



COUNTERFEITING IN AGRIFOOD

CONSUMER GUIDELINES



Know the problem to deal with it better

IO SONO ORIGINALE Project



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WHAT IS COUNTERFEITING

The word “counterfeiting” signifies the reproduction of a good in such a manner that it is mistaken for the genuine product, or manufacturing, importing, selling or using products or services protected by intellectual property rights. Counterfeiting is an ancient phenomenon that affects many merchandise sectors. The sale of counterfeit products affects the safety and health of consumers but also has effects on a country’s economy because the fraudulent imitation of a product may also cause the deviation of trade and the phenomenon of unfair competition (cause serious damage to the research development and innovation capacity).

HOW TO PROTECT YOURSELF

The sale of counterfeit goods is done through different distribution channels in which the counterfeiting is not always clear. It often occurs through markets outside the regular distribution chain such as street stands or beach vendors or through the Internet and even in stores belonging to the regular distribution chain. This handbook provides practical advice for defending yourself from the danger of unknowingly purchasing counterfeit goods.



GOOD RULES

COUNTERFEITING IS NOT ALWAYS CLEAR.

TO AVOID UNKNOWINGLY PURCHASING COUNTERFEIT

GOODS ONE MUST ABOVE ALL FOLLOW SEVERAL SIMPLE BASIC RULES:

- **always carefully read the labels** of purchased products (their label is their “identity card”) and be wary of those with unclear writing or without indication of where they were manufactured (where mandatory) and the “CE brand” or PDO/PGI/ORG brands for products with geographical indications; the most correct labels are those that guarantee the highest degree of product information: brand transparency, production process, production location and characteristics;
- **purchase only products in integral packages or packaging**, with the producer’s name, making sure where they come from and any quality brands or certification;
- **evaluate the correct quality/price ratio** too low of a price may be enticing but it could also indicate poor quality; it may seem like a good deal but rather you;
- use caution in purchases from door-to-door vendors: if they do not provide you with their exact name and contact information, their products may well be counterfeit;
- use caution in purchases outside of stores, verifying that the seller is always identifiable in a transparent manner.

COUNTERFEITING IN THE AGRIFOOD SECTOR AND THE PHENOMENON OF *ITALIAN SOUNDING* ABROAD

FOOD FRAUD NUMBERS

In 2013, the Carabinieri's Health Protection Unit confiscated goods worth more than **440 million euros and issued more than 17 million euros in fines**¹. To these confiscated products, one must also add those seized by Customs (in 2012 approximately **4 million euros**²) at the borders and by all the agencies in charge of monitoring the agrifood chain. And further still: in 2013, the Carabinieri's Agri-Food Policy Unit inspected "*3.121 agrifood compagnie and seized 9.5 tonnes of products and more than 3 million labels/illegal packaging*"³

These were adulterated, fake and counterfeit products. Very often organized crime is behind this fraudulent business: according to the "2° Agromafias" report prepared by Coldiretti/Eurispes, the agromafias' total sales volume reached circa **14 billion euros in 2013, with a record 12% increase compared to the previous 2 years.**

ITALIAN SOUNDING

On the foreign side, there are imitations of Italian products - not always fraudulent nor necessarily dangerous for your health - that may fool the final consumer and at any rate negatively affect the export potential of Italian companies. This phenomenon is generally known as *Italian Sounding*, an expression that refers to the imitation of a product/name/brand using an Italian sounding name and/or graphics that lead the consumer to believe the product is Italian whereas the product itself is not.

¹ Source: Ministry of Health, Oversight and control of foodstuffs in Italy, 2013.

² Source: Movimento Difesa del Cittadino and Legambiente, Italia a Tavola 2013.

³ Source: Adiconsum, Centro Studi Consumi 2.0 and Federation of European consumer associations Report "Sicurezza Agroalimentare: motore di sviluppo sostenibile/Agri-food Safety: a driving force behind sustainable development", 2014, cit.

L' **Italian Sounding** – unlike true counterfeiting – is difficult to sanction criminally because in the various markets in which it is used, manufacturers act within legal bounds – often availing themselves of the experience and production know how of Italian immigrants. In fact, the phenomenon is more widespread in countries in which large numbers of Italian immigrants settled and where they are more deeply rooted. The presence of imitation products is one of the main causes of the reduction of Italian exports as a percentage of turnover because it allows local companies to obtain a competitive advantage that they do not deserve, producing at lower costs but placing the product in the upper price range thanks to the Italian sounding name. ●○●

For example, the most common type of this phenomenon has been, at the start of emigration, the setting up of companies with the same production done in Italy by expatriates in the new countries. Subsequently, over time, new products have been created with brands that sound like Italian names. In many cases, the descendents of Italian émigrés have simply used (or still use) their Italian last name as a brand for products which, in fact, no longer have any relation to the original ones.

The *Relazione sulla contraffazione nel settore agroalimentare della Commissione parlamentare di inchiesta sui fenomeni della contraffazione/Report on fraud in the agrifood sector by the Parliamentary investigative committee on counterfeiting phenomena* states that at the global level it is estimated that the turnover for **Italian Sounding exceeds 60 billion euros per year** (164 million euros per day), a figure that is more than 2 times the current value of Italian agri-food product exports **(26 billion euros in 2013)**.



According to the Report, North America and Europe are “hotbeds” of **Italian Sounding**: in North America, overall turnover stands at 24 billion euros compared to circa 3 billion euros for genuine food product exports.

The counterfeiting of food products, together with Italian Sounding has an estimated turnover

that is extremely high:

- Globally: approximately €60 billion (a little less than half of the turnover of genuine products and more than twice the amount of Italian exports);
- Europe: €22 billion (compared to €13 billion in exports of genuine products)⁴.

WHAT DOES FOOD FRAUD INCLUDE?

THE 2 TYPES OF THE PHENOMENON

Counterfeiting a food product means passing off a product which in reality has different characteristics, usually of lower quality or even harmful and/or illicit as genuine (a PDO) or as having superior quality.

There are **2 types** of food counterfeiting



1. **Falsification** or adulteration of the **food product**.

This is the creation of a food product with ingredients that are different in quality or quantity than those normally used to create it or modified through the substitution, subtraction, addition of elements that normally compose it.

Art. 5 Law 283/1962 (Health regulations regarding the production and sale of food stuffs) prohibits the use of foodstuffs mixed with others of inferior quality or in any way treated in order to change the natural composition in the preparation or distribution for consumption: adulteration and variation of the components of the foodstuffs are prohibited.

