



What's in a name? Food names in 2026

Imagine...

You're a marketer at a forward-thinking food manufacturer. The new plant-based range, featuring products such as 'vegan milk' and 'veggie steak', and the non-alcoholic range, with drinks such as "0% rum", is ready for launch.

You deliberately chose names that consumers are familiar with. That way, customers immediately understand how to use the products. You're taken aback, because shortly before the launch, Legal asks you: 'Are we actually allowed to call these products that?'

A brief clarification.

The Food Information to Consumers ('FIC') Regulation (Regulation (EU) No 1169/2011) sets out what information consumers must be given about food. The food name is mandatory nutrition information on the packaging or label.

The regulation uses a hierarchy for choosing a name. First, you use the legal name. If there isn't one, you use the customary name. If that is missing too, you choose a descriptive name.

- **Legal name:** a specific name prescribed by European or national legislation for a product (e.g. 'milk' or 'gin');
- **Customary name:** a name for a product that is generally accepted by consumers without the need for further explanation (e.g. 'fish fingers' or 'pesto');
- **Descriptive name:** a name that describes the product and allows consumers to understand its nature

... contrast

(e.g. 'drink based on fermented tea with sugar' for kombucha).

The name must not mislead the consumer.

The Court of Justice of the EU has clarified the rules on food names on several occasions. It has ruled on dairy and meat names for plant-based products and on drink names for non-alcoholic products:

- In the *TofuTown.com* judgment, the Court clarified that names such as 'milk', 'butter' and 'cheese' are reserved for products of animal origin. Purely plant-based products may therefore not bear those names, even if their plant-based nature is explicitly stated, as in 'soy milk' or 'tofu butter'.
- In the same vein, the Court ruled that certain names for spirits are also protected. In the *Virgin Gin Alkoholfrei* judgment, the Court decided that the name 'gin' may only be used for products that meet the legal requirements. It is therefore not permitted for non-alcoholic drinks.
- The situation is different for meat designations. In the *Protéines France and Others* judgment, the Court ruled that various meat designations are not, in principle, harmonised at EU level. Member States may, however, decide for themselves that certain names remain reserved for meat products. Where no such national rules exist, terms such as 'burger' and 'sausage' may, in principle, also be used for plant-based products. But even then, the rule remains: the consumer must not be misled.

The Council and the European Parliament recently reached a provisional agreement on the reform of the CMO Regulation (Regulation (EU) No 1308/2013). Under this agreement, certain meat designations, such as 'beef', 'veal', 'pork', 'chicken', 'turkey', 'cutlet' and 'ham', would henceforth only be permitted for products that actually contain meat. The use of these designations for plant-based products would therefore no longer be permitted.

Terms such as 'vegan milk' and '0% rum' should be used with caution, and in many cases avoided. You should also be careful in your presentation and advertising: again, you must not mislead the consumer. The same caution applies when using meat terms for plant-based products.

Concretely.

- **Check whether the name is legally protected:** if so, you may only use it if your product meets the legal definition. If this is not the case, do not use that name, not even in advertising.
- **Consider the impression the consumer gets:** what does the packaging look like? How do you describe the product? Ensure that the presentation of the product is not misleading, for example by depicting animals on the packaging of plant-based products.
- **Minimise risks:** if in doubt, consult your legal or compliance team. Better safe than sorry.

Want to know more?

- You can find the FIC Regulation [here](#).
- The GMO Regulation can be found [here](#).
- The press release on the provisional agreement on a stronger negotiating position for farmers can be found [here](#).
- The judgment of the Court of Justice of 14 June 2017 in the *TofuTown.com* case can be found [here](#).
- The judgment of the Court of Justice of 4 October 2024 in the *Protéines France and Others* case can be found [here](#).
- The judgment of the Court of Justice of 13 November 2025 in the *Virgin Gin Alkoholfrei* case can be

• • • contrast
• • • •

found [here](#).

Authors

Gitte Wauters