



## NO MORE 'DAIRY-FREE OAT DRINK'? A STEP BACKWARDS FOR THE EU'S SUSTAINABILITY AMBITIONS

Brussels, 28 October 2020

Last Friday, 23 October 2020, the Parliament regrettably voted to ban any reference to dairy for plant-based foods, in written or pictorial form. This may mean that expressions such as 'plant-based alternative to yoghurt', 'creamy', 'lactose-free' and even images on the packaging (e.g. a glass of milk) could no longer be allowed. This disproportionate measure clearly undermines the Farm to Fork Strategy's ambitions to promote a shift to more plant-based diets through transparent consumer information. Time for Member States to put common sense back into the CAP.

The European Alliance for Plant-based Foods (EAPF) regrets the adoption of amendment 171 to the CMO Regulation<sup>1</sup> (see Annex), which would put additional, disproportionate and unnecessary restrictions on the marketing of plant-based alternatives to dairy. It would only deepen already existing market distortions. In fact, **the use of dairy-related names for plant-based products, such as 'rice milk', 'oat yoghurt' or 'soy cream' is already banned in the EU** (Case C-422/16).

However, amendment 171 goes well beyond this and would prohibit **any direct or indirect reference to dairy denominations**. What would this mean? Would this include names such as 'plant-based alternative to yoghurt', descriptions similar to 'creamy', claims such as 'lactose-free'? Could it even imply banning illustrations on packaging (e.g. no image of a glass of soy or oat drinks which resemble milk)? The ambiguity of amendment 171 would provide room for extreme interpretations.

EAPF Secretary General Siska Pottie stated: *"The introduction of these extra restrictions through amendment 171 have nothing to do with consumer protection. They rather do the opposite, and limit consumer access to information to make healthier and more sustainable choices through plant-based alternatives to dairy products. Consequently, they hinder the potential of the plant-based food sector to develop and to innovate for more sustainable and healthy foods"*.

Not only does this amendment defy common sense, but it would also raise legal concerns:

---

<sup>1</sup> Proposal for a Regulation amending Regulation (EU) No 1308/2013 establishing a common organisation of the markets in agricultural products (CMO).



- Amendment 171 is not in line with existing EU legislation on food information to consumers (e.g. food labelling, nutrition and health claims), which principle is to provide clear, accessible information about food to consumers;
- It is disproportionate compared to its objective of protecting consumers. On the contrary, it would create confusion among them, banning terms which serve an informative and descriptive purpose and are commonly used by consumers themselves;

*“It is very serious that the European Parliament has taken a position to disproportionately worsen the conditions of competition for plant-based dairy, where there are already far-reaching restrictions on the possibility of using certain designations. This is a serious blow to those consumers and producers who are trying to accelerate the sustainable transformation of our food system.” Cecilia McAleavey, Director Sustainable Eating and Public Affairs, Oatly*

Amendment 171 would be a major setback for the EU sustainability ambitions. **The European Alliance for Plant-Based Foods calls on Member States to #StandUpForPlantBased and overturn amendment 171 in the upcoming trialogues on the Proposal for a Regulation amending Regulation (EU) No 1308/2013 establishing a common organisation of the markets in agricultural products.**

**For queries, please contact:** Siska Pottie, Secretary General | T. +32 2 786 30 42  
[info@plantbasedfoodalliance.eu](mailto:info@plantbasedfoodalliance.eu) | <http://plantbasedfoodalliance.eu> | Twitter: [@EAPF\\_EU](https://twitter.com/EAPF_EU) |  
LinkedIn: [European Alliance for Plant-based Foods](https://www.linkedin.com/company/european-alliance-for-plant-based-foods)

*The European Alliance for Plant-Based Foods (EAPF) brings together like-minded organisations in the plant-based value chain around a unique mission: To put plant-based foods at the heart of the transition towards more sustainable and healthy food systems. The Alliance represents the entire plant-based value chain: Food producers and manufacturers, NGOs, nutritionists, research & academia, and consumers.*



*Annex – Amendment 171 as adopted by the European Parliament on 23 October 2020*

*“(32a) In Part III of Annex VII, point 5 is replaced by the following:*

*5. The designations referred to in points 1, 2 and 3 may not be used for any product other than those referred to in that point.*

*Those designations shall also be protected from:*

*(a) any direct or indirect commercial use of the designation;*

*(i) for comparable products or products presented as capable of being substituted not complying with the corresponding definition;*

*(ii) in so far as such use exploits the reputation associated with the designation;*

*(b) any misuse, imitation or evocation, even if the composition or true nature of the product or service is indicated or accompanied by an expression such as “style”, “type”, “method”, “as produced in”, “imitation”, “flavour”, “substitute”, “like” or similar;*

*(c) any other commercial indication or practice likely to mislead the consumer as to the product’s true nature or composition.*

*However, this provision shall not apply to the designation of products the exact nature of which is clear from traditional usage and/or when the designations are clearly used to describe a characteristic quality of the product.”*