved, these experiments often involve more pain and suffering for animals than normal farm conditions.

In March 2002, an experiment<sup>45</sup> examined the response of calves to different methods of castration (ring, band, surgical, or clamp) with or without local anaesthetic. All methods of castration caused significant pain and distress. Mr Mellor and his co-researchers discovered that local anaesthetic reduced the pain and distress caused by castration.

Mellor and his team have also investigated the response of lambs to castration and tail docking, and carried out experiments where several different methods of dehorning cattle were compared<sup>46</sup>.



### VICTORIA UNIVERSITY

#### Drug addiction and animals

Victoria University's Professor Susan Schenk has received huge grants from the Neurological Foundation and the Lottery Grants Board to carry out drug addiction experiments on animals. A total of \$180,000 has been awarded to Schenk to study the effects of the party drug MDMA (ecstasy) on rats. Earlier this month Schenk was appointed the new head of Victoria's Psychology Department.

Professor Schenk has a long history of involvement in futile drug addiction experiments on animals. Before she discovered ecstasy she carried out alcohol addiction research on animals at Victoria University and cocaine experiments in her previous position at the Texas A&M University in the United States. She has also studied nicotine, caffeine and amphetamines. None of her published papers gave any indication as to what practical use this research might have.

We have obtained copies of Schenk's published research<sup>47</sup> where she describes her recent experiments in detail. Up to 100 rats were used in each experimental project. Schenk implanted a tube into the jugular vein of each rat, passing it through an exposed part of the skull. The rats are starved until they lost 15% of their bodyweight. They were then trained to press a lever to the left when a light is on, and a lever to the right when the light is off. The ecstasy was injected through the tube into the jugular vein, and the rats were tested again to see what effect (if any) the drug had on their memory. At the end of the experiment the animals were killed.

#### Applicable results to humans

Schenk claims (without references) that animal experiments have been successful in helping understand human behavioural disorders, and that they are more helpful than cell cultures or computer simulations. Apart from the obvious fact that studies on human volunteers would be more relevant to our own species, human ecstasy users would be better able to communicate with scientists and demonstrate the effects that ecstasy has on the memory. Also, rats only live for about three years, so it is not clear how any long-term memory effects can be measured in rats.

While animals and humans have many similarities at the gross anatomical and physiological level, the differences outweigh the similarities at the cellular, genetic and biochemical level. The action of drugs such as ecstasy is at the cellular level, and furthermore it acts on the mind. The mind in mammals, and especially humans, has a very complex structure, so it is unlikely that any effects in the rat would have much relationship to effects in humans.

The Victoria University AEC approves all of Susan Schenk's experiments. This committee is headed by John Miller of the School of Biological Sciences, one of her partners in the ecstasy research<sup>48</sup>. The other members of the committee are anonymous but include several university staff and three 'independent' members<sup>49</sup>. The meetings themselves are closed to the public and the meeting minutes are secret.



## BEHIND CLOSED DOORS CRUELTY TO ANIMALS

### OTAGO UNIVERSITY

In 2002, Otago University used 16,375 animals in research and teaching. The most numerous species were fish (7767), rats (4848) and mice (2703). Of these, 653 animals were used for teaching purposes, including pigs, mice, fish, rats, sheep, reptiles and guineapigs.

### Otago University Animal Breeding Centre

The Otago University Animal Breeding Centre is one of New Zealand's largest lab animal breeding centre. In the twelve months up until June 2003 they supplied 8600 rats, 6500 mice, 376 guinea pigs and 25 rabbits. The majority were used by Otago University and AgResearch Invermay. It also supplied 882 animals to universities and government laboratories around New Zealand<sup>50</sup>. The Director, Dr John Schofield, is the New Zealand representative for ANZSLAS and is organising their 2003 conference.

