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Beware: “Clean-”, “Nature-”, “Organic-” and “Health-” labelling can lead to legal trouble in the EU

Not only since the European Union is discussing strategies for plastics and a ban on certain single-use plastics, consumers are requesting more sustainability and further extra benefits from their consumer products.

When addressing these consumers’ needs companies should be aware that there are a number of detailed rules restricting “clean-”, “nature-”, “organic-” and “health-” claims.

Companies are well advised to think ahead and develop or adjust their trademark and marketing concepts to be in line with the relevant provisions and case-law on “clean-”, “nature-”, “organic-”, “health-” and similar claims.

Otherwise subsequent amendments to marketing concepts or trademarks can become necessary afterwards – enforced by authorities and/or courts. One prominent example where this happened is “Bio-oil” that following a court decision needed to be re-named “Bi-oil” in Germany.

When developing new products, product concepts and marketing strategies relating to nature, organic, clean, health or similar benefits, companies are well advised to check with their legal counsel whether or not a certain product name, trademark or marketing campaign might raise objections in this regard.

Why do businesses need to take note?

Companies should in particular be sensitive when claiming one (or more) of the following extra benefits as any product information, claims and trademarks relating thereto could raise the risk of being banned – with severe consequences e.g. for information on-pack or trademark investments.

- Claims relating to **health and/or nutrition benefits** may only be used subject to the precondition that they are included in special lists of authorized health and nutrition claims when used for food marketed in the EU. In addition, the conditions and wording set forth in those lists need to be observed. For example a food marketed in the EU may only carry a reference to vitamin C or a health claim with a wording similar to “Vitamin C contributes to the normal function of the immune system” if it contains a certain minimum of this vitamin.
- References to **organic, eco(-logical) or bio(-logical)** origin or ingredients can only be made for foods marketed in the EU where those foods are produced in compliance with the EU legal framework on ecological farming amended 2018, the new provisions to be observed as of 2021 at the latest. For organic cosmetics the same rules are applied in parts.
- When referring to **nature/natural** companies should be aware that besides certain specific legislation e.g. for natural flavourings in the EU (at least 95% by w/w from the source material referred to) there is particularly stringent national case-law allowing nature claims only where a product (i) contains only ingredients consumers naturally expect, (ii) has undergone only essential processing, and (iii) shows only ubiquitous pollution.
- Likewise, **clean labelling** such as “without GMO” underlies statutory restrictions.

To find out more



Dr. Christiane Alpers
Senior Associate, Hamburg
T +49 40 419 93 0
christiane.alpers@hoganlovells.com

www.hoganlovells.com

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