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FRANCE TO PRIVILEGE MEAT OVER REASON EVU and AVF oppose forthcoming French ban on 'meaty names' for vegetarian food

On 27 May 2020, France adopted the « *Loi relative à la transparence de l'information sur les produits agricoles et alimentaires* » - allegedly an 'act on the transparency of information on agricultural and food products'. For the *European Vegetarian Union (EVU)*, the umbrella organisation for the European vegan and vegetarian societies and associations, as well as its French member organisation *Association Végétarienne De France (AVF)* it seems that parts of this law will create the exact opposite – complications and opacity for food products.

Article 5 of the Act states: "The names used to indicate foodstuffs of animal origin shall not be used to describe, market, or promote foodstuffs containing vegetable proteins. A decree shall set the proportion of vegetable proteins beyond which this name is not possible. This decree shall also define the procedures for the application of this Article and the sanctions incurred in cases of non-compliance."

The justification for doing so refers to the alleged risk of consumer deception. The underlying assumption is that a consumer confronted with a product name such as 'vegan soya sausage' is at risk of being misled about the plant-based – and not meat-based – nature of the product. This, it is claimed, is likely to be the case even though both the product names and the ingredients lists would clearly stress and inform of the fact that the product is not of animal origin.

The image of the gullible consumer unable to discern a meat-based food product from a plant-based one – even if plainly distinguished by the product name – is paternalistic at best and an insult at worst. It is established case-law of the European Court of Justice (ECJ) since 1990 that the presumed expectations of an average consumer who is reasonably well informed and reasonably observant and circumspect are the benchmark. A representation is misleading only if the average consumer is being misled, which has not been established by the French legislator. Moreover, EVU and AVF are not aware of any evidence indicating that consumers were misled by this practice, which is the main argument of the supporters of the restrictions. Evidence from other EU member states suggests the contrary: a study conducted by the Federation of German Consumer Organisations (vzbv) stated that only four percent of German customers have ever unintentionally bought a vegetarian product instead of a meat product or vice versa. This very low number illustrates that labelling which includes references to conventional sales denominations is not perceived as problematic by the general public.

The French Law claims to defend tradition in food markets when in fact it does the opposite: it breaks with tradition. The use of product denominations such as 'vegetarian schnitzel' and 'vegan tofu sausage' for food containing vegetable proteins is well established and has been used in the EU internal market for decades, and has not caused significant complaints from either consumers or traders. Because the vegetarian nature of meat alternatives is important in terms of generating sales, producers and retailers communicate it clearly on the packaging. Renaming established names and brands with 'non-meaty' fantasy denominations such as *galette* instead of *steak* or *disc* instead of *burger* would provide no further clarity for consumers of meat and would be unnecessarily confusing to consumers of non-meat products. Indeed, it would instead undermine the EU's consumer protection agenda by needlessly introducing uncertainty around the naming of plant-based foods.

Not only is the nature of this new law highly problematic, France's regard for procedural requirements seems to be questionable as well. While the law is currently at the beginning of the TRIS notification period on the European level, which is a standstill period at the same time, the law was already published in the *J.O.R.F.*, thereby granting it official character.

As the TRIS process is designed to give stakeholders, the European Commission and the Member States the chance to evaluate possibilities of obstructions to the internal market by national regulations, EVU has officially contributed to the notification and expressed its formal and substantial concerns with the French law. EVU and AVF urge France and the European Commission to reconsider the Act with regards to the fact that consumer deception is not at stake. Furthermore, approval of the law would obstruct economic activities and create the danger of incomprehensible labelling as new, unfamiliar, and potentially incomprehensible sales denominations would have to be established.

The European Vegetarian Union (www.euroveg.eu) is the voice of the growing number of Europeans choosing vegetarian and vegan products over animal-based nutrition. Its aim is to make vegetarian and meat-reduced lifestyles appealing, available, and safe for consumers, producers, and traders, and provide adequate information on related health issues, as well as on animal health and welfare and environmental protection, with reference to a vegetarian lifestyle. EVU is also the organisation backing the 'V-Label' (www.v-label.eu), a voluntary certified labelling scheme. EVU is registered in the Register of Interest Representatives (No. 109356110578-03).