



AGRI D/02815 25/02/09

EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Directorate H - Sustainability and Quality of Agriculture and Rural Development
H.3. Organic farming

24 FEB. 2009

Brussels,
H.3/CC/ag/D(2009) 778

Subject: Eco+ Trademark (E.Leclerc) – AGRI A/33191

Dear Mr. Ravnik,

Thank you for your letter dated 11.12.2008 about the **Eco+ trademark used by the French hypermarket chain E.Leclerc**. The Eco+ label is used to indicate low-cost (economic) products on both food and non-food products.

You are asking for an official opinion of the Commission on the compliance of this trademark with the organic regulation. The Commission cannot do that, as the Council regulation clearly gives the competence to the Member States for the enforcement of the organic regulation 834/2007 and the implementation of the control system to that effect. I can, however, give the following comments:

As you mention in your letter for organic products, the diminutive "eko" (eco) is used in your country for organic products. As the Slovenian people might also relate the "Eco+" label to economic products and "ekološki" (organic) products, you are pointing out the risk of confusion that may arise.

The Commission services already circulated to the members of the Standing Committee of Organic Farming (SCOF) a number of elements of replies already given on the same subject in the context of queries relating to company names and trade marks (herewith copy of note D(2008)19514 attached for your information). It was in particular mentioned that as a minimum precaution a disclaimer clarifying the real nature of the products should be put on the labels. However, thorough case-by-case analysis will always be required. What follows is a simple reminder and synthesis of the legal framework:

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According to Article 23(1) in Council Regulation (EC) No 834/2007 the diminutive "eko" (eco) may be used for the labelling and advertising of organic products which have been produced in compliance with the named Regulation. In the second paragraph of the same Article it reads:

"The terms referred to in paragraph 1 shall not be used anywhere in the Community and in any Community language for the labelling, advertising and commercial documents of a product which does not satisfy the requirements set out under this Regulation (non-organic product), unless they are not applied to agricultural products in food or feed or clearly have no connection with organic production.

Furthermore, any terms, including terms used in trademarks, or practices used in labelling or advertising liable to mislead the consumer or user by suggesting that a product or its ingredients satisfy the requirements set out under this Regulation (are organic) shall not be used."

The following product categories fall under the scope of the named Regulation Article 1(2) "(a) live or unprocessed agricultural products (including products from aquaculture); (b) processed agricultural products for use as food; (c) feed; (d) vegetative propagating material and seeds for cultivation." as well as yeast.

In relation to products that are not covered by Regulation (EC) No 834/2007 Article 1, there are no such specific restrictions, although clearly rules related to misleading advertising do apply.

To conclude, it belongs to the competent authority to further analyse the case, in particular under the angle of need to avoid misleading consumers, and if appropriate take the necessary steps of action to enforce the EU law.

Yours sincerely,



Jean-Luc DEMARTY
Director General

Encl.: note D(2008)19514