

Game Over for soy milk, vegan cheese and tofu butter

Is it allowed to label purely plant-based products with designations such as milk, cheese, butter, cream or yoghurt? Are terms like soy milk, plant cheese or tofu butter inadmissible? The European Court of Justice gave an answer.

The German company TofuTown offers vegetarian and vegan food. Their assortment includes products such as "tofu butter", "plant cheese", "veggie cheese" and other similar products.

The Verband Sozialer Wettbewerb e.V., a German association for combatting unfair competition, took the view that these designations are a violation of the EU legislation on designations for milk and milk products. The use of terms like "milk", "cheese", "yoghurt", "butter" and others are infringing for purely plant-based products.

TofuTown argued that the perception of consumers of these designations has changed in recent years. Moreover, the plant origin is always mentioned in connection with the designations, so that the consumer clearly understands the terms.

Ruling of the ECJ regarding soy milk and others

In his ruling ([C-422/16](#)) the ECJ decided in favor of the Verband Sozialer Wettbewerb. Designations like "milk", "cream", "chantilly", "butter", "cheese" and "yoghurt" are solely reserved for milk and milk products. Descriptive or clarifying additions have no influence on that prohibition.

In so far as TofuTown claimed that this would be an unfair treatment, since producers of vegan and vegetarian meat and fish substitutes, the ECJ pointed out that the milk and milk products on the one hand and meat and fish on the other are subject to different rules.

Conclusion

Producers of vegetarian and vegan substitutes for milk and milk products will have to find new names for their products without the use of the protected designations. We will have to wait and see, if there will be standard alternative designations used by all producers or if each producer goes its own way.