⁴ CNAC, "Priorities in the fight against counterfeiting" n 2011, cit.; Directorate General for the fight against Counterfeiting – UIBM, Ministry of Economic Development, Report IPERICO 2014: The fight against Counterfeiting in Italy in the Agri-food sector 2009-2012.

2. Falsification of the brand or indication of the geographical origin or name of origin.

This is the affixing of false data on a food product or its package, or the illegal reproduction of a patented product according to which the food product itself is produced.

This type of food fraud is more widespread abroad and is often related to the phenomenon of *Italian Sounding*.

THE MAIN CASES OF FOOD FRAUD



The most counterfeited products are paradoxically the products that are the most representative of Italian agri-food production quality, a thankless acknowledgment of the production excellence of our country which, however, also testifies to the high level of business around imitation food products.

The most **“abused” products** and targeted by counterfeiters are the following⁵:

Wines:

- obtained from the fermentation of sugars other than those from grapes (procedure prohibited in Italy but allowed in other EU countries);
- addition of coloring;
- addition of methyl alcohol (methanol) to increase alcohol content;
- addition of illegal antioxidant rising preservatives such as boric and salicylic acids;
- addition of flavorings;

Oils:

- addition of antifreeze (diethylene glycol) smoothness and body;
- quality inferior than that stated on the label;

⁵ Source: Carabinieri Health Protection Unit - Publication “Food fraud”, 2011; Directorate General for the fight against Counterfeiting - UIBM, Ministry of Economic Development, Report IPERICO 2014: The fight against counterfeiting in Italy in the agri-food sector 2009-2012.

- excess sulfur dioxide or alcohol level lower than that required.
- extra-virgin oil containing refined oils, both olive and seed oils;
- oils with analytical values that do not meet requirements established by community regulations;
- seed oils variously colored that may be sold as olive oil.

Honey:

- addition of sugars of other origin;
- sale of honey with a botanical origin different than the one declared;
- sale of non-European community honey as Italian honey.

Cheese:

- addition of fat, especially margarine, to obtain the quantity of lipids required by that particular cheese that the manufacturer wants to obtain;
- addition of potato starch or flour to increase the weight;
- addition of pectin and vinyl gum to soft cheeses to give them greater compactness;
- addition of formaldehyde to hard cheeses as a disinfectant to mask manufacturing defects due to the use of poor quality milk;
- sale of cheeses with different provenance, perhaps foreign, as typical or Protected Designation of Origin PDO;
- sheep cheese containing more or less high percentages of cow's milk;
- cheese obtained with reconstituted powdered milk (permitted in some countries);
- attributing the name of PDO cheese to common cheeses;
- addition of coloring or mineral substances.

Mozzarella:

- use of "low-fat industrial casein" or "powdered milk for zootechnical use;"
- in mozzarella with typical, **protected or guaranteed name of origin curds** of foreign origin are used (Lithuanian, Hungarian, Polish curds or from other EU countries);
- buffalo-milk mozzarella containing varying percentages of cow's milk.

Milk:

- watering down;
- fat content different than that declared on the label;
- addition of hydrogen peroxide to reduce high bacterial content;
- marketing of milk for newborns containing genetically modified soy protein;
- rehabilitation treatments not permitted;
- use of soured milk neutralized with the addition of alkalis;
- fresh milk obtained from previously pasteurized milk;
- use of reconstituted powdered milk (with powdered milk for zootechnical use);
- milk that has been pasteurized more than once;
- improper use of wording such as “natural,” “organic” or “eco” that infers organic production methods in products for products that are entirely conventional.

THE MAIN CASES OF ITALIAN SOUNDING

In addition to true counterfeiting, there are many examples of *Italian Sounding*. The first Report on agri-food crimes in Italy/Rapporto sui crimini agroalimentari in Italia prepared by Eurispes Coldiretti identifies several, for example:

- Imitations of **Parmigiano Reggiano** or **Grana Padano** sold legally as **Parmesan** (USA), **Parmesanito** (Argentina), **Parmesao** (Brazil) or **Parma** (Spain);
- imitation of **Balsamic Vinegar of Modena PGI**;
- pasta is imitated in the world with the following names: **spaghetti napoletana**, **pasta milanese**, **tagliatelle** and **capellini milaneza** produced in Portugal, **Ronzoni linguine**, **risotto tuscan** and many others;
- **Pompeian olive oil** is the name of an oil produced in Maryland;
- **German Cambozola** calls to mind **Milanese Gorgonzola**;



- sauce condiments, worthy of note are **peeled tomatoes ‘grown domestically in the Usa,’** the Chinese hillside little **tomatoes and Bolognese sauce** in Australia;
- **Trieste Italian roast espresso coffee** is produced in California in a package with the colors of the Italian flag.

The report *Sicurezza Agroalimentare: motore di sviluppo sostenibile/Agrifood safety: a driving force behind sustainable development,*” prepared by Adiconsum, the Centro Studi Consumi 2.0 and the Federation of European consumer associations in a section named *Fraud: Made in Italy and Italian sounding* lists **egregious cases**. The Report mentions the first criminal conviction for fake Made in Italy products against a Chinese tomato paste reconstituted with water or folkloristic wine and cheese kits (do-it-yourself kits, sold online, to reproduce famous wines and typical Italian cheeses at home).

The Report puts forward **proposals to fight** fraud and **Italian Sounding**. In particular, it proposes to “*use regulations, international agreements for the protection of correctness in trade relations, consumer information, certification, repression carried out by police forces in the real market as well as the virtual one on the Internet.*” The Report also indicates interesting initiatives such as “*Italcheck, based on certification offered by Agroqualità (a company for quality certification in the agri-food industry, editor’s note): through the Quick Response Code (the two-dimensional code containing information that can be read by smart phones, editor’s note) indicated on the product, the consumer with phone can verify in real time, in any part of the world and in his own language, whether the product is truly Italian and the traceability of the production chain.*”

REGULATORY REFERENCES

THE QUALITY PACKAGE

On 3 January 2013, **regulation** (EU) 1151/2012 on quality schemes for agricultural products and foodstuffs, the **so-called “Quality Package”, entered into force**. This was the reform of the European agri-food quality system with faster registration procedures, new quality schemes and protection mechanisms.

