

19/12/2017

## The Court of Appeal s'Hertogenbosch rules: Alpro is allowed to present its plant-based products as alternatives to dairy

**Breda, 19 December 2017 – Today the Court of Appeal of s'Hertogenbosch ruled that Alpro may continue to use references such as “alternative to dairy”, “variation to dairy”, “alternative to milk” and “plant-based alternative to yoghurt” or “alternative to yoghurt” when selling its plant-based food products. The Dutch Dairy Industry (NZO) had lodged an appeal following the October 2014 ruling. The court is also of the opinion that the fear of the NZO that the consumer would think that Alpro's products are not plant-based but dairy products is unfounded. Alpro makes it clear on every occasion that its products are plant-based and notes that the court also believes that there is no confusion about the nature of the products. In a similar case in Belgium, it has been confirmed that Alpro is allowed to present its soy-based plant-based products as alternatives to yoghurt and other dairy products.**

### Transparent communication, in the interest of consumers and Alpro

Alpro is satisfied with the court decision and feels strengthened in its conviction that the consumer receives correct information about his products. Consumers choosing Alpro's plant-based products do not make a random but a deliberate choice. They do so for various reasons – flavor, variation, out of principle, for their health or for the environment – and they know very well that it concerns plant-based products.

Alpro has never referred to its products as “milk”, “yoghurt” or “dairy” without further qualification, because its products are not made using cow's milk. A single mistake in the past with the designation “custard” and “cooking cream” was immediately rectified as soon as Alpro was aware of this and added the words “alternative” and “to be used as”.

With its soy products, Alpro offers a full-fledged nutritional alternative to dairy products and also clarifies this to the consumer by describing his products as “alternative to dairy”, “alternative to milk” and “plant-based alternative to yoghurt”. This means that the consumer knows exactly what to expect and how the products can be used.

Or as a quote from the judgment: *“If the reserved dairy denominations are used by Alpro in another way, then this use is - according to the decision of the European Court of Justice of 14 June 2017 - not as such contradictory to the stipulations of Regulation (EU) nr. 1308/2013.”*

And also: *“With Alpro, the court of appeal is of the opinion that usage of the word combination “(plant-based) variation to yoghurt” ... is not intended to use the reserved dairy denomination “yoghurt” as a denomination or as an indication for the relevant soy products, but that it is intended to express that its soy products constitute a plant-based alternative to the dairy product “yoghurt”.*

### No confusion between “milk”, “dairy” and “yoghurt” and their plant-based alternatives

Alpro in no way misleads consumers and does not at all want to pretend that its products are dairy products. Alpro stands for plant-based food, wishes to communicate clearly about this and with its messages wishes to distinguish itself as the plant-based alternative to dairy products.

*“In the first place, we want to provide the consumer with correct and clear information. We therefore do not give the impression that we produce milk, dairy or yoghurt”, says René van den Cruijsem, Commercial Manager at Alpro in The Netherlands.*

Also from the other information and illustrations that Alpro uses on packaging, in advertising and on websites, it appears that Alpro always has the intention to unambiguously state that it concerns plant-based products. Alpro is now once again confirmed by the judicial decision of the court of appeal and will continue to apply this consistently.

### **Consumers and Europe know the difference**

Alpro believes that consumers are underestimated. Consumers read the messages from Alpro in the right way and therefore know very well what they eat or drink. That is why the Dutch judge has put Alpro in the right before regarding the use of terms such as "plant-based variation to yoghurt".

*“The terminology used on our packaging clarifies which category our products belong to. When we introduce our products as an "alternative" to milk, dairy or yogurt, the consumer realizes only too well the difference between our products and the dairy products on the shelf,” says René van den Cruijsem.*

### **Plea for honest competition and mutual respect**

It is clearly not in Alpro's interest that its soy products would be mistaken for dairy. The company advocates honest competition between dairy and plant-based products and points at the importance of variation in food. There is room for both dairy and plant-based alternatives.

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#### **About Alpro:**

Alpro is the European pioneer of plant-based food for over 35 years, creating a broad choice of delicious plant-based drinks, alternatives to yoghurt and cream, desserts, margarines and ice cream, made from either non-GM soya, almonds, hazelnuts, cashew, rice, oats or coconut. Alpro products are known under the brands Alpro® and Provamel®.

Alpro, being part of Danone, has its head office in Ghent (Belgium), has more than 1200 employees in Europe and three production facilities in Belgium, France and the United Kingdom. Alpro markets its products in Europe and beyond with majority of its business in Europe and contributes to further growth of plant-based eating. Alpro realized a turnover of 555 million EUR in 2016 and continues its strong growth.

For more information go to [www.alpro.com](http://www.alpro.com)

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