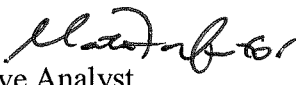


REPORT OF THE CHIEF LEGISLATIVE ANALYST

DATE: August 6, 2018

TO: Honorable Members of the Personnel and Animal Welfare Committee

FROM: Sharon M. Tso 
Chief Legislative Analyst

Council File No: 18-0538
Assignment No: 18-08-0739

SUBJECT: Banning the sale of fur products.

CLA RECOMMENDATION: That the Personnel and Animal Welfare Committee note and file this report, inasmuch as it is submitted for informational purposes only.

SUMMARY

A Motion (Blumenfield – Koretz – O’Farrell) introduced on June 8, 2018 requests the City Attorney to prepare an ordinance that would prohibit the manufacture and sale of fur products, making note of the many inhumane practices that are common within the fur industry. The Motion states that the City has repeatedly demonstrated itself a world leader in progressive animal welfare policy, and cites environmental implications as a further impetus for working toward a ban of fur products.

At a meeting on August 1, 2018, the Chair of the Personnel and Animal Welfare Committee requested this Office to prepare a report on several questions surrounding the prohibition of the sale of fur fashion products and accessories. The questions are as follows:

1. What economic impacts (with respect to businesses, jobs, and revenues) will result from the ban?
2. Why do other localities exempt fur harvested from trapped animals from their bans?
3. What other local jurisdictions have banned fur products, and what is the nature of these bans?
4. How can the City enforce a fur ban, and how costly would enforcement be?
5. How will this affect the City’s religious communities, for example shtreimel (fur hats worn in Orthodox Jewish communities)?
6. Is there a way to address real fur that is advertised and sold as artificial fur?

BACKGROUND

Local jurisdictions that have banned fur product sales have exempted dog and cat fur because of already existing federal and state prohibitions. Federal law prohibits the possession, sale, and purchase of cat and dog fur products. The Federal Dog and Cat Protection Act of 2000 makes it unlawful to import into, or export from, the United States any dog or cat fur product; or to engage in interstate commerce, sell, offer to sell, trade, advertise, transport, or distribute in interstate commerce any dog or cat fur product. Any person who violates this Act may be assessed a civil penalty up to \$10,000 per violation. Additionally, California Penal Code section 598a makes it a misdemeanor to possess, import into the state, sell, buy, give away or accept any pelt of a dog or cat with the sole intent of selling or giving away the pelt of the dog or cat.

Responses to the Chair of Personnel and Animal Welfare Committee's questions are as follows:

1. What economic impacts (with respect to businesses, jobs, and revenues) will result from the ban?

The Office of Finance does not keep track of fur sales specifically, but according to the 2012 Economic Census, the total retail sales for the product category "Furs and Fur Garments" was \$0.36 billion in California. The State Board of Equalization reports that statewide taxable sales of all outlets, including "Furs and Fur Garments," totaled \$558.39 billion in 2012. In order to mitigate the economic impacts to fur retailers, San Francisco will provide a one-year cushion after the ban takes effect to sell any fur products that they purchased prior to the ordinance adoption date.

2. Why do other localities (such as West Hollywood) exempt fur harvested from trapped animals from their bans?

West Hollywood, Berkeley, and San Francisco all have similar exclusions in their fur ban ordinances to allow the sale of fur products made from trapped animals. These exemptions are necessary because a state Superior Court judge found West Hollywood's fur ban ordinance to be in conflict with the California Fish and Game Code, Section 3039(b), which allows the purchase and sale of products or handicraft items made from furbearing mammals and nongame mammals lawfully taken under the authority of a trapping license. In order to address this exclusion the California Fish and Game Code would need to be amended to allow for more local control over the permissibility of the sale of pelts collected from trapped furbearing mammals.

3. Are there any other local jurisdictions presently working to ban fur products?

West Hollywood, Berkeley, and San Francisco have banned the sale of fur products, but each of their ordinances have different features. Attachment A on this report provides an overview of these ordinances, specifically where they agree and where they differ with regard to their definitions of "fur," "fur products," their prohibitions, and the specified exemptions to the penalties.

West Hollywood banned "fur apparel products" in 2011, and their ordinance was amended in 2013 for two reasons: to account for the aforementioned California Fish and Game Code conflict, and to expand the ban to include the display of fur products for sale. The latter amendment was necessary because some boutiques were continuing to display and advertise the sale of fur items and directing interested customers to alternate locations outside of West Hollywood to mediate the purchase of the fur items. The West Hollywood ban does not apply to purses, jewelry and pocketbooks. However, the West Hollywood ban is the only one of the three that also bans lambskin and sheepskin products.

Berkeley's fur ban ordinance was passed in April 2017. Berkeley's fur ban applies to "any article of wearing apparel made in whole or in part of fur," which could include apparel accessories that are exempted from West Hollywood's ban. Staff has contacted the Berkeley City Attorney for clarification on the breadth of products covered by the ban.

