



SENATE DIGRESSES FROM ORIGINAL INTENT OF CRUELTY BILL

by Shelagh MacDonald

Almost a full year after the animal cruelty amendments to the *Criminal Code* were first referred to the Senate, they finally passed through Third Reading on May 29th. The Senate Legal and Constitutional Affairs Committee deliberated *Bill C-10B* for six months before agreeing on four major changes that will weaken the *Bill* and detract from the original intent of increasing protection for animals. Over the six months, the Committee heard from various industry groups, religious organizations, animal protection organizations and some of the most respected legal minds in the country. As time went on, it became apparent that the Committee was more concerned about protecting certain industry and cultural interests than protecting animals.

Since they were first introduced in December 1999, the CFHS has supported the amendments to the animal cruelty sections of the *Criminal Code* contained in *Bill C-10B* and has continued to urge immediate passage of the *Bill*. We have been extremely frustrated by the endless delays over the years, but thoroughly expected reasonableness to prevail in the Senate. We are shocked that the Senate succumbed to the paranoia raised by various industry lobby groups and amended the *Bill* to appease these groups.

At 3rd Reading, the Senate accepted the following amendments



Photo: Montreal SPCA

as recommended by the Legal and Constitutional Affairs Committee:

1. Change the definition of 'animal' to include only non-human vertebrates, removing the clause 'and any other animal that has the capacity to feel pain'.
2. Remove the offence of killing an animal without lawful excuse and, instead, insert the words 'unnecessary death' into the clause that addresses unnecessary pain and suffering.
3. Add a specific reference to the defence of 'colour of right', which is defined as 'an honestly held belief in entitlement to property'.
4. Add a new provision giving a special exemption to Aboriginals to carry out traditional hunting, trapping or fishing practices according to Aboriginal or treaty

rights as stated in the *Constitution Act*, as long as they only cause pain or suffering that is reasonably necessary.

The CFHS opposes these amendments and believes that they weaken and add confusion rather than clarity to the *Bill*. The original definition of 'animal' was intended to allow flexibility to protect all creatures where scientific evidence can clearly demonstrate they feel pain.

The CFHS is unsure why the Senate Committee wished to introduce the brand new concept of 'unnecessary death', rather than keep the 110-year old offence of 'killing an animal without lawful excuse', but feels it certainly detracts from the clarity of the *Bill*. Regarding the third amendment, the CFHS has strongly opposed the inclusion of 'colour of right' in the *Bill* because it is a property concept that has no relevance to animal

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Animal Welfare
In Focus

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The Canadian Federation of Humane Societies is a national body comprised of animal welfare organizations and individuals whose purpose is to promote compassion and humane treatment for all animals

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DANGEROUS DOGS MAKE HEADLINES

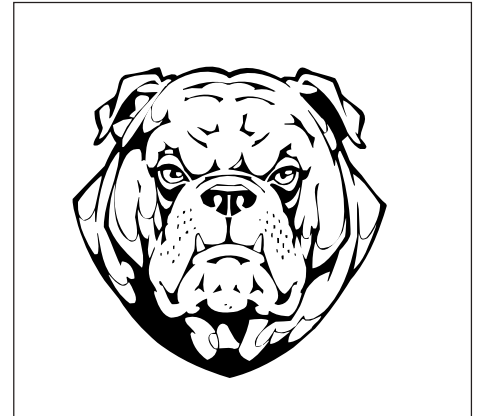
by Tanya O'Callaghan

A series of dog attacks and dog-bite related deaths have made the headlines from coast to coast in recent months. In December, Vancouver teenager Shenica White was mauled when two mastiff mix dogs attacked her while she was walking down a neighbourhood street. In February, four-year-old James Waddell was killed by three Rottweilers in his own backyard in New Brunswick.

These tragic events have re-kindled the debate on how to deal with dangerous dogs. The mayor of St. John's, NF, and the Government of New Brunswick are currently studying the possibilities of breed-specific bans against Rottweilers, pit bulls, and perhaps other breeds of dogs.

