



## Text File

**Introduced:** 12/4/2023

**Bill No:** 2023-2291, **Version:** 2

**Committee:** Committee on Public Safety and Wellness

**Status:** Passed Finally

Ordinance amending the Pittsburgh City Code at Title 6: Conduct, Article I: Regulated Rights and Actions to adopt a new Chapter 641 Entitled "FORCE-FED PRODUCTS PROHIBITED," PROHIBITING THE SALE OR PROVISION OF FORCE-FED POULTRY PRODUCTS.

**WHEREAS**, foie gras is a food item produced from the diseased and enlarged liver of a duck or goose. The production of foie gras usually involves systematically force-feeding the animal until their liver has enlarged up to ten times its normal size.

**WHEREAS**, the practice of force-feeding birds for foie gras production is widely considered by veterinary professionals to be inhumane because it involves inserting a foot-long metal or plastic tube down a bird's throat and injecting large and unhealthy quantities of feed into the stomach. Force-feeding can induce liver disease in the birds, which is both painful and often fatal. The process can also cause the animals significant injury and illness, including bacterial and fungal infections, malnourishment, and/or lameness.

**WHEREAS**, the modern foie gras production industry contributes to environmental degradation and climate change by keeping animals in conditions of intensive confinement that: require large amounts of water and energy; produce high levels of CO<sub>2</sub>e emissions; pollute air and waterways; and threaten wild endangered species.

**WHEREAS**, the State of California has banned the sale of foie gras along with prohibitions on foie gras production within the Czech Republic, Denmark, Germany, Turkey, Finland, Italy, Luxembourg, Norway, Poland and six of the nine Austrian provinces, among other jurisdictions.

**WHEREAS**, many retail businesses no longer offer foie gras, including Whole Foods, Giant Eagle, Postmates, Costco, Safeway and Target.

**WHEREAS**, it is in the public interest to reduce animal cruelty, unsustainable environmental practices, and zoonotic disease risks by removing force-fed products from the marketplace. It is also in the public interest to codify values related to the humane treatment of animals, public health, and environmental stewardship.

**NOW, THEREFORE, the Council of the City of Pittsburgh enacts as follows:**

**Section 1:** The City Pittsburgh Code of Ordinances, Title 6: Conduct, Article I: Regulated Rights and Actions, is amended by adding a new Chapter 641 to read as follows:

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**CHAPTER 641: FORCE-FED PRODUCTS PROHIBITED**

**§ 641.01 - DEFINITIONS.**

For the purposes of this section, the following terms have the following meanings:

- (a) **Food service establishment** means a place offering prepared food to be eaten by customers, whether such food is provided free of charge or sold, and whether consumption occurs on or off the premises.
- (b) **Retail establishment** means any vendor, store, shop, sales outlet, or other establishment, including a grocery store or a delicatessen, which provides, offers for sale, or sells food.
- (c) **Force-feeding** means a process that causes the bird to consume more food than a typical bird of the same species would consume voluntarily. Force feeding methods include, but are not limited to, delivering feed through a tube or other device inserted into the bird's esophagus.
- (d) **Force-fed product** means any product that is the result of force-feeding a bird, including but not limited to a duck or a goose, with the intent to fatten or enlarge the bird's liver. A duck or goose-based product that was not produced by force-feeding is not a force-fed product.
- (e) **Sell or sale** means any act of selling, trading, or bartering for monetary or nonmonetary consideration, and includes any transfer of ownership that occurs in the course of a commercial transaction.

**§ 641.02 - PROHIBITED CONDUCT.**

a. No food service establishment, retail establishment, or any agent thereof, shall sell or offer for sale, or offer to provide by sale, to provide free of charge, or serve in any other manner, any force-fed product.

b. For purposes of this Chapter, it shall be a rebuttable presumption that an item advertised or represented as "foie gras" is a force-fed product. A party seeking to rebut such presumption shall provide documentary evidence proving that the product they are storing, keeping, maintaining, providing, offering for sale, selling, shipping, or transporting is not a force-fed product as defined in this Chapter. Products not represented as "foie gras" but which meet the force-fed definition are regulated by this section of the Code.

**§ 641.03 - PENALTY.**

Any person, food service establishment, or retail establishment who is found to violate any provision of this Chapter shall be punishable by a fine of no more than \$500 for each such violation. Violations shall accrue for each individual force-fed product sold or provided, and in the case of offerings, shall accrue for each day any force-fed product is offered for

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sale or any other manner of provision.

**SECTION 2:**

All ordinances and code sections and parts of ordinances and code sections in conflict herewith are repealed to the extent of any such conflict.

**SECTION 3:** If any Section, Subsection, sentence, clause, or phrase of this Chapter is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Chapter. The Council declares that it would have passed this Chapter, and each Section, Subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more Sections, Subsections, sentences, clauses or phrases may be declared invalid or unconstitutional and, if for any reason this Chapter should be declared invalid or unconstitutional, then the remaining Section, Subsection, sentence, clause or phrases shall be in full force and effect.

**SECTION 4:**

This Ordinance shall be effective upon the Mayor's signature or, if the Mayor does not sign the Ordinance, it shall be effective eleven (11) days after its enactment by Council.

**I do hereby certify that the foregoing ordinance duly engrossed and certified, was delivered by me to the Mayor for his approval or disapproval and that the Mayor failed to approve or disapprove the same, whereupon it became a law without his approval under the provisions of the Act of Assembly in such case made and provided.**

**Kimberly Clark-Baskin, City Clerk**