



EC Register for Interest Representatives No 109356110578-03

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EVU Position Paper

Definitions of “vegan” and “vegetarian” in accordance with the EU Food Information Regulation

A. Need for reliable labelling

Societal and market development

The number of vegans, vegetarians and people who turn to more plant-based lifestyles is steadily increasing. While there are currently no EU-wide data on nutritional behaviour, national inquiries do give a good indication of trends. In Germany, for instance, there are roughly 7.8 million vegetarians (around 10 per cent of the population) and 900,000 vegans (1.1 per cent) (IfD, YouGov). In the UK, there are three and a half times as many vegans as there were in 2006 (Ipsos MORI). Furthermore, there is an even larger number of people who are making the conscious decision to eat little meat or who would like to reduce their meat consumption.

The market for vegetarian and vegan products is developing accordingly. These are growing out of their niches and are no longer being offered solely in health and wholefood shops. An assortment of meat- and animal product-free foods can now be found in every discount supermarket.

Vegetarian and vegan products are recording notable increases in turnover:

- + 122 per cent in 2015: alternatives to meat and sausages, Germany (Nielsen)
- + 51 per cent per year 2011-2013: alternatives to dairy, UK (Mintel)
- + 43 per cent in 2014: soy yogurt, Germany (GfK)
- + 36 per cent in 2014: vegetarian semi-ready meals, Germany (IRI)
- + 20 per cent in 2014: Alpro (alternatives to dairy), Europe-wide (Alpro)

The gastronomy sector is also increasingly catering to the demand for vegan and vegetarian offers. Currently, there are at least 122 vegan- and 296 vegetarian-only restaurants in Germany. This represents respective increases of 63 and 38 per cent since 2013.

Uncertainty for producers and consumers

Food producers, food retailers and caterers have recognised the signs of the times and are increasingly bringing to the market vegetarian and vegan products that are directly recognisable

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as such for the consumer. For instance, commercial chains have begun to label own-brand products, in some cases with self-developed logos (Fig. 1).

In principle, the labelling of vegetarian and vegan products by manufacturers and retailers is to be welcomed very much, as it accommodates the increasing demand and facilitates instant and informed decision-making by consumers. It is unclear, however, what precisely the terms “vegan” and “vegetarian” stand for. At neither the national nor European levels do legal definitions for the food sector exist.



Fig. 1 Examples of the labelling of products as vegan and vegetarian

This leads to confusion on the part of producers and retailers as well as on the part of consumers. The EVU member organisations notice this uncertainty in the form of sharp increases in consultations. Companies would like to offer vegan and vegetarian products but do not know how foods are to be designed so that they can be labelled accordingly. Thus, there is also an interest in the timely adoption of legally binding definitions on the parts of consumer protection agencies and the food industry.

For the example labels depicted in Figure 1, food retailers had to develop their own criteria for vegan and vegetarian products. These can, however, differ from company to company. If they want to play it safe, consumers have to obtain information from the respective producer or trader.

Clarity by means of V-label

Directly visible and reliable clarity is currently offered only by the V-label of the EVU (Fig. 2), which labels both vegan and vegetarian products. Its criteria are accepted by international vegan and vegetarian organisations.



The increasing dissemination of the V-label testifies both to the trust consumers put in it and to the advantages that retailers and producers gain from its deployment.

More than 800 firms in Europe currently use the V label on thousands of products. Notable licensing partners include Aldi, Alpro, Ben & Jerry, Coop, FrieslandCampina, Griesson de Beukelaer, Migros, Spar and Unilever.



Fig. 2 V-label, variant for vegan products

B. Legal and political situation

The absence of legally binding definitions of the terms “vegan” and “vegetarian” in food labelling has also been identified as a problem by the European legislator. Thus, the EU Food Information Regulation stipulated that the European Commission is to issue an implementing act defining requirements for “information related to suitability of a food for vegetarians or vegans” (Article 36(3)(b) Regulation (EU) No 1169/2011). This signifies an obligation to decree a legal definition of the terms “vegan” and “vegetarian” for the labelling of foods. Unfortunately, the Commission has failed to act upon this responsibility in the past five years and seems unlikely to meet its obligation of its own accord any time soon.

On member state level, a breakthrough has been achieved in Germany: The consumer protection ministers of the German Länder unanimously voted in favour of a proposal for a legally binding definition of the terms “vegan” and “vegetarian” (22 April 2016). The wording had been consensually developed by a working group of the Länder, the German food industry and the EVU’s German affiliate VEBU. The proposed definition is based on criteria developed by the EVU, is backed by its member organisations and fully implements the expectations of interested consumers.

