



MW Berchtesgadener Land

# “Why a soy drink cannot be called milk”

EU Court of Justice highlights the importance of protected dairy terms



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On 02 July 2017 we will celebrate in Europe the 30<sup>th</sup> anniversary of our European system to protect milk and dairy products.

In the EU milk and dairy products are legally recognised for decades as being unique in composition and source, being the secretion from a mammal. The specific EU legislative framework also prevents consumers from being misled and guarantees every European citizen a clear knowledge of what milk and milk products are. This is also important with regard to the unique nutritional qualities that naturally characterise milk. The latest judgement of the European Court of Justice C422/16 of 14th June 2017 ('TofuTown') once more confirmed that protected dairy terms such as butter or milk are reserved for dairy only.

In the EU there is a clear, legally binding definition for milk in the Common Organisation of Markets Regulation (EU) No 1308/2013<sup>1</sup>. The same Regulation reserves names such as milk, whey, cheese, yoghurt, butter and cream etc. exclusively for milk products.

Nevertheless, plant-based products try various 'creative' ways of by-passing the le-

gally binding dairy names and designations in marketing of plant-based products. Often legal steps must be undertaken to protect consumers from misleading product names and marketing.

The European dairy world welcomed the most recent judgement of the European Court of Justice of which once again con-

firmed that the EU law protects the unique dairy terms against misuse by the plant-based products.

On 14 June 2017 (C-422/16<sup>2</sup>, Verband Sozialer Wettbewerb eV vs TofuTown.com) the Court ruled that purely plant-based products cannot be marketed with designations such as 'milk', 'cream', 'butter', 'cheese' or 'yoghurt', which are reserved by EU law for animal products. This is also the case if those designations are accompanied by clarifying or descriptive terms indicating the plant origin of the product concerned.

The German producer and distributor of vegetarian and vegan foods TofuTown was brought to a Regional Court in Trier by the German association combatting unfair competition (Verband Sozialer Wettbewerb). The association considered that using dairy des-