The following definitions are found in the **Regulation**:

designation of origin: identifies a product originating in a specific place, region or country, whose quality or characteristics are essentially or exclusively due to a particular geographical environment with its inherent natural and human factors; the production steps of which all take place in the defined geographical area;

geographical indication: identifies a product originating in a specific place, region or country, whose given quality, reputation or other characteristic is essentially attributable to its geographical origin and at least one of the production steps of which take place in the defined geographical area;

traditional specialities guaranteed: identifies a product or foodstuffs obtained from a mode of production, processing or composition corresponding to traditional practice for that product or foodstuff, or is produced from raw materials or ingredients that are those traditionally used. For a name to be registered as a traditional speciality guaranteed, it shall have been traditionally used to refer to the specific product; or identify the traditional character or specific character of the product.

According to the 2014 report on Italian PDO, PGI, TSG agri-food production prepared by the Fondazione Qualivita and Ismea, **Italy remains the global leader in the field for the number of certified products**, with 269 products listed in the EU registered, of which 161 PDO, 106 PGI and two TSG (data as at 30.11.2014). Total production amounts to 1.27 million tons, of which more than one third exported for a value of circa €2.4 billion, up 5%; **€6.6 billion in turnover** at production and circa €13 billion in turnover at retail (2013 production).

HERE ARE SOME OF THE MAIN NEW ASPECTS OF THE “QUALITY PACKAGE:”

- the establishment of a scheme on the optional indication of quality, among which the designation as **mountain product**;
- a protection system among which provide for ex **officio protection**, or the principle that Member States have clear obligation to take the appropriate measures to prevent or stop the unlawful use of GIs, designating the Authorities that are responsible for taking these steps in accordance with procedures determined by each individual Member States. Therefore, it is no longer necessary for a complaint to be filed for the protection process to be implemented for a product recognized at the community⁶ level.

Fines and safeguards

Legislative Decree 297/2004 already established **pecuniary administrative** sanctions for counterfeiting and usurpation of properly registered PDO or PGI, utilization of false or misleading indications regarding provenance, origin, nature and essential qualities of foodstuffs. For manufacturers: the pecuniary administrative sanction was set at **50,000 euros**.

The subsequent **law 99/2009**, at Art. 15 made changes to articles 473, 474, 517 of the Penal Code and introduced the new articles 474-bis, 474-ter, 474-quater, 517-ter, 517-quater and 517-quinquies: specifically, the new **art. 517-quater** provided for the introduction of the crime of counterfeiting of geographical indications or designation of origin of agri-food products, punished with up to **2 years in prison and a fine up to 20,000 euros**.

The law prohibits the adulteration or corrupting of water or substances to be used in food products making them dangerous for public health and counterfeiting, in a way that is dangerous for public health, foodstuffs intended for sale. Said crime is established in **Art. 440 PC** and is punished with: 3 to 10 years in prison;

⁶ Source: Ministero delle politiche agricole, alimentari e forestali, Quality Package Datasheet, www.politicheagricole.it

and the following ancillary punishment:

- publication of the guilty sentence in one or more nationally distributed newspapers;
- interdiction for a period from 5 to 10 years from the profession, industry, trade or job in the sphere in which the crime was committed, that is to say the prohibition of exercising said profession, industry, trade activity, job.

Said conduct (adulteration or corrupting of substances) is punished as food fraud to the detriment of public health, if committed prior to the food products being distributed for consumption; while once the products have been made available for sale, charges for crimes against the person, such as personal injury and homicide, shall apply.

Since “foodstuffs” are intended as directly edible substances, or capable of becoming such through preparation processes (cooking, curing, canning, etc.), farm animals intended for consumption, once slaughtered, become substances for food consumption.

It is also prohibited to hold for sale, place on the market, distribute for sale said foodstuffs counterfeited in such a way as to be dangerous for the public health: this is a crime established by **Art. 442 PC**, that is punished with:

- 3 to 10 years in prison if the foodstuffs are intended for sale;

as well as the following ancillary punishment:

- publication of the guilty sentence in one or more nationally distributed newspapers;
- interdiction for a period from 5 to 10 years from the profession, industry, trade or job in which sphere the crime was committed.

and in especially serious cases, the following may also be imposed:

- the closure of the manufacturing plant or business;
- and revocation of the license.



TRACEABILITY OF FOODSTUFFS

The traceability of foodstuffs was **established as a tool for food safety**.

To trace signifies **the description of the path of a raw material or production lot through the passage from one business entity to another, within the production chain**. Essentially, parallel to the flow of goods, there is a flow of information that is recorded and stored at every passage.

Reg. (EC) 178/2002 lays down the so-called “traceability procedure,” defining it as the *“possibility of reconstructing and following the path of a foodstuff, feed or animal intended for food production or a substance intended for or capable of becoming part of a foodstuff or feed through all the production, transformation and distribution steps.”*

Each passage from the hand of one operator in the production chain to another requires the registration of the foodstuff or it must be accompanied by the registration of the incoming products, allowing the company that places the finished product on the market to be able to go back to the origin of the raw materials.

The company that places the final product on the market is obliged also to “create” distinctive codes for each production lot that is placed on the market, containing information on the production date and ingredients used; moreover, the delivery of each lot to the final distributors (for example, supermarkets) shall be registered.

From 1 January 2006, with the entry into force of the **“Health Package,”** the obligation of traceability was extended to all food sector operators. The minimum requirements for the application of traceability by food sector operators were specified in the Agreement on 28 July 2005 between the Government, Regions and Autonomous Provinces (“Guidelines for the purpose of tracing foodstuffs and feed for the purpose of public health”). **With Implementing Regulation (EU) 931/2011** - in effect since July 2012 - the Commission set the specific requirements on the matter of traceability as regards food of animal origin.

In May 2013, the European Commission adopted the proposal for the reform of the **Health Package “Smarter Rules for Safer Foods.”** According to the EU executive “the regulatory package responds to the need to simplify legislation and adopt smarter rules that make it possible to reduce administrative costs for operators as well as simplifying the regulatory environment.” In particular, new aspects regarding official inspections, animal and plant health and simpler rules for placing seeds and other vegetable reproductive material on the market have been established.

The EU Commission foresees that the regulatory package will take effect in 2016.

