

The Use of Terms for Agricultural Products and Foodstuffs According to Turkish Food Codex Regulations

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Abstract: In this study, the legislation applicable in Turkey for certain terms and phrases used in the labels of the food presentation was reviewed. Labeling of food should not be misleading in terms of the qualities of food. Accordingly, the trademark on the label of food should not refer to another product group in terms of name, expression, term and visuals of food, in particular nature, identity, characteristics, composition, and quantity, endurance, origin and production method of food. Geographical indications are given to natural products distinguished from others, identified with a distinctive character or reputation, and identified with the area or region in which they are located. The terms of "traditional" can be only used for mentioned the terms of "traditional" foods according to published vertical food codex that is certain foods or food groups and for registered or will be registered products including the studies carried out in relation to the protection of traditional product name by the Turkish Patent Institute. In order to prevent counterfeiting of a similar product in association with the registered products, the studies have been continued by Republic of Turkey Ministry of Food, Agriculture and Livestock. The trademark on label of food should not refer another product group in terms of the name of the food, the expression, the terms and the visuals, especially the nature, identity, characteristics, composition, quantity, endurance, origin of production method of food. Food managements should not use misleading information about their productions. Otherwise, the administrative penalty is imposed according to the Turkish Food Codex Food Labeling and Consumer Information Regulation.

Keywords: Turkish Food Codex; Traditional; Geographical Indication; Food label.

INTRODUCTION

The attention of traditional foods will increase and the manufacturing sector has shown tendency to these products. Requirements which should be covered in all applications relate to the description of traditional and/or geographical food, production process, compositional data, specification, proposed uses and labeling in accordance with regulations have to applied according to the legal rules [1]. The food management has to offer correctness, clear and understandable statement in compliance with the regulations [2-4].

Geographical Indications and traditional food expressions have become two very influential terms of consumer perception in relation to consumers' increasing demands for natural or organic food. These groups of products must be declared on the food label after they have been assessed and exercised in the framework of legal regulations. All of the legal application for food and feed safety in our country has been applied legally. The aim of Law No.5996 is to provide safe foods and protection human and animal

life, integrated approach to food safety from farm to table [5].

Legal application in Turkey for GIs is the Decree on the Protection of Geographical Signs numbered 555 [6]. The use of traditional methods may be allowed in the production, processing or distribution stages provided that they comply with the TFC Regulation and the regulations governing hygiene regulations [7-9]. The Ministry performs their controls with respect to verification of compliance with the specifications of agricultural products and foodstuffs which are protected GIs and protected designations of origin or protected as traditional specialties guaranteed. Turkey has updated its regulatory regime for food labeling and nutrition information, to become in line with the European Union's approach. The new regulations outline responsibilities, mandatory label information, as well as certain limits on nutrition claims [3, 4, 9]. In this study, the labeling and traceability of foods in Turkey, the general rules regarding the use of certain terms and expressions in food labeling, regulations concerning traditional and

GIs subject to product issues and inform assessments were carried out.

Legislation for labeling and traceability in Turkey

The objective of the present regulation is defined to forth the rules and procedures on general and special labeling rules, nutrition labeling rules, some rules for presentation and advertising and rules of nutrition and health claims of foods offered to ultimate consumers and collective consumption. TFC Regulation on labeling [3] sets forth the rules and procedures on labeling, nutrition labeling, presentation and advertising of foods for sale to the ultimate consumer and rules of nutrition and health claims made on foods. This Regulation is drafted in accordance with European Parliament and Council Regulation No. 79/112/EEC [10], No. 87/250/EEC [11], No.

90/496/EEC [12], No. 1999/10/EC [13], No. 2000/13/EEC [14], No. 2002/67/EC [15], 608/2004/EC [16], No. 1924/2006/EC [17], No. 2008/5/EC [18].

The obligatory statutes and criminal sanctions for the disagreement of labeling and traceability in food and feed, presentation and advertisement, protection of consumers’ rights according to Law No. 5996 [5]. In Turkey, agricultural and food products related to GIs and traditional names of the registered user of the compliance with the specifications in the Republic of Turkey Ministry of Food, Agriculture and Livestock. If there is any irregularity for labeling and traceability in food and feed, presentation and advertisement, protection of consumers’ rights, the legal applications are presented in Table 1.

