

JANUARY 2024

*“Cultured” meat and “vegetable” meat:
which future for Italian tables?*

○ Food

New regulations on cultured meat and meat substitutes containing vegetable protein came into force last December.

Law no. 172/2023 (hereinafter referred to as the "**Law**") prohibits:

- the production and marketing of "cultured meat" (both in the food and animal feed sectors);
- the use of the term "meat" in relation to processed products containing vegetable and non-animal protein.

Cultured meat and plant meat

The law prohibits the production of "**cultured meat**" or "cultivated meat" or "in vitro meat", i.e. animal meat derived from stem cells grown in a laboratory (so-called "cellular agriculture").

This food is commonly referred to as "synthetic meat" or "artificial meat". However, the scientific community has objected to these terms, which are now widely used, considering them inappropriate and misleading. In fact, cultured meat consists entirely of animal cells and therefore does not fall under the definition of "synthetic element", which refers to products that do not occur in nature but are the result of the synthesis of several elements through chemical processes.

The Law also regulates those products that, although called "meat", are not of animal origin but are derived from the processing of vegetable protein, also known as "**vegetable meat**".

Cultured meat: ban to production and marketing

The Law prohibits the production and placing on the Italian market of "*food and feed consisting of, isolated from or produced from cell or tissue cultures derived from vertebrate animals*".

Therefore, it will not be possible to produce cultured meat in Italy, nor will it be possible to import cultured meat produced in other countries, including those in the European Union.

The Law is very strict and represents one of the rare cases of prohibition of the free movement of goods, one of the founding pillars of the European Union. This exception was justified on the basis of the so-called precautionary principle (Art. 7 EC Reg. 178/2002), which allows restrictions on the movement of food within the territory of the EU if, despite scientific uncertainty, there is a possibility of harmful effects on health.

The exceptional nature of this provision severely limits its scope: under European law, the ban introduced by Italy is necessarily a provisional risk management measure, to be reviewed in the light of new scientific information.

However, it is currently very difficult to predict the time horizon of the ban, to be assessed by the European Union also in the light of the disciplines introduced in other Member States.

Don't call it "meat"

The Law introduced an additional restriction concerning plant-based products commonly marketed under the name of meat. In fact, the law decreed an **end to meat-sounding practices**, i.e. the use of terms typical of the butcher's trade, the fish market or the names of foodstuffs of animal origin in relation to processed products containing plant and non-animal proteins.

Therefore, it is expected that names such as "chickpea burger", "veggie fishburger" or "veg *bologna*" will only refer to foods containing predominantly animal proteins – even in addition to plant proteins – and as long as the composition of the food is clear to the consumer.

The restriction aims at preventing the use of inappropriate terms that could mislead consumers. Names deemed ambiguous will be listed in a Ministerial Decree, which is expected to be published within two months.

What are the consequences for those who violate the bans?

The Law imposes the same sanctions for violators of the ban on the production and marketing of cultured meat and the ban on meat sounding, providing for administrative, financial and, ultimately, disqualification sanctions:

- a fine of between 10,000 and 60,000 euros, or 10 per cent of the total annual turnover achieved by the offender in the last financial year, if this amount exceeds 60,000 euros. However, there is a ceiling of 150,000 euros;
- confiscation of goods;
- a ban on access to subsidies, financing, facilities or other similar payments granted by the State, the EU or public bodies for the purpose of carrying out business activities. The ban may be imposed for a period of 1 to 3 years;
- closure of the production plant, again for a period of 1 to 3 years.

The wording of the provision seems designed to punish such conduct in the broadest possible way, extending the range of offenders not only to food or feed business operators, but also to anyone who has in any way financed, promoted or facilitated the production and marketing of farmed meat and meat-sounding practices.

On other European tables

Although cultured meat is not regulated at European level, it is already marketed and consumed in many Member States.

