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CLITRAVI POSITION ON VEGETARIAN - VEGAN LABELLING

Sales denominations, including advertising

GENERAL CONSIDERATIONS

- Denominations of milk and dairy products are protected by EU law (Common Market Organization Regulation (EU) No 1308/2013, Art. 78(1) and (2) in combination with Appendix VII, Part III).
- For products whose denominations are not explicitly protected by EU law (e.g. meat products), the general principle of fair information practices applies (Article 7 of Regulation (EU) 1169/2011). Other provisions of that Regulation are also of relevance here: Article 17 on the name of the food and Annex VI, Part A, Point 4 on the substitution ingredient(s).
- Finally, Regulation (EU) No 1151/2012 protects the denominations of many animal-based products bearing a quality scheme (PDO, PGI, TSG).

LEGAL BACKGROUND

- Article 36.2 of the Regulation EU 1169/2011 (Food Information to Consumer "FIC") clearly states that food information provided on a voluntary basis shall not mislead the consumer, as referred to in

Article 7 and shall not be ambiguous or confusing for the consumer.

- Article 36.3 of the FIC states that the implementing acts on the voluntary information shall regulate the requirements referred to in paragraph 2 (not mislead the consumer, not be ambiguous or confusing for the consumer and, where appropriate, be based on the relevant scientific data). This means that the denominations issue is fully included in the scope of the Implementing act.
- It's important to underline that in some Member States the use of some denominations can be only reserved to animal based products. In Italy, for example, cured ham can refer only to a pig meat product. In order to promote harmonization, it would be important that products with a specific composition shouldn't bear denominations clearly referring to foods with a completely different composition.
- Article 7 of the FIC states that food information shall not be misleading, particularly as to the characteristics of the food and, in particular, as to its **nature**, identity, properties, **composition**, quantity, durability, country of origin or place of provenance, **method of manufacture or production**.
- Article 7 of the FIC states also that food information shall not be misleading by suggesting, by means of the appearance, the description or pictorial representations, the presence of a particular food or an ingredient, while in reality a component naturally present or an ingredient normally used in that food has been substituted with a different component or a different ingredient.
- Article 2.2 (q) of the FIC defines the primary ingredient as an ingredient or ingredients of a food that represent more than 50 % of that food or which are usually associated with the name of the food by the consumer and for which in most cases a quantitative indication is required;
- **Meat products are products containing meat as primary ingredient**. Article 2.1 (f) of the FIC defines meat according to the definition laid down in the Regulation EC 853/2004 (edible parts of the animals listed in the Annex I of the same Regulation);
- Article 17 of the FIC defines the name of the food as its legal name. In the absence of such a name, article 17 specifies that the

name of the food shall be its customary name, or, if there is no customary name or the customary name is not used, a descriptive name of the food.

- Annex VI.4 of the FIR states that in the case of foods in which a component or ingredient that consumers expect to be normally used or naturally present has been substituted with a different component or ingredient, the labelling shall bear — in addition to the list of ingredients — a clear indication of the component or the ingredient that has been used for the partial or whole substitution:
 - (a) in close proximity to the name of the product; and
 - (b) using a font size which has an x-height of at least 75 % of the x-height of the name of the product and which is not smaller than the minimum font size required in Article 13(2) of this Regulation.

CLITRAVI POSITION

In order to avoid consumers from being misled or to initiate unfair information practices, CLITRAVI proposes a number of simple basic principles to distinguish the name of vegetarian/ vegan products from the name OF genuine meat products they intend to imitate.

Meat products are products containing meat as primary ingredient with primary ingredient as defined in Regulation 1169/2011 – Art. 2.2 (q) and meat as defined in Regulation 1169/2011 – Art. 2.1.

Consequently:

- Products that do not contain **meat** may not refer to meat in the name of the product as defined by Art. 17.1 of the FIC.

As example:

vegetarian **meat**, **meat** replacer, **meat** substitute, vegetarian **pork**, vegetarian **chicken**, vegetarian **beef**, a.o. are considered misleading terms and shall not be allowed.

- The same situation shall apply to product names referring to **meat parts or cuts**.

As example:

Vegetarian **minced meat**, vegetarian **beefsteak**, vegetarian **chicken chunks**, vegetarian **speck**, a.o. are considered misleading and, as such, shall not be allowed.

- The same situation shall apply to products referring to **legal names, customary names or descriptive names of meat products.**

As example:

Vegetarian **meat balls**, vegetarian **chicken nuggets**, vegetarian **ham**, vegetarian **salami**, vegetarian **hamburger**, vegetarian **bacon**, vegetarian **meat salad**, vegetarian **mortadella** are considered as misleading sales denominations and, as such, shall not be allowed.

- The above applies also to **fancy names** of products that refer or that are derived from the legal, customary names, or descriptive names of meat products and that from a consumer perspective may be confused with the name of meat products and/or tries to imitate them.

As example (taken from English language):

“porc” instead of “pork”, “chiken” instead of “chicken”, “beaf” instead of “beef”, a.o.

- However, names merely containing a reference to a **product presentation** rather than to meat or a specific meat part or a meat product, can be allowed.

For example:

Vegetarian **balls**, vegetarian **mince**, vegetarian **nuggets**, vegetarian **“Schnitzel”**, vegetarian **sausage**, vegetarian **“Würst”**, vegetarian **burger**, vegetarian **steak**, vegetarian **pâté** are not seen as misleading and can be used.

- **In case of doubt or ambiguity**, annex VI A. point 4 of Regulation 1169/2011 applies. So in the case of foods in which a component or ingredient that consumers expect to be normally used or naturally present has been substituted with a different

component or ingredient, the labelling shall bear — in addition to the list of ingredients — a clear indication of the component or the ingredient that has been used for the partial or whole substitution:

- (a) in close proximity to the name of the product; and
- (b) using a font size which has an x-height of at least 75 % of the x-height of the name of the product and which is not smaller than the minimum font size required in Article 13(2) of this Regulation.”

- In the above examples, the name “vegetarian” has been used as a generic expression. The same principles shall apply also if the terms vegan, vegi-, etc. or more specific names of ingredients intended to imitate meat (e.g. soy-, wheat-, pea-, vegetable-, etc.) are used.
- The term ‘vegetarian’ is also used to label products that are derived from animals **fed on a vegetarian diet**. For that reason, the implementing act set forward in Art. 36.3(b) of Regulation (EU) 1169/2011 to define “food suitable for vegetarians” and “food suitable for vegans” should not grant terminological freedom to employ the generic terms of “vegetarian” and “vegan”.