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By Email: wuras@asa.org.uk

20 February 2018

Dear Wura,

Ref: ASA Enquiry Ref: A18-410510, Go Vegan World ad, Transport, 1st January 2018

I write in response to your letter of 9th February in which you have advised that the ASA has received a complaint from a medical research scientist, challenging whether the claim “we torture them for research” is misleading and can be substantiated.

I note that the complainant argues that the claim “They Trust Us, We Torture Them for Research” implies that torture occurs with all types of research (e.g. cosmetics and scientific fields), but believes this is incorrect citing that the treatment of animals within the scientific field is humane and safeguarded through relevant legislation.

I now take the opportunity to explain the rationale for the claim made in the ad, and provide supporting evidence to demonstrate its basis. I also provide evidence for the percentage of animals in the UK that Go Vegan World considers to be tortured for research, as required by you.

The Ad

The ad features a mouse standing up and holding on to a human hand and the text reads “They Trust Us, We Torture Them for Research”.

The ad is designed to remind the public that animals used in research experiments are sentient, meaning they have the capacity to feel, perceive and experience subjectively, and that in conducting experiments upon them we cause them pain and suffering. That is the case for all experimentation upon animals, whether for cosmetics, household products, food, scientific or medical research, military research or otherwise. The ad does not specify a particular type of experimentation, as all experimentation upon living, feeling animals, causes them pain and suffering.

The obviously trusting nature of the mouse demonstrates, at the very least, cognitive curiosity about the human and it also demonstrates that he or she trusts the human enough to be in close proximity to him, and is confident that the hand will not harm them. Although they are different to us, the experience of their lives is as important to the animals we use in research, as our experience of life is to us. Their lives are as valuable to them as each of our lives are to us. The ad is designed to encourage people to consider if it is morally right to use a living being who values his or her life, and experiences pain and suffering, as a research object.

Many people are uncomfortable with the thought of animals being caused pain and suffering in experiments, but believe it to be acceptable in certain contexts for a number of reasons. This is because most people accept that human interests outweigh the interests of a non-human animal. However, this is symptomatic of speciesism, the belief that one species is inherently superior and of more worth than another, which our campaign seeks to challenge. Most people also believe that experimenting on animals is necessary if we are to make advances in human medicine, that it provides reliable results in terms of predicted outcomes in humans, and that there are no reliable alternatives that do not involve animal use. On each of these points we have a substantial body of information demonstrating that these prevailing views are inaccurate. We cannot, of course, address all of that in an ad; what we can do is challenge people to consider the impact of experimentation on animals and to go to our website where they can learn more and, we hope, reconsider their views on the morality of using living beings to experiment upon.¹

Torture

While “torture” has a very specific meaning in international criminal law (in terms of which it is specifically related to state sanctioned infliction of pain for a purpose such as extracting information), its meaning in ordinary everyday use is more general.

The Collins English dictionary online describes “torture” as meaning (among other definitions): “

“To torture someone means to cause them to suffer mental pain or anxiety.”²

The Cambridge online dictionary defines it (among other definitions) as:

“to be cruel to a person or animal.”³

¹ <https://goveganworld.com/why-vegan/the-animals-we-use/vivisection/>

² <https://www.collinsdictionary.com/dictionary/english/torture>

³ <https://dictionary.cambridge.org/dictionary/english/torture>

The ordinarily reasonable person would understand torture to mean, in the context of the advert, the infliction of pain or suffering, whether physical or mental. It seems to be implied in the approach taken by the complainant that they accept that this is the meaning of torture that viewers will understand is being used in the ad.

The ordinarily reasonable person would also understand that torture is something we can do to animals as well as to fellow humans, because animals have the capacity to feel pain and to suffer. The complainant appears to accept this, as they do not suggest that animals cannot feel or are not sentient, instead they seek to argue that although animals may be tortured in the context of experimentations related to cosmetic products, they are not tortured in relation to “scientific” experiments.

Although the complainant appears to accept that torture can be inflicted upon non-human animals, for the avoidance of any doubt on this point we include in this submission some material on the question of animal sentience, and specifically their capacity to feel pain and to suffer.

