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Food technology: Innovation before legislation or legislation before innovation?

Mechanically separated meat (MSM) which must be retailed in some kind of cooked form because of the risk of microbial contamination, in contrast to the higher price-fetching minced meat makes it possible for producers to realize added profits from offals, a market estimated to be between €400 million and €900 million in size. EU regulations distinguish MSM from cut or minced meat, but the distinctions are not always clearly delineated, given the nature of reduced meat products (RMP). In the recent *newby* case (C-453/13), the EU court of justice determined that an industry innovation did not, in fact, create a new meat product because the final product met the definition of MSM. The decision signals that innovations in the processing of MSM will not result in new designations that fall under RMP if within the innovation basic definitions of MSM are already met. This is true even if the innovation produces something that is visibly very different in appearance from traditional MSM. The reported case on MSM is one of various examples that can be made in the ambit of the discussion about the topic “food technology: Innovation before legislation or legislation before innovation?” Of course, progress and innovation are subsequent to R&D activities whilst new legislations are subsequent to public consultations, comitology and political debates.

Biography

Giorgio Rusconi has significant experience in food law, assisting Italian and foreign clients with hygiene, labeling, additives, organic farming and geographical indications/destinations of origin, packaging and responsibilities regarding food products and within the industry. He is the 2017 TopLegal Food Lawyer of the Year, ranked on The Legal 500's elite 'Leading Lawyer's list for Food and helped establish FLN - Food Lawyer's Network Worldwide, offering integrated legal services to food industry multinationals in 50 countries.

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