



Pet Law and Legislation

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The Movement Against Canine Ear Cropping and Tail Docking: Implications for Our Purebred Breeds

"Tail docking and dew claw removal are not done for cosmetics or to satisfy a standard as the extreme animal rights people would have you believe. The procedures were developed to prevent pain and suffering and have been included in the standards of many breeds because they were recognized as BENEFICIAL procedures."

— Raymond L. Calkins, D.V.M.¹

THIS IS THE FIRST in a two-part series that explores the current practices of ear cropping and tail docking in the United States, and the social and legislative movement to change or even completely ban these practices. The first article will examine the history of and justification for these procedures in purebred dog breeds. The concluding article will look at the American Veterinary Medical Association's (AVMA) recent (November 2008) cropping and docking policy revision, as well as review 2009 legislation against these procedures in several states.

It is important to objectively look at these procedures as done today to discern their impact on dogs that are cropped and/or docked. *Docking* is the removal of the terminal portion of the canine tail to arrive at a specified remaining tail length. Normally, docking is performed between three to five days of age when the nervous system of the puppy is not yet completely developed² and the vertebrae have not yet completely ossified. There are two common methods used to dock tails: the banding method (<http://www.cdb.org/video/video.htm>), and the traditional surgical method. Puppies being docked exhibit only momentary discomfort and complications are extremely rare. Experienced breeders may choose to dock their litters' tails at home instead of taking the puppies to a veterinarian.

Cropping is the surgical removal of a portion of the ear to achieve a more upright appearance, and is normally performed between two and four months of age. Many veterinarians now use laser surgery to crop ears, which reduces bleeding and speeds up the healing time. For humane reasons, as well as to achieve the precise appearance desired, sedation or full anesthesia is used. Since these anesthetics are generally controlled substances, cropping is normally done by a licensed veterinarian, or under veterinary supervision. Analgesics may be administered after surgery. The ear is bandaged and taped for several weeks afterwards. Complications are likewise rare.

Docking is most often seen in various AKC sporting,

working, herding, and terrier breeds and has practical justifications. While mentioned in about 50 breed standards, only a few explicitly require docked tails. An adult dog's tail is subject to painful injuries when the dog is performing its assigned work. For example, various sporting breeds who work in dense cover are prone to tail injuries by thorns and burrs. Tails of herding breeds may be stepped on by livestock or caught in gates. Several working breeds are known to wag their tails with such vigor that the tail is frequently injured. When a terrier goes after vermin, its tail may be bitten by the prey, or bent backwards and broken as the dog emerges from a critter's den. Since the canine tail lacks good circulation, an injured tail is very difficult to heal, and can be very painful. Adult tail injuries often result in partial or complete amputation of the tail, a surgical procedure carrying a certain amount of risk. Even with prompt veterinary care for a tail injury, it may take months to heal, during which the dog cannot compete or be worked.

In European countries where docking has largely been banned as a general practice, considerable anecdotal reports of tail injuries have surfaced³. The one published study examining the effects of a docking ban on formerly docked breeds was performed in Sweden in the early 1990s, following a ban of the docking procedure in that country in 1989⁴. A cohort (N = 244) of German Shorthaired Pointers was followed for two years; the dogs were from 44 litters registered in Sweden in 1989 after the ban went into effect. Prior to the ban, dogs of this breed were normally docked. These dogs were primarily used as hunting dogs. By mid-1991, 35%, or more than one in three, had suffered a tail injury; many of these injuries occurred before the dog turned one year old. Many were difficult to heal; a follow-up survey of these dogs' owners later in 1991 showed that almost half of the previous year's injuries had grown worse during that time. By late 1991, seven had had their tails amputated as a result of these injuries, and

the number of tail amputations was expected to grow considerably as these dogs aged. Dogs working in dense cover or mountainous terrain were the most prone to tail injuries, illustrating the practical justifications for tail docking puppies of working hunting breeds.

Ear cropping is mentioned in about 17 AKC breed standards, but is not a requirement in any. Proponents of cropping state that it prevents painful injury to the tips of ears. In a 2009 letter to the Animal Welfare Division of the AVMA, the Staffordshire Terrier Club of America cited two scientific studies demonstrating the medical benefits of ear cropping: Masuda *et al.* (2000), "Study of lipid in the ear canal in canine otitis externa with *Malassezia pachydermatis*" and Hayes *et al.* (1987), "Effects of ear type and weather on the hospital prevalence of canine otitis externa."⁵ Various working breed fanciers claim that cropping gives the dogs a more alert appearance which deters criminals. Other cropped breed enthusiasts believe that cropped ears allow the dog better sound localization as well.⁶