Table-1: The irregularity and criminal sanctions of traceability-labeling rules according to Law No. 5996 (for the year 2018)

Article/ paragraph	Irregularity	Criminal sanctions(Article/paragraph)
24/1	Traceability: Food and feed business operators shall establish a system in order to ensure traceability of food, feed, food-producing animals and any substances to be incorporated into food, at all stages of production, processing and distribution and shall provide this information to the Ministry when requested.	40/i: 3673 TL
24/2	Traceability-Labeling: Food and feed to be placed on the market shall be labeled adequately or identified through relevant documentation or information required by the Ministry	40/j: 3673 TL and in case the act is repeated more than once in a given year, the administrative fine shall be applied as 18381 TL, Marketing of such products shall not be allowed unless the information on the label is in compliance with the legislation.
24/3	Product presentation of the consumer cannot be misleading: Without prejudice to more specific provisions of food law, the labeling, advertising and presentation of food or feed, including their shape, appearance or packaging, the packaging materials used, the manner in which they are arranged and the setting in which they are displayed, and the information which is made available about them through whatever medium, shall not mislead consumers.	40/k: For the place of production: 18381 TL, For the place of retailers: 1463TL. If the information declared on the label and the contents and analytical values do not coincide, an administrative fine of 9188 TL shall be charged.
24/4	Food and feed shall not be adulterated and subjected to fraudulent practices.	40/l: 18381 TL, The imitated and adulterated products shall be seized and their property shall be transferred to the public.

General requirements concerning the right to information for labeling of foods must be in compliance with TFC on Food Labeling and Consumers Information Regulation. Some of the key points under the regulations are how to use labeling, promotion and advertising of food, manager's responsible for ensuring their products, How to identify for traditional, natural, homemade, original etc. foods. Information should be clearly readable, not be able to be deleted, in Turkish, nutrition and health claims must not be vague, wrong, or deceptive [3].

Regulations on specific character for agricultural products and foodstuffs

Traditional indication

According to EU Legislation (Regulation 2082/92) conventional product is defined as products produced using conventional raw materials or characterized by a traditional composition are produced by a processing method that reflects a traditional type of production [19]. It has been published guidelines about TFC Food Labeling and Consumer Information Regulation from 20 July 2017. This guideline has prepared within the framework of regulation TFC Food Labeling and Consumer Information, prepared on the basis of 21th, 22rd, 23rd, 24rd, 27rd, 28th, 32rd and 34th items (Official Gazette dated 26.01.2017 and numbered 29960) Regulation [9].

This guideline relates to the terms and phrases used in the label, description, presentation and advertising of foods; to assist food operators in terms of the use of written and visual information contained in the labeling, presentation, advertisement and advertisement of food, to ensure that consumers are informed correctly and to avoid misleading, to the conditions of use of the terms and expressions used, and to provide practice in evaluations to be made during official controls. The necessary arrangements have been made with respect to the specific terms and conditions of the private implementation for use in food labels. Specific character and for agricultural products and foodstuffs traditional specialty guaranteed' was indicated according to Council Regulation (EEC) No 2082/92 of 14 July 1992. A 'traditional' taste, flavor, color, etc. on the label, promotion and advertisement of a food expressions should not be used. The term of traditional is commonly used to define foods that are produced using traditional raw materials or a traditional mode of production [9, 19].

Some producers can cause unfair conditions of competition due to using a "traditional specialties guaranteed product" name although these products haven't the requirements of the relevant specification and the producer employs the services of authorities for verification in accordance with TFC on Food Labeling and Consumers Information Regulation.

Traditional products must be labeled either a registered name together with a particular indication. The foods mentioned in the scope of the TFC and indicated by their national or regional names can be produced by these names provided that they do not contradict the rights arising from the GIs. A 'traditional' term is only used considering Law No. 5996 [5] as follows:

(a) Foods called as "traditional" according to vertical food codex published for certain foods or food groups,

(b) Foods are register or will registered content within the studies carried out in relation to a product featured GIs and traditional the protection of their names that and produced by the Turkish Patent Institute. For the term "traditional" to be used in the name of the food [9];

- Identified in the vertical food codex published for specific food or food groups (traditional jam);
- Has been registered by the Turkish Patent Institute or;
- It has to be proved that it has been used for at least thirty years in terms of traditional production, processing method, traditional composition, traditional raw material or material.

According to three items of article 4 of the TFC Legislation [8] traditional product is identified that processes which are produced using traditional raw materials or which are defined by a traditional composition or a traditional production form or not directly based on a conventional production form, a product that can be clearly separated from similar products in the same category because it has been passed on. The foods mentioned in the scope of the TFC and indicated by their national or regional names can be produced by these names provided that they do not contradict the rights arising from the geographical indications. Considering TFC Regulation on labeling by article 6 (c); a composition as a natural in food ingredients or a composition used naturally, in spite of being substituted with a different composition or a different ingredient, implying this existing component or a ingredient in a food via appearance, explanation or pictorial presentation couldn't be misleading [3].

