

WRITTEN QUESTION P-0027/03  
by Charles Pasqua (UEN)  
to the Commission

Subject: Protection of the name 'yoghurt'

As a sequel to the European Court of Justice's judgment in the case involving Smanor SA, the Commission interpretative communication of 15 October 1991 (OJ C 270/2) on the names under which foodstuffs are sold indicated that it was a characteristic of yoghurt to contain 'live lactic bacteria in large quantities'. Yoghurt is therefore a product whose specific characteristics are recognised by the European authorities.

The communication also specified that using the word 'yoghurt' for a product could mislead consumers as to the real nature of that product.

The version of the Codex alimentarius currently under adoption specifies that, as a general rule, the name yoghurt should only be applied to products that contain live cultures.

Directive 2000/13/EC<sup>1</sup> on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs requires Member States to take the necessary measures to safeguard consumers against the risk of fraud.

In view of the definitions established by the various authorities, is it right for a Member State such as Spain to amend its legislation to extend the use of the name 'yoghurt' to products that no longer contain live cultures in any significant quantities?

In the light of Community principles governing consumer protection, is a Member State such as Spain entitled to amend its rules on the name 'yoghurt', which previously could only be used for products containing live cultures, and to extend the use of this name to products whose live cultures have been destroyed?

What measures will the Commission take to halt the implementation by Spain of its new legislation on the name 'yoghurt'?

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<sup>1</sup> OJ L 109, 6.5.2000, p. 29.