### Brain experiments on Guinea Pigs

A group of researchers headed by Professors Paul Smith and Cynthia Darlington have carried out brain experiments on guineapigs at Otago for several years. The vestibular research group has carried out many experiments involved the study of unilateral labyrinthectomy. A unilateral labyrinthectomy is a surgical procedure in which the inner ear organs on one side of an animal's head are destroyed.

In one experiment<sup>51</sup>, designed to test the effects of a protein called Brain Derived Neurotrophic Factor (BDNF) on the brains of guineapigs, 30 animals had a metal cannula inserted into the brain. The cannula was attached to the skull using screws and dental cement. A week later, on the day of the experiment, a mini pump and catheter were implanted under the skin of the shoulder blades, and a unilateral labyrinthectomy was carried out. This surgery involves opening up one side of the guineapig's head and using a dental drill to destroy the bones in the inner ear (responsible for balance). After surgery the animals were placed in separate boxes with perspex windows at the front. Video cameras were used to record the head and eye movements for up to 50 hours after surgery. BDNF was given in various doses to the guineapigs and the effects measured.

In an experiment published a few months ago<sup>52</sup>, the researchers induced hypothermia in guineapigs while carrying out the unilateral labyrinthectomy. They found that the animals exposed to hypothermia during the operation took a significantly longer time to recover from the surgery.

Despite these published reports, Otago University has refused to confirm or deny the existence of any AEC applications made by Smith & Darlington in the last 18 months<sup>53</sup>.

Some of the other prolific animal experimenters at Otago include Chris Bolter, who studies the nervous system in guineapigs, and Associate Professor David Bilkey who has published numerous studies involving brain damage in rats. For example, a recent experiment<sup>54</sup> involved inflicting brain lesions on rats and implanting electrodes into the brain and recording brainwaves in order to find out what effect the injuries had on the rat's memory.



### Medical Schools at Christchurch and Wellington

The Otago University Medical School has branches in Christchurch and Wellington. They both have separate AECs and both use animals in research and teaching.

The Christchurch School of Medicine reported using 346 animals in research and teaching in 2002. Pigs and sheep were used in teaching of medical students. Sheep, rabbits, mice, rats were used in research at the school. Published research indicates that experiments involving inducement of heart attacks in sheep are conducted at the Christchurch School of Medicine. In a recent experiment<sup>55</sup> researchers claimed that sheep may be a useful model for human heart disease. This is despite the fact that human heart disease is caused primarily by bad diet, but researchers induce heart malfunctions in the sheep by tying coronary arteries shut.

The Wellington School of Medicine used 1715 rats, 4261 mice, and 184 sheep in research (not teaching) in 2002. Of the rats, 1660 were used in research graded as 'severe suffering'. Of the sheep, 107 were unborn at the time of the experiment. The other 77 were used in experiments but not killed.

The Malaghan Institute of Medical Research shares the medical school building in Wellington and is responsible for a large proportion of animals used here. Genetically modified mice have been imported by the Malaghan Institute for use in experiments. The institute is involved in cancer research on animals which typically involves inducing tumours and severe animal suffering, but we have been unable to locate any recent published experiments.

### OTHER UNIVERSITY RESEARCH

The use of animals in research at Waikato and Canterbury is on a smaller scale than the other universities. We have very little information on Lincoln University.

#### Waikato University

In 2002, Waikato University used 115 mice, 15 sheep, and 9345 fish. The mice were used in 'basic biological research' and eight were transgenic. The sheep were also used for basic research and were exposed to 'moderate' suffering. The fish were captured, exposed to various levels of suffering and most were returned to the wild, however 1301 were killed. Pigeons, chickens and other birds were also used in non-lethal research.

#### University of Canterbury

At the University of Canterbury, the Psychology Department used 876 rats in 2002. Most were used in 'basic biological research' and 300 were killed. Reported levels of suffering ranged from 'none' to 'moderate'. The Zoology Department accounted for the rest of the animals used at Canterbury, mostly in non-invasive research on birds, reptiles, hedgehogs, etc., but out of 3892 fish used in 'basic biological research', 1623 were killed.