San Francisco passed their fur ban ordinance in March of 2018, and is set to take effect on January 1, 2019. San Francisco's ordinance is very similar to Berkeley's in its definitions, although it provides specific non-limiting examples of what kinds of goods constitute fur products.

4. How can the City enforce a fur ban, and how costly would enforcement be?

San Francisco's fur ban will be enforced by their Department of Public Health. They plan to send letters out to relevant vendors explaining the ordinance, and to enforce primarily through public complaints. After a public complaint is filed, a technician will go to the vendor to verify the code violation.

One particularly difficult feature of enforcing the ban will be the allowance of products made from trapped fur, as mandated by the California Fish and Game code. The City of Los Angeles would have to come up with a verification process to ensure that fur products are made from fur harvested from animals that were trapped legally within the State of California. The San Francisco Department of Public Health plans to require vendors to present invoices of their fur source, if a complaint is filed.

5. How will this address the City's religious populations, for example fur *shtreimel*?

Shtreimel, *spodiks*, and *kolpiks* are types of hats worn by some Jewish men, particularly Hasidic men during a variety of occasions, with *shtreimels* being the most common. The State of Israel has tried to ban fur several times, with its recent efforts exempting religious objects from fur bans. Many people seeking to wear *shtreimels* in Israel opt for synthetic fur due to the climate. Conflicting claims come from various Orthodox groups, with some opting to eschew the traditional real fur *shtreimel* in favor of synthetic fur as a matter of religious imperative not to harm animals, while other groups hold that real fur is an essential feature of the *shtreimel*.

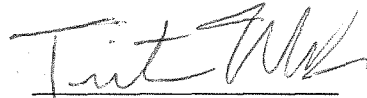
No other localities have designated religious objects as free from the exemptions, but all of them allow non-profit organizations to engage in the sale of used objects.

6. Is there a way to address mislabeled faux/artificial fur (from raccoon dogs, rabbits, coyotes, etc.) in the ban or moving forward?

Numerous retailers have been found mislabeling products made with fur from raccoon dogs (labeled as 'Asiatic Raccoon' under Federal regulations), rabbits, foxes, coyotes, minks, and other species as faux/artificial fur in their stores. While this is an ongoing problem, mislabeling fur products is already illegal under federal law. The Federal Fur Products Labeling Act (15 U.S.C. §§ 69, et seq.) makes it unlawful to introduce, or manufacture for introduction, into commerce, sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product which is misbranded or falsely or deceptively advertised or invoiced. The Federal Trade Commission has found several retailers in violation of the Federal Fur Products Labeling Act, and fined them accordingly.

If the City of Los Angeles were to proceed with banning the sale of fur products, the main policy decisions at hand are: whether to include sheepskin and lambskin shearling in the definition of fur,

what constitutes a fur product (which is provided in the Motion), and what specifically will be prohibited. The other localities chose to ban the display of fur products to be sold in neighboring localities, which seems consistent with the spirit of the ban, but other issues remain. For example, the San Francisco Public Health Department has decided to allow customers to have fur items purchased online and shipped to a store within San Francisco for pickup. Additionally, a well-defined appeal process would be necessary.

A handwritten signature in black ink, appearing to read "Tristan Noack", written over a horizontal line.

Tristan Noack
Analyst

SMT:tcjn

Attachments: Attachment A, Motion

FUR BAN ORDINANCE GUIDE					
City of Ordinance	Definition of "fur"	Definition of a "fur product"	Prohibited actions	Exemptions to the prohibitions	Penalties for violation
Shared by all three	Any animal skin or part thereof with hair, fleece, or fur fibers attached thereto, either in its raw or processed state, but shall not include such skins as are to be converted into leather or which in processing shall have the hair, fleece, or fur fiber completely removed	Clothes/wearing apparel, e.g. coats, pants, boots	Sell, import, trade, or distribute any fur product by any means	Fur products: Taxidermists Used fur products: non-profit organizations, second-hand stores such as pawn shops, and independent parties (excluding a retail transaction)	N/A
West Hollywood	Includes cowhide with hair attached, or lambskin or sheepskin with fleece attached thereto	Excludes purses, jewelry, and pocketbooks	<i>Export of any fur product, or display for sale any fur product</i>	Fur products: non-profit organizations. <i>Used fur products: independent parties (excluding a retail transaction)</i>	Admin fee: \$50 First: \$250 Second: \$450 Third: \$850 Additional: infraction or misdemeanor
Berkeley	<i>Excludes cowhide with hair attached, or lambskin or sheepskin with fleece attached thereto</i>	No further clarification provided	No further clarification provided	<i>Used fur products: independent parties (excluding a retail transaction)</i>	Unable to find information about penalties
San Francisco	<i>Excludes cowhide with hair attached, or lambskin or sheepskin with fleece attached thereto</i>	Including but not limited to handbag, shoes, slippers, hats, earmuffs, scarves, shawls, gloves, jewelry, and keychains	<i>Export of any fur product, or display for sale any fur product</i>	Fur products: manufactured exclusively from used fur products. Used fur products: sales by a person not normally in the business of selling fur products.	First: \$500 Second: \$750 Subsequent: up to \$1000

