



European Court says food packaging cannot contain images of food not in the ingredients

The European Court of Justice (ECJ) has said that if food or drink packaging contains images of ingredients that are not in the food or drink product itself this will likely “mislead” consumers and thus fall foul of EU law.

The dispute that gave rise to the ruling concerned fruit tea being sold in Germany that had depictions of raspberries and vanilla flowers on the package, but did not have either ingredients in the tea itself. While the Court left the question of whether the labelling of the tea infringed EU food labelling regulations to the German Court, it said that EU law prevented food and drink manufactures from “giving the impression, by means of the appearance, description or pictorial representation” that a particular ingredient was in the product, when it was not. The ECJ said that it did not matter that the product contained accurate information on the exact ingredients, as the labelling still had the potential to mislead the consumer.

The legislation the Court was commenting on was EU Directive 2000/13, which has been incorporated in UK law by the amended Food Labelling Regulations 1996. The Court said that the prime motivation for the EU directive was “to inform and protect the consumer, with the detailed labelling, in particular giving the exact nature and characteristics of the goods, therefore having to enable the consumer to make his choice in full knowledge of the facts”.

This ruling has implications for food manufacturers and processors using both natural and synthetic flavourings in their products as a selling point. Many will need to revisit the imagery on their packaging and, potentially, the names and descriptions of their products to ensure that they do not fall foul of the rules. Coming on the back of the recent EU overhaul of food and drink labelling this will not be welcome news.

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