## BEHIND CLOSED DOORS CRUELTY TO ANIMALS

### Lincoln University animal research

Lincoln was the only university in the country to withhold its animal usage statistics in 2002. This decision is currently being investigated by the Ombudsman.

We have obtained the 1999 statistics and a look at these will give a rough idea of the extent of animal experiments at Lincoln. In that year, 959 animals were used, most of which were sheep used in biological, commercial and veterinary research, and in teaching. The university used 115 mice in medical experiments. Other species used included rats, goats, cats, rabbits, deer, horses and cattle.

The following are description of some of the experiments we have discovered at Lincoln University.

### Intrusive experiments

Vivisectors at Lincoln University<sup>56</sup> designed intrusive experiments on magnesium absorption involving forcing test solutions into sheep stomachs and collecting urine through a catheter. This was so stressful that sheep were allowed three days to recover from removal of the catheter. The authors did not mention why a catheter was necessary, and in their own words the metabolism crates “permitted total collection and separation of faeces and urine”. In fact, in a subsequent experiment the authors collected urine and faeces without having to use a catheter.

### Horse experiments

Cliff Irvine runs the equine unit at Lincoln, specialising in horse experiments. This unit claims experiments measuring stress in horses may provide an insight into human reproduction. In one experiment<sup>57</sup> Irvine's team looked at how to administer substances designed to induce luteolysis (destruction of ovarian tissue) in female horses. Side affects of the procedure included sweating and muscle spasms. Researchers found that varying the doses could minimise the side effects.

## OTHER GOVERNMENT-FUNDED RESEARCH

The following are some of the remaining government-funded research institutes carrying out research on animals.

### Landcare Research

Last year Landcare Research used 2136 Adelie penguins in a research project. At first glance this appears to have been a standard wildlife research project similiar to the ones carried out by DOC. Although these typically involve little or no suffering, they are required by law to be reported to NAEAC as animal research. However the Landcare statistics reveal that in this experiment, 36 penguins were subjected to severe suffering.

Landcare also carried out experiments on rats, stoats, possums and cats. Some of these experiments involved severe cruelty. This research involves the testing of poisons and traps on various animals.



### National Institute of Water and Atmospheric Research (NIWA)

NIWA was the only institute that released information about 'very severe suffering' experiments in 2002. NIWA used 12,795 fish in research in 2002. Of those, 78 were subjected to 'very severe suffering' according to the NIWA statistics released to us. We are seeking further information from NIWA about these experiments.

### CONCLUSION

Last year over a quarter of a million animals were used in experiments in New Zealand by commercial operations, government agencies and universities. Half were killed and many were subjected to 'severe' or 'very severe' suffering.

Despite much of the animal experimentation in New Zealand being undertaken with public funding, the research is shrouded in secrecy. This report is perhaps the first comprehensive overview of research involving animals in New Zealand. Obtaining the information has not been easy, indicating the unwillingness of the animal research community to be open to public scrutiny or engage in dialogue. For the research that has been documented, there have been a large number of experiments which involve cruelty to animals. Some experiments seem badly designed and to have little application to the real world. In fact, some researchers have even admitted the inability to apply the results of their research to humans.



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47. Information on these experiments has been compiled from animal ethics committee applications made by Susan Schenk and obtained under the Official Information Act, and from a range of published papers by Schenk.

48. According to the Victoria University Annual Report 2002 (online at <http://www.vuw.ac.nz/annualreports/2002/review/architecture/architecturedesign.html>) Professor Susan Schenk's co-researchers are Dr David Harper, Dr Maree Hunt and Dr John Miller, from the School of Biological Sciences. They received \$98,000 from the Neurological Society to study the effects of ecstasy in rats.

49. The identities of these three non-university members are secret. They include an animal welfare representative, an independent veterinarian, and a public representative (in this case a person ap-



## REFERENCES

pointed in secret by the Wellington Regional Council).

