

GREECE

Court clarifies law on use of “light/lite”

Patrinos & Kilimiris

Athens



Manolis Metaxakis

Regulation (EC) 1924/2006 on nutrition and health claims made on foods defines the term “light/lite” and its permissible use. A matter of interpretation arises though due to the fact that the Greek text of this Regulation expressly provides for a definition that differs from the one appearing in all the other versions. In particular, the Greek version contains the explanation that “light/lite” is confined to products of “reduced calories”, whereas such an explanation does not appear in the other versions of the same Regulation, where there is a broader requirement, according to which the indication at issue shall be accompanied by an indication of the characteristics, which make(s) the food “light/lite”.

A Greek foodstuff company commenced judicial proceedings against a competitor on the basis of unfair competition rules claiming that the defendant’s product bears the indication “light”, although that product does not fulfil the requirements set by the Regulation (Greek text), namely that the product at issue was not of “reduced calories”.

The Greek Court of Appeals reaffirmed the ruling delivered at first instance, under which the wording used in one version of a provision of European Union law cannot serve as the sole basis for the interpretation of that provision, or be made to override the other language versions in that regard. Such an approach would be incompatible with the requirement for uniform application of EU law. Where there is a divergence between the various language versions, the provision in question must be interpreted by reference to the purpose and general scheme of the rules of which it forms part.

In view of the above, the Greek Court ruled that if the term “light/lite” were to be interpreted as meaning “of reduced calories” only, it would be meaningless

for the same Regulation to require that in addition to said term, an indication of the characteristics, which make(s) the food “light/lite”, should also be mentioned.

In other words, it may be calories but it may also be something else.