



For an enhanced foie gras protection and well-informed consumers

The European Federation of Foie Gras, Euro Foie Gras, fully shares the European Commission's opinion according to which **“Marketing standards help facilitate the functioning of the internal market, keep food of unsatisfactory quality off the market, provide relevant information to consumers, and ensure a level playing field for competing products¹.”**

Euro Foie Gras also stresses **the key role played by marketing standards in the preservation and promotion of European agricultural know-how, European culinary heritage as well as the diversity of production methods.**

The Federation supports the European Commission's desire **to provide better information to consumers** on products they buy and to support sustainable food systems.

Furthermore, **citizens' freedom to choose the food they want to eat must be preserved and every consumer must be able to make informed choices** without falling victim to deceptive and fraudulent practices.

The five European countries producing foie gras, namely Belgium, Bulgaria, France, Hungary and Spain, attach great importance to offering to European consumers and restaurateurs the **quality** expected from this exceptional delicacy. It is important to stress that foie gras is part of the European cultural and gastronomic heritage.

The current definition of foie gras as laid down by Regulation No 543/2008² provides imperfect protection for the product “foie gras” understood in a broad sense: raw foie gras and processed foie gras. Wishing for **consumers to make informed choices and not to be victims of fraudulent practices**, Euro Foie Gras calls for:

- **Maintaining the definition of raw foie gras** in the future legislative proposal on marketing standards;
- Completing this text with the **insertion of the definition of processed foie gras.**

It is crucial for providing an accurate information to consumers and for the

¹ Inception impact assessment on the revision of EU marketing standards:

https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12772-Agricultural-products-revision-of-EU-marketing-standards_en

² COMMISSION REGULATION (EC) No 543/2008 of 16 June 2008 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 as regards the marketing standards for poultry meat:

<https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:157:0046:0087:EN:PDF>

protection of an authentic mode of production.

Adopting a progressive approach, Euro Foie Gras will also pursue its path of transparency by continuing to open its farms to all those who wish to come and see the reality of the production.

Effective protection for raw foie gras must be maintained



Raw foie gras is defined in Article 1 *in fine* of the European regulation on marketing standards for poultry meat in these terms:

“The livers of geese, or of ducks of the species Cairina muschata or Cairina muschata x Anas platyrhynchos which have been fed in such a way as to produce hepatic fatty cellular hypertrophy. The birds from which such livers are removed shall have been completely bled, and the livers shall be of a uniform colour.

*The livers shall be of the following weight:
duck livers shall weigh at least 300 g net,
goose livers shall weigh at least 400 g net”*

Paragraph 5 of the recitals gives the justification for this introduction: “*the high value and consequent risk of fraudulent practices make it necessary to lay down especially precise minimum marketing standards.*”

Although the legal weights are below the average weight of raw foie gras produced and traded on the market, the European foie gras sector defends with vigor and conviction the maintenance of this definition in all its components for several reasons:

- **Foie gras remains a prestigious and high value product.** Its important consumption at very specific times of the year as well as its relatively high price prove it. Moreover, in France, it is recognized as a “*protected gastronomic and cultural heritage*” and, in Hungary, it has received the recognition of “*hungaricum.*” It is a local product, using ancestral know-how that has become over the centuries an essential ambassador of European gastronomy.
- **Waterfowl must have been fed in such a way as to cause a fatty cellular hypertrophy of the liver. The weight of the livers** - 300 g for ducks and 400 g for geese - must be kept **in the consumers’ interest. These weights are based on several scientific studies** including a recent one titled “NormoFoie³” which identified the size of hepatocytes (or liver cells) as an indicator of the level of fattening. Thus, the minimum threshold of 250 μm^2 can be considered as an indicator of the state of fattening of hepatocytes. This study concludes that “*When the liver is properly fattened, i.e when all cells are fattened, all of its hepatocytes are larger than 250 μm^2 . Only livers whose weight exceeds 300 g have at least 80% of fattened hepatocytes*”. On the contrary, when it comes to the livers weighing less than 300 g, we can see that a significant proportion of

³ NormoFoie Study, INRA UMR GenPhySE, 2018

hepatocytes is not fattened, which means that fattening is incomplete. This study also shows that the current regulatory weights are minimalist with regard to the quality expected for a good foie gras, for which the sufficient presence of different fatty acids determines an optimum texture and an incomparable flavor. Consequently, the weight of duck livers should be increased up to 400 g so that they are considered totally fat.