Animal Rights activists have several main arguments against cropping and docking which can be readily refuted:

1. *This type of surgery is only cosmetic and should not be done just to satisfy a breed standard.* Many currently docked breeds had docked tails for practical reasons well before the establishment of the modern breed standards of today. For example, the American Rottweiler Club recently compiled an extensive collection of literature relating to docking and cropping practices in dogs, with several predating 1900, and one of the earliest being 1857.⁷ As with docking, cropping is a very ancient practice which dates back to the Roman era where both were then used to protect dogs from injury.
2. *We should never do anything painful to our dogs.* Any pain resulting from tail docking is transient at best, and modern anesthetics and analgesics greatly diminish any discomfort from cropping. Spaying and neutering produce significantly more pain to the animal, as well as occasional long-term adverse health sequelae or even death, and are almost always done primarily for the convenience of the owner and not the benefit of the dog. Yet few would advocate abolishing pet sterilization.
3. *Breeders and owners should have a choice whether or not to crop or dock.* Cropping is not required in any of the breed standards where it is mentioned, and docking is required only in a few for show ring eligibility. In any case, the owner or breeder is never forced to crop or dock a dog. This concept was affirmed in a 2003 decision in the New York Manhattan Appellate Supreme Court. Jon H. Hammer, the owner of a long-tailed Brittany, had sued the AKC and the American Brittany Club, stating that they "discriminated" against him in the show ring since he refused to have his dog's tail docked. The court sided with the defendants, stating "The right to compete ... in

dog shows is not a legally protected right. In any event, a Brittany with an undocked tail is, in fact, permitted to compete; ... he simply loses points for tail length."⁸ Hammer had been assisted by In Defense of Animals, an Animal Rights organization, in pursuing this legal action.⁹ For additional background on this case, see: < <http://www.animallaw.info/pleadings/pbusnyhammer.htm> >

4. *Cropping and docking are only done by criminals who use dogs for fighting and other unethical and illegal purposes.* A current FAQ on the American Society of Prevention of Cruelty to Animals (ASPCA) website concerning cropping and docking alleges that "Fighting dogs used by all types of fighters usually have their ears cropped and tails docked close to their bodies. ... Many fighters perform this cropping/docking themselves, using crude and inhumane techniques."¹⁰ Besides being ludicrous (fighting dogs do not have docked tails!), this egregious statement hurls slanderous accusations at well-respected dog owners and breeders, attempting to link docking and cropping with illegal criminal activity and barbaric treatment of pets in the minds of the general public. In fact, Animal Rights activists used this tactic in attempting to push through New York Assembly Bill 11272 in 2006, which would have banned ear cropping and tail docking had it passed, by stating in the legislative intent section of the bill that these procedures are performed to enhance the "optimum fighting ability" of dogs. Noreen Baxter, then AKC Vice President of Communications, vigorously responded to this challenge, writing:

Assembly sponsors of A. 11242 wrongly link the accepted practices of cropping and docking with dog fighting in a spurious attempt to further their agenda at the expense of the rights of responsible dog owners to determine appropriate procedures for their dogs in consultation with their veterinarians ... Ear cropping and tail docking remain longstanding, accepted practices for more than forty breeds of dogs recognized by the American Kennel Club and the criminalization of cropping and docking embodied in A. 11242 penalizes dog owners for appropriate procedures for the involved breeds.¹¹

Next issue: The AVMA cropping/docking policy revision and a look at 2009 anti-cropping/docking legislation in the U.S.

(Endnotes)

¹ REFERENCES – Calkins, Raymond L. German Wirehaired Pointer Club of America, Vice President. (2009). Letter to Dr. Gail Golab of the Animal Welfare Division of the American Veterinary Medical Association. < <http://www.massfeddogs.org/Downloads/TailDockStatements.pdf> >

² Prof. Dr. R. Fritsch. (n.d.). Pain Felt by Puppies. < <http://www.cdb.org/vets/fritsch.htm> >

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ring when your brain will say one thing, but your feet will have minds of their own. Been there and done that!

The last trials that Guess and I attempted were in Chattanooga in the middle of October. I do say *attempted*, as the only Utility exercise he qualified on both days was the moving stand. He has shown in that building before with no problem—well, except when he was left for the drop on recall right in front of the lifelike painting of two Labradors on the wall behind him. I took him Friday evening when I set up his crate and my chair. No problem, we even walked over to the painted Labs and let him sniff them to make sure they were not real.

Saturday and Sunday were another story as he seemed completely freaked out by the building, the people, and, most of all, the rings. I won't go into the details of the strange things he pulled, but I will mention that on Saturday in Open B the retrieve on the flat was first; I threw the dumbbell and when I gave the retrieve command he tried to run out of the ring. The judge and I both agreed that my dog was not well. I did show in Utility on Sunday, but did not stay for Open as something obviously was wrong.

