

**MAC Opinion on Dual Quality Food**  
**The canned tuna case**  
**08.11.2018**

**Foreword**

The MAC is aware of concerns that have been raised in relation to so-called dual quality foods. For this reason, the MAC has already examined some aspects of this during the course of its Year 1 work, but understands that the Commission wishes to have specific information in relation to canned tuna products in the light of the requirements of Regulation 1536/92. For this reason, and after discussions among its members, the MAC presents the following opinion.

**Considerations**

The MAC received information on a potential unfair business practice (dual quality) in relation to canned tuna products marketed with different brands (RIO MARE and Saupiquet), relying on some tests carried out by University of Chemistry and Technology of Prague.

The conclusion by Prague University is not in line with the contents of the EU Commission Notice on the application of food and consumer protection law to issues of Dual Quality of products - the specific case of food. The comparison as proposed by Prague University for natural canned tuna RIO MARE and Saupiquet does not refer to products marketed under the same brand.

[https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52017XC0929\(01\)&from=EN](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52017XC0929(01)&from=EN)

This Notice clarifies the relevant legislative framework in order to provide national Authorities with tools and indicators in their efforts to put an end to unfair practices.

With reference to the chapter "Possible unfair practices in the marketing of differentiated food products in the single market", this Notice requires that the food products to be investigated have to be marketed under the same brand name.

Also, the decision tree proposed for the assessment of potentially unfair business practices by the Member States in case of branded food products is very clear on this point: when this requirement – i.e. Is the product promoted under the same brand and packaging – is missing, the passage to the next step is not foreseen. In other words, no evaluation of different composition of the products is required when the food products are not marketed under the same brand and packaging.

**Conclusion**



Market Advisory Council

During the meeting of MAC Working Group 3 EU control and sanitary issues, consumer rules which took place on the 18th of October 2018 in Brussels, members of the MAC reached the conclusion that no unfair business practice is carried out with regards to canned tuna, particularly regarding brands RIO MARE and Saupiquet.