The Canadian Federation of Humane Societies has spoken out against such a move, asking these governments to consider more than just breed when preparing legislation against dangerous, or potentially dangerous dogs. During the last few months, the CFHS has encouraged shelters and municipalities to consult the Sample Municipal By-laws for Animal Control. This document, developed by the National Companion Animal Coalition (NCAC), of which the CFHS is a founding member, offers forward-thinking solutions to dealing with animal control, including dangerous dogs.

This sample bylaw establishes a list of criteria that municipalities can use to identify dangerous or potentially dangerous dogs. The bylaw requires that dangerous dogs be muzzled and restrained when off the owner's property, and strictly confined indoors or outdoors when on the owner's property. Municipalities should also enforce special licences with



substantially higher fees and mandatory spay/neuter for dangerous dogs, and could require that dogs that have attacked a person or other animal be euthanized.

In addition, the CFHS warned that factors other than breed often come into account in dog bite cases. Spaying and neutering of dogs is one such factor. The dogs that killed James Waddell, for example, were all intact – two were males, and one was a female. A fourth dog, a female in heat, was only a few feet away. The owners were not breeders, so why did they have all those intact dogs.

The issue of young children and dogs continues to be of concern to the CFHS. The NCAC recently developed the website www.dogsandkids.ca (or in French, www.chiensetenfants.ca) which offers practical information for shelters, municipalities, parents and kids about behaving safely around dogs.

Visit the CFHS website at www.cfhs.ca to view the bylaws, or to obtain more information about dog bites.

*Tanya O'Callaghan is CFHS
Communications Coordinator*

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crimes and has never been used successfully as a defence to an animal cruelty charge.

We are particularly concerned about the fourth amendment as it gives Aboriginals an exemption allowing them to be cruel to animals. Richard Mosley, Assistant Deputy Minister in the Justice Department, tried to explain to the Senate Committee that this is exactly what such an amendment would do. He asked them what it is Aboriginals want to do that *Bill C-10B* would not permit them to do. He did not get an answer.

The CFHS has been asking that same question with regard to all legal uses of animals. In order for animal suffering to be a crime, it must be inflicted wilfully, recklessly or negligently AND it must be unnecessary. The test for 'unnecessary' includes whether or not the act was being carried out in the pursuit of a lawful activity and whether the pain was avoidable by using a more humane method. This permits farmers, hunters, researchers, Aboriginals and others to cause substantial pain and suffering to animals in the course of their activities.

On top of that, the Constitution Act and the *Charter of Rights and Freedoms*, which supersede the *Criminal Code*, already permit Aboriginals to carry out their cultural and traditional practices on their lands. Therefore, we question what the Senate Committee intended to achieve with their amendment. What they have achieved is a completely different standard for Aboriginals than for everyone else. Basically, this wording would allow them to do whatever they like to animals as long as it is 'traditional' and if done in a manner that is 'reasonably necessary' to do that which is traditional. But, who will decide what is traditional?

The CFHS, with the crucial support of its member societies and thousands of individual supporters, will strongly urge the House to reject the Senate's recommendations. We will also continue to pressure the Government to make this Bill a priority and get it passed before the summer break. We are extremely concerned that the Government has not taken this Bill seriously enough and it may get lost with the Liberal leadership race in the fall, followed by the federal election.

To express your support for *Bill C-10B* without the Senate's destructive amendments, please write to:

Prime Minister Jean Chretien
AND The Honourable Martin
Cauchon, Justice Minister
AND The Honourable Don
Boudria, Government House
Leader
House of Commons
Ottawa, ON K1A 0A6

AND your local Member of
Parliament

*Shelagh MacDonald is CFHS
Program Director*

HALF CENTURY OF ANIMAL WELFARE WORK RECOGNIZED

Last year marked the Queen's 50th anniversary as Canada's reigning monarch. To honour this event, the Commemorative Medal for the Golden Jubilee of Her Majesty Queen Elizabeth II was awarded to some 46,000 Canadians who, during this period, have made a significant contribution to their fellow citizens, their community or to Canada.