On Monday morning his forehead above his left eye was a bit puffy and his eye was mattering. A trip to the vet indicated that nothing seemed to be wrong; his temperature was fine, there was nothing in his eye, and there were no other problems that we could see. The vet felt that a spider may have bitten him and gave him a cortisone shot and some antibiotic pills for me to administer.

It seemed to get better, but two weeks later—on a Saturday of course—the spot got red, puffed up, and then broke open with pus draining out. Another trip to the vet, another shot, and different pills. Treatment at home consisted of washing it twice a day and applying a mixture of antibiotic ointment and Preparation H to relieve the itching.

Guess feels fine and has had no side effects, but now has a rather rakish bald spot above his left eye. Now to see if the hair will grow back and, if so, if it ends up white. I am still doctoring it and applying hot compresses when it seems to need to drain some more. I feel that he must have gotten bitten Friday evening when I was giving him his final walk before bedtime. With his heavy hair, it's not easy to spot something as small as a spider bite.

The moral of this tale is when your dog acts differently or seems to be “blowing” you off don't be too quick to condemn him. Something may well be physically wrong, even if at first you can find no signs of it.

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- ³ A Selection of Tail Damage Reports. (n.d.) Council of Docked Breeds. < <http://www.cdb.org/letters.htm> >
- ⁴ Strejffert, Gunilla. (1992). Tail Injuries of Shorthaired German Pointer Dogs Born in Sweden in 1989. < <http://www.cdb.org/countries/sweden.htm> >
- ⁵ Rapinchuk, Tom. (2009). Letter from the Staffordshire Terrier Club of America. < <http://www.massfeddogs.org/Downloads/TailDockStatements.pdf> >
- ⁶ Ears. DPCA Public Education Committee. < <http://bakaridobes.westhost.com/publiceducation/PECEars.html> >
- ⁷ SPECIAL REPORT – Investigation and Analysis of Veterinary Literature Regarding Ear Cropping and Tail Docking. (June 20 2009). Paws4Laws, The American Rottweiler Club. < <http://legislation.americanrottweilerclub.org/arc-letters-of-response/special-report-investigation-and-analysis-of-veterinary-literature-regarding-ear-cropping-and-tail-docking/> >
- ⁸ Taking Command April 2003, The American Kennel Club. < http://www.akc.org/canine/legislation/taking_command/tc april03.cfm >
- ⁹ Memorandum of Law of Amicus Curiae in Defense of Animals. (April 10 2000). < http://www.animallaw.info/pleadings/pb_pdf/pbusnyhammeramcmemo.pdf >
- ¹⁰ Dog Fighting FAQ. (n.d.) American Society for the Prevention of Cruelty to Animals. < <http://www.aspc.org/fight-animal-cruelty/dog-fighting/dog-fighting-faq.html> >
- ¹¹ Baxter, Noreen. (June 15, 2006). Letter to the Honorable William Magee, Chairman, Agriculture Committee, New York State Assembly. < http://www.akc.org/pdfs/canine_legislation/NY_action_center_2006/Magee_Letter_NB_061506.pdf >

AKC Announces Enhancements to the AKC Canine Partners Program

New York, NY — At the January meeting the AKC Board of Directors voted to amend the Obedience, Rally and Agility regulations to allow mixed breed dogs to compete in the same classes and earn the same titles as purebreds. In addition, all clubs holding an AKC Obedience, Rally or Agility trial will have the option to accept entries for mixed-breed dogs enrolled in the Canine Partners Program.

“One of the main goals of this program is to reach more dog owners with the responsible dog ownership message and help them enrich their relationship with their dog,” said AKC President and CEO Dennis Sprung. “We are pleased to expand the option for participation in Canine Partners to more AKC clubs and provide mixed breed dog owners more opportunities to compete in eligible AKC Companion events.”

Starting April 1, 2010, dogs with an AKC Canine Partners listing number will be eligible to participate in AKC Agility, Obedience and Rally trials accepting mixed breed entries.

Some program benefits include a complimentary 60-Day trial of the AKC Pet Healthcare Plan, a one-year subscription to *AKC Family Dog* magazine, an AKC Canine Partners Certificate and an AKC Canine Partners Decal. The Canine Partners listing is available to spayed and neutered dogs that are not currently eligible for AKC registration, AKC Foundation Stock Service (FSS) enrollment or an AKC Purebred Alternative Listing (PAL).

For more information about the AKC Canine Partners program, please visit www.akccaninepartners.org.

Happiness is a warm puppy.

— Charles M. Schulz