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Judgment of the Court in Case C-618/23 | SALUS

### **A medicinal herbal tea classified as a traditional herbal medicinal product cannot, in principle, be marketed with the organic logo**

*The position may be otherwise where such an indication on the packaging has been approved by the competent authority on account of the beneficial effect of the organic production on the therapeutic characteristics of the medicinal product*

The German undertaking SALUS markets herbal medicinal products, including a sage medicinal herbal tea.

The packaging of that medicinal product <sup>1</sup> bears the official organic production logo of the European Union. <sup>2</sup> SALUS intends to market other herbal teas with that logo.

Twardy, a competing undertaking, is of the view that EU law precludes the use of the organic logo on the packaging of a medicinal product. It therefore asked the German courts to prohibit SALUS from marketing medicinal herbal teas the packaging of which bears indications relating to the organic origin of the plants from which they are made.

The German court hearing the case submitted questions in that regard to the Court of Justice for a preliminary ruling.

The Court states that medicinal herbal teas such as those at issue, which must be regarded as traditional herbal medicinal products, cannot be marketed, in principle, with the organic logo.

As medicinal products, they are covered exclusively by the EU rules on medicinal products and not by those relating to organic production and labelling of organic products.

It is true that certain optional information may be included on the packaging of medicinal products, on the condition that it is useful to the patient and is not of a promotional nature.

However, information relating to the organic production of the active substances of traditional herbal medicinal products does not satisfy that condition.

Indeed, since such medicinal products can be purchased without a prescription, that information could directly lead to a decision to purchase on the part of the patient, without that information necessarily having any value as regards health.

That being said, the competent authority may, in the context of a marketing authorisation procedure, find that active substances with therapeutic or preventive properties resulting from organic production have a beneficial effect on the therapeutic characteristics of a medicinal product. In such a case, the authority may approve such a statement on the packaging of the medicinal product.

**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 EU law or the validity of an EU 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.

Unofficial document for media use, not binding on the Court of Justice.

The [full text and, as the case may be, an abstract](#) of the judgment is published on the CURIA website on the day of delivery.

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Images of the delivery of the judgment are available on '[Europe by Satellite](#)' ☎ (+32) 2 2964106.

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<sup>1</sup> Within the meaning of [Directive 2001/83/EC](#) of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use, as amended by [Directive 2004/27/EC](#) of the European Parliament and of the Council of 31 March 2004.

<sup>2</sup> Together with other indications pursuant to [Regulation \(EU\) 2018/848](#) of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007.