Geographical indications

In line with the developments in the world, especially in recent years, the preference of consumers for geographically marked products has increased steadily in our country. The National Geographical Signature Strategy Document and Action Plan was prepared under the coordination of the Turkish Patent Institute (TPI) for the purpose of protecting the rights of consumers, ensuring effective market control on the source of products subject to Geographical Indications (GIs) and protecting the products with real geographical activity in national and international

trade, and published in the Official Gazette dated 04.07.2015 and numbered 29406 [20].

In Turkey, the TPI is an authorized organization carrying out of The Decree-Law No 555 Pertaining to the Protection of Geographical Signs Products subject to geographical indication is qualified according to the provisions of the Decree on the Protection of GIs. The Implementing Law No. 555 on the Protection of GIs covers the principles, rules and conditions regarding the certification of GIs in accordance with the GIs. Registered GIs and traditional product names are used with the emblem. It is important to note that the Implementing Law No. 555 for registering a geographical signs indicated the origin of a product. The procedures and the rules must be followed concerning the preparation of the application documents [6, 20, 21].

According to Article 3 of Law No. 555, GIs are registered in two forms as origin name and origin mark. The production, processing and other processing of the product in the name of origin takes place in the territory of which the geographical boundaries are all determined; and at least one of these properties must be realized in the designated area for the indicia. The names of original can't be produced outside their geographical area. This is because product qualifications can only be earned if they are produced within the geographical area to which they belong. Examples of origin are Finike Orange and Malatya Apricot [22]. To be able to speak of a landmark is also a product originating from a geographical region, area or region where the geographical boundaries have been determined, that the product is identified with this region, area or region by its distinctive character, reputation or other characteristics and that at least one of its productions, it must be within the boundaries of the specified region, area or region. It is mentioned that the marking signs can also be produced outside the geographical area, so at least one of the properties of the product must be originated from the determined geographical area. Antep's Baklava can be given an example. There are 422 products related to geographical indication which are in the application process until now [20, 23].

Geographical signs and traditional product name, emblem regulations have been published by Turkish Patent and Trademark Office in order to determine the principles and procedures for the use of the emblem for GIs and traditional product names in Official Gazette Number 30285 on 29.12.2017. According to the regulation, it is necessary to use the emblem with the registered geographical sign. It is not compulsory to use the emblem for the GIs of the foreign countries envisaged to be protected in our country under bilateral or multilateral agreements to which our country is a party. Proprietary GIs and traditional product names are used by those operating

in the production or marketing of products conforming to the requirements set out in the registration certificate [2, 24].

Legislation Related to Geographical Indication Products and the Characterized These Products in Turkey

Traditional products are produced using conventional materials or with a composition characterized by traditional or conventional production type processing method which reflects the production of products [2]. When the foods placed on the market are labeled, it has to be obeyed with the provisions in TFC labeling regulation. The presentation of misleading label information to a consumer, making imitation and adulteration would generate in terms of the irregularity of food legislation and food safety. It shouldn't be used "traditional taste, flavor, color, etc. for the promotion and advertising on a food label. The phrase of "traditional" is used for foods which are newer alternatives on the market, produced using traditional materials or traditional composition or characterized by conventional production format. Accordance with TFC Legislation [8] article 4 of the internal paragraph, "Traditional products are identified as produced using conventional raw materials or traditional composition or a traditional defined production methods or although not based on a conventional producing method due to being undergone a manufacturing process that reflects the conventional process, clearly separable products from similar products in the same category." Foods specified with national or regional names content in TFC can be produced with this name but not contrary to the rights of GI [25].

RESULTS AND DISCUSSION

In recent years, hesitating on consumer's perception has been raised for the subject of food safety by reason of food counterfeit events, increasingly. The statements on the label of the food served on the market must be parallel to the authenticity of the food and the correctness of the labeling information. Food frauds and some explanations about food safety by media organs can lead to the information pollution. In the circumstances, consumers may lead to the choice of the natural food, village type, homemade or traditional labeled products [26].

As regards administrative sanctions, any legal proceedings couldn't be administered relating to non-definition of the product groups in the law. So, the rights of producers encouraged for exceptional provisions under registration on account of can be violated. Except of the