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# APPENDICES



## NEW ZEALAND VIVISECTION EXPERIMENTS



Guinea pig rearing unit, 1956.  
Wallaceville.



Rat breeding facility, 1960. Wallaceville.



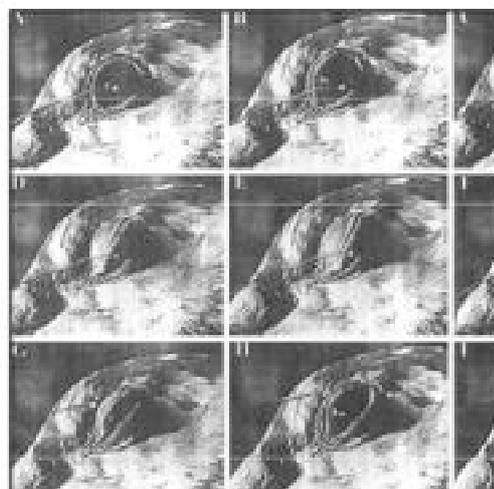
Cot death experiment. School of  
Medicine, Auckland.



Mouse injected for toxicity study.



Dog breeding facility.



Eyeblink experiment involving a pigeon.  
Published in 1999. School of Medicine,  
Auckland.

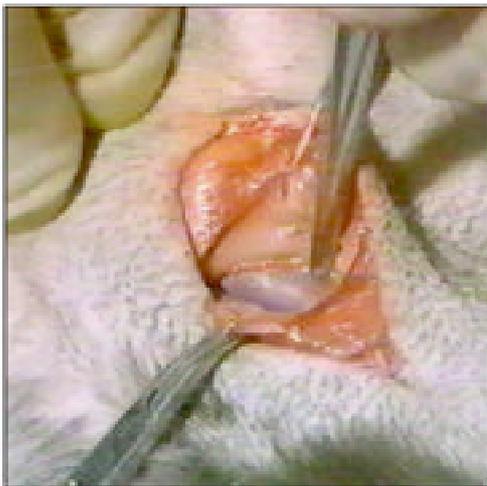
## NEW ZEALAND VIVISECTION EXPERIMENTS



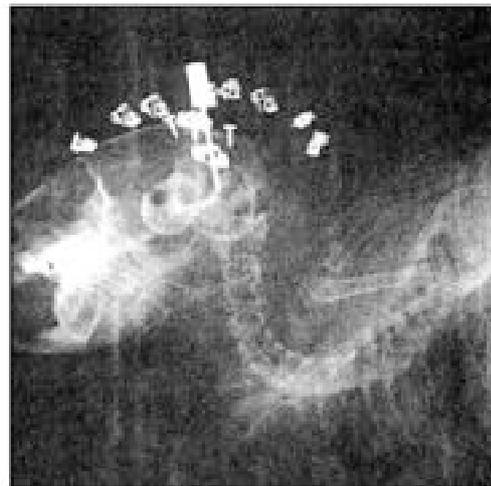
Dog experiment, 1982. Department of Physiology, Auckland.



Dog experiment, 1982. Department of Physiology, Auckland.



Dog experiment, 1982. Department of Physiology, Auckland.



Guinea pig. Brain research. 1993. Otago University.



A restrained sheep during a teaching lab. 1999. School of Medicine, Auckland.



New Zealand white rabbits breeding and experimental facility.

## NEW ZEALAND VIVISECTION EXPERIMENTS



Fistulated cow experiment. Observed in paddock near Waiuku. August 2002.



Fistulated cow, Massey University. March 2002.



Fistulated cow experiment. Observed in paddock near Waiuku. August 2002.



## NEW ZEALAND VIVISECTION EXPERIMENTS



Sheep experiment. Endoscope inserted in the cannula and biopsy removed. 1995. AgResearch.



Restrained sheep with fluid from the loop being collected into tubes. 1995. AgResearch.



