

CONSULTATION ON THE USE, SALE, DISTRIBUTION AND POSSESSION OF ELECTRONIC TRAINING AIDS

Comments by Advocates for Animals
November 2007

Question 1

Should sonic or spray collars be treated differently to devices which transmit an electric shock or static pulse? Please state your reasons.

Advocates for Animals is not in favour of any training method or device which depends on punishment rather than positive reinforcement, and we would advise against the use of any aversive technique, on ethical grounds.

A sonic collar activates a noise or ultrasound and a spray collar, a spray of water or citronella in order to deter an animal from unwanted behaviour. An electric shock or static pulse collar delivers a painful shock to an animal's neck, and this can cause fear, distress and even injury to the animal.

We have reservations about the use of sonic and spray collars due to the fact that once these collars are fitted onto an animal, the animal has no way of escaping the high pitched sounds or sprays emitted. We believe that modern training methods, based on rewards, rather than punishments, provide the basis of good dog behaviour.

On balance, however, we consider that it would be disproportionate to legislate for a ban on sonic or spray collars, given that they do not cause physical pain and offer less potential for abuse than devices that deliver electric shocks.

Question 2

Do you agree with what we intend to cover? If not, what should be covered (and what should not be covered) and why?

We agree that legislation should be brought in to control any collar, mat, lead or other device used, or designed or intended to be used, to train or control an animal by means of transmission of an electric current or other electric impulse which causes shock, pain or other stimulus to an animal wearing, or otherwise in contact with, the device.

We see a difference between these items and livestock boundary fences because an animal cannot escape from a collar, whereas if it moves away from the fence it has some control over the effect. Fences offer visible clues which animals may associate with the shock and it appears that they learn to avoid them. Advice from pet behaviourists, however, is that the shock from an electric collar may be associated with a separate, unconnected stimulus in their environment. Animals do not understand what caused the shock and thus what behaviour they should avoid.

Question 3

Do you believe that the provision prohibiting “unnecessary suffering” in section 19 and the need to protect an animal from suffering and injury in section 24 of the Animal Health and Welfare (Scotland) Act 2006 are sufficient to protect animals who wear electric shock or static pulse collars or come into contact with “scat mats”. If not, why not?

We believe it would be very difficult to obtain a prosecution under section 19 of the Animal Health and Welfare (Scotland) Act 2006 for the routine use of a device that is currently legal. The pain inflicted might be represented as being “for a legitimate purpose” as described at s. 19 (4)(c); “proportionate” as in s.19 (4) (d) or part of conduct that was “in the circumstances that of a reasonably competent and humane person” (s.19(4)(e)). Section 19 would therefore only offer the prospect of prosecution for overt abuse using an electric collar, rather than for the routine use which is of concern to animal welfare groups.

Our concern about s.24 is that, while provision for the needs of an animal for which a person is responsible might reasonably be expected to include protection from repeated electric shocks, there would be a difficulty in prosecuting an activity which is not, unfortunately, particularly unusual. An accused person would be likely to invoke the exceptions within the provision regarding what may be considered good practice (s.24(i)), the lawful purpose for which the animal is kept (s.24(2)(a)) and the lawful activity undertaken in relation to the animal (s.24(2)(b)). It might be argued that the use of the collar was made necessary by the need to protect the animal from injury (s.24(3)(e)). While Advocates for Animals would by no means support such an argument, we consider that it might deter a prosecutor from pursuing a case.

Without a clear ban on the use of electric collars, any deterrence under the Act would rely on the possibility of prosecution for a general animal welfare offence. However, this might not be automatically be considered by enforcement officers and prosecutors, and it could be alleged that the use of a criminal offence was excessive in the absence of explicit guidance that electric devices should not be used.

In our view, the provisions of the Act, while useful in cases of clear misuse or abuse, would not offer a sufficient level of protection for animals against the pain and distress that electric collars inflict on animals.

Question 4

Should any of the devices listed in paragraph 15 be banned? If so, which ones and why? What evidence do you have to support a ban? If you believe that any of the devices should not be banned, why have you reached that decision and what evidence do you have to show that these devices do not adversely affect the welfare of the animals?

Advocates would like to see all devices listed in paragraph 15 banned as they all have the ability to cause pain to an animal.

