

October 30, 2024

**VIA EMAIL**

Michael Angelo Torres, Chairperson  
Commission of Animal Control and Welfare  
1 Dr. Carlton B. Goodlett Place, Room 362  
San Francisco, CA 94102  
michelangelo.torres@sfdph.org

**Re: Public Comment Addressing Cruelty in Live Markets & Request for Enforcement**

Dear Chairperson Torres and Commissioners:

Thank you, as always, for the Commission's work to protect animals. I am writing on behalf of Animal Outlook, a non-profit animal protection organization, to follow up on our concerns about recurring animal cruelty in California's live markets. Animal Outlook again requests the Commission's assistance in seeing that California law is properly enforced.

On September 25, 2024, Animal Outlook wrote to San Francisco's Department of Animal Care and Control ("SFACC"), providing comprehensive footage of animal cruelty at the live markets, in violation of California laws. Animal Outlook requested that SFACC pursue the appropriate enforcement actions. The full letter to SFACC, detailing the violations and the enforcement requests, is included below as **Appendix A**. Incidents include the following:

At 10:13 AM I entered M.P. Seafood Market. There I documented a customer selecting a softshell turtle that a worker took behind the counter. After the customer paid, the worker began to butcher the turtle. He began by striking the turtle's shell, near their head, with a mallet twice. He then took a cleaver and began cutting into the shell. While he was cutting into the turtle I witnessed the turtle's legs move in response to him cutting and striking them with the cleaver. I observed until the turtle had stopped moving and was clearly deceased. I left the store.

We are making the footage publicly available at this [hyperlink](#).<sup>1</sup> Please note that the footage provided in this public comment is limited to footage of the legal violations, with individuals'

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<sup>1</sup> [https://animaloutlook-my.sharepoint.com/:v/g/personal/sdavid\\_animaloutlook\\_onmicrosoft\\_com/ESJtLPqxvX1BtqOaJvOii3QBQQzBeualJb-Jq\\_uPGCAAacw?nav=eyJyZWZlcnJhbEluZm8iOncicmVmZXJyYWxBcHAI0iJPbmVEcmI2ZUZvckJ1c2luZXNzliwicmVmZXJyYWxBcHBQbGF0Zm9ybSI6IldlYiIsInJlZmVycmFsTW9kZSI6InZpZXciLCJyZWZlcnJhbFZpZXciOiJNeUZpbGVzTGlua0NvcHkiX0&e=djqeAM](https://animaloutlook-my.sharepoint.com/:v/g/personal/sdavid_animaloutlook_onmicrosoft_com/ESJtLPqxvX1BtqOaJvOii3QBQQzBeualJb-Jq_uPGCAAacw?nav=eyJyZWZlcnJhbEluZm8iOncicmVmZXJyYWxBcHAI0iJPbmVEcmI2ZUZvckJ1c2luZXNzliwicmVmZXJyYWxBcHBQbGF0Zm9ybSI6IldlYiIsInJlZmVycmFsTW9kZSI6InZpZXciLCJyZWZlcnJhbFZpZXciOiJNeUZpbGVzTGlua0NvcHkiX0&e=djqeAM)

faces blurred to preserve their anonymity. Animal Outlook provided complete, unedited footage to SFACC for enforcement purposes, which is password protected.

Respectfully, we are asking the Commission to follow up with the City Administrator and with SFACC to formally support Animal Outlook's enforcement request. As the Commission is aware, and as detailed in the attached letter to SFACC, Animal Outlook has worked with both the Commission and with SFACC to address the agency's enforcement concerns, and to facilitate enforcement within agency resources. Still, over a year since Animal Outlook's first meeting with the Commission, we are unaware of increased enforcement, and animal suffering remains pervasive in live markets. We are hopeful the Commission is prepared, at this time, to issue its strongest recommendation for enforcement, to provide any support that SFACC may need to accomplish that, and, as necessary, to demand accountability if SFACC abrogates its duty to "protect animals from abuse, neglect, and cruelty"<sup>2</sup> in live markets.

Respectfully,

Jareb Gleckel  
Attorney, Animal Outlook  
[legal@animaloutlook.org](mailto:legal@animaloutlook.org)

Scott David  
Director of Investigations, Animal Outlook

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<sup>2</sup> San Francisco Animal Care & Control, <https://www.sfanimalcare.org/> (last visited Sept. 24, 2024).