Animal Sentience

Animals used in research share the human capacity to experience positive and negative physical and psychological experiences. They are subjectively aware of themselves and the world they live in. Indeed, much of the animal research industry is predicated on the fact that other animals are sentient and respond to experimentation in a way that inanimate or unfeeling objects could not.

Research, as well as common sense, indicates that humans do not have a monopoly on sentience or consciousness:

“non-human animals have the neuroanatomical, neurochemical, and neurophysiological substrates of conscious states along with the capacity to exhibit intentional behaviors. Consequently, the weight of evidence indicates that humans are not unique in possessing the neurological substrates that generate consciousness. Non-human animals, including all mammals and birds, and many other creatures, including octopuses, also possess these neurological substrates.”⁴

Fishes are also sentient:

“fish perception and cognitive abilities often match or exceed other vertebrates. A review of the evidence for pain perception strongly suggests that fish experience pain in a manner similar to the rest of the vertebrates. Although scientists cannot provide a definitive answer on the level of consciousness for any non-human vertebrate, the extensive evidence of fish behavioural and cognitive sophistication and pain perception suggests that best practice would be to lend fish the same level of protection as any other vertebrate.”⁵

It is precisely because of their physiological and psychological similarity to humans that these particular animal species are chosen for research.

The Go Vegan World representation of the mouse is in direct contrast to how animals are used by us to satisfy human consumer demands, including how they are used in research experiments. Despite the fact that animals who are experimented upon are sentient, conscious beings with an interest in

⁴ The Cambridge Declaration on Consciousness (2012) Low, P, Edelman, D, and Koch, C was publicly proclaimed in Cambridge, UK, on July 7, 2012, at the Francis Crick Memorial Conference on Consciousness in Human and non-Human Animals.

⁵ Brown, C. (2015). Fish intelligence, sentience and ethics. *Animal cognition*, 18(1), 1-17.

their own wellbeing and in their own lives, they are used as tools or objects, disregarding their interests.

All animals used in research are exploited, subjugated and controlled by humans. They are taken from the wild or bred into existence for the very purpose of conducting experiments upon them and then killing them. Many are bred in a way that ensures that their bodies will be mutated or deformed, such that their own body becomes a painful prison before any additional procedures are carried out on them. The vast majority of animals used in research live in conditions that are anathema to their natural environment and to their interests. At the very least they are deprived of their freedom and liberty. They live in confinement, often alone or in unnatural proximity to their cage mates both of which cause distress. Many of them are prematurely separated from their mothers. They experience frustration, boredom, anxiety and loneliness and suffer from all of that before any procedures are inflicted upon them. They are harmed through handling, transport, restraint and mutilation as a method of identification, before we even consider the experiments.⁶

Experimentation on Animals in the UK

Every minute of every day, 7 animals are used in research in the UK.⁷

In the United Kingdom (UK) the use of animals in scientific procedures is regulated by the Animals (Scientific Procedures) Act 1986 (ASPA). This legislation requires that anyone experimenting upon protected animals must be licensed.

“Protected animals” are defined in the 1986 Act as any living vertebrate other than man and any living cephalopod (for example, squid, octopus).

Regulated procedures are defined in the 1986 Act as:

“any procedure applied to a protected animal for an experimental or other scientific purpose, or for an educational purpose, that may have the effect of causing an animal pain, suffering, distress or lasting harm equivalent to, or higher than, that caused by the introduction of a needle in accordance with good veterinary practice”.

Breeding an animal in such a way as to mutate or modify their genes is also a regulated procedure.

It can be seen, therefore, that all experimentation upon animals in the UK is covered by the same regulations. It is not the case that there are separate regulations for “scientific” experiments as compared to the testing of cosmetics on animals. (We discuss below the EU and UK restrictions on testing cosmetics and household products).

It can also be seen that it is recognised in the very definition of “regulated procedure” that experimenting on animals causes them pain, suffering, distress and/or lasting harm.

The ASPA requires the Home Office to release statistics annually which give an indication of the number of animals experimented upon in Britain. The latest statistics were released on 13 July 2017,

⁶ A Resource Book for Lay Members of Ethical Review and Similar Bodies Worldwide, Jennings, M and Smyth, JA (2015) <https://view.pagetiger.com/EthicalReviewJanuary2015>).

