



THE UNIVERSITY
of ADELAIDE

Dr Paula Caroline Zito

FOOD GEOGRAPHICAL INDICATIONS

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Food Geographical Indications

Focus of PhD research

- Thesis title: *Geographical Indications: What is Their Worth? A Comparison of Geographical Indication Registrations Between Australia and Italy*
- To evaluate the worth of using food Geographical Indications (GIs) on food products to make an origin claim in the context of a food GI system
- A food GI system identifies food that is qualitatively connected to a region and protects that connection within a legal framework

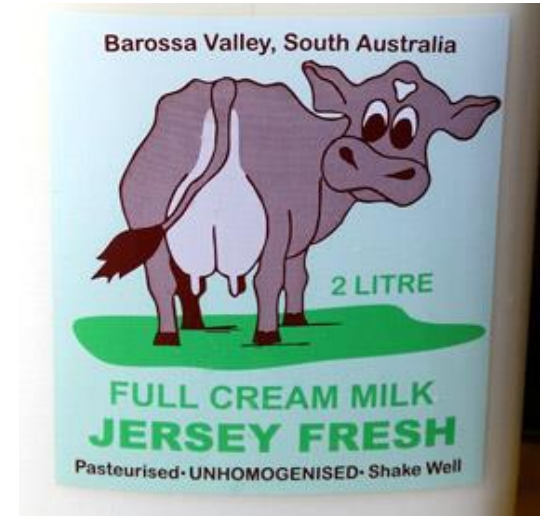
Food Geographical Indications

Regional Branding of Food Products



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Examples of Regionally Branded Food Products



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Case study: 'Barossa Almonds'



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The current patchwork of Australian laws and regulations regulating the usage of Regional Branding on food labels

- Consumer protection laws under the *Australian Consumer Law* set out in Schedule 2 of the *Competition and Consumer Act 2010* (Cth)
- Passing off and extended passing off
- Trade mark laws under the *Trade Marks Act 1995* (Cth)

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Deficiencies of current Australian laws and regulations

- They allow food producers and traders to use Regional Branding on food labels that falls short of being misleading or deceptive, or involving passing off, even though the food has only a weak connection with the named region
- They do not give regional food producers enough ex ante guidance as to when they can make an origin claim on food labels and products, especially where some of their ingredients are sourced, or some of their food production takes place, outside the named region
- They do not adequately regulate whether there is a clear connection between food and origin before a regional name can be used on a food label to make an origin claim

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Problems arising from deficiencies of current laws and regulations

- Australian consumers cannot rely on, or trust, food labels that include Regional Branding to obtain accurate information about the origin of food products
- Regional food producers are being deterred from making additional investment in producing Regionally Branded food products
- The value that exists in Australian regional names as identifiers of authentic regional food products that have a clear connection with Australian regions is not being adequately protected
- Australia risks losing the assets that it has in Australian regional names and this has the potential to affect Australia's regionality and Australia's agricultural and agrifood industries

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Solution to the identified deficiencies of current laws and regulations

- New legal framework needed that is dedicated to protecting the connection between food and origin
- Recommend a food GI framework
- Ideal framework to protect the:

Connection between food and origin

Value that exists in Australian names for the purposes of Regional Branding

- Ideal framework to regulate how food producers and traders use Australian regional names on food products
- One legal framework dedicated to protecting the connection between food and origin rather than rather than trying to provide protection across a patchwork of laws and regulations

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Features of an Australian food GI framework

- Identify how food is qualitatively connected to a region beyond regional origin of core ingredients
- Establish a governing body that regulates the usage of food GIs
- Include strict provisions regulating the misuse of food GIs
- There would be no possibility to use a food GI on food products that do not originate from the GI region and there would be no good faith defences available
- Stimulate a collective commitment among GI users to invest in producing Regionally Branded food products
- Provide a system of traceability for food products from paddock to plate on food labels

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Pressing need for an Australian food GI framework

- Must bring the regulation of Australian regional names on food products in line with the regulation of Australian regional names on wine labels
- Required at a national and international level
- The longer Australia waits to develop its own food GI framework, the more likely it is to face design constraints
- *Australia-EU Free Trade Agreement* – next round of negotiations commence 1 July 2019 in Brussels, EU

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Dr Paula Caroline Zito

Food Geographical Indications Consultant

Legal Practitioner (Intellectual Property & Commercial)

Associate Teacher, Adelaide Law School

The University of Adelaide

Email: drpaulazito@internode.on.net/paula.zito@adelaide.edu.au

LinkedIn: Dr Paula Zito

Twitter: @DrPaulaZito

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