**AnimalOutlook.org**

*Exposing Truth. Inspiring Change.*

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## **APPENDIX A**

Dear Deputy Director Corso:

Thank you for the work that San Francisco’s Department of Animal Care and Control (“SFACC”) carries out to help and protect animals.

I am writing on behalf of Animal Outlook, a non-profit animal protection organization, to report unlawful acts of cruelty at San Francisco’s live markets. On September 14 and 15, 2024, an investigator documented violations like the following:

At 10:13 AM I entered M.P. Seafood Market. There I documented a customer selecting a softshell turtle that a worker took behind the counter. After the customer paid, the worker began to butcher the turtle. He began by striking the turtle’s shell, near their head, with a mallet twice. He then took a cleaver and began cutting into the shell. While he was cutting into the turtle I witnessed the turtle’s legs move in response to him cutting and striking them with the cleaver. I observed until the turtle had stopped moving and was clearly deceased. I left the store.

We appreciate that SFACC has been willing to engage with us in the past to improve enforcement of California’s cruelty laws in live markets. We hope that providing this evidence helps SFACC to further its mission to “protect animals from abuse, neglect, and cruelty”<sup>1</sup> without draining its resources, and we trust that SFACC will take the necessary steps to address the recorded violations.<sup>2</sup>

## **I. Animal Outlook has Worked with SFACC to Facilitate the Enforcement of Cruelty Laws in Live Markets.**

In an effort to address ongoing cruelty to animals, Animal Outlook has in the past called upon SFACC to enforce California’s animal protection laws in San Francisco’s live markets, and has proposed ways to make enforcement both more effective and less demanding on SFACC’s resources.

- In February and March 2022, Animal Outlook recorded dozens of legal violations and submitted an enforcement request to SFACC. In response, an SFACC officer went to the live markets, where the officer witnessed an act of cruelty and issued a citation. In our experience, SFACC officers have always expressed concern for the well-being of animals

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<sup>1</sup> San Francisco Animal Care & Control, <https://www.sfanimalcare.org/> (last visited Sept. 24, 2024).

<sup>2</sup> The complete, unedited footage is available at: [REDACTED]

and responded accordingly. Due to perceived enforcement barriers, however, SFACC did not pursue any additional legal charges and did not take any action on the dozens of recorded violations.

- On April 25, 2023, Animal Outlook submitted a letter to the Commission of Animal Control and Welfare (the “**Commission**”) signed by 156 San Francisco residents, raising concerns about the non-enforcement of animal protection laws in live markets.<sup>3</sup>
- At the Commission's invitation, Jareb Gleckel, an attorney at Animal Outlook, and Scott David, Animal Outlook's Director of Investigations, presented their concerns at the Commission's monthly meeting on August 10, 2023.<sup>4</sup> SFACC, in turn, discussed perceived barriers to enforcement.
- On August 16, 2023, Animal Outlook submitted a follow-up letter to both ACC and the Commission, addressing what ACC raised as a major enforcement barrier: its view that California's primary law addressing animal cruelty — California Penal Code § 597 — might not apply to animals in live markets. In the August 16 letter, Animal Outlook offered legal research and analysis demonstrating that Section 597 does apply to cruelty to animals in live markets.<sup>5</sup> In this letter, Animal Outlook once again called on SFACC to enforce the law against the dozens of violations it documented in 2022.
- On February 5, 2024, when SFACC still had not taken any enforcement action, Animal Outlook sent an additional follow-up letter to both SFACC and the Commission addressing a second barrier to enforcement: SFACC's requirement that Animal Control Officers (“**ACOs**”) must witness animal cruelty in a live market in person to issue a citation. Animal Outlook again offered legal research and analysis demonstrating that SFACC can, and should, rely on video evidence of animal cruelty, including evidence that Animal Outlook had previously submitted, to issue written warnings and citations to live market operators under California's Live Animal Market Law, Cal. Penal Code § 597.3.<sup>6</sup>

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<sup>3</sup> Letter from Animal Outlook to SF Commission of Animal Control and Welfare, *Cruelty at San Francisco's Live Animal Markets*, (Apr. 25, 2023), <https://www.sf.gov/sites/default/files/2023-08/Animal%20Outlook%20Letter%20to%20SF%20ACWC%204.25.2023.pdf>.

<sup>4</sup> San Francisco Animal Commission Meeting Minutes (Aug. 10, 2023), [https://www.sf.gov/sites/default/files/2023-10/ACWC%20August%202023%20Meeting%20Minutes\\_0.pdf](https://www.sf.gov/sites/default/files/2023-10/ACWC%20August%202023%20Meeting%20Minutes_0.pdf).