⁷ <https://www.animalfreeresearchuk.org/>

confirming that 3.94 million scientific procedures were completed in Great Britain in 2016.⁸ Separate figures are published for Northern Ireland.⁹

In terms of species, in Britain rodents accounted for 72 per cent of all procedures (60% mice, 12% rats), while fish accounted for 14% and birds 7%. Other mammals and reptiles/amphibians accounted for 6 per cent of procedures. Dogs, non-human primates, cats and horses were used in 1 per cent of all procedures, with a combined total of around 18,000 procedures.¹⁰ Of those, horses accounted for 8,900, dogs accounted for 4,900, primates accounted for 3,600 and cats accounted for 190 procedures. Of the 4,900 procedures on dogs, over 4,600 were carried out on Beagles¹¹, who are a favoured breed of dog for experiments due to their trusting nature.¹²

As the Home Office notes in the introduction to the 2016 report, the number of regulated procedures usually corresponds with the number of animals used, but because animals are sometimes 're-used' "when they have fully recovered from a previous procedure," the number of animals experimented upon can be slightly lower than the number of procedures carried out.

1.91 million of the regulated procedures were connected to the creation or breeding of genetically modified animals that were not then experimented upon further. Genetic modifications include, for example, creating animals with tumours. 2.02 million were experimental procedures.

Since 2014 scientists carrying out experiments on animals in the UK have been required to report on the severity of the procedures and the degree to which the scientist believes the animals used might suffer. It is highly problematic that it is the scientists themselves who are to report on the likely level of suffering involved, given that they will be heavily invested in the research they are conducting and will be inured to animal suffering by virtue of their training, because they carry out experiments on animals on a daily basis, and because disregard of the animals' suffering is an essential component of their ability to do their job.

In 2016, the results of the severity reports for the 2.02m experimental procedures were:

- 12% (235,000) were assessed as sub-threshold (said to be less severe than the insertion of a hypodermic needle into the animal's body, but this does not take into account anxiety or stress caused by the procedure or the overall suffering caused by general living conditions in a lab or the added stress of transportation, handling, restraint etc);
- 8% (154,000) were assessed as non-recovery (the animal was killed while under anaesthesia);
- 46% (938,000) were assessed as mild (any pain or suffering experienced by the animal is predicted to be transitory and minor, such that the animal would return to his or her normal state within a short period of time);
- 29% (581,000) were assessed as moderate (meaning they would cause a significant and easily detectable disturbance to an animal's normal state, which was not life threatening. For

⁸ <https://www.gov.uk/government/statistics/statistics-of-scientific-procedures-on-living-animals-great-britain-2016>).

⁹ <https://www.health-ni.gov.uk/sites/default/files/publications/health/asp-statistics-of-scientific-procedures-on-living-animals-ni-2016.pdf>

¹⁰ <https://www.gov.uk/government/statistics/statistics-of-scientific-procedures-on-living-animals-great-britain-2016>) see page 19.

¹¹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/626600/annual-statistics-scientific-procedures-living-animals-2016-tables.ods

¹² <https://www.thesun.co.uk/archives/news/102132/inside-the-secretive-farm-where-beagles-are-bred-to-die/>

example, surgical procedures carried out under general anaesthesia and with good post-operative pain relief);

- 6% (114,000) were assessed as severe (they cause a major departure from the animal's usual state of health and well-being. For example, long-term disease processes where assistance with normal activities such as feeding and drinking are required or where significant deficits in behaviours/activities persist.)¹³

From this we can see that even on the basis of scientists' self-reported projected levels of suffering, keeping in mind the serious issues with this approach referred to above, 81% of experiments carried out in the UK in 2016 involved the infliction of pain and suffering on an animal, greater than the pain caused by the insertion of a hypodermic needle into their body. That amounts to some 1.63 million experiments.