Whilst the decided definition is meant to be implemented at European level, the German consumer protection ministers put it into effect for the food control authorities of their jurisdictions. Furthermore, all the political parties in the German Bundestag have voiced their support for a timely adoption of legally binding definitions by the European Commission.

The EVU sees the German development as an important milestone and expects this decision to send a strong signal to the European Commission to fulfil its obligation.

C. Legally binding definition

Requirements

The aim of a definition as seen from the perspective of the EVU is to enable informed and self-determined decisions about consumption. The fundamental or situational choice in favour of plant-based products needs to be made easier for consumers.

To achieve this goal, a definition must steer a middle course. On the one hand, it must be **(a) sufficiently narrow** so that the terms “vegan” and “vegetarian” guide interested consumers in their expectations. On the other hand, it must be **(b) sufficiently pragmatic and realistic** so that the range of products to be labelled “vegan” and “vegetarian” is not unnecessarily restricted, which would artificially complicate plant-based lifestyles.

These considerations lead to the following concrete requirements:

- a) The deliberate use of non-vegan or non-vegetarian substances must be ruled out. This applies to all substances, independent of the amount used, and also to all of their preliminary stages and components. The presence or effect in the final product is not decisive, meaning that, for example, processing aids have to be covered by the definition as well.

Fruit juice clarified with gelatine or bread produced with flour that has been treated with animal-based cysteine thus cannot be considered vegetarian. The background of this demand is that, while there are various motivations for plant-based lifestyles (health, ecology, etc.), the ethical aspect according to which animals are not to be killed or exploited is prevalent. Since animal substances that are deliberately utilised are produced and acquired specifically for this purpose, the consumer would, through their purchase, contribute to the exploitation of animals. This poses an ethical problem from the vegan-vegetarian perspective.

- b) The (potential) presence of inadvertent traces of non-vegan or non-vegetarian substances should not be an obstacle to labelling a product as vegan or vegetarian, provided that such contamination takes place despite a careful production process that complies with best practices and the state of the art.

The joint production of vegetarian and non-vegetarian foods in a production facility and with the same machines should be possible as long as reasonable measures are taken to prevent contamination. The purchase of vegan or vegetarian foods that have been contaminated with animal substances does not contribute to the increased use of animals. Therefore, impurities do not pose an ethical problem from the vegan-vegetarian perspective. The current regulations about allergen labelling ensure that those affected can inform themselves about this aspect of a food.

These requirements are supported by the EVU and its member organisations from all over Europe. What's more, producers and retailers of vegan and vegetarian products comply with the principles set out. Last but not least, they meet the practical requirements of vegans, vegetarians and the many people who eat an increasingly plant-based diet. This is ultimately decisive, as according to the European Food Information Regulation, the "suitability of a food for vegetarians or vegans" is at stake – and who could judge this better than they themselves?



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Proposed definition (translation by EVU)

The following proposed definition has been adopted by the German consumer protection minister conference (see above). The EVU sees the requirements depicted above as fully implemented in this wording and suggests to use it for further discussions.

(1) Vegan are foods that are not products of animal origin and in which, at no stage of production and processing, use has been made of or the food has been supplemented with

- ingredients (including additives, carriers, flavourings and enzymes) or*
- processing aids or*
- substances which are not food additives but are used in the same way and with the same purpose as processing aids*

in either processed or unprocessed form that are of animal origin.

(2) Vegetarian are foods which meet the requirements of paragraph 1 with the difference that in their production

- 1. milk,*
 - 2. colostrum,*
 - 3. eggs (No. 5 of Annex I to Regulation (EC) No. 853/2004),*
 - 4. honey (Annex I to Directive 2001/110/EC),*
 - 5. beeswax,*
 - 6. propolis or*
 - 7. wool grease including lanolin derived from the wool of living sheep*
- or their components or derivatives may be added or used.*

(3) A claim that a food is vegan or vegetarian is not precluded by unintended presence in the food of products which do not comply with the requirements of paragraphs 1 or 2, if and to the extent that this is technically unavoidable at all stages of production, processing and distribution, despite appropriate precautions being taken in compliance with good manufacturing practices.

(4) Paragraphs 1 to 3 shall apply accordingly if food information is provided which is synonymous with 'vegan' or 'vegetarian' from a consumer perspective.

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