**Entries in italics are present in two ordinances*

PERSONNEL & ANIMAL WELFARE

MOTION

More than fifty million animals including foxes, chinchilla, minks, raccoon, dogs and rabbits are killed for their fur every year. According to the World Society for the Protection of Animals, eighty-five percent of these animals are raised and killed on factory fur farms. The fur industry is one that has consistently been associated with inhumane practices. Animals who are cultivated solely for their fur spend their lives in cramped cages and are subject to deplorable living conditions. These animals are then killed in inhumane ways to preserve the quality of the pelt above all else. Common practices include gassing, electrocution, suffocation and neck breaking. Electrocuting fur-bearing animals anally and genitally is a slaughter method used frequently in the industry to limit damage to the fur. New York is the only state where this is illegal. Commonly, animals are stunned before they are skinned but some remain conscious during the process- at times still breathing after they are skinned.

The fur industry is one where "best current practice" involves the use of a system with very low welfare potential. In a signed letter to British parliament 50 veterinarians and animal experts including Jane Goodall point to the inherent welfare deficiencies in the trade, "Wild animals on fur farms live their lives in wire-floored cages thousands of times smaller than the natural territories. They are denied their biological inheritance to exhibit natural behaviors and stimuli such as hunting, digging and swimming." In the state of California, wild animals in captivity must be kept in enclosures that comply with statutory minimums. One fox would require 80 square feet and a mink, 30 square feet. These animals must also be given the opportunity to replicate their behaviors from the wild (Cal. Code Regs. §671). In fur farming, the space required for the same animals are a few square feet at best. Instances of stereotypical behavior indicating psychological distress due to these conditions are well documented, including repetitive pacing and spinning and cannibalism.

Trapping wild animals is also part of the industry. The most popular form of trapping among the top three wild fur pelt producers- the U.S., Canada and Russia- is the leghold trap. It has been declared inhumane by the American Veterinary Medical Association and the National Animal Control Association. Many countries and some states, including California, have banned the use of this trap because of the cruelty it inflicts on animals (Cal. Fish & Game Code 4004). Los Angeles previously banned its use more than 25 years ago.

Fur is also damaging to the environment and contributes to water and air pollution. According to a study by Michigan State University, the U.S. mink industry alone adds almost 1,000 tons of nitrogen and phosphorus to the environment each year. Fur is also heavily processed with harmful carcinogenic chemicals, including chromium and formaldehyde, which can be damaging to human health and also make fur difficult to biodegrade. The amount of energy required to make a coat from real fur is over fifteen times that needed to produce fake fur.

Fur farming has been banned and restrictions have been placed on the trade and sale of fur in a number of countries. Several countries around the world have banned some or all fur farming, including the UK, Denmark, and the Netherlands, one of the world's biggest mink suppliers. Israel and the UK are currently considering import/sale bans and New Zealand and India currently have import bans in place. In the state of California, West Hollywood banned the sale of fur in 2013, Berkeley in 2017 and most recently, San Francisco in 2018. Also, whether due to the cruelty inherent in the industry, its negative environmental impact, or a demand for compassionate fashion, many luxury designers have recently prohibited the use of fur in their collections. Most recently, Michael Kors, Jimmy Choo, Versace and Gucci have made commitments to remove fur from their line of products.


An animal killed for fur will give its life solely to become a piece of clothing, a key chain, trim on a jacket and nothing else. Today, we are a city of ethically conscious shoppers. Considering the wide

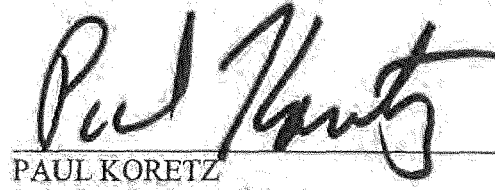
array of alternatives, any demand for fur products does not justify the unnecessary killing and the cruel treatment of fur-bearing animals. As more cities and countries pass restrictive legislation, more companies will stop using fur and alternatives will continue to improve.

In recent decades, Los Angeles has shown itself to be a world-leader city regarding animal welfare. The state legislature has also considered and passed various animal production measures including prohibiting the sale of products that are inhumane. Breeding and killing animals solely for their fur is no longer acceptable in the 21st century. By eliminating the sale of new fur products, Los Angeles has the opportunity to promote a community awareness of animal welfare and to continue to lead in the field of progressive animal welfare reform.

I THEREFORE MOVE that the City Attorney be requested to prepare and present an ordinance which would prohibit the manufacture and sale of fur products, including apparel made in whole or in part of fur, or any fashion accessory, including but not limited to handbags, shoes, hats, earmuffs, jewelry, and key chains made in whole or in part of fur, with exceptions for the sale of used fur products, beginning January 1, 2020.


PRESENTED BY:


BOB BLUMENFIELD
Councilmember, 3rd District


PAUL KORETZ
Councilmember, 5th District

ORIGINAL

SECONDED BY:


MITCH O'FARRELL
Councilmember, 13th District

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