The Canadian Federation of Humane Societies was one of a few hundred partners asked to submit nominations for individuals deserving of this recognition. The CFHS nominated individuals who have significantly improved animal welfare across the country. These individuals, whose names were put forward in collaboration with member societies, were chosen for their long hours of volunteer time, their selfless dedication to animal welfare, and the impact they have had on improving the status of animals in their community and in our country.

Throughout the spring, a total of 52 animal welfare supporters have been recognized with this Medal. Special ceremonies have been held by the CFHS and member societies to recognize the nominees, each of whom received a certificate and the medal.

The CFSH Board of Directors and staff congratulate the following recipients who were nominated by CFHS for their progressive leadership and support for programs and projects that advance Animal Welfare in Canada:

*Dr. Denna Benn, Guelph, ON
Ms Eleanor Dawson, Ottawa, ON
Dr. Gordon Donnan, Ottawa, ON
Ms Mary Driscoll, Calgary, AB
Dr. Ian Duncan, Guelph, ON
Dr. David Fraser, Vancouver, BC
Dr. Gilly Griffin, Aylmer, QC
Ms Penny Lawlis, London, ON
Ms Jean Mercer,*

*Grand Falls-Windsor, NF
Ms Debbie Powers, St John's, NF
Ms Hilda Smith, Ottawa, ON*

CFHS FUNDRAISING GETS A BOOST

Over the last few months, the Canadian Federation of Humane Societies has been busy developing a number of brand new initiatives to promote responsible pet ownership across Canada, all the while providing considerable fundraising opportunities for its member societies and for the CFHS itself.



PetLynx

Perhaps the most exciting of these initiatives is the successful implementation of the CFHS' partnership with PetLynx Corporation. The first successful program the Federation and this Calgary-based company have launched together is the *North American Pet Identification and Recovery Service*, or NAPIRS. This on-line database has become Canada's first pet lost and found service: it allows Canadians to register their companion animals by entering all of their pet's information, including tag and microchip or tattoo numbers, the pet's physical description – and even a photograph – in addition to an owner's contact information.

The system is designed so that if a registered pet gets lost, the owner only needs to log into their account and create a lost pet report. At the same time, if an individual or a shelter picks up the lost animal, they can create a found pet report, entering any information they have available. With as little as a physical description, the database can automatically match the lost pet to the owner, and notify the owner via e-mail or phone that their friend has been located.

Already, more than 2,000 Canadians have registered their pets with the system. Shelters from British Columbia to Ontario have already joined and are selling registration kits.

The Lost and Found system aims to reduce the overcrowding of Canadian shelters by increasing the number of individuals who can identify the stray animals they find, and by reducing the time that lost animals spend in a shelter.

The NAPIRS also emphasizes the importance of pet identification, and supports any possible form of ID. Its message to Canadians is clear: proper identification of companion animals is an important component of responsible pet ownership.

In addition to all these advantages, the NAPIRS has an important benefit to shelters and to the CFHS: part of the proceeds from each registration kit sold in a shelter, and each lost and found report created are distributed to the CFHS and the local shelter.

PetPlan Insurance

Along with pet identification, another element of responsible pet ownership is the ability to cover your pet's necessary medical treatments. With this in mind, the CFHS has signed a deal with PetPlan pet insurance. Shelters who wish can join the program, and new pet owners who adopt these shelter animals can benefit from short-term free insurance. In addition, should the owners choose to renew their insurance, part of the proceeds are donated to the shelter and the CFHS. A win-win situation for everyone!

Hartz Flea Treatments

Another great partnership for shelters and adopters! A new agreement between the Hartz Company and the CFHS will allow

member societies to obtain Hartz topical flea treatments, free of charge, for new pet owners who adopt shelter animals. Canadian shelters will also benefit from a new discounted rate to purchase the flea treatment for use within the shelter.