<sup>5</sup> Letter from Animal Outlook to SF Commission of Animal Control and Welfare, *Applicability of Cruelty Laws in Live Markets (Follow Up to August 10, 2023 ACWC Meeting)* (Aug. 16, 2023), <https://www.sf.gov/sites/default/files/2023-11/ACWC%20Communications%20from%20Organizations%20Received.pdf>.

<sup>6</sup> Letter from Animal Outlook to SF Commission of Animal Control and Welfare, *Use of Video Third-Party Evidence in Enforcement of Cal. Penal Code § 597.3 (Second Follow Up to August 10, 2023 Meeting)*

Collectively, Animal Outlook’s letters offer practical steps that SFACC is authorized to take to maximize enforcement. Because SFACC raised concerns about the futility of scattered warnings and citations to live market operators, Animal Outlook proposed (1) alternative enforcement options with steeper penalties, and (2) reliance on video evidence to issue larger numbers of warnings and citations and thus increase deterrence of cruel practices in live markets without additional resources.

SFACC has not raised any concerns with or objections to Animal Outlook’s proposals over the past year, so we are hopeful that SFACC is prepared to take action on the following evidence of legal violations.

## **II. Animal Outlook Documented Animal Cruelty at San Francisco Live Markets on September 14-15, 2024.**

On September 14-15, 2024, Animal Outlook documented cruelty to animals in San Francisco’s live markets. The recordings prove violations of several California laws, including (1) California’s general cruelty law, California Penal Code § 597; and (2) California’s live market law, California Penal Code § 597.3.

### **A. Animal Outlook Documented Violations of California’s Cruelty Law, Section 597.**

Section 597 affords protections to all animals in California, including animals kept in live markets.<sup>7</sup> Section 597 applies to acts committed against any “animal,” which the statute defines broadly to include “every dumb creature.” Interpreting this language, California’s courts have punished cruelty to roosters, tortoises, rats, mice, horses, rabbits, ducks, chickens, and geese, among other animals.<sup>8</sup>

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(Feb. 5, 2024), <https://www.sf.gov/sites/default/files/2024-02/ACWC%20Communications%20from%20Organizations%20Received.pdf>.

<sup>7</sup> See Letter from Animal Outlook to SF Commission of Animal Control and Welfare, *Applicability of Cruelty Laws in Live Markets (Follow Up to August 10, 2023 ACWC Meeting)* (Aug. 16, 2023), <https://www.sf.gov/sites/default/files/2023-11/ACWC%20Communications%20from%20Organizations%20Received.pdf>.

<sup>8</sup> See, e.g., *People v. Baniqued*, 101 Cal.Rptr.2d 835 (3d Dist. 2000); *Jett v. Mun. Court*, 177 Cal. App. 3d 664 (4th Dist. 1986) (charges under § 597(b) for neglect of a tortoise); *People v. Thomason*, 84 Cal. App. 4th 1064 (2d Dist. 2000) (charges under § 597(a) for cruelty to small rats and mice); *People v. Farley*, 33 Cal. App. 3d Supp. 1 (App. Dep’t. Super. Ct. 1973) (charges under § 597 for cruelty to horses); *People v. Sanchez*, 94 Cal. App. 4th 622 (3d Dist. 2001) (charges under § 597(b) for neglect of rabbits, ducks, chicken, and geese).

Section 597 also punishes a wide range of cruelty, including torturing or tormenting an animal; depriving an animal of necessary sustenance, drink, or shelter; mutilating or cruelly killing an animal; subjecting an animal to needless suffering; and inflicting unnecessary cruelty upon an animal. “[T]he words ‘torment,’ ‘torture,’ and ‘cruelty’ include every act, omission, or neglect whereby unnecessary or unjustifiable physical pain or suffering is caused or permitted.”<sup>9</sup>

Finally, under California Penal Code Section 599b, corporations are liable for violating Section 597, punishable by fines and temporary prohibitions on animal ownership. Pursuant to this section, “the knowledge and acts of any agent of, or person employed by, a corporation . . . *must* be held to be the act and knowledge of the corporation.”<sup>10</sup>

The entities below are responsible for the following conditions, practices, and acts that caused unnecessary or unjustifiable physical pain or suffering, and SFACC should work with local law enforcement to prosecute this cruelty to the fullest extent of the law.