Of those, some 695,000 experiments caused the animal "severe" or "moderate" pain and suffering, amounting to the pain and suffering we might associate with a major operation or living with a disease. It is also to be noted that the proportion of procedures self-assessed as moderate or severe increased in 2016 compared to 2015, rising from 30% to 35%.¹⁴

The National Anti-Vivisection Society has pointed out in analysing the Home Office results published in October 2015, which produced comparable figures to those for 2016, that:

'Severe' suffering can include collapsed lung, internal bleeding, heart failure, nerve damage and infection.....

'Moderate' suffering can include implanting a device into monkeys' skulls, with common adverse effects including wound infections. ...

'mild' experiments include "Removing the heads of the [newborn] mice with a sharp scalpel....

dogs were used in tests which can involve force-feeding compounds such as agricultural chemicals, or having toxic substances pumped into their veins which can make them extremely ill and cause a painful death

Monkeys are used mainly to test drugs and typically endure force-feeding or injections of experimental compounds; as well as full body immobilization in restraint chairs during experimentation

Many hundreds of thousands more suffer during the creation and maintenance of animals with genetic modifications, who can suffer from deformed limbs, fused bones and painful swellings."¹⁵

There are other concerns about this approach to assessment of the impact of procedures on animals. Pain and suffering are subjective experiences. Despite having the same MRI readings, two people with prolapsed vertebrae and nerve compression may have very different Pain Scale results. Two people presenting with histories of rape can report very different degrees of psychological impact depending on a variety of factors. We still have a lot to learn about the sentience of other species. We cannot be sure that their experience of the research procedures inflicted on them is not experienced by them more intensely and to an even greater degree of suffering than we are able to assess. The

¹³ <https://www.gov.uk/government/statistics/statistics-of-scientific-procedures-on-living-animals-great-britain-2016>).

¹⁴ <https://www.animalfreeresearchuk.org/the-statistics/>

¹⁵ http://www.navs.org.uk/about_vivisection/27/46/4046/

assessment of suffering in other individuals is not as objective as we would like. Researcher reflexivity and subjectivity also plays a role in how researchers assess harm in others, despite the best attempts at objectivity.

“Another criticism of the classification system is that the level of suffering can vary greatly throughout an experiment... Still other critics feel that the entire system of classifying animals only prior to experimentation is a poorly structured one because it relies on projected levels of suffering. They argue that it is no better than an educated 'guess' that could result in higher than projected levels of animal suffering.”¹⁶

Although the severity scale is couched in innocuous language suggesting that animals used in research are generally subject to nothing more than a mild prick of a needle or pain that is well controlled, it is telling that at the lower end of the scale is the non-recovery category of those who are killed while under anaesthesia. To the animal who had one life and whose life has been taken from them, they have lost everything. Taking the life of another is not a trite act at the lower end of a harm scale. It is a violation of the very basic right to life of every animal. It is worth remembering that every animal used in research is bred to be used and then killed. Using other animals as research objects constitutes institutionalised killing, despite the fact that death is a mercy for the individuals who are deemed to have reached the end of their usefulness to research.

The severity scale operates within a narrow definition of pain attributable to the physical suffering caused by research procedures. But pain is a complex multi-dimensional experience involving sensory and affective or physical and emotional components. Pain is not simply the perception of a negative physical feeling; it also affects how animals feel psychologically. For example, pain can cause fear and depression. It is those unpleasant feelings of negative physical and psychological states that cause the suffering we associate with pain. In animals who are used repeatedly in research, the memory of prior pain paired with being handled, transported or restrained can be triggered when they are approached by researchers, causing them to suffer feelings of anticipatory fear or dread.

Most of the animals used in research are prey animals and it is very difficult to determine their subjective experience from their behavioural responses unless vital signs are monitored in addition to monitoring deviation from their habitual behaviour on an individual by individual basis. Any animal subjected to trauma can have a fear response that prevents them indicating to their perpetrators that they are experiencing pain or suffering. It is difficult enough for those of us working in the medical and associated medical professions to accurately determine subjective levels of suffering in other humans without the added language barrier we face when assessing suffering in a being of another species.

The evidence from small animal veterinary practice is that accurate diagnosis and treatment of pain leaves much room for improvement. If this is the case in this context of care, how much more limited is the recognition and treatment of pain in a laboratory environment?