Microchip Plan

To complement the PetLynx pet identification program, the CFHS is negotiating a purchasing plan to allow humane societies to purchase microchips at a low cost in order to encourage all shelters in Canada to chip each animal in their care. Like the other great new programs created by the CFHS, the microchip sales could raise funds for local shelters and the Federation.



Interested in supporting the CFHS?

The CFHS continues to rely on the support – financial and otherwise – of Canadians from coast to coast to maintain and even expand its programs.

There are many ways Canadians can support the Federation. Donations of all kinds are always appreciated – and a monthly contribution of \$9 or more guarantees a subscription to *Pets Quarterly Magazine*, a Canadian publication for dog, cat, bird and fish owners and lovers. Bequests, used car donations and membership are other ways you can help.

For more information about supporting the CFHS, contact Development Director Eric Crawford Adriaans at 1-888-678-2347 or by e-mail at crawforda@cfhs.ca.

News

BRIEFS

FARM BRIEFS

Food Animal Welfare Standards Studied

Growing pressure from the general public and some lobby groups against intensive farming practices has caused fast-food chains across North America to turn up the heat on their own suppliers to implement animal welfare programs, aimed at treating farm animals better than is required by current industry standards.

Across the country, many food animals are kept under conditions that deprive them of most of their behavioural needs. Chickens, for example, are usually held in battery cages where each animal has no more room than the size of a computer mouse pad, and pigs are kept in gestation crates so small that they cannot move properly or even lie down easily.

In response to this public pressure, corporations, industry groups, governments and the research community are now working with animal welfare organizations to improve farm animal welfare standards in Canada. Last fall, the Canadian Federation of Humane Societies and a dozen other stakeholder organizations began the process of working towards mandatory and verifiable animal welfare standards in the country. Since then, various industry groups, including the Canadian Pork Council, have announced they will begin implementing similar programs among their members. The CFHS expects to continue playing a key role in these initiatives over the coming months.

Gestation Crates Banned In Florida

The State of Florida made history last winter when it awarded its pigs constitutional protection. A

majority of Florida voters – some 55% – agreed to amend the state's constitution to ban the use of sow gestation crates. Animal welfare organizations led the process, gathering enough signatures to force a state-wide referendum after the state legislature refused to pass the ban.

Gestation crates are a commonly-used confinement system of small steel pens measuring little more than two-by-seven feet, which prevent pregnant pigs from turning around. These crates were developed to prevent sows from crushing their piglets, but cause distress and behaviour disorders in these social and intelligent animals.

As of April 2003, sow gestation crates will be banned in Europe, when the EU will require farmers to replace this intensive farming technique with open hog barns, where sows will be housed in groups of four or more, by 2013. In addition, as of Jan. 1, 2003, European farmers will not be permitted to build new individual gestation crates.

Permanent Livestock Relief Effort Under Way

Last summer's HayWest initiative has been a qualified success! Over 60,000 tonnes of hay were sent from eastern Canada to relieve the plight of western farmers. The CFHS has now launched the Livestock Emergency Relief Fund to provide a permanent source of funding for farmers in need. It is hoped that this fund will be able to provide continued support to farmers in Saskatchewan and Alberta, who continue to face drought conditions and who expect another difficult summer. Donations can be made specifically to this fund by contacting the CFHS by phone at 1-888-678-2347 or by e-mail at info@cfhs.ca.

RESEARCH BRIEFS

UBC med school stops live animal testing

Next fall's new school year will bring great changes at the University of British Columbia's Faculty of Medicine. The school announced recently that it will no longer use live animals in its teaching curriculum. UBC was one of the last universities in Canada to use live animals to train doctors.

As of September, the students will use robotics, computer models and animal tissue from slaughterhouses. They will also hone their suturing techniques on human patients. The faculty said it has taken the decision to ban the use of live animals in teaching because the alternative teaching methods now available allow students to gain as good, or even better skills than they did on live animals. The university said they were also receiving complaints from students who felt uncomfortable performing the educational procedures on live animals.

