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Judgment of the Court in Case C-563/24 | PB Vi Goods

A non-alcoholic beverage may not be sold as gin

That name is reserved for a specific alcoholic beverage

A German association for combating unfair competition brought an action against the company PB Vi Goods for an order prohibiting that company from selling a non-alcoholic beverage named 'Virgin Gin Alkoholfrei' (non-alcoholic Virgin Gin).

The association is of the view that that name is contrary to EU law, ¹ according to which gin should be produced by flavouring ethyl alcohol of agricultural origin with juniper berries, and the minimum alcoholic strength by volume of that ethyl alcohol must be 37.5%.

The German court referred questions to the Court of Justice in that connection.

The Court finds that there is a **clear prohibition in EU law on presenting and labelling a beverage** such as that in question **as 'non-alcoholic gin'**, due to the very fact that that beverage does not contain alcohol. The fact that the legal name 'gin' is accompanied by the term 'non-alcoholic' is irrelevant in that regard.

The freedom to conduct a business enshrined in the Charter of Fundamental Rights of the European Union does not preclude that prohibition and does not therefore render it invalid.

More specifically, the prohibition does not prevent the product in question from being sold, but merely from being sold under the legal name reserved for a specific spirit drink, gin.

Moreover, that prohibition is proportionate, in so far as it is intended to protect consumers against the risk of confusion as to the composition of the products as well as gin producers complying with the requirements laid down in EU law against unfair competition.

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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¹ [Regulation \(EU\) 2019/787](#) of the European Parliament and of the Council of 17 April 2019 on the definition, description, presentation and labelling of spirit drinks, the use of the names of spirit drinks in the presentation and labelling of other foodstuffs, the protection of geographical indications for spirit drinks, the use of ethyl alcohol and distillates of agricultural origin in alcoholic beverages, and repealing Regulation (EC) No 110/2008, as amended by Commission [Delegated Regulation \(EU\) 2021/1096](#) of 21 April 2021.