<u>Date</u>	<u>Location</u>	<u>Witness Description</u>	<u>Video Timestamp</u>
9/14/2024	MP Seafood Market	I documented turtles severely crowded in plastic crates.	0:00:18-0:00:31
		I documented frogs severely crowded in plastic crates. <sup>11</sup>	0:00:44-0:00:55
		I documented a worker putting three live frogs in a small plastic bag. He kept them in the closed	

<sup>9</sup> Cal. Pen. Code § 599b.

<sup>10</sup> Id. (Emphasis added).

<sup>11</sup> Confining and displaying frogs in cramped conditions is likely to cause injury, pain, and suffering. Per the AVMA, “*stocking density* . . . can significantly affect animal welfare.” AVMA Guidelines for Humane Slaughter of Animals: 2024 Edition at 87. In particular, densely confining frogs can lead to hyperalgesia — tissue injury that lowers frogs’ pain threshold — because the constant pressure and scraping damages the sensitive mucous layer of the skin and causes inflammation. See Thelma Lee Gross, *Scientific and moral considerations for live market practices*, JAVMA, Vol 222 No. 3 at 286 (2003).

		bag for at least 30 seconds before killing them. Another worker then removed them from the plastic bag and killed them by decapitation using a cleaver. He did not stun the frogs before killing them. <sup>12</sup>	0:01:07-0:03:16
		I documented a worker bludgeon a fish with a small club. The fish continued to move and the worker struck the fish two more times before the fish stopped moving.	0:03:03-0:03:13
9/14/2024	Pacific Street Seafood	I documented turtles confined in a small container. One turtle tried to escape by climbing up the wall of the container, then fell backwards.	0:03:20-0:03:41
		I documented fish severely crowded in a tank.	0:03:42-0:05:29
		I documented a worker butchering a softshell turtle. While the worker was cutting into the shell I observed one of the turtle's legs moving.  While this was taking place I documented another worker butchering a second turtle. I did not see the worker stun the second turtle before cutting into the animal.	0:05:35-0:09:53
		I documented a fish being bludgeoned with a club.	0:05:52-0:06:01

<sup>12</sup> Decapitation of frogs without prior stunning is an unacceptable slaughter method. *See, e.g.,* AVMA Guidelines for the Humane Slaughter of Animals: 2024 Edition at 87. The brains of “lower vertebrates,” like frogs, “are tolerant to conditions of hypoxia and hypovolemia,” and therefore “these animals essentially remain conscious even after the head is severed.” Thelma Lee Gross, *Scientific and moral considerations for live market practices*, JAVMA, Vol 222 No. 3 at 286 (2003).



9/14/2024.	Liang's Seafood	I documented a worker dumping a fish into a plastic bag, then bludgeon the animal with a small club.	0:11:20-0:11:33
		I documented frogs and turtles kept in plastic bins. One frog was missing a left eye. There was visible blood in the plastic bin containing softshell turtles on both the bottom of the container and on the shell of one turtle.	0:12:50-0:14:54
9/14/2024		I documented two workers netting fish out of a truck, placing them in a large gray trash bin, and wheeling them into Pacific Street Seafood.	0:15:00-0:19:46
		I documented a worker netting fish out of a delivery truck.	0:20:00-0:20:17
9/15/2024	MP Seafood Market	I documented a customer selecting a softshell turtle. A worker then strikes the turtle near their head twice with a mallet and begins butchering them. The turtle's legs are seen moving in response to being cut apart.	0:20:22-0:25:10
		I documented a fish being butchered while the body continues to flail and fish being bludgeoned. The man bludgeoning the fish is the same man who butchered the live softshell turtle earlier in the day.	0:25:15-0:28:10
9/15/2024	Pacific Street Seafood	I documented a fish and turtle being butchered. While they're being butchered another fish is brought into that area and bludgeoned. The fish continues to move after multiple hits.	0:30:19-0:30:34
		I documented a worker bludgeoning a fish.	0:31:50-0:32:17
		I documented turtles in a plastic crate. One turtle is on their side with their head hanging out motionless.	0:32:32-0:32:36
9/15/2024	Stockton Street fish delivery truck.	On Stockton Street I documented two workers netting fish out of a delivery truck, placing them in a large gray trash bin, and wheeling them into Pacific Street Seafood and Liang's Food. One	0:33:01-0:36:30