Until now, students at the school used live pigs to learn sterile techniques, suturing, IV placement, insertion of chest tubes, tracheotomies, arterial lines and monitoring heart rates. Dogs, rats, rabbits and cats were also used, although the cats were euthanized first.

A 2001 study showed that only UBC, Memorial University of Newfoundland and the University of Western Ontario still used live animals in teaching. In the US, 92 of the country's 126 medical schools – including Harvard, Yale and Stanford – have already stopped using live animals in teaching.

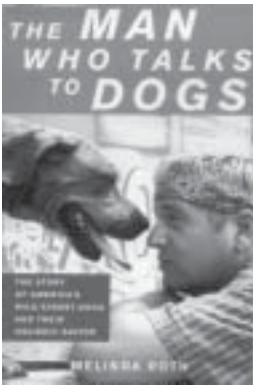
BOOK REVIEWS

NEW & NOTABLE BOOKS

By N. Glenn Perrett

The Man Who Talks to Dogs: The Story of America's Wild Street Dogs and Their Unlikely Savior

By Melinda Roth
St. Martin's Press
2002, 232 pages
ISBN: 0312283970



Part of effectively dealing with the pet overpopulation crisis involves educating people about the brutal conditions stray dogs and cats must endure to survive and the wonderful companions these animals make if given the chance. In her compelling book *The Man Who Talks To Dogs: The Story of America's Wild Street Dogs and Their Unlikely Savior* Melinda Roth accomplishes both.

The book is about Randy Grim and his compassionate stray animal rescues in and around St. Louis. The strays that Grim typically deals with are in terrible condition. Many have injuries, mange, heartworm, infections and various other serious conditions. Most are seriously malnourished and very timid. Many exist in packs. Their lives are short, filled with danger and not very comfortable. As Grim puts it, "To be a stray dog in most major cities is to be a dead dog walking."

Amongst Grim's dramatic rescues is useful information about animal rescue work and dog packs. Grim attempts to rescue all of the dogs in the pack without upsetting the pack hierarchy.

Every so often a book comes along that can have a large impact on an issue. For the issues of animal control and the benefits of adopting dogs in need, *The Man Who Talks To Dogs* is such a book.

Note: You can visit the *Stray Rescue of St. Louis* website at www.strayrescue.org

***Silent Spring* (40th Anniversary Edition)**

By Rachel Carson
Houghton Mifflin Company
(Distributed in Canada by Thomas Allen & Son Limited)
2002, 378 pages
ISBN: 061825305X



More than 40 years ago Rachel Carson's classic book, *Silent Spring*, was published. This well researched book provided a dire warning of the incredible destruction that pesticides and herbicides have on us, other species and the environment.

In *Silent Spring* Carson provides example after example of how our species' use of chemicals to combat "problems" involving insects leads to much greater problems. Not only did the target bugs become resistant to the chemical barrage

inflicted on them, but their natural predators were killed off allowing the target insects to proliferate. Many other species were also affected, either directly by the poison or because the species they fed on were wiped out. And these were not isolated incidents. Numerous cases of bird, mammal and fish populations being annihilated by chemicals used in attempts to control insect and weeds are cited by Carson. Often entire ecosystems were devastated. One such tragedy occurred when DDT was sprayed over millions of acres of forests in eastern Canada in an attempt to control the spruce budworm. Carson describes the result of the spraying.

"Within two days dead and dying fish, including many young salmon, were found along the banks of the stream. Brook trout also appeared among the dead fish, and along the roads and in the woods birds were dying. All the life of the stream was stilled....By August not one of the young salmon that had emerged from the gravel beds that spring remained."

To add insult to injury the spruce budworm continued to thrive.

While *Silent Spring* has had a positive effect on the environmental movement in the four decades since it was first published, much work still needs to be done. A good start is to read (or read again) *Silent Spring* – and encourage others to do the same.