THE COMMUNITY REGULATION ON LABELING

Important new aspects on food labeling were introduced with the publication of **Regulation (EU) 1169/2011** on the provision of food information to consumers in the Official Gazette of the European Union on 22 November 2011. Said regulation introduced the obligation to indicate basic nutrition information and impact on health (**mandatory as of 13 December 2016**), **requiring the highlighting of any allergens**, establishes the **prohibition of any misleading indications** and a **minimum font size** to make the labels easier to read. **Furthermore, the obligation to indicate the origin of foodstuffs on labels was extended to swine, sheep, goat, and poultry meat**, whether they are fresh, chilled or frozen. The regulation applies to all products intended for use and administered to the final consumer but not to prepackaged products in the sales outlet.

The Regulation, having established transitional stages, assigns the European Commission the task of verifying the costs and appropriateness of extending the mandatory indication of the country of origin or place of provenance for meat utilized as an ingredient (2 years), the type of meat for which it is still not mandatory to indicate the country of origin and milk and milk byproducts and other categories of foodstuffs.



The new aspects introduced include the following:

- **the mandatory nutrition declaration, energy content and percentages of fat, saturated fat, carbohydrate, sugar, protein and salt** must be indicated together and in the same visual field on the packaging, if appropriate, in an easy-to-read chart. All the information must be expressed per 100 g or per 100 mL and may, in addition, be expressed per portion. Wine will be among the exempt products.
- **highlighting the presence of allergens:** the new regulation establishes different ways for indicating the allergenic substances that must be highlighted (in different colors or in bold print) in the list of ingredients to allow the consumer to more easily identify them in the foodstuffs. The new rules also establish that the information on allergens must be provided for non-prepacked foods, for example those sold in by mass caterers.
- **the prohibition of misleading indications on packages:** consumers must not be misled by the presentation of food packaging, regarding appearance, description and graphic layout, that must be made more easily understood. Regarding food imitation, it has been established that food similar to others, but produced with different ingredients, must be easily identifiable. Fish that seems to be a single piece but is actually obtained from the combination of several fish parts, obtained through the use of other ingredients among which additives and food enzymes, must be indicated as “formed fish.”
- **a minimum size for making labels legible:** without prejudice to the metrology, the mandatory wording on labels must have minimum font sizes no less than 1.2 mm (taking as reference the lowercase “x”), or 0.9 mm if the packages have a surface area of less than 80 cm². If the package surface area is less than 10 cm², the package may indicate only the main information (sales name, allergens, net weight, date of minimum durability, etc.) placed in the most favorable position.
- **date of minimum durability for foodstuffs:** the use by or best before date must also be on individually packaged products even if they are part of a multiple package.

- **origin:** The indication of the country of origin or place of provenance is mandatory in the case in which the omission of said indication may mislead the consumer. We emphasize that “origin” intends the place where the product underwent the final substantial transformation and “provenance” as any place indicated such as that from which the foodstuff comes, but is not the country of origin. With the application of art. 26 **(Country of origin or place of provenance)** *“Italian Sounding of European origin should be stamped for those cases in which information (also visual) that accompanied the foodstuff could lead the consumer into error as regards the effective provenance of the product”.*

The regulations has started on **13 December 2014**, while for the mandatory nutritional declaration the date is **13 December 2016**. The indication of the origin and for swine, ovine, goat and fresh or frozen poultry meat shall become effective starting on **1 April 2015**.

MANDATORY INFORMATION IN ACCORDANCE WITH THE NEW REGULATION (EU) 1169/2011

- **name of the food;**

“formed meat” and “formed fish” are two of the new specific indications that accompany the name. They indicate products which may give the impression they are made of a whole piece of meat or fish but are actually composed of different pieces that are combined together by other ingredients including food additives and food enzymes

- **list of ingredients;**

there are many new aspects in the list of ingredients. The main ones include the following: all ingredients in the form of engineered nano materials must be indicated with the wording “nano;” for vegetable oils and fats, the origin of the oil itself must be indicated (peanut oil, palm oil, etc.);

- **any ingredient or processing aid listed that causes allergies or intolerances;**

in the list of ingredients, allergens are emphasized with fonts distinguished by color, shape, etc;

- **the quantity of certain ingredients or ingredient categories;**

the indication of the quantity of an ingredient or category of ingredients utilized in the making or preparation of a food is required in a number of cases, for example when the ingredient is included in the name of the food or generally associated to said name by the consumer;

- **net quantity of the food;**

- **the date of minimum durability or use by date;**

- **any special storage conditions and/or conditions of use;**

- **name or company name and address of the food business operator;**

the food business operator responsible for the food information is the operator with whose name or business name the product is marketed or, if said operator is not established in the Union, the importer in the Union market;

- **country of origin or place of provenance;**

mandatory in the event in which the omission may mislead the consumer regarding the actual country of origin or place of provenance of the food;

- **instructions for use where it would be difficult to make appropriate use of the food in the absence of such instructions;**

- **with respect to beverages that contain more than 1.2% of alcohol by volume, the actual alcoholic strength by volume;**

- **nutrition declaration;**

in effect as of 13 December 2016.

ORIGIN OF MEATS

Subsequent to **Regulation (CE) no. 1337/2013** as of **1 April 2015**, the new provisions began as regards the indication of the **country of origin** or **place of provenance** of fresh, chilled or frozen swine, sheep, goat and poultry meats.



In particular, if the meat has been obtained from animals born, reared and slaughtered in a single Member State or third country, the indication reads **“Origin: (Member State or third country name)”**.

Otherwise, it is necessary to distinguish the place where it was reared from that where it was slaughtered, as follows (**“Reared in: ...”**; **“Slaughtered in:...”**). These indications follow different criteria based on the animal species:

- **swine**: in case the animal slaughtered is older than 6 months, the Member State or third country in which the last rearing period of at least 4 months took place; in the case the animal slaughtered is younger than 6 months and with a live weight of at least 80 kg, the place in which the rearing took place after the animal reached 30 kg; in case the animal slaughtered is younger than 6 months with a live weight less than 80 kg, the Member State or third country name in which the entire rearing period took place;
- **sheep and goats**: the Member State or third country in which the last rearing period of at least 6 months took place or, in case the animal is slaughtered younger than 6 months, the Member State or third country in which the whole rearing period took place;
- **poultry**: the Member State or third country in which the last rearing period of at least one month took place or, in case the animal is slaughtered younger than one month, the Member State or third country in which the whole rearing period after the animal was placed for fattening took place.

