



TOFUTOWN

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## “PLANT CHEESE RULING” EXPECTED

### Cheese and milk also without “mammary secretion”?

The European Court of Justice (ECJ) will deal with this question on 14.06.17 in a lawsuit against the organic vegetarian foods company “TOFUTOWN”.

Approximately 2,5 billion of the 7,3 billion people on Planet Earth eat “plant-based meat” and drink “plant-based milk” as one of their major sources of protein and call it such as a matter of course. Indonesia, for instance (population 260 Million), consumes per capita per annum 30 kg tofu (known in Indonesia and also in English usage as “bean curd” (which means the same thing as “bean cheese”) und 35 kg tempeh, also known as “bean meat”.

#### What’s the situation in the European Union?

Just for the fun of being logical and to the point: proteins are proteins are just proteins, defined chemical formulae that don’t care one bit if lobbyists artificially categorise them as supposedly “animal” or “vegetable”. H<sub>2</sub>O is H<sub>2</sub>O.

Every essential amino acid (those are the ones that mammals such as cows, pigs or humans can’t produce themselves and therefore have to ingest them with their daily food) was, before it sort became an “animal” amino acid, was decidedly “vegetable”. Our poor livestock animals are fed vegetable protein (mostly genetically modified “soybean extraction meal” from South America) and incorporate it in their metabolism (only 10% of the protein ends up in animal foods. 90% on the other hand are turned into animal excrement, causing such things as climate change, and are not available to those parts of the world’s population suffering from hunger.

TOFUTOWN is facing up to this misinterpreted lobbyism of the institutions and makes a case against global warming, for environmental protection and for a fairer distribution of our planet’s supply of protein.

The company TOFUTOWN has been making vegetarian organic products for more than 30 years, for instance organic tofu, ecological produced plant-based milk (almond, soy, cashew, rice, coconut, etc.), organic plant meat, other ecological veggie products such as vegetarian organic snacks, traditional tempeh and seitan products (seitan = wheat meat), and organic veggie sandwich spreads, pasta sauces and so forth. The company employs about 300 staff at the production sites in Germany and a colleague at a sales office in the United States. TOFUTOWN has been sued by lobby groups for using product descriptions such as “Veggie Cheese”, “Tofu Butter”, etc.

Statements on the pending court case have been submitted by the European Commission as well as the governments of the Member States Italy, Greece and the Federal Republic of Germany. Remarkably, the other 33 possible participants have not issued any statements at all. An EU Regulation is interpreted by some courts

in Member States as categorically allowing only those products to be called milk, cheese and butter that are milked as “mammary secretion”, i.e., only those that are made from animal milk. However, the ECJ could change this stance and assume a more environmentally friendly and ecological approach. The interpretation of Regulation to date ignores the fact that so-called meat and dairy alternatives are now available in all food stores and distribution channels in the European Member States. The numerous agricultural raw materials mostly come from certified organic farms within the EU.

The Regulation was originally enacted to prevent food adulteration and dumping; however it is now misused to discredit plant-based products and this makes it more difficult for manufacturers of food products as a whole to take a more sensible ecological path.

There are a few funny exceptions from this rule, for instance products such as peanut butter or coconut milk. The difference between these and such products as cashew butter, almond butter, rice, milk, oat milk or almond milk has not been explained by the legislators.

#### Is the EU Regulation still in keeping with the times?

Reality has long overtaken this European Regulation. Originally, in its various versions over the past decades, it served to protect the supposedly “natural” composition of milk and dairy products in the interests of producers and consumers. The consumers should not be deceived as to the actual contents and mistake other “milk” products for animal products. On the other hand, producers should be protected against other producers selling cheap products mislabelled as dairy products thereby gaining a competitive advantage.

But times have changed. Plant-based and vegetarian organic products are now available in every super market. They are also considerably more expensive than dairy products, so that also for this reason the old “anti-dumping” regulation cannot apply. Consumer awareness has changed considerably, especially in the last few years. Therefore, it is time for a decision on the European level as to whether the interpretation of the Regulation is outdated. Instead, it should also be permissible to name real alternatives to animal dairy products with the corresponding names, if additional terms such as “almond” clarify that they are plant-based products.



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### The European Court must now decide on plant-based “milk” products

The Landgericht (district court) in Trier has suspended its pertinent court case and submitted three questions regarding the interpretation of the EU Regulation to the European Court of Justice for clarification in a preliminary ruling. The district court would like to know the following:

1. Is it permissible to label plant-based products as milk, butter, cheese, etc., if clear terms such as “tofu”, “veggie” or “soy” clearly state that they are not made from animal products made from mammary secretion?
2. May „milk“ really only denote a liquid obtained from an animal’s udder or may one also use this name for plant-based products if accompanied by explanatory terms such as “soy”?
3. Is it really only permissible to label products made from animal milk as “whey”, “butter”, “buttermilk”, “cheese”, “yoghurt” or “cream”, or also those made from vegetable milk?

Consumers now recognise and value plant-based alternatives to „animal“ milk and they consciously decide to buy them.

Consumers are now aware of and used to the fact that there are good ecological alternatives – also due to the considerable increase in the availability of plant-based organic products in food stores. Everyone understands that the products in question are plant-based alternatives and not animal products, especially when clear additional terms such as “soy”, “tofu” or “veggie” are used.

The purchasing behaviour of consumers has also changed und thus also the so-called consumer model: Whereas one assumed earlier that consumers only fleetingly examine products, courts now assume that buyers critically assess and question their choice of products, especially as many consumers suffer from food intolerances or allergies.

### Producers of animal milk products are not disadvantaged.

In the case of plant-based, quality organic cheeses, it is the exact opposite: Of course consumers should not be made to believe they were buying animal milk products, but rather they want to and should be able to consciously and democratically choose the more ecological alternative.

### Clear and deliberate labelling helps consumers and the environment.

Ecologically motivated and/or vegetarian consumers make a deliberate decision for a different diet and thus for alternatives to conventional animal products. It is therefore even necessary from a food regulatory point of view to inform them as to which plant-based product can replace which animal one and invite them to try a more environmentally friendly and ecological version.

Finally, for the same reasons that make more and more people choose a plant-based diet, it is unreasonable to disadvantage the makers of such products. This would unnecessarily hamper a development that is extremely sensible for such objective reasons as environmental protection, health protection and ethical/moral considerations. After all, legislators do not disadvantage the manufacturers of electric cars, forcing them to abandon the term “car”, only because the propulsion technology has changed. Expressions such as “tofu burger” or “veggie schnitzel” have also been in use for decades in the European Union and do not lead to any consumer deception or confusion. Quite the contrary.

*The urgently needed innovations in the broken global food system (Meat 2.0, Milks 2.0) point towards sustainable plant-based products and their production. This is the only way to produce both the nutrients that are in scarce supply, “protein” and “drinkable water”. Almost 9 billion people will be living on the planet in 2020, and we can hardly feed today’s 7.3 billion. The protein of the future comes from plants.*