© N. Glenn Perrett

Glenn Perrett, his wife Lynn and their children Gleannan and Liam live with several canine, feline and equine companions. You can visit their website at www.anorak.net.

Find Matt

by Tanya O'Callaghan

One woman's efforts helped solve Toronto cat killing case

"Find Matt" has become a household name over the last few months.

The ongoing campaign to identify and locate Matt, the third person responsible for torturing a Toronto cat on film in 2001, made the headlines this spring when Matthew Kaczorowski, age 21, was found and arrested in Vancouver.

Matthew's arrest can be largely credited to Katie Woodward, the Haliburton, ON, woman who single-handedly launched a national campaign to hunt for the missing torturer. She launched a website, www.findmatt.org, last April, which featured a still shot of Matt, taken from the offensive video. For a full year, she promoted her site extensively, including through media interviews with the Toronto Sun and CKNW AM980, in Vancouver. It was during a live radio interview with the west coast radio station that a concerned citizen learned about Ms. Woodward's campaign, and visited the Web site.

She immediately recognized Matt as a drifter who lived on the street in her area. She followed the link to Crime Stoppers, and informed them of her finding. Over the next few days, Toronto and Vancouver Police worked together, and eventually, Detective Gordon Scott and Detective-Constable John Margetson of Toronto flew out west to apprehend Matt.

The police officers have widely recognized Ms. Woodward for her efforts, noting that it is the first time they have had a website dedicated to one of their cases.

Charges laid

Despite his obvious participation in the horrific video, Matthew could not be charged with animal cruelty because of the current six month limit on laying charges for such crimes. Instead, Matt was charged with mischief, theft under \$5,000 and possession of property obtained by crime. The latter two charges were dependent on finding

the owner of the cat, which has been named "Kensington" after the market where she was found. Ms. Woodward launched "Kensington's Campaign" in March to encourage the cat's owner to come forward.

On May 28, Matthew appeared before the court, where a Crown lawyer asked for harsher sentence, than those already handed down to the other two men responsible for Kensington's death. His sentence is on hold until judges decide on the fate of his accomplice, Jesse Power, who is appealing part of his sentence - 90 days in custody, to be served on weekends. The three member panel of judges reserved decision on the appeal of Mr. Power's sentence. In the meantime, Ms. Woodward continues her efforts to bring Kensington's torturers to justice.

Anthony Wennekers, 25, and Mr. Power, 22, the two other art

students who tortured the cat, were sentenced in April 2002 to time served in custody and 90 days to be served in jail on weekends respectively. Each pleaded guilty to one count of animal cruelty and mischief.

The animal cruelty legislation

Ms. Woodward, with encouragement from the Crown prosecutors, has also thrown her support behind *Bill C-10B*. Under the new proposed legislation, Matt and the other two offenders could still have been charged with animal cruelty, and would likely have received a much harsher sentence.

Regardless of Matthew's sentence, however, the widespread support for Katie Woodward's campaign has shown the Canadian media and the governments just how people feel about animal cruelty. With just one person and a website, she ran a campaign that reached Canadians coast to coast, and that allowed the Toronto police to do what it could not have done alone.

For more information on the "Find Matt" campaign, visit www.findmatt.org.

Tanya O'Callaghan is CFHS Communications Coordinator

Keep your hope for animals alive!

A bequest to the Canadian Federation of Humane Societies will help animals after you have gone. By remembering CFHS in your will, animals in the future will benefit from programs and efforts to protect them from abuse. For more information on planned giving, contact the CFHS office or your legal advisor.



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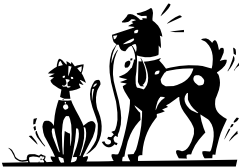
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Thanks

CFHS thanks *Storm Internet Services* for hosting its website and providing email service for the office at no charge for the past few years. Storm has given us more space, allowing us to expand our website.



*"Animals and Us"
needs a new name.*



Please send your suggestions to CFHS.

www.cfhs.ca



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Nepean, Ontario
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