



By postal mail and email:  
post@hoyesterett.no  
NORGES HØYESTERETT  
Postboks 8016 Dep  
0030 Oslo

Date: 6<sup>th</sup> March 2023

**WRITTEN SUBMISSION TO  
THE SUPREME COURT OF NORWAY**

**Case no. 23-004643SIV-HRET**

**Appellant:** Dyrebeskyttelsen Norge (The Norwegian Society for  
Protection of Animals)  
Øvre gate 7, 0551 Oslo

**Counsel:** Lawyer Emanuel Feinberg  
Advokatfirmaet Glittertind AS  
PO Box 1383 Vika  
0114 Oslo

**Respondents:** Norsk Kennel Klub  
Postboks 52 Holmlia, 1201 Oslo

Norsk Bulldog Klubb  
Vestre Skogbygdveg 669, 2370 Løten

Lena Haugland  
Kennel Kalagera  
Vestre skogbygdveg 669, 2370 Løten

Liss Bodil Olsen  
Kennel Zendream  
Albert Pettersons vei 18 A, 5750 Odda

Jorunn Rosander  
Kennel Jofro-Bull  
Thor O. Hannevigsvei 1,  
3179 Åsgårdstrand

**Counsel:**

Lawyer Advokat Anette Fjeld  
Advokatfirmaet Simonsen Vogt Wiig AS  
Postboks 2043  
0125 Vika

\*\*\*

## **1 INTRODUCTION**

Federation of European Companion Animal Veterinary Associations (FECAVA) hereby submits a written submission pursuant to section 15-8 of the Dispute Act to shed light on public interests.

FECAVA is proud to represent veterinary professionals from 37 countries across Europe. Our aim is to promote the highest standards of animal welfare through supporting the vets and other professionals with whom we work. The work of FECAVA is overseen, guided and delivered by the board.

It is the opinion of the FECAVA board that the continued breeding of English bulldogs and Cavalier King Charles spaniels is indefensible on welfare grounds. We feel it certainly contravenes the existing wording of the animal welfare law in Norway.

It is our opinion that the court's decision regarding the banning of breeding of the CKCS should be upheld and we support the overturning of the decision to continue breeding English bulldogs. The breeding of both these breeds causes unnecessary suffering to the adults and the future offspring. Our reasoning is outlined below. The court is satisfied with the case regarding the CKCS so this letter details the case for the English bulldog.

## **2 GENERAL OVERVIEW**

Extreme conformation is a phrase that describes body shapes that are far removed from what we would expect to see in natural variation in a species. Breeds are a purely man-made concept and do not exist in nature. Many species have been bred selectively to exaggerate certain features and in some breeds this has now become so extreme that some level of suffering is almost guaranteed and quality of life reduced due to dysfunction with, in many cases, chronic pain, frustration and distress.

### **The English bulldog.**

Brachycephaly is a term that simply means short-skulled. Commonly also termed flat-faced, it is the major characteristic of the English bulldog. This conformation comes with an array of abnormalities that cause unnecessary suffering and poor welfare in a large number of body systems.

The most well-known is BOAS, or Brachycephalic Obstructive Airway Syndrome. These animals tend to have narrow nostrils, overly long soft palates, deranged nasal structure, overly thick and long tongues, and narrow tracheas compared to their body size. This creates a 'perfect storm' of anatomical issues and a spectrum of respiratory compromise ranging from mild to life-threatening. Oxygen starvation is known to be a major cause of fear and distress. BOAS manifests in many ways, from exercise intolerance to disrupted sleep to acute collapse and death. Studies suggest that around 90% of bulldogs are affected to some degree, around 50% moderately to severely.

While BOAS is the 'poster child' for the problems with brachycephaly, we at FECAVA, feel that it is absolutely essential that the other health issues faced by bulldogs and other brachycephalic breeds are also highlighted. Just some of these significant health issues are summarised below.

- **Lack of ability to reproduce.** This is perhaps the most concerning from an ethical perspective. The body shape (large head and narrow pelvis) and poor respiratory function of these animals means that not only do they often struggle to mate naturally but natural whelping is becoming less and less common. Assisted fertility is commonplace as are elective caesarean sections for birth. It is not unfair to say that some of these breeds are being perpetuated almost entirely through veterinary intervention. When a breed cannot pass the basic test of reproduction its continued existence *must* be questioned.
- **Heat regulation.** Due to lack of nasal turbinates and narrow nostrils, brachycephalic animals are incapable of cooling down in a normal way. They are at increased risk of heat stroke, collapse and death.
- **Spinal deformities.** Many brachycephalic animals have spinal deformities such as hemi-vertebrae, often seen in breeds with corkscrew tail conformation. Brachycephalic breeds are prone to spinal issues such as prolapsed discs and neuropathies which can result in acute and chronic pain and varying degrees of paralysis.
- **Orthopaedic disease.** Bulldogs suffer from numerous joint conditions due to their conformation. These include elbow and hip dysplasia, both life-limiting, painful conditions.
- **Skin fold inflammation and infection.** Short faces come with wrinkled up facial skin. Folded skin almost always results in chronic inflammation, skin infection and pain. This is often neglected because it is not overtly visible.
- **Ocular trauma.** The shortening of the skull makes the eye sockets shallow, meaning that the globes or eyeballs protrude, giving the 'cute' wide-eyed look

that some people like. However, the eyes are exposed, do not get lubricated adequately with tears and are unprotected. These animals are prone to eye injuries, ulcers and dry eye, to name but a few conditions. They are also prone to accidental enucleation where an eye may actually be prolapsed. Many animals end up blind in one or both eyes or need to have one or both surgically removed due to chronic injury.

- **Gastrointestinal hernia, regurgitation and ulceration.** Due to the abnormal respiratory effort needed by these animals they suffer from reflux, herniation of the intestines and gastrointestinal ulceration. In combination with BOAS some animals find it difficult to eat and breathe at the same time, so regurgitation is common.
- **Dental malocclusion and prehension.** By definition almost 100% of these dogs have dental malocclusion. The short face means that teeth do not fit so have to rotate, are overcrowded or need to be removed. The long lower jaw even makes prehension (picking up food) a major challenge for many brachycephalic animals.
- **Inherited disease.** Bulldogs are afflicted with many inherited diseases, such as cystine bladder stone production, congenital heart disease and allergic skin disease.

As mentioned, this list is far from exhaustive but represents a catalogue of disease that drastically reduces function, compromises quality of life, causes pain, frustration and distress and significantly shortens average life expectancy.

In summary, it is our view that the level of disease and suffering caused by the conformation of the English bulldog and the Cavalier King Charles spaniel are so well documented, that their continued breeding is indefensible on welfare grounds. We would welcome the court being a strong advocate for the animals here so that positive change can be affected both in Norway and around the world.

Yours sincerely

For the Federation of European Companion Animal Veterinary Associations

[signatures]

*Dr. Ann Criel*  
*Honorary Secretary for FECAVA*

