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Swiss IP News We provide you with updates on new decisions, the relevant legislative process and other trends in the fields of intellectual property and unfair competition law from a Swiss perspective.



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Plant-Based Naming Under Pressure: Milk is Milk and Chicken is Chicken – Switzerland’s Federal Supreme Court Rulings and EU Developments

The debate on naming plant-based foods has recently taken a significant turn in both Switzerland and the EU. In two recent decisions, the Swiss Federal Supreme Court confirmed that protected food designations and animal species names may not be used for plant-based products. In early March 2026, the Council of the European Union and the European Parliament reached a provisional political agreement to reserve “meat” and certain meat-related terms for products of animal origin only, signalling a wider trend towards tighter controls on the naming of vegan and vegetarian substitutes.

Switzerland: Federal Supreme Court further tightens restrictions on plant-based naming

In its latest decision of 27 March 2026 ([2C_47/2025](#), not yet published), the Swiss Federal Supreme Court has confirmed a strict approach to the use of protected food designations, holding that the term “milk” may not be used in connection with plant-based products – even in a clearly negative or stylised form. The case concerned an oat-based drink marketed with the front-label statement “SHHH... THIS IS NOT M[*]LK”, while the product was correctly described as “oat drink” elsewhere on the packaging. Despite the clarifying nature of the statement, the Court upheld the prohibition. The Court found that the designation “milk” is legally reserved for products of animal origin and must not be used for vegan products under any circumstances, i.e. despite negative claims (“not milk”) or typographical variants intended to allude to the term and other clarifying claims. While the written grounds of the judgment are still pending, the Court’s press release refers, for its reasoning, to the earlier ruling [2C_26/2023](#) of May 2025.

Background: earlier case law on meat-related terms

In that earlier case ([2C_26/2023](#)), the Federal Supreme Court found that animal species names such as “chicken”, “pork” or similar references are reserved for meat related products and may not be used for vegan substitutes, even when the packaging clearly indicates that the product is plant based. This case arose from objections to names such as “*planted.chicken*”, “*veganes Schwein*” (vegan pork) and “*wie Poulet*” (like chicken).

The Court based its reasoning on the broader principle of Swiss foodstuffs law under which food labelling and presentation must not mislead consumers. According to the Ordinance on Foodstuffs of Animal Origin (**AFO**), the description of meat, meat preparations and meat products must contain a reference to the animal species from which the meat originates, combined with one of the designations listed in the AFO (such as “meat”, “meat preparation”, “meat products” or the industry-standard designations for these categories).

In accordance with the [Information Letter 2020/3.2](#) published by the Federal Department of Home Affairs (**FDHA**), the

Court ruled that the AFO designations on meat are not merely descriptive market terms but are reserved for products that comply with the corresponding legal requirements and derive from the respective animal species. Accordingly, these terms may not be used for vegan products, irrespective of any wording that highlights their plant-based composition, such as “planted chicken”.

European Union: political developments

Meanwhile in October 2025 in the EU, the European Parliament proposed a far-reaching restriction on the use of meat-related terms for vegetarian and vegan products. That proposal subsequently led to a provisional political agreement between the Council of the European Union and the European Parliament which, although more limited in scope, still signals a clear trend towards stronger protection of meat-related product names. According to the Council’s [press release](#), the agreement provides that terms such as “meat”, “chicken” and “beef”, as well as traditionally meat-related terms such as “steak”, “bacon” and “drumstick” are expected to be reserved for meat products. By contrast, designations commonly used for processed (meat) products, e.g. “burger” and “sausage”, shall not be covered by the restrictions. It should be noted, however, that the provisional agreement will still need to be endorsed by both the Council and the European Parliament, before being formally adopted and entering into force. The final scope of the restrictions therefore remains subject to change.

Comments

The newly published decision on “milk” reinforces and arguably intensifies the Court’s formalistic approach. By prohibiting even clearly non-misleading phrases such as “this is not milk”, the Court moves beyond preventing consumer confusion and towards a strict reservation of legally defined product names, irrespective of context or

consumer perception. Already the previous decision (2C_26/2023) has attracted criticism, as the Court’s approach may be questioned as overly rigid. It is hard to imagine that a consumer of average intelligence would genuinely confuse a product clearly labelled as “vegan meat” or “plant-based chicken” with an animal-derived product.

It might even be argued that combining an animal-related term with an explicit indication of the plant-based origin may enhance, rather than reduce, clarity. It makes clear that the product is not of animal origin, while at the same time informing consumers which familiar food the substitute is intended to resemble, in particular in terms of taste, texture and culinary use. This may in fact provide more meaningful guidance to consumers than alternative and less intuitive designations such as “Planted Nature” or “Planted Lemon & Herb”, which Planted Foods Ltd. recently introduced implementing the Federal Supreme Court’s ruling (cf. [here](#)). This is all the more relevant as consumer interest in vegetarian and vegan meat substitutes continues to grow.

At the same time, in the (2C_26/2023) ruling on the use of animal species names, the Court made clear that terms traditionally associated with animal-based foods remain permissible for vegan products where they are neither legally defined designations under the AFO nor explicit references to animal origin. This includes terms such as “Filet” (fillet), “steak”, “Schnitzel”, “Stäbchen” (sticks), “Geschnetzeltes” (strips), “hamburger” or “Wurst” (sausage) and aligns with the FDHA Information Letter. However, in light of ongoing regulatory developments in the EU, a stricter interpretation and application of existing Swiss law in the future cannot be ruled out.

Overall, the regulatory direction is becoming increasingly clear: product names for vegetarian and vegan substitutes are coming under closer

scrutiny both in Switzerland and in the EU. Businesses are advised to keep a close eye on further developments and should assess whether their current naming strategies will remain sustainable in this changing legal environment.

The Walder Wyss Newsletter provides comments on new developments and significant issues of Swiss law. These comments are not intended to provide legal advice. Before taking action or relying on the comments and the information given, addressees of this Newsletter should seek specific advice on the matters which concern them.

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