“despite advances in the recognition and treatment of pain, there remains a gap between its occurrence and its successful management; the inability to accurately diagnose pain and limitations in, and/or comfort with, the analgesic modalities available remain root causes.”¹⁷

Severity reports are not required for the creation or breeding of genetically modified or mutated animals; quite clearly being born with a mutation or deformity, for example a tumor, is likely to cause significant pain and suffering. Presumably the animals bred with deformities are then used to test trial

¹⁶ <http://www.aboutanimaltesting.co.uk/animal-suffering-assessment-unclassified.html>

¹⁷ Mathews, K., Kronen, P. W., Lascelles, D., Nolan, A., Robertson, S., Steagall, P. V., Wright, B. and Yamashita, K. (2014), Guidelines for Recognition, Assessment and Treatment of Pain. *J Small Anim Pract*, 55: E10–E68. doi:10.1111/jsap.12200

medication, meaning they may live with the pain and suffering for a lengthy period of time, before being killed.

We can only say “presumably” because experimenting upon animals is exempt from the Freedom of Information legislation, meaning that we do not know the details of the experiments or procedures that are carried out. Section 24 of the ASPA makes it a criminal offence to disclose information about experiments on animals in the UK. This makes disclosure of this information exempt from the Freedom of Information Act (under section 44). Therefore, we do not know what experiments are conducted on animals, or why. We cannot assess whether or not an objective and reasonable person would agree with the level of suffering as attributed by the scientist performing the experiment, because we cannot access the information. The Government has spoken of revoking Section 24 of the ASPA, but has not yet done so.

Since we are causing pain and suffering to all animals bred in or transported to labs for the purpose of being used, in our view every animal kept captive in a lab and used for these purposes is being subjected to torture. Even if that were not accepted, we believe the reasonable person would agree that at the very least those animals who are kept captive in a lab and either made to live with a mutation, or subjected to experiments which inflict upon them some form of additional suffering are being subjected to torture. That would cover 88% of the animals used in experiments in 2016. If that is not accepted, then at the very least those animals who are kept in captivity and either bred with defects or used in experiments which cause them, according to the scientists themselves, “moderate” to “severe” pain or suffering, are being tortured. In 2016 that was some 1.91 million animals bred with defects and approximately 690,000 animals subjected to “moderate” to “severe” procedures. That is a total of 2.59m animals in one year. Every individual one of them was subjected to what most reasonable people would call torture. We would never condone the use of humans as research objects in the way that we do non-humans, despite the fact that they share our capacity to suffer physically and psychologically.

Regulating the Infliction of Pain and Suffering

The claimant is correct that there are regulations related to the carrying out of experiments on animals, however those regulations do little more than set out broad principles. We then have to rely on the interpretation and implementation of these principles by those involved in experimenting on animals. This is not objective and runs the risk of bias in favour of animal research.

Under the ASPA animal experiments in the UK can only be carried out by licence holders, in a place which is licenced for a project that is licensed. Licence holders must sign up to the principles set out in European legislation known as the “three R’s”: replacement, reduction and refinement, which have the stated aim of reducing the number of animals used in experiments, replacing them with alternatives and refining the procedures so as to reduce suffering.

The Home Office carries out a harm / benefit analysis, approving research projects which may produce benefits for humans which are believed to outweigh the negative impact on the animals involved. The regulation of experimentation on animals is premised upon the speciesist assumption that the prospect of a future medical advancement for humans outweighs a non-human animal’s interest in living free from pain and suffering and in a way that is aligned with their interests. We do not accept that premise and the intention of the ad is to encourage other people to reconsider these matters for themselves.

The Three R’s have been adopted across Europe and accepted by the industry because it is recognised that animals are sentient and because it is accepted that it is inherent in experimenting upon animals that they will endure pain and will suffer.