The Netherlands, for example, has been remarkably supportive of the consumption of "traditional" meat substitutes (think of the "okay" to eat insects and foods derived from them), and cultured meat can already be tasted by the public. It is here that the first European factories are opening. The company Mosa Meat will soon be the first in Europe to start producing cultured meat burgers. At the same time, various scientific centres in the sector are proliferating: the Food and Biobased Research of Wageningen University has attracted the attention of both Unilever, which has opened its

"Hive" food innovation centre there, and Umami Meats, a cultured meat company based in Singapore, which has chosen the same site for its research laboratories.

In France, on the other hand, cultured meat can be eaten at home but not in restaurants. In fact, the use of cultured meat in mass catering (bars, restaurants, canteens, etc.) has been banned since 2021. However, retail sales have always been allowed and French consumers can buy farmed meat in supermarkets or specialty shops. In 2023, following the Italian experience, a group of senators promoted a report on "in vitro meat", expressing ethical and cultural opposition.

Legance is available to provide any clarifications

For further information:



**Alessandra
Palatini**
SENIOR COUNSEL

+39 02 89 63 071
apalatini@legance.it



**Ilaria Cristina
Giofrè**
ASSOCIATE

+39 02 89 63 071
igioffre@legance.it

Contacts

Milano

Via Broletto, 20
20121
T +39 02 89 63 071

Roma

Via di San Nicola da Tolentino, 67
00187
T +39 06 93 18 271

Londra

Aldermay House,
10 – 15 Queen Street
EC4N 1TX
T +44 (0)20 70742211

info@legance.it | www.legance.it

The firm

Legance is an independent Italian law firm with expert, active and result-oriented lawyers, with a strong team spirit that has permitted a flexible and incisive organisational model that, through departments active in all practice areas of business law, offers the right balance between the specialist and the lawyer as a global consultant. Legance comprises more than 400 lawyers, working in its Milan, Rome and London offices, and has a diverse and extensive practice covering the following areas: Administrative; Banking

& Finance; Compliance; Corporate Finance; Data Law; Debt Capital Markets; Dispute Resolution; Employment and Industrial Relations; Energy & Infrastructure; Environmental; Equity Capital Markets; ESG and Impact; EU, Antitrust and Regulation; Financial Intermediaries Regulations; Food; Insurance; Intellectual Property; Investment Funds; Life Sciences & Healthcare; Non Performing Loans; Real Estate; Restructuring and Insolvency; Shipping, Aviation and Transportation; Tax; Telecommunications, Media and Technology; White Collar Crimes. For more information, please visit our website: www.legance.com.

Disclaimer

The only purpose of this Newsletter is to provide general information. It is not a legal opinion nor should it be relied upon as a substitute for legal advice.

*This Newsletter is sent to persons who have provided their personal data in the course of professional relations, meetings, seminars, workshops or similar events. You may also receive this newsletter because Legance was authorized. You may finally receive it, because you have engaged Legance. If you wish not to receive the newsletter anymore, please write an email to newsletter@legance.it and you will be removed from the list of recipients. Until you cancel yourself from the list of recipients your personal data will be processed on paper or electronically for purposes which are related to the existing professional relations, or for information and divulgation reasons, but are not communicated to third parties, unless such communication is imposed by law or strictly necessary to carry out the relation. Data controller is **Legance – Avvocati Associati**. The list of the data processors is available if you write an email to clienti.privacy@legance.it. In any event, you are entitled to your rights as set forth in the current data protection legislation. All the above requests must be forwarded by mail privacy@legance.it.*

Legance - Avvocati Associati and its partners are not regulated by the Solicitors Regulation Authority ("SRA") and the SRA's compulsory insurance scheme does not apply to them (they are instead covered by equivalent Italian insurance). A list of the partners of Legance - Avvocati Associati is open to inspection at the office of its London branch at Aldermary House 10-15 Queen Street - EC4N1TX, and also on the following website <https://www.legance.com/professionals/>.