SAPA welcomes court victory on compensation for avian flu culling

29 October 2026 - The South African Poultry Association (SAPA) welcomes a significant Supreme Court of Appeal ruling on compensation for poultry destroyed under compulsory disease-control measures, describing it as a victory for producers and South Africa's food security.

The case arose after an avian influenza outbreak at George Moerasrivier Boerdery in May 2021. State veterinary authorities ordered the destruction of birds and eggs to contain the disease, and the farmer complied. However, the Director Animal Health twice determined compensation at zero, reasoning that infected and exposed birds had no value because they were likely to die and could not be traded.

South Africa's Animal Diseases Act allows owners to apply for compensation when animals or other property are destroyed under official control measures. The dispute concerned how that compensation should be calculated.

On 28 October 2026, the Supreme Court of Appeal dismissed the Director's and Minister's appeal by a three-to-two majority. It upheld the requirement that destroyed birds and eggs be valued as if uninfected, with compensation based on fair market value. SAPA supported the litigation and participated as a friend of the court because of its implications for the wider industry.

"This is an important victory for poultry farmers and everyone who depends on a reliable supply of chicken and eggs," said Izaak Breitenbach, CEO of SAPA's Broiler Organisation. "Compulsory culling can remove a farmer's productive flock in a matter of days. Farmers who comply are helping to protect other farms and the public, and fair compensation recognises that shared benefit."

The judgment also recognised that compensation supports effective disease control by encouraging prompt reporting and cooperation with veterinary authorities.

"Confidence that compensation will be assessed fairly strengthens our ability to respond quickly to outbreaks," Breitenbach said. "That matters for animal health, investment, jobs and food security across both the chicken and egg industries."

SAPA calls for outstanding claims to be addressed fairly and promptly in accordance with the judgment. The State may still seek leave to appeal to the Constitutional Court.

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