



Press and Information

Court of Justice of the European Union

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Judgment in Case C-195/14

Bundesverband der Verbraucherzentralen und Verbraucherverbände –
Verbraucherzentrale Bundesverband e.V. v Teekanne GmbH & Co. KG

The labelling of a foodstuff must not mislead the consumer by giving the impression that a particular ingredient is present, even though it is not in fact present

The list of ingredients may, even though correct and comprehensive, not be capable of correcting sufficiently the consumer's erroneous or misleading impression that stems from such labelling

The German company Teekanne markets a fruit tea called 'Felix Himbeer-Vanille Abenteuer' ('Felix raspberry and vanilla adventure'). The packaging comprises in particular depictions of raspberries and vanilla flowers and the indications 'Früchtetee mit natürlichen aromen' ('fruit tea with natural flavourings') and 'Früchtetee mit natürlichen aromen – Himbeer-Vanille-Geschmack' ('fruit tea with natural flavourings – raspberry-vanilla taste'). In fact, the fruit tea does not contain natural ingredients from vanilla or raspberry or flavouring obtained from them. The list of ingredients, which is on one side of the packaging, reads: 'Hibiscus, apple, sweet blackberry leaves, orange peel, rosehip, natural flavouring with a taste of vanilla, lemon peel, natural flavouring with a taste of raspberry, blackberries, strawberry, blueberry, elderberry'.

A German consumer-protection association complains that through the items on the packaging Teekanne misleads the consumer with regard to the tea's contents. It argues that because of those items, the consumer expects the tea to contain vanilla and raspberry or at least natural vanilla flavouring and natural raspberry flavouring. The association therefore requests Teekanne to desist from advertising the tea. The Bundesgerichtshof (the Federal Court of Justice), to which the case came at last instance, asks the Court of Justice whether the labelling of a foodstuff may mislead the consumer when it gives the impression that a particular ingredient is present, even though it is not in fact present, and the only way for the consumer to notice this is by reading the list of ingredients.

By today's judgment, the Court of Justice reiterates that EU law¹ requires that the consumer have correct, neutral and objective information that does not mislead him and that the labelling of food cannot mislead. While the consumer is assumed to read the list of ingredients before purchasing a product, the Court does not exclude the possibility that the labelling of the product may be such as to mislead the purchaser, when some of the items on the labelling are misleading, erroneous, ambiguous, contradictory or incomprehensible.

The Court makes clear that, in such a case, **the list of ingredients, even though correct and comprehensive, may not be capable of correcting sufficiently the erroneous or misleading impression which the consumer gains from the labelling of the foodstuff.** Therefore, **where the labelling of a foodstuff gives the impression that a particular ingredient is present in that foodstuff, even though it is not in fact present (this being apparent solely from the list of ingredients), such labelling is such as could mislead the purchaser as to the characteristics of the foodstuff in question.**

¹ Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs (OJ 2000 L 109, p. 29), as amended by Regulation (EC) No 596/2009 of the European Parliament and of the Council of 18 June 2009 (OJ 2009 L 188, p. 14).

It is for the national court therefore to determine, by examining the various items comprising the tea's labelling, whether an average consumer who is reasonably well informed, and reasonably observant and circumspect, may be misled as to the presence of raspberry and vanilla-flower or flavourings obtained from those ingredients. In the context of that examination, the national court must in particular take into account the words and depictions used as well as the location, size, colour, font, language, syntax and punctuation of the various elements on the fruit tea's packaging.

NOTE: A reference for a preliminary ruling allows the courts and tribunals of the Member States, in disputes which have been brought before them, to refer questions to the Court of Justice about the interpretation of European Union law or the validity of a European Union act. The Court of Justice does not decide the dispute itself. It is for the national court or tribunal to dispose of the case in accordance with the Court's decision, which is similarly binding on other national courts or tribunals before which a similar issue is raised.

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The [full text](#) of the judgment is published on the CURIA website on the day of delivery.

Press contact: Christopher Fretwell ☎ (+352) 4303 3355