The UK approach to animal experimentation is summarised on the Home Office website:

“Our regulations ensure that animals are used in scientific procedures only when there’s no validated alternative and when the potential benefits outweigh the harms. We are committed to: using non-animal alternatives wherever possible; reducing the number of animals used to the minimum needed; refining procedures as much as possible to minimise suffering.”¹⁸

However, licences are granted based on a snapshot review, relying heavily on information provided by the scientists / entities carrying out the experiments. As with any regulatory framework, it is not possible to regularly, let alone constantly, monitor testing. Given the secrecy around experiments conducted on animals and the very limited and subjective information scientists are required to provide, it is impossible for us to assess compliance with these regulations.

The important point in relation to the complaint about our ad is that the regulations allow for the infliction of pain and suffering on animals. That is inherent in the act of experimenting upon animals, and recognised in the very definition of “regulated procedure” under the ASPA. Therefore, even if the regulations are complied with, we know that millions of animals are tortured every year in the UK. What our ad prompts people to consider is whether or not that is morally right.

Beyond the Official Statistics

Given the secrecy around experiments conducted on animals and the very limited and subjective information scientists are required to provide, it is perhaps unsurprising that investigations have revealed that the true picture reveals that the regulations are breached.

For example, cases of neglect and unauthorised procedures were detailed in the Home Office Animals in Science Regulation Unit (ASRU) annual report for 2015, which also revealed 55 cases of non-compliance by testing centres across Britain.¹⁹ Examples of specific incidents picked up in the report included “an experiment where animals’ food was restricted, ten mice in one cage ate each other due to starvation,” “four mice were drowned in a water-logged cage as a result of a malfunctioning humidifier leaking from the ceiling”, and unauthorised procedures including “a researcher placing stents into the hearts of rabbits without a license to do so” and “heart attacks were induced in pigs without the proper license.”²⁰

Undercover investigations have revealed further horrifying accounts of the infliction of severe pain and suffering on animals, an apparent disregard for the animal’s interests including by denying them basic pain relief and often involving procedures that appear to have frivolous objectives.²¹

¹⁸ <https://www.gov.uk/government/policies/animal-research-and-testing>

¹⁹ http://www.huffingtonpost.co.uk/entry/animal-testing-disasters-slammed-cruelty-free-international-home-office-report_uk_58947a98e4b0768562160bfc;
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/582282/asru-annual-report-2015.pdf

²⁰ http://www.huffingtonpost.co.uk/entry/animal-testing-disasters-slammed-cruelty-free-international-home-office-report_uk_58947a98e4b0768562160bfc

²¹ See for example: Shameful scale of animal suffering in British laboratories finally revealed: http://www.navs.org.uk/about_vivisection/27/46/4046/;
<https://www.crueltyfreeinternational.org/what-we-do/investigations/animal-experiments-wickham-laboratories>; <https://www.express.co.uk/news/uk/462546/Horrifying-BUAV-video-investigation-shows-puppies-kittens-ripped-apart-in-UK-animal-lab>; <http://www.bbc.co.uk/news/science-environment-25302849>;
<http://www.dailymail.co.uk/sciencetech/article-2521087/Rats-guillotined-colleges-lab-Top-university-overhaul-animal-research-work-undercover-investigation-revealed-appalling-conditions.html>

What Justification?

The complainant's issue with the ad is focused on "scientific" experiments, as opposed to cosmetic testing. It should be noted that, as a result of widespread public opinion and campaigning by charities, experimenting on animals for the purpose of procuring data for cosmetic product approval is now banned in the EU, including for ingredients which are used exclusively in cosmetics (but not for ingredients that are used in other products). In addition, the UK has banned the testing of household products on animals, but not the ingredients used in household products. These are not complete bans. Testing of chemicals on animals is still permitted to assess risks to workers and to obtain environmental data. Charities continue to press for a complete ban, which would be in line with public opinion.²²

As a society we have conceded that experimenting on animals is acceptable in some circumstances. IPSO MORI conducted a survey in 2016 which found that two thirds of respondents said they could accept the use of animals in research as long as it is for medical purposes, and there is no alternative.²³ However, people also feel uninformed about experiments on animals. The survey findings included: "A majority of the public do not feel well-informed about the use of animals in research in the UK – only one third (34%) say they feel either very or fairly well informed, a similar finding to 2014 when 30% felt well informed." This is not surprising given the secrecy around experimenting on animals.