These devices are widely available in a variety of different markets, are affordable and may be perceived as a “quick fix” to dog behavioural problems. Proponents of shock collars deny that they cause pain to the animal and electric shocks are usually

referred to in the manufacturers' literature as "impulses", "stimulation" or "correction". However, the experience of behaviour experts and scientific studies provide clear evidence that the use of such devices is unnecessary, inhumane and can actually lead to long-term behaviour problems in dogs.

According to dog training experts, electric shock collars can only be effective in changing a dog's behaviour if the experience is painfulⁱ. In an assessment to determine the level of pain which these devices inflict, human volunteers from the Kennel Club and the Association of Pet Dog Trainers tested a shock collar that had a shock intensity level of 0 to 100. A short impulse shock at level 20 on a volunteer's hand was painful and a shock at level 35, only a third of the collar's full power, was "*practically unbearable*"ⁱⁱ. Volunteers who tested the 'continuous shock' facility at level 20, delivering a continuous shock for 12 seconds, were unable to keep the collar on their hands for more than 2-3 secondsⁱⁱⁱ. Although the human volunteers were able to remove the collar when the shock became too painful, a dog would not be able to do so and would therefore be subjected to suffer this degree of pain for the full 12 seconds.

Experiments as far back as the 1980s showed that high intensity electric shocks given to dogs caused yelping, struggling, biting, freezing, withdrawal, hiding, running to the owner, cowering, trembling, defecation and urination – all of which are responses associated with fear and distress^{iv}. Studies at the University of Utrecht published 2004 showed likewise that the immediate reactions of dogs to electric shocks suggested stress, fear or pain (lowering of body posture, high pitched yelps, barks and squeals, avoidance, biting, flicking their tongues). There was also evidence that dogs that had been shocked were more likely to show long-term stress-related behaviour such as lowered ears, tongue-flicking and lifting front paws, during free walking or in training^v. Even dog training professionals who accept the use of shock collars admit that strong electric shocks can cause significant distress and emotional harm to a dog^{vi}.

Electronic training devices have the potential to cause both physical and psychological suffering to an animal. This suffering is unnecessary because there are alternative ways in which training can be achieved, mainly through the understanding of dog behaviour and the use of reward-based training, as previously mentioned.

We are particularly concerned about the development of "stay" mats. It appears to us entirely unethical for any owner to confine an animal to a small area without any visual definition which it can see or understand, and to inflict punishment when it moves beyond this area. If it is necessary to confine an animal for a short time, this can be done by using a crate or carrying box. No animal should be left in an invisible enclosure whose only boundary is the infliction of pain.

Scat mats are another more recent development and again, we believe, one without any merit. Adequate supervision and physical barriers are usually sufficient to deter an animal from approaching an area, and any owner who feels that these are too much trouble, or undesirable from an aesthetic point of view, should really consider whether the keeping of a companion animal is appropriate for his circumstances.

Inhumane

Apart from the obvious surge of pain from an electric shock, damage from the collar may go unnoticed when the collar is used as an anti-bark device or as a boundary fence, since the dog wears the collar for a long period of time. The Electronic Collar Manufacturers' Association guidelines recommend that the collar should not be worn for long periods and that the neck should be checked for signs of pressure necrosis, suggesting that the collar can cause skin injury if it is badly fitting.

Levels of electric shocks are controlled by the user, who may well be unskilled, possibly frustrated or even angry, all of which leads to serious concerns about the potential misuse of these devices. Most, but not all, of these devices come with instruction manuals. However good the manufacturer's instructions, they can have no control over how the device is used after it has been sold.

Ineffective

Timing the shock effectively is acknowledged to be difficult. Even experienced trainers have been observed to give shocks immediately after a command without giving the dog time to respond, so that the dog is confused and associates the command itself with the shock^{vii}. Similarly, some owners repeatedly shock a dog for running off even after the dog has started to return^{viii}. Incorrect and therefore ineffective use of shock collars is likely to be very common.

One of the major risks of using a shock collar is that the dog associates the shock with something other than its own behaviour. The dog can make unexpected associations between the shock and something in the environment at the moment the shock is received, resulting in an increase, rather than decrease, in problems such as aggression, non-cooperation or phobia. The unintended association could be another dog or other animal, a person or something inanimate such as a location.

