



## PRESS RELEASE No 168/24

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Judgment of the Court in Case C-438/23 | Protéines France and Others

### **Food labelling: where no legal name has been adopted, a Member State may not prohibit the use of terms traditionally associated with products of animal origin to designate a product containing vegetable proteins**

*The full harmonisation provided for by the European framework for consumer information also precludes measures determining levels of vegetable proteins below which the use of names, other than legal names, consisting of such terms for foods containing vegetable proteins remains authorised*

The association Protéines France, the Union végétarienne européenne (European Vegetarian Union; 'the EVU'), the Association végétarienne de France (Vegetarian Association of France; 'the AVF') and the company Beyond Meat Inc., four entities active in the vegetarian and vegetable products sector, <sup>1</sup> are contesting a decree adopted by the French Government in order to protect transparency of food information in trade.

They argue that that decree, which prohibits the use of names such as 'steak' or 'sausage' for the purpose of designating processed products containing vegetable proteins, without or even with the inclusion of additional indications such as 'vegetable' or 'soya', infringes Regulation (EU) No 1169/2011. <sup>2</sup>

Those entities have therefore asked the French Conseil d'État (Council of State) to annul the contested decree. Entertaining doubts as to the conformity of that French decree with the abovementioned EU regulation, that court has referred a number of questions to the Court of Justice for a preliminary ruling relating to the interpretation of that regulation.

In its judgment, the Court of Justice holds that EU law establishes a **rebuttable presumption** that the information provided in accordance with the detailed rules laid down by Regulation No 1169/2011 **adequately protects** consumers, including where the sole component or ingredient which they may expect to find in a food designated by a customary name or a descriptive name containing certain terms is wholly replaced. It states that a Member State may indeed adopt a legal name, <sup>3</sup> which consists in associating a specific expression with a given food. However, a measure limited to prohibiting the use of certain terms for the purpose of designating foods with certain characteristics (composition, etc.) does not amount to a measure under which foods must satisfy certain conditions in order to be designated by terms used as a legal name. Only the latter measure makes it possible to ensure the protection of the consumer, who must be able to proceed on the assumption that a food designated by a given legal name is in compliance with the conditions specifically laid down regarding the use of that name.

Where it has not adopted any legal name, a Member State cannot, by means of a general and abstract prohibition, prevent producers of vegetable protein-based foods from **fulfilling the obligation** to indicate the name of those foods through the use of **customary names or descriptive names**.

That said, where a national authority considers that the specific arrangements for the sale or promotion of a food **mislead** the consumer, **it may prosecute the food business operator** concerned and demonstrate that the abovementioned presumption has been rebutted.

The Court adds that the harmonisation expressly provided for under EU law precludes a Member State from adopting a national measure which determines levels of vegetable proteins below which the use of names, other than legal names, consisting of terms derived from the butchery and charcuterie sectors for the purpose of describing, marketing or promoting foods containing vegetable proteins remains authorised.

**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 and, as the case may be, the abstract](#) of the judgment is published on the CURIA website on the day of delivery.

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<sup>1</sup> Protéines France represents the interests of undertakings active in the French market for vegetable proteins; the EVU and the AVF promote vegetarianism, the former in the European Union and the latter in France; Beyond Meat manufactures and markets vegetable protein-based products.

<sup>2</sup> [Regulation \(EU\) No 1169/2011](#) of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004.

<sup>3</sup> Article 17(1) of Regulation No 1169/2011 provides that the name of a food is to be its 'legal name'. In the absence of such a legal name, the name of that food is to be its 'customary name', or, if there is no customary name or the customary name is not used, a 'descriptive name' of the food is to be provided. Article 2(2)(n), (o) and (p) of that regulation defines those three concepts.