Very limited information is provided in terms of the ASPA regarding the reasons for the individual experiments. The Home Office publishes tables along with the summary of the number of experiments, which provide very broad categories: basic research, applied research (both broken down into broad areas of medical related research); protection of environment, preservation of species, higher education, forensic enquiries, regulatory (broken down by broad area).²⁴ We are provided with no information that would enable an assessment of the value of the study, the specific procedures to be carried out or whether or not the experiment could truly be said to be necessary and lacking any real alternative which would not involve using animals .

While most people accept experimentation on animals, most do not inform themselves about the alternatives, the unreliability of the data in terms of its relevance to humans, the bias in favour of testing or the needless experiments carried out due to a failure to share information between competitors and the fact that there is no obligation on researchers to release the results of experiments, so that there is a tendency to publish positive outcomes only. We will not go into detail here regarding these matters, as they are not addressed in our ad, but we refer to examples of relevant materials in our footnote. ²⁵

²² See for example: <https://www.crueltyfreeinternational.org/what-we-do/our-campaigns/animal-testing-household-products>; <https://www.crueltyfreeinternational.org/what-we-do/our-campaigns/ending-cosmetics-testing-animals>;

²³ <https://www.ipsos.com/en/public-attitudes-animal-research-2016>

²⁴ <https://www.gov.uk/government/statistics/statistics-of-scientific-procedures-on-living-animals-great-britain-2016>

²⁵ On the unreliability of data based on experimentation on animals in terms of application to humans see for example: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4594046/>;
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2746847/>;
<https://www.theguardian.com/science/2015/apr/18/animal-lives-wasted-in-drugs-safety-tests>;
<https://www.navs.org/the-issues/failure-of-the-animal-model/#.WowSQGcV-M8>;
<https://www.livescience.com/46147-animal-data-unreliable-for-humans.html>;

On bias in favour of using animals and lack of awareness of alternatives see e.g.: The NAVS highlight animal research downfalls in Home Office inspector training: http://www.navs.org.uk/about_vivisection/27/46/4505/;
On conducting frivolous experiments see e.g.: <http://www.eceae.org/en/the-truth-about-animal-testing/frivolous-experiments>;

Experimental Procedures

79% of people agree that European legislation should prohibit experiments on animals that do not relate to serious or life-threatening conditions.²⁶ People assume that animal research is done for good reason to benefit humans. But, the recent Volkswagen case which exposed primates to diesel fumes from cars that were subsequently found to be rigged to camouflage the levels diesel fumes emitted, and thus to have no scientific validity whatsoever, demonstrates that as long as the practice of using other animals as research tools is normalised and accepted, they are at risk at human hands.

Examples of the types of frivolous experiments conducted on in the UK include a study on risk and decision making associated with gambling in humans conducted on other primates. The experiment involved surgical implantation under anaesthetic of head holding devices, restraint of monkeys in primate (Crist) chairs 30 cm from a computer monitor, and the inclusion of fruit juice as a reward indicating that the monkeys were in a state of thirst. The monkeys were exposed to over 4000 gambling tasks over 4 weeks in order to receive .004mls fluid reward per task completed. (University of Cambridge, UK).²⁷

In another project anxiety was studied in thirty-nine adult common marmosets from the University of Cambridge Marmoset Breeding Colony. Anxiety inducing experiments included separation from cage mates, exposure to human intruders, model snakes, and exposure to unpredictable threat constituting extremely loud, aversive noise. Behavioural responses indicative of anxiety were observed. The effects of anxiety on the brain and heart were assessed via MRI and surgical experimentation. All procedures were conducted in accordance with personal and project licenses held by the authors under the UK 1986 Animals (Scientific Procedures) Act.

The study showed the marked similarity between the occurrence of and response to anxiety in humans and in non-human primates.

It is highly unlikely that humans who suffer from trait anxiety would deem the infliction of anxiety and the violating procedures inflicted on the monkeys in this study to be sufficient justification for the understanding of trait anxiety that the study provides.