The unintended consequences of electric shock training can be very serious. The dog may well become angry, defensive or fearful rather than obedient.

Similarly, when dogs get shocks from 'invisible fences' at their garden boundary, they may learn to associate any people or dogs approaching the boundary with the shocks and begin to threaten, fear or even attack approaching individuals.

Unnecessary

In the case of the remote control and anti-bark electric shock collar, it should be remembered that barking is part of a dog's natural behaviour and is a means by which they can communicate with humans and other animals. Barking is not abnormal behaviour; a dog should not be punished with an electric shock when it barks. The Kennel Club reports a case of an Irish Setter fitted with an anti-bark shock collar for 5 years, who learned that if she kept barking long enough the shocks would stop. The shock collar therefore resulted in longer bouts of barking rather than less barking. In addition, the dog developed sores on her neck^{ix}.

Modern and humane methods of dog training take advantage of a dog's natural motivation to cooperate and to seek human acceptance and praise. Training to deal with problem behaviour is also based on an understanding of dogs' natural

motivations and the various reasons for problems such as excessive barking, chasing, aggression and chewing. Distracting the dog's attention is used rather than punishment, such as by removing the dog from a problem situation, or by the use of mildly aversive signals such as an unexpected noise or a puff of compressed air.

Question 5

If there was to be a ban, what are your views on whether the ban should be limited to a prohibition on the use of the devices or whether the ban should extend to the sale and distribution of the devices?

We believe that there should be a ban on the sale, distribution and use of the devices. There can be no grounds for selling and distributing these devices if their use is prohibited, and their continued availability would only make enforcement difficult.

Question 6

Do you believe that a ban should extend to the possession of these devices? If so, for what reasons?

Similarly, we believe that a ban should extend to the possession of these devices. This would ensure that dog owners would be deterred from obtaining collars in other countries, where their sale and use is legal, in order to use in Scotland, where their sale, distribution and use of the devices will, we hope, be prohibited.

We appreciate that there will be some issues round the disposal of devices which it has hitherto been legal to possess. However, a ban on possession is the only way to remove the temptation to use them. It would be a fairly simple matter to arrange for owners to hand collars in to their vets, to police stations or to Scottish SPCA offices, or indeed to destroy them.

Question 7

Should any of the devices listed in paragraph 15 require a licence either by the seller or the operator? If so, which ones and why? What evidence do you have that such a restriction is required?

Question 8

What criteria or conditions should be placed on the issue of a licence? Explain why you think this is necessary.

Question 9

Do you have any views on which body would be best placed to issue licences?

Advocates is opposed to the licensing of the devices listed in paragraph 15 as we believe their use in any circumstances to be unnecessary and undesirable. There would, furthermore, be many obstacles to creating an effective licensing regime. For instance, it would be difficult in our opinion for anyone to advance a justifiable reason for use of these devices.

There would also have to be consideration of who would be eligible for a licence. It would be impossible to monitor the activities of ordinary members of the public, acting in their own homes, and so there would be no point in licensing them.

Nonetheless anecdotal evidence is that private use is the most likely to be incompetent or brutal. It might be suggested that there could be a ban on private use of the collars, with licensing confined to specialist users such as trainers. However, the anecdotal evidence from sources such as the Kennel Club and the Association of Pet Behaviour Counsellors is that trainers are not all equally humane or expert. It would be extremely difficult to differentiate between suitable and unsuitable trainers. It is hard to see who would be classed as more competent than a police dog handler, but police forces have discontinued the use of electric collars.

In general, animal health and welfare licences are issued to commercial enterprises by local authorities, and these establishments or operators can easily be traced and inspected. This would not be the case where private individuals or most trainers are concerned. Many electric devices are sold by mail order or over the internet, so that it would be difficult to know who had obtained them. Tracing owners would require a local authority to obtain the records from sales and follow these up. There is no realistic prospect that local authorities would have the resources or the inclination to do this. Advocates believes that a licensing scheme would simply be unenforceable.

Question 10

What effect would a ban on the use and sale of electric shock or static pulse collars in Scotland have on your business or organisation?

Question 11

What effect would restricting the sale of electric shock or static pulse collars to licence holders have on your business or organisation?

Banning or restricting the use and sale of electric shock or static pulse collars in Scotland would have no effect on Advocates as an organisation.

References

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