



Ottawa, July 24, 2024 – The Honourable Guy Régimbald of the Federal Court issued a decision today in file T-511-24:

**IN THE MATTER OF THE JEWISH COMMUNITY COUNCIL OF
MONTREAL, KASHRUTH COUNCIL OF CANADA, RABBI ABRAHAM
BANON, 4412532 CANADA INC. (D/B/A KOSHER MEHADRIN), and 1458935
ONTARIO LTD. (D/B/A SHEFA MEATS)
v.
ATTORNEY GENERAL OF CANADA**

Summary: The Applicants, Jewish Community Council of Montreal, Kashruth Council of Canada, Rabbi Abraham Banon, 4412532 Canada Inc [Mehadrin] and 1458935 Ontario Ltd [Shefa], seek interlocutory injunctive relief from the application by the Canadian Food Inspection Agency [CFIA] of a requirement imposed by the CFIA’s *Guidelines for ritual slaughter of food animals without pre-slaughter stunning* [Guidelines] to licence holders of slaughterhouses [licence holders] in their production of kosher meat. The Guidelines require licence holders to confirm that a food animal is unconscious before the suspension of the animal and continuation of the process, by testing three (3) indicator signs to assess whether the animal is unconscious, which are: a) absence of rhythmic breathing (2 or more regular rib movements in and out); b) absence of palpebral reflex (after 3 consecutive negative results, 20 seconds apart); and c) absence of corneal reflex (after 3 consecutive negative results, 20 seconds apart) [three indicators of unconsciousness].

The Applicants claim that the enforcement of the Guidelines have had a devastating impact on the supply of kosher meat in Canada and are depriving Canadian Jews of an important tenet of their faith. The Applicants claim that sections 143 and 144 of the *Safe Food for Canadians Regulations* [SFCR] and the Guidelines are unreasonable or *ultra vires*, and infringe their right to freedom of religion under subsection 2(a) of the *Canadian Charter of Rights and Freedoms* [Charter], and are discriminatory under section 15 of the *Charter*.

The injunction will be granted. There are serious issues as to whether the CFIA’s Guidelines are unreasonable and whether they encroach on the Applicants’ rights to freedom of religion under subsection 2(a) and right to equality under section 15 of the *Charter*. The evidence, as presented, demonstrates a potential for irreparable harm that cannot be adequately compensated with damages. Finally, in the circumstances, the balance of convenience favours the issuance of injunctive relief, given that compliance with section 143 of the SFCR and the necessity to ensure that food animals must be unconscious before suspension may be ensured without the use of the three indicators of unconsciousness now mandated by the Guidelines, by continuing the practice that has existed for many years before the adoption of the Guidelines.

The decision is posted on the [News Bulletins](#) page of the Federal Court website.