Where the rearing period referred to in point (a) is not attained in any of the Members States or third countries where the animal was reared, the indication referred to in point (a) shall be replaced by **‘Reared in: several Member States of the EU’** or, where the meat or the animals have been imported into the Union, by **‘Reared in: several non-EU countries’** or **‘Reared in: several EU and non-EU countries.’**

DAMAGE CAUSED BY COUNTERFEITING



Food fraud generates economic **damage to consumers**, businesses, the State, but also to **public health** since foods containing harmful substances may be placed on the market.

In fact, in case of fraud regarding the origin or provenance of a foodstuff, the latter may not necessarily be toxic while in the case of fraud regarding the quality of the foodstuff and the counterfeiting of substances used to produce it, consumers may find themselves faced with potentially harmful substances.



The foodstuff has been counterfeited if:

- it has been made without compliance with safety, quality and efficacy standards;
- it may utilize correct ingredients but from unknown provenance;
- some important ingredients may be missing or may have been replaced with less expensive ones.

The counterfeit foodstuff may be seriously harmful to your health.

Damage to reputation is particularly significant as regards different quality operators and fields of agrifood production, from consumers to producers. The damage in question *“occurs due to the likely failure of the product to meet quality and taste expectations of consumers. Buying a poor quality product will in many cases discourage the consumer from also buying genuine” foods and wines*.⁷

The distribution of counterfeit products occurs mainly through 2 channels: the clandestine circuit and the usual sales circuit.

⁷ Source: Adiconsum, Centro Studi Consumi 2.0 and Federation of European consumer associations Report “Sicurezza Agroalimentare: motore di sviluppo sostenibile/Agri-food Safety: a driving force behind sustainable development”, 2014, cit.

- **Clandestine circuit:** this is organized, by definition, outside the regular market, or **unauthorized**.
- **Sales circuit:** this is the sales market channel of genuine products, where counterfeit products are sold alongside genuine ones. In this channel, the risk for consumers is greater because it is precisely the fact that the official sales channels are trusted to sell genuine products.

Food safety and environment are 2 strictly correlated aspects because the raw materials of the agri-food production chain are taken from the environment. Environmental damage, such as the leakage of toxic waste and pollution of water resources, have a direct effect on the level of food safety. But the opposite is also true. Think about the banned sale of undersized fish products or the use of forbidden and polluting chemical substances in agriculture. This is some of the damage that illegal activity in the food sector may wreak upon the environment.



GUIDELINES

How to avoid counterfeit goods

- understand and carefully read the **labels**;
- pay attention to the **provenance**;
- pay attention to the **quality/price** ratio;
- use caution in door-to-door, online and street vendor purchases. It is important that **the vendor is always identified** in a transparent manner;
- if you purchase a PDO, PGI, TSG or organic product, you should always check that the **European reference logo** is on the product;
- work together with the **competent control** bodies by reporting anomalies;

WHAT TO DO IN CASE OF COUNTERFEIT GOODS

The first step towards protecting consumers from the counterfeiting of all products is the clear understanding of their rights and powers. *European policy for consumers relies strongly on the concept of **consumer empowerment** “as an elective tool for protecting their legitimate rights and interests, states the report Agrifood Security: a driving force behind sustainable development⁸. **What powers do consumers have?** “The power to choose the food they buy, the power to report products and practices that violate the law, the power to sue the producer or seller that causes damage or commits fraud against them.”*

⁸ Source: prepared by Adiconsum, Centro Studi Consumi 2.0 and the Federation of European consumer associations.

The awareness of these powers and the knowledge of products and the market are the starting point for self protection strategies for consumers. For example, it is important to know how **too low a price** for product should be a **cause for alarm for the consumer**. *“If a product on the store shelf has a price much lower than the average production cost for this category - states the aforementioned report *AgriFood Security: a driving force behind sustainable development*’ - it is probably a **poor quality product, or even an illegal product (counterfeited, adulterated, contaminated)**. Regardless of advertising, distribution, packaging and other costs that a company can cut to keep a competitive sales price, there is a threshold below which the sales price does not cover production and distribution costs under normal conditions, with raw materials, manufacturing processes, plants and personnel “up to standards.”*

If you purchase a suspicious product, for example with a clearly falsified label or bloated packages or with signs of decay (for example, mold), the first thing to do is **not to eat it**.

Lastly, you must immediately contact the competent **health authorities** (see contact information Asl, Naf e Nas to pagg 27-28), and not throw the packaged product away in order to allow identification of the lot and therefore making it possible for authorities to proceed with **recall or product withdrawal actions**.



WHO TO CONTACT TO PROTECT YOURSELF

If a buyer has reasonable doubt that he/she has unknowingly purchased a counterfeit product, he/she can report the fact to the authorities or ask what the characteristics of the genuine product are and receive indications on how to conduct himself/herself after having purchased a counterfeit product.

Reports can also be made to the following:

**Directorate General for the Fight against Counterfeiting - I.P.T.O.
Ministry of Economic Development**

→ CALL CENTER

 | +39 06 4705 5800  | +39 06 4705 5750

From Monday to Friday from 9:00 to 17:00

 | contactcenteruibm@mise.gov.it

→ ANTI-COUNTERFEITING

 | +39 06 4705 3800  | +39 06 4705 3539

From Monday to Friday from 9:00 to 17:00

 | anticontraffazione@mise.gov.it

→ INFORMATION CENTRE

From Monday to Friday from 9:30 to 13:30.

For afternoon appointments, contact the Call Center.

→ For more information, **consult the WEB** at the following addresses:

www.mise.gov.it

www.uibm.gov.it

Customs Agencies

→ F.A.L.S.T.A.F.F. PROJECT

Created and launched in 2004, project FALSTAFF aims at promoting the circulation of genuine goods, conforming in quality and safety, in order to ensure free-market competition. The project FALSTAFF team can be contacted at the following address:

 | dogane.falstaff@agenziadogane.it

Carabinieri Health Protection Unit - (N.A.S.) Anti-contamination and Health Squads (at the Ministry of Health)

The fundamental characteristic of the unit is its role within the Ministry of Health in which the military personnel have the power - by decree -to act as Health Inspectors; powers that legitimize its operations in all those places where there is the production, serving, storage or sale of products destined for human consumption.