General sheep housing and endoscopy equipment. 1995. AgResearch.

## Are animals just furry humans in disguise?

By Dr Ray Greek, MD and Jean Swingle Greek, DVM.

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As students in veterinary and medical school, we were struck by how differently we treated the same diseases in animals and humans. For example, humans were given penicillin for infections but rabbits and guineapigs were not. Some medications that caused birth defects in humans could be given to animals with impunity and vice-versa. In light of these and other differences between humans and animals, we began to question how animal experimentation could ever hope to cure human disease.

As we progressed through our respective residencies in anesthesiology and veterinary dermatology, the differences between humans and animals became even more pronounced. Tumors that are lethal in humans go away without intervention in animals. Anesthetics that are used daily in human patients must be avoided in some animal patients.

We became alarmed when we realised that slight differences between animals and humans in anatomy, biochemistry, and physiology make the application of the results of experiments on animals dangerous when extrapolated to humans. The money wasted on animal experimentation disgusted us. Our disgust changed to horror as we learned that wasted money was the smallest transgression; humans were actually being harmed when their physicians tried to apply what they had learned in the lab to their patients.

For example: Radial keratotomy, a surgery to correct vision, was performed in rabbits prior to humans. The rabbits did well but the first humans were blinded after undergoing the same procedure. Why? Because the rabbit eye differs slightly from the human. This slight difference led to catastrophic results. Vaccines, chemotherapy, and modern-day surgery are not beholden to experiments on animals for their discovery. The original rabies vaccine was effective on animals but killed humans. In vitro research led to the vaccines we have today. The original chemotherapy agent was discovered on the battlefields of World War I. Many times animal experimenters have announced a cure for cancer in animals that did not cure humans.

The cardiopulmonary bypass machine, the heart-lung machine used to keep patients alive during heart operations, killed human patients when first used even though it tested well on dogs. Penicillin was put back on the shelf for a decade because it was not effective on systemic infection in rabbits. How many people died that should not have because of the misleading rabbit experiments? Small differences between species make for huge differences in the practice of medicine.

The animal experimentation lobby spends millions annually to convince the public that all medical advances, up to the very existence of life today are directly due to animal experimentation. Of course, the facts do not support this outlandish claim. Strong statements supporting animal experimentation can be found from those with a vested interest in animal experimentation. Many such individuals however, have admitted to the fallacy of animal experimentation, even while making their livelihood from such experiments. Who should we believe? Logic compels us to give credence to those statements made by

researchers who have ignored their vested interest in the animal experimentation machine and come out against the wasteful ineffectiveness of the very system that feeds their families. Such statements are plentiful.

The great advances in science that have given us the high standard of medical care we enjoy today have come from clinical observation, in vitro research, epidemiology, autopsies, serendipity, computer and mathematical modelling, technology, human tissue research, genetics, pathology, post-marketing drug surveillance, the specialisation of medical care including the specialisation of physicians, nurses, and areas of the hospital. Funding experiments on animals has only diverted funds from areas of medical research that have a tried and proven record of success. The public has long been sold the idea that the cures for human disease will be found in animals. It is time the public knew that not only is that an expensive fallacy but it is also a dangerous one.

#### About the Greeks

Ray Greek, M.D., is a graduate of the University of Alabama School of Medicine. He served his residency at the University of Wisconsin at Madison. He has taught anesthesiology there and at Thomas Jefferson University in Philadelphia. Currently, Ray serves as President of Americans and Europeans For Medical Advancement, a non-profit organization co-founded with Jean that dedicates itself to educating the public about the hazards of applying the results of animal testing to humans.

Jean Swingle Greek, D.V.M., graduated from the University of Wisconsin Veterinary School, served her internship at the University of Tennessee and completed her residency at the University of Pennsylvania. Currently, Jean is on the faculty of the University of Missouri School of Veterinary Medicine. She also runs a private veterinary dermatology practice. She co-founded, with her husband, Americans For Medical Advancement.