It would therefore be untruthful, misleading and deceptive for consumers to reduce the minimum weights of duck and goose livers since livers of a weight lower than those currently set by the European marketing standards would not be sufficiently fattened to be tasty. The influence of liver weight on consumer preferences has also been proven by the NormoFoie study. Sensory and hedonic tests carried out on a panel of consumers showed that there is "*a preference for the weight range of 420-520 g over light livers*". This difference in fattening and therefore in the quality of the product is also clearly visible, especially in terms of color, which is not uniform as stipulated in the current regulation (See below pictures of livers at different weights). Furthermore, these minimum weights are also the only available means for European and national authorities to control the product in a simple way. Deleting it would open the door to fraud and deception, as it was the case in the past.

Regarding the presence on the market for many years of other products from palmipeds such as *mousse de foie* or *lean liver (foie fin)*, **Euro Foie Gras argues that it would be misleading for the consumer to make them believe that a product other than foie gras could have the same intrinsic characteristics**. Euro Foie Gras insists that the reduction of liver weights would not create any new commercial opportunity for breeders and actors of the sector since, as mentioned above, these products already exist on the market. If these products have their place, it is important to meet consumers' needs who want to make informed choices and trust the name "foie gras".

Inexistent protection for processed foie gras must be overcome



Processed foie gras is not defined by the current European legislation. **This legal vacuum means that consumers are not protected against fraud on this product which represents 80% of the foie gras sold to end consumers**. This is notably true since they do not usually have sufficient knowledge to make the distinction between processed foie gras and other products. The European Directive n°2005/29/EC on unfair business-to-consumer commercial practices in the internal market⁴ allows to sue any economic actor engaged in deceptive marketing practices. Nevertheless, this possibility is unsatisfactory and in no way protective of consumers since it is very difficult, and even impossible, for a sector like foie gras to carry out this type of action

⁴ DIRECTIVE 2005/29/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32005L0029&from=DE>

in a consistent and repeated manner.

It is also important to emphasize that the European market is the most exposed to fraud since 75% of foie gras is consumed by the European Union which is therefore by far the largest consumer of foie gras in the world.

In addition, even though European countries account for 95% of worldwide foie gras production, **new non-European Union producer countries are emerging and thus the potential risk of competition is increasing in the internal market.** This makes it therefore necessary to establish a European standard.

In view of these elements, **Euro Foie Gras calls for the inclusion of the definition of processed foie gras in the future legislative proposal on marketing standards** in the following terms:

Whole foie gras: it is made of one or more whole liver lobes of goose or duck either cooked, semi-cooked or fresh, in which exuded fat does not exceed 30 %. A fragment of foie gras lobe is allowed to complete the weight.

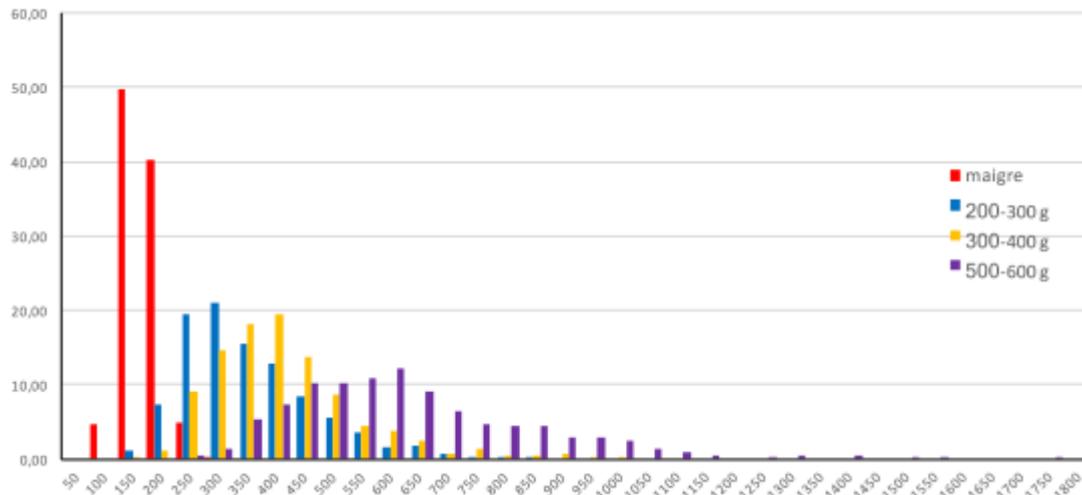
Bloc of goose foie gras, bloc of duck foie gras: it is made with a mechanical blend of several goose foie gras or duck foie gras, either cooked or semi-cooked with seasoning and water added. The ratio between humidity and defatted product shall not exceed 82 %. If labelled "with pieces" (avec morceaux), it must contain at least 30 % of foie gras pieces.