→ N.A.S. throughout the country:

Gruppo Carabinieri per la Tutela della Salute di Milano Northern Italy:

 | +39 06 59944 319

Gruppo Carabinieri per la Tutela della Salute di Roma Central Italy:

 | +39 06 59947 111

Gruppo Carabinieri per la Tutela della Salute di Napoli Southern Italy

 | +39 06 59944 340

To find the closest unit to you, visit the following link:

www.carabinieri.it/cittadino/tutela/salute/organizzazione-e-compiti/n-a-s-sul-territorio

Carabinieri Agricultural and Food Policies Unit - (N.A.C.) Carabinieri Antifraud Squad (at the Mipaaf)

This is a specialized unit within the Carabinieri with the task of fighting “crime in agriculture,”

in every aspect in the agricultural and food sectors, for the protection of both business operators and consumers

The Carabinieri Agricultural and Food Policies Unit places specialized personnel at the disposal of consumers for help in all matters relating to the sector at the toll-free number:

 | **800 020320** in operation 24 hours a day.

Corpo Forestale dello Stato/State Forestry Service - (N.A.F.) Agri-food and Forest Squad (at the Mipaaf)

Investigative and control operations are coordinated at the central level by the 2nd Division of the Inspector General of the Corpo forestale dello Stato with the Agri-food and Forest Squad (N.A.F.), a highly specialized central unit active in the fight against crime in the agri-food field and the counterfeiting of quality products.

Contact email:

 | **divisione02@corpoforestale.it**

Local Health Authority Prevention Departments

Regarding the inspection operations of the National Health Service, the Food Hygiene and Nutrition Departments and the Veterinary Departments of the Local Health Authority prevention Departments conduct inspections of diverse operators along the agri-food production chain from primary producers to retailers to transport. Consumers may contact the competent Offices at their local Health Authority.

Guardia di Finanza

→ S.I.A.C. Project

The Sistema Informativo Anti-Contraffazione/Anti-Fraud Information System (S.I.A.C.) is a project co-funded by the European Commission and assigned to the Guardia di Finanza by the Ministry of the Interior, in confirmation of the central role played by the Corps in the specific operating sector.

The initiative was launched based on the acquired awareness that in order to tackle the multidimensional and transversal illicit phenomena and such as counterfeiting and fraud, it was necessary to “create a system” among the institutional components and players working in the fight against the “fraudulent product industry.” Starting from this premise, the project was created as a multifunctional telematics platform comprising several applications that perform the following functions:

- information for consumers;
- collaboration between institutional players and, in particular the police forces, and among these, Municipal Police Forces;
- collaboration between the institutional components and companies.

The Sistema Informativo Anti Contraffazione/Anti-Fraud Information System website is administered by the staff of the Nucleo Speciale Tutela Mercati/ Special Market Protection Squad, under the command of the Special Division Command of the Guardia di Finanza.

You can contact the S.I.A.C. staff at the address:



| **+39 080 5882221**



| **siac@gdf.it** or call the number

Central Inspector Department the protection of quality and suppression of fraud (at the Mipaaf)

The Central Inspector Department for the protection of quality and suppression of fraud in agrifood products has jurisdiction in matters relating to the following:

- prevention and suppression of violations in the preparation and sale of agri-food products and production means for the primary sector;
- oversight of registered quality production that derive from community and national legislation;
- monitoring programs to fight the illegal sale of agri-food products brought in by Member States or third-party countries and fraud that generates unfair competition between operators and support and assistance in operations supporting production hit by market crises.
- Contacts:



| **+39 0646656610**



| **icqrf.segreteria@politicheagricole.it**

ADDENDUM

AGRIFOOD PRODUCTS LABELING DATA SHEETS

WHAT YOU SHOULD CHECK ON THE LABEL

Based on the aforementioned information regarding regulations in force (regulation [EU] 1169/2011), this section summarizes the **main** characteristics of labels on several agri-food products regularly consumed. The indicated specifications follow the current application of legislation in force, while awaiting that further effects of the regulations are rendered effective by national transpositions and European implementing laws.

12 data sheets dedicated to individual products, indicate information useful for consumers during the purchase, to be checked on the packaging label, such as **mandatory indications, specifications on the names of the foods, certifications and geographical indications.**

- Spirit drinks (spirit based)
- Organic product
- Swine meats
- Chocolate
- Preserved foodstuffs
- Sweets
- Cheese
- Bread
- Pasta
- Salami
- Fruit juices

Food name			
Nutritional Value			%
Energy value	kcal	70.6	3.5
Carbohydrates	g	10.4	2.1
Protein	g	2.7	0.5
Fats	g	2.1	0.9
Fiber	g	2	8

Made in:
Locality

Best Before

SPIRIT DRINKS

(SPIRIT BASED)

Spirit drinks are products of excellence in the Italian agri-food panorama and are part of the culture centered around quality and responsible consumption. By definition, they have special organoleptic characteristics and a minimum of 15% alcohol strength by volume. Spirit drinks are produced both directly through distillation, maceration or the addition of flavourings, and through the blending of a spirit drink with another drink, ethyl alcohol of agricultural origin and/or distillates of agricultural origin, and/or spirit drinks. The regulatory guideline for spirit drinks is **Regulation (CE) no. 110/2008** that contains a classification by category (Grappa, Italian brandy, Cognac, etc.). Spirit drinks are subject to excise duties on ethyl alcohol pursuant to the Unified Law on excise duties. In order to be sold in bottles, they must have the special tax stamp affixed.

Sales name

Spirit drinks may be sold if they are listed in one of the 46 categories in Annex II to **Regulation (CE) 110/2008**. The products that do not meet the specifications of one of the aforementioned categories are sold with the generic name “spirit drink.” The sales names may be supplemented or replaced by a geographical indication as long as they do not mislead consumers.



Labeling and presentation

Spirit drinks are subject to general regulations on the presentation and labeling of foodstuffs. However, the regulation provides for specific labeling and presentation rules.

Mandatory indications (in addition to the specific provisions in **regulation (EU) no. 1169/2011**:

- sales name;
- alcoholic strength expressed in % vol. whenever it is greater than 1.2% vol.;
- nominal volume;
- name or company name or registered brand and the headquarters of the manufacturer or packager or vendor established in the EU ;
- location of the production or packaging plant (at the writing of this report, indication was optional);
- allergens, understood as an ingredient utilized. These are specifically excluded from the obligation in case of spirit drinks: grains containing gluten, whey, nuts, whenever used for the production of the distillate or alcohol of agricultural origin;
- wording for identifying the production lot that allows its traceability;
- place of origin or provenance, in the case in which the omission may mislead the consumer regarding the origin or provenance of the product;
- pursuant to Regulation 1169/2011, the list of ingredients or mandatory nutritional declaration are not mandatory for drinks with an alcohol content greater than 1.2% by volume.

