

January 12, 2023

Via email

Matthew R. Hamel, City of Chesapeake Commonwealth's Attorney
matthamel@cityofchesapeake.net

Re: Request to Investigate Family Pet Center for Apparent Violations of State Deceptive Advertising Law

Dear Mr. Hamel:

I am writing on behalf of People for the Ethical Treatment of Animals (PETA) to request that your office investigate and take appropriate legal action against Family Pet Center (FPC) in Chesapeake, Virginia for its apparent violations of Virginia's deceptive advertising law. FPC makes false and misleading claims on its website that "[n]one of our dogs are puppy mill dogs" and that FPC "ensure[s] that all of the puppies ... are bred in the best conditions possible."¹

Virginia state law prohibits any corporation or association, with the intent to sell any merchandise or anything else, from making any related advertisements "contain[ing] any promise, assertion, representation or statement of fact which is untrue, deceptive or misleading ... to induce the public to enter into any obligation." Va. Code § 18.2-216(A). A violation of § 18.2-216 is a Class 1 misdemeanor. *Id.*

Despite FPC's representation to consumers, the company acquires puppies from breeders that consumers would consider to be puppy mills. Puppy mills are commercial farming operations in which typically purebred dogs are raised in large numbers, which often includes raising dogs in poor, substandard conditions. FPC sells to customers puppies who were born in several facilities that contain hundreds of dogs with documented violations of the federal Animal Welfare Act (AWA).²

As just one example, FPC sources puppies from BJ's & Guys, a Kansas breeding operation that houses nearly 1,000 dogs and has a substantial history of AWA citations. BJ's and Guys has been cited by the U.S. Department of Agriculture (USDA) on several occasions for failure to provide dogs with adequate veterinary care, failure to maintain or provide proper housing and shelter, and

¹ The claims identified are included in a Frequently Asked Questions (FAQ) section of the FPC website. Assertions made in a FAQ section in marketing materials, such as a website, qualify as advertisements. *Am. Demolition & Nuclear Decommissioning, Inc. v. IBCS Grp., Inc.*, 21 F. Supp. 3d 632, 636 (W.D. Va. 2014).

² These AWA citations were issued notwithstanding that the USDA has been admonished by the Office of Inspector General, the agency's internal watchdog, for failing to adequately enforce the AWA with respect to puppy mills. See USDA, OIG Report 33002-4-SF, APHIS Animal Care Program, Inspections of Problematic Dealers 1-2 (2010), https://www.aspc.org/sites/default/files/oig_audit_33002-4-sf.pdf.

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more. At the facility, dogs have been found to be housed outdoors with no bedding in the bitter winter cold and left in extreme heat without sufficient air conditioning in the summer. The USDA also documented several untreated injuries and ailments in dogs and determined dog and puppy enclosures to be inadequate as they were prone to cause injuries to the animals.³

By specifically including the subject representations on its website, FPC clearly recognizes and seeks to take improper advantage of the importance of animal welfare concerns to its consumers and, in particular, the public's repudiation of the suffering of dogs and puppies in puppy mills. Pet stores that sell puppies from puppy mills typically charge thousands of dollars for them and promote sky-high interest loans to finance the purchase. Online customer reviews for pet stores in the state of Virginia are full of stories of those who have taken out these predatory loans, and many have had to quickly spend much more in veterinary care for illnesses or genetic defects.

The harm done by Family Pet Center's own deceptive advertising is not hypothetical. Earlier this year, a customer purchased a schipperke puppy for \$1900, who came from BJ's and Guys. After the guardian started to notice frightening neurological health symptoms including falling over, running into walls, and unpredictable aggression, they surrendered the puppy, whose condition has already cost nonprofits \$6,000 in medical care and will require more, thanks to this puppy supplier's apparently reckless inbreeding.

FPC's statements that it does not sell customers puppies that come from puppy mills, and that it ensures that all puppies "are bred in the best conditions possible," are false and misleading to ordinary consumers who would certainly consider a breeder such as BJ's and Guys to be a puppy mill, and the unlawful conditions documented at that facility to fall far short of "the best conditions possible."

Accordingly, PETA respectfully requests that your office investigate Family Pet Center and hold it accountable for its apparent violation of Va. Code § 18.2-216 pursuant to your statutory authority granted by Va. Code § 59.1-68.4. Thank you for your attention to this matter, and I look forward to hearing from you soon.

Very truly yours,

Mary Maerz



Counsel
PETA Foundation



³ Documentation of these violations, and additional information regarding other puppy mills from which FPC sells dogs, is available upon request.