Only this definition will provide total protection to European consumers who love this product. Euro Foie Gras wishes to point out that such an inclusion would have no impact on the final price of the product and that it would not create additional administrative constraints since simple methods of analysis and control already exist, in particular in France.

Created in 2008, Euro Foie Gras, the European Federation of Foie Gras, brings together producers' federations from France, Belgium, Bulgaria, Spain and Hungary. Its goal is to establish a continuous exchange of good practices, know-how and promote the profession of foie gras producer.

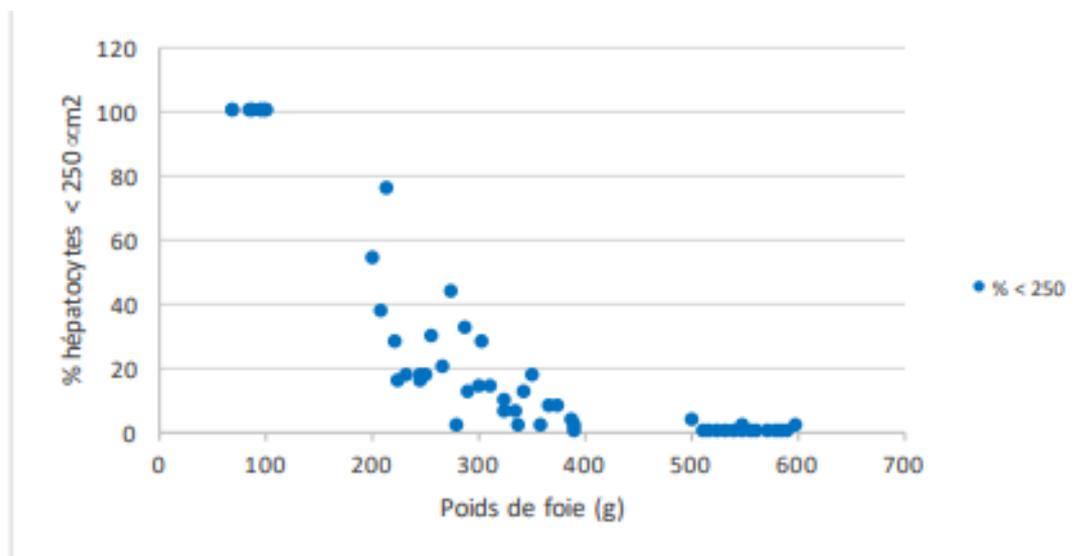
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Annex 1: Distribution of hepatocyte surface area (in μm^2) according to liver weight class (NormoFoie study)



“The graphic observation of the size distribution of hepatocytes (= liver cells) according to the weight class allows a better understanding of the variability in the level of fattening in each of the classes.”

Annex 2 : Percentage of hepatocytes with a surface area of less than 250 μm^2 , depending on the liver weight (NormoFoie study)



“The above results clearly indicate that for animals which have not been fattened, no hepatocyte has an area exceeding 250 μm^2 . In the group of high weight livers, we observe the opposite results since the percentage of hepatocytes with a size <250 μm^2 is close to zero. ”

Annex 3: Pictures of livers at different weights



Liver of 102 grams:
Lean liver, still red



Liver of 304 grams:
foie gras according to the legal definition /
in the reality liver a little bit more fattened



Liver of 500 grams:
foie gras: optimal size, light colour, flexible texture