The duration of the aging or age may be specified only if the aging has been done under fiscal control or equivalent. **Regulation (CE) no. 178/2002** lays down a general system for the traceability of foodstuffs and in order to proceed with, if necessary, targeted, precise recalls or provide information to consumers or officials in charge of monitoring.



Geographical indications

The geographical indication identifies a spirit drink as originating in an area or region of a country or a location inside said territory, when a determined quality, reputation or other characteristic of the spirit drink is essentially attributable to its geographical origin. The most famous Italian geographical indications are Grappa and Italian brandy.

- **“Grappa”**: a name reserved exclusively for the grape marc spirit made from raw materials obtained from grapes produced and vintaged in Italy, distilled in distilleries located in the country. The mandatory bottling shall be required as of 1 January 2015 (Ministerial Decree 19 June 2014). The term “Grappa” may be completed by the reference to the name of a varietal, the names of not more than two varietals, the name of a PDO, GPDO or TGI, the distillation method, continuous or discontinuous and the type of still. The use of the terms “old” or “aged” is allowed for grappa that has been aged for at least 12 months or the use of the terms “reserve” or “stravecchia” for grappa that has been aged at least 18 months, both under fiscal supervision.
- **“Italian brandy”**: a name reserved for brandy obtained in Italy from the distillation of wine coming from grapes grown and vintaged in the country. To be placed in the market for consumption, “Italian brandy” must have an alcohol strength no lower than 38% by volume and must age, under fiscal supervision, for at least 12 months in oak casks or 6 months if the capacity of the casks does not exceed 1000 litres.

ORGANIC PRODUCT

Definition of organic product:

All products that meet the standards established by **Council Regulations (EC) 834/07 and 889/08**. Organic production may be defined as “an overall system of farm management and food production that combines best environmental practices, a high level of biodiversity, the preservation of natural resources, the application of high animal welfare standards and a production method in line with the preference of certain consumers for products produced using natural substances and processes,” as is stated in **Regulation CE) 834/07**.



Organic product label

recognized by the label with the so-called “Euro-leaf,” the European logo that must be affixed to packaged and labeled products. **Only those products with at least 95% of the product with an organic agricultural origin may carry this label.** Alongside the logo, there is the code of the control body authorized by the Italian Ministry of agricultural, food and forestry policies- and the indication of the place in which the agricultural raw materials of which the product is composed were grown (**EU Agriculture; non-EU agriculture, EU/non-EU agriculture**).

SWINE MEATS

As of 1 April 2015, new regulations on the indication of origin on labels shall be required for swine products.

Mandatory indications:

- sales names such as species, category and cut;
- lot;
- date of minimum durability;
- method of storage;
- company name and location of the production plant;
- identification mark of the selection and packaging plant.



CHOCOLATE

The main regulatory guidelines for the label of chocolate are the following: **Directive (EC) 2000/36**, transposed in Italy with **Legislative Decree 12/6/2003**, no. **178** and the general labeling rules established by **Legislative Decree 109/92** now updated with the **Regulation (EU) 1169/2011**.

Indications

- the legal sales name that indicates the **exact type of chocolate** that the consumer is buying (chocolate, milk chocolate, white chocolate, gianduja, praline, etc.);
- the term “**superior**” is an expression relative to quality criteria (there are others such as:



fine, extra fine, extra, etc.) that may be utilized when the content of the main ingredients is higher than the basic recipe;

- for some types of chocolate, the expression “**minimum cocoa ...%**” indicates the amount of dry cocoa matter;
- **the list of ingredients** that indicates the components of the product listed in a descending order of predominance;
- name or company name and address of the food sector operator responsible for the labeling information;
- the most suitable means for **storing the product**;
- **the term date of minimum durability**, that is the date until which the product maintains its specific properties at adequate storage conditions;
- the weight.

PRESERVED FOODSTUFFS

Mandatory indications

- sales name;
- lot;
- list of ingredients;
- date of minimum durability;
- storage methods is necessary;
- storage methods is necessary;



Sales name

- “**Jam**”: prepared with at least 35% fruit in general;
- “**Extra jam**”: prepared with at least 45% fruit in general;
- “**Marmalade**”: a preparation obtained from citrus fruits with a 20% minimum percentage of fruit;
- “**Jelly**”: a product made from fruit juice and/or aqueous extract with at least 35% of the same;
- “**Tuna or “canned tuna**”: only for canned tuna. It must be integrated by the indication of the packing medium utilized (e.g. “olive oil,” “water,” “vegetable oil”). The name may

also make reference to the commercial presentation of the product (e.g. entire, in pieces) at the conditions established by Council Regulation (EEC) no. 1536/92.

NOTE

For **pickled foodstuffs** and **foodstuffs preserved in oil**, one should remember that water, brine and vinegar are considered preserving liquids, that is the ancillary liquid only for the purpose of preserving the product. The quantity must therefore be expressed on the label relative to the total value and to the quantity of the drained product. Olive oil is not considered a preserving liquid, but it is optional to indicate the double quantity.

SWEETS

Mandatory indications:

- the **legal sales name** or a **description** of the product;
- the list of **ingredients** in descending order of predominance;
- name or company name and the address of the food sector operator responsible for the labeling information;
- the optional indication of the most suitable **storage method** for the product;
- the date of minimum durability;
- the weight.



NOTE

The main records guidelines for the labeling of sweets are: **Decree 22/07/2005** Ministries of Economic Development and agricultural, food and forestry policies - that regulate the production and sale of certain baked sweets: panettoni, pandori, colombe, savoiardi, amaretti and amaretti morbidi - and the general labeling rules established by **Legislative Decree 109/92** now updated with **Regulation (EU) 1169/2011**.

The products sold directly in the shops where the goods are made may be sold without label as long as there is a sign on the sales counter indicating the sales name and the list of ingredients. These indications may be legitimately provided also through a register

of the individual products affixed in the sales outlet and available for consultation by customers.

CHEESE

There are many types of cheese and just as many names according to the classification based on the texture, percentage of fat, raw material and aging. The mandatory information includes.