Reliability

Animal research is not as justifiable as the public are led to believe. Members of non-human species are not always useful models for the study of human disease, the potential harm of substances, or the effectiveness of treatments. Members of other species do not get many of the diseases that humans are subject to. These diseases and conditions are artificially induced in laboratory animals in an attempt to mimic human disease thereby ignoring the causal pathways that could lead to better prevention and treatment in humans. It is also not

On selective publication of results see e.g.: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5501347/> Recent analysis by the British Medical Journal (BMJ) cited a “systematic failure” to faithfully report the results of animal tests in order to secure funding and permission for human trials:

<http://www.bmj.com/content/360/bmj.j5845>; <https://frame.org.uk/2018/02/12/frame-speaks-systematic-failure-accurately-report-animal-tests/>

²⁶ YouGov poll for ECEAE, 2009 <http://www.eceae.org/en/the-truth-about-animal-testing/frivolous-experiments> Accessed 19th February 2018

²⁷ Stauffer et al. (2015) Economic choices reveal probability distortion in macaque monkeys. *Journal of Neuroscience* 35: 3146-3154.

always valid to extrapolate the findings of disease induction in members of a non-human species, to human development of the same diseases.

Moreover, treatments that appear to be helpful in members of other species are not always safe or helpful to humans. A significant number of people die every year from the effects of drugs sold to alleviate suffering and disease which have been tested on non-humans without iatrogenic effects.

“The history of cancer research has been the history of curing cancer in the mouse. We have cured mice of cancer for decades and it simply didn’t work in human beings.” *Dr. Richard Klausner, former director of the US National Cancer Institute*

Licence holders have a vested interest in having proposed projects involving animal research passed. Their salaries and careers depend upon it. Moreover, they are not obliged to release information on studies that fail to produce predicted results. A recent analysis by the British Medical Journal cited a “systematic failure” to faithfully report the results of animal tests in order to secure funding and permission for human trials.²⁸

Our ad is designed to prompt people to give consideration to these issues, and reconsider whether or not they believe that experimenting on animals is justified. More information is provided on our web site and charities such as Animal Free Research UK (formerly the Dr Hadwen Trust) are dedicated to the promotion of animal free research.²⁹

Conclusion

The complainant asserts that the statement “we torture them for research” is misleading or cannot be substantiated. We believe we have shown that millions of animals are tortured for research in the UK every year, according to our own official statistics and legislative definitions. Most people would view what these animals endure as constituting torture, as it involves the infliction of pain and suffering.

The procedures are subject to regulation, but that regulation is intended to promote the use of alternatives where possible, and to minimise suffering. The regulation does not alter the fact that millions of procedures are carried out which involve the infliction of great pain and suffering on millions of sentient beings year on year.

These experiments take place behind the walls of labs, shrouded in legislated secrecy. We rely on companies with a financial interest in the outcome of the studies, and other vested interests, to comply with the broad principles set out in our legislation, with minimal oversight by government bodies. Investigations have shown that our regulations are breached and animals are enduring dreadful conditions and severe pain and suffering. However, even if the regulations are complied with, they accept that the infliction of pain and suffering is inherent in experiments and yet allow those experiments to take place in the interests of humans. That is what our ad seeks to encourage the viewer to reconsider.

Studies show that despite the broad principles in our regulations many experiments are carried out which would be regarded by the ordinary person as being frivolous, that the results of experiments on animals are insufficiently reliable in terms of predicting outcomes for humans and that there are good alternatives which do not involve torturing animals which are being overlooked. We wish to bring that information to the attention of the public, having prompted them to consider that we are inflicting pain

²⁸ Cohen D. (2017) Oxford vaccine study highlights pick and mix approach to preclinical research. *BMJ*;360:j5845.

²⁹ <https://www.animalfreeresearchuk.org/animal-replacement/>

and suffering on sentient beings every time we carry out an experiment upon them. Our aim is to encourage people to consider if that is morally right.

I am confident that the information provided substantiates the claim made in our ad 'We Torture Them for Research'. I am also confident that members of the public viewing the ad are not misled into believing that scientific research on animals is torture, because the facts outlined in this submission clearly show that it is torture. How animals are treated within the field of scientific research is not humane and the relevant legislation does not protect them from torture.

If there is anything else we can do to assist, please just let us know.

Yours sincerely,

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