Pacific Street Seafood and Liang's Food	worker stood on the top of the truck using a net to capture the fish while the other worker stood in the street and put the fish into the bin.	
	I documented workers unloading live fish from a delivery truck and placing them in a large gray trash bin. The worker on the ground occasionally tosses fish back onto the truck and they are left there alive out of water.	0:36:35-0:41:22
	I documented workers unloading live fish from a delivery truck and placing them in a large gray trash bin. The worker on the ground occasionally tosses fish back onto the truck and they are left there alive out of water.	0:41:36-0:44:15
	I documented workers unloading live fish from a delivery truck and placing them in a large gray trash bin. Multiple fish are dropped on the street. A worker throws a fish back onto the truck, but the fish falls on the ground.	0:44:18-0:45:49
	I documented workers unloading live fish from a delivery truck and placing them in a large gray trash bin. One fish falls onto the street and is left there for approximately one minute.	0:45:50-0:47:48
	I documented workers unloading live fish from a delivery truck and placing them in a large gray trash bin.	0:47:51-0:51:15

**B. Animal Outlook Documented Violations of California's Live Market Laws, Section 597.3.**

In addition to California's general cruelty laws, Section 597.3 provides a mechanism for citing live market operators whenever they fail to prevent the most common or egregious acts of cruelty at their establishments. These operators are liable unless they:

1. Provide that no [turtle, frog, or bird<sup>13</sup>] will be dismembered, flayed, cut open, or have its skin, scales, feathers, or shell removed while the animal is still alive.

<sup>13</sup> Birds include only birds sold for human consumption with the exception of poultry.

2. Provide that no live [turtle, frog, or bird] will be confined, held, or displayed in a manner that results, or is likely to result, in injury, starvation, dehydration, or suffocation.

In addition to pursuing charges under Section 597, SFACC should promptly issue warnings and/or citations to the following operators for the violations in the table below:

<u>Date</u>	<u>Location</u>	<u>Witness Description</u>	<u>Video Timestamp</u>
9/14/2024	MP Seafood Market	I documented turtles severely crowded in plastic crates.	0:00:18-0:00:31
		I documented frogs severely crowded in plastic crates.	0:00:44-0:00:55
		I documented a worker putting three live frogs in a small plastic bag. He kept them in the closed bag for at least 30 seconds before killing them.	0:01:07-0:03:16
		I documented a worker placing three frogs into a plastic bag as a customer pointed them out. Another worker then removed them from the plastic bag and killed them by decapitation using a cleaver. He did not stun the frogs before killing them.	0:01:07-0:03:16

9/14/2024	Pacific Street Seafood	<p>I documented a worker butchering a softshell turtle. While the worker was cutting into the shell I observed one of the turtle’s legs moving.</p> <p>While this was taking place I documented another worker butcher a second turtle. I did not see the worker stun the second turtle before cutting into the animal.</p>	0:05:35-0:09:53
9/14/2024.	Liang’s Seafood	I documented frogs and turtles kept in plastic bins. One frog was missing a left eye. There was visible blood in the plastic bin containing softshell turtles on both the bottom of the container and on the shell of one turtle.	0:12:50-0:14:54
9/15/2024	MP Seafood Market	I documented a customer selecting a softshell turtle. A worker then strikes the turtle near their head twice with a mallet and begins butchering them. The turtle’s legs are seen moving in response to being cut apart.	0:20:22-0:25:10
9/15/2024	Pacific Street Seafood	I documented a turtle being butchered.	0:30:19-0:30:34
		I documented turtles in a plastic crate. One turtle is on their side with their head hanging out motionless.	0:32:32-0:32:36

### III. Conclusion

Again, thank you for SFACC’s work to help and protect animals. We recognize that, in the past, SFACC has perceived barriers to enforcing California’s laws, and therefore to protecting animals, in the city’s live markets, and we appreciate SFACC engaging with Animal Outlook to improve this enforcement. The evidence and analysis we have provided in our correspondence of April 25, 2023, August 16, 2023, and February 5, 2024, enables SFACC to make use of its full legal authority to redress the violations Animal Outlook documented and delineated in this letter and in March 2022. We hope that SFACC will, accordingly, (1) work with law enforcement to pursue charges under California Penal Code § 597, and (2) immediately issue warnings and

citations under Section 597.3. As always, Animal Outlook is available to assist in any way we can be helpful.

Sincerely,

Jareb Gleckel  
Attorney, Animal Outlook  
[legal@animaloutlook.org](mailto:legal@animaloutlook.org)

Scott David  
Director of Investigations, Animal Outlook  
[REDACTED]