Mandatory indications

- sales name;
- lot;
- name and location of the company responsible for sales;
- identification mark of the production and packaging plant;
- use by date and date of minimum durability;
- quantity.



NOTE

Fresh cheese made with the “pasta filata” method may be sold only if specially prepackaged at the origin, unless they are sold directly at the cheese factory.

BREAD

Sales name (law 580/67)

- **“Bread:”** a product obtained from the total or partial cooking of an appropriately raised dough, prepared with grain flour, water and yeast, with or without the addition of table salt. The law defines the name also on the basis of the type of flour utilized, for example “Type 00 bread,” “Type 0 bread,” “semolato bread”, etc. The commercial name may be added to this wording.



NOTE

Special bread must be placed on the market with the wording that indicates the added ingredient. If more than one ingredient has been added, the wording must indicate this in a descending order of predominance based on the quantity in proportion to total weight. The sale of special bread with the generic name of seasoned, fattened or improved bread is prohibited.

Fresh bread sold in bulk is exempt from the obligation to indicate the date of minimum durability because it is assumed that it will be consumed within 24 hours following baking.

PASTA

Sales name (Presidential Decree 187/2001)

- **“Durum wheat semolina pasta” e “Durum granular wheat pasta”:**
products obtained from the extrusion, rolling and subsequent drying of the dough prepared respectively and exclusively with: durum wheat semolina and water or with durum granular wheat and water;
- **“Whole durum wheat pasta”:** product obtained from the extrusion, rolling and subsequent drying of the dough prepared exclusively with whole durum wheat semolina and water;
- **“Egg pasta:”** product made exclusively with semolina and at least 4 whole chicken eggs, without the shell, for a total weight not less than 200 g of egg per kilogram of semolina. The eggs may be replaced with an equivalent amount of liquid egg product made exclusively with whole chicken eggs.



NOTE

Those listed are the “sales names,” always mandatory on the label. The commercial names with which pasta is usually defined (such as fusilli, spaghetti, tagliatelle, etc.) are optional;

On the packages of pasta, there is the date of minimum durability while for fresh pasta, both sold in bulk and packaged, a more specific date is required, the use by date.

SALAMI

Salamis are meat-based products, often packaged in natural or artificial casings.

Mandatory indications

- sales name;
- name, company name and address of the food sector operator;
- list of ingredients, in the descending order of predominance of the ingredients in the products;
- date of minimum durability or use by date;
- identification mark of the selection and packaging plant;
- lot;
- storage method.



NOTE

Indication of the origin of the raw material from a well-defined area in the production guidelines is mandatory only for PDO salami.

FRUIT JUICES AND DRINKS



For fruit juices and drinks, one should know the differences between the various names:

- **“Fruit juice:”** the product, obtained from the edible part of healthy and ripe fruit, fresh or chilled, belonging to one or more types with the color, aroma and taste characteristic of juices from the fruit from which it comes;
- **“Fruit juice from concentrate”:** a product obtained by reconstituting the concentrated fruit juice with the water extracted at the time of its concentration as well as, if it is the case, the flavouring, pulp and cell types lost in the concentration process of the juice in question;
- **“Fruit drink”:** obtained by adding water to fruit juice or purée, even concentrated. The addition of sugar or honey to these products up to a maximum of 20% of the total weight is optional. The fruit drink must have a minimum amount of juice and/or purée, that ranges from 25 to 50%. The effective amount of juice and/or purée

must be indicated on the fruit drink label with the indication “minimum... % fruit”;

- **“Fruit juice and pulp:”** fruit drinks obtained exclusively from fruit purée;
- **the wording “from juice/concentrate”:** accompanies the sales name of juices and drinks obtained from concentrates;
- **the wording “from concentrate”** is also allowed for the aforementioned products, that may also contain fruit purée;
- **the wording “partially from concentrated juice”** or **“partially from concentrate:”**
In the case of blends of products obtained partially utilizing products from concentrate
- **the sales name is composed by the indication of the fruit utilized, in descending order of the predominance of the juices or fruit purées,** as indicated in the list of ingredients: if the product is made with one or 2 types of fruit (except for lemon and lime);
- **the wording “several kinds of fruit”:** if the types of fruit utilized are 3 or more, the indication of the fruit utilized may be replaced by this wording, by a similar indication or by that of the number of types utilized.

WINE

Wine is one of the most representative products of Italian traditional quality and the sector plays an important role in the agri-food economy. It is a very complex product as are the labels, rich in information and differentiated on the basis of the different names.

Mandatory indications

- sales name;
- identification of the bottler or producer and vendor in case of sparkling wines;
- importer in the case of imported wines;
- sugar content, in the case of sparkling wines;
- nominal volume;
- provenance;
- alcoholic strength;
- lot;
- presence of allergens;



- storage method.

Mandatory method for **indicating provenance (Commission Regulation (EC) 607/2009)**:

- **for non-PDO or PGI wines**, the indication is done with the words 'wine of (...)', 'produced in (...)', or 'product of (...)', or expressed in equivalent terms, supplemented by the name of the Member State or third country where the grapes are harvested and turned into wine in that territory;
- **blends of wine from different States**: "wine from the European Community" or equivalent term, or "blend of wines from several countries in the European Community";
- **wines obtained from a blend of wines from more than one third country**: "blend of wines from several non-European Community countries" or "blend of wines from ..." supplemented by the names of the third countries;
- **wines produced in a Member State from grapes harvested in another Member State** 'European Community wine', or expressed in equivalent terms, or 'wine obtained in (...) from grapes harvested in (...)', supplemented by the names of the Member States concerned;
- **wines made in a third country from grapes harvested in another third country**: 'wine obtained in (...) from grapes harvested in (...)' citing the names of the third countries in question;
- **sparkling wines without name of origin**: 'wine of (...)', 'produced in (...)', 'product of (...)' or 'sekt of (...)', or expressed in equivalent terms supplemented by the name of the Member State or third country name where the grapes are harvested and turned into wine in that territory. The wording "'produced in (...)" may also be used;
- **wines with Protected Designation of Origin or Protected Geographical Indication**: 'wine of (...)', 'produced in (...)' or product of (...)', or expressed in equivalent terms, supplemented by the name of the Member State or third country name where the grapes are harvested and turned into wine in that territory;
- **transborder Protected Designation of Origin or Protected Geographical Indication**: only the name of one or more Member State(s) or third country(ies) shall be mentioned.

