

Contribution as regards the TRIS NOTIFICATION 2023/0510/FR (France)

‘Decree on the use of certain designations used to describe foods containing vegetable proteins’

Summary

Copa-Cogeca calls on the Member States (MS) and on the European Commission (EC) to support the recent version of the French Decree on ‘the use of certain denominations used to designate foodstuffs containing plant proteins’. This Decree goes in the right direction answering to the requests of the farmers and agri-cooperatives to avoid misleading consumers, avert potential health concerns, and protect the image and reputation of animal-based foods against usurpation, unfair comparisons, and evocation. We call on the EC to follow this example and swiftly bring forward a legislative proposal on the use of denominations, marketing, and allusions to products from animal origin.

Policy options

Copa and Cogeca representing farmers and agri-cooperatives from all 27 MS are dedicated to providing 446 million EU citizens with safe, nutritious, high-quality, and affordable food.

We welcome the opportunity to submit feedback on the French Decree regarding provisions related to the use of certain denominations to designate foodstuffs containing plant proteins. This text, which was notified to the EC on 23 August 2023, clarifies and repeals the previous Decree No 2022-947 of 29 June 2022 which had been referred by the French Council of State to the Court of Justice of the European Union (case C-438/23).

Copa and Cogeca strongly support the latest version of the Decree which aims to regulate the use of denominations traditionally designating foodstuffs of animal origin for the description, marketing or promotion of foods based on vegetable proteins or ingredients of non-animal origin containing proteins produced and marketed in France. In our view, **the Decree will address the following key concerns:**

- Misleading information to consumers
- Potential health concerns
- Marketing disconnected from reality and hijacking culinary heritage.

1. The Decree will ensure that consumers have access to truthful and transparent information on the origin and composition of the products

By marketing themselves to consumers as substitutes to the original product, plant-based



imitation products¹ create or risk creating confusion. Interestingly, even when consumers understand that those products are imitations, claims of substitutability and marketing result in consumers assuming that the original foods and their substitutes have an equivalent nutritional value, meaning that they are perfectly interchangeable in their diet.

Indeed, despite a plethora of scientific evidence demonstrating the contrary, one in two French consumers believes that plant-based drinks provide the same nutrients as milk and one in every three thinks that plant-based drinks are suitable for babies², which can have health consequences. Although these figures are not representative at EU level, they underline the fundamental confusion that consumers are experiencing as to the nutritional properties and role of animal products in their diets.

2. The Decree will address health concerns related to the consumption of plant-based products imitating animal-based products

Meat is a complete source of high-quality protein containing important micro-nutrients such as minerals (iron, zinc, etc.) and B-complex vitamins, especially vitamin B12. It is these nutritional properties that plant-based imitation products are trying to replicate. According to the 2023 FAO report³, evidence suggests that these products cannot replace terrestrial animal source food in terms of nutritional composition and that they have been found to be deficient in some essential nutrients and high in saturated fat, sodium and sugar.

By being made out to be perfect alternatives, plant-based imitation products mislead consumers into thinking that the nutritional value is identical and therefore substitutable. This misinformation can have adverse effects (at best leading to dietary deficiencies) if left unmonitored.

3. The Decree will protect our culinary heritage as well as the reputation of animal-based products

By using the name, packaging, imagery and references of meat and fish foods, imitation products take advantage of or even usurp an existing reputation and culinary heritage. Indeed, by presenting them as equivalents to animal products while expressly underlining their non-animal origin and playing on a direct contrast, imitation products escape scrutiny relating to their own composition and origin. Doing so is not only misleading to consumers but also an unfair trading practice as they capitalise on decades of efforts to improve production methods, taste, nutritional value, reputation, and sustainability.

Another risk associated with the permission of this type of marketing is its possible and complete disconnection from reality, whereby consumers no longer know what they are putting on their plates. Moreover, allowing this type of marketing would result in rowing back on providing full and transparent information to consumers who in recent years have indicated a keen interest on being provided with information on the origin and composition of the products they consume. Many food chain actors and primary producers have made and are still putting in great efforts to meet this demand.

¹ “A plant-based imitation product is a product aiming at mimicking, either through its nutritional, organoleptic properties (texture, taste etc.), composition, appearance, name and/or its marketing, an animal product or a food product being entirely or mainly made of animal-sourced ingredients.”

² <https://www.agra.fr/agra-presse/lait-et-boissons-vegetales-le-cniel-alerte-sur-les-risques-de-confusion>

³ FAO report “Contribution of terrestrial animal source food to healthy diets for improved nutrition and health outcomes”, published on 25 April 2023, <https://www.fao.org/3/cc3912en/cc3912en.pdf>



Conclusion

There is a market for all types of products, and they can all co-exist. However, it goes without saying that they need to have their own name, marketing, and to be transparent about their composition and origin. To claim a product is a substitute for a product of animal origin when this is not the case or being ambiguous (using a wholly or partly homonymous name in bad faith which is suggestive of another product) is tantamount to being a deliberately misleading practice. Margarine is not butter; chicory is not coffee, horchata is not milk and nor do they not claim to be. Yet, this does not prevent them from coexisting, each having their place in peoples' diets.

Plant-based imitation products and animal origin foods should thus be recognised as entirely different products as regards their respective denominations, composition, and form. Furthermore, rules should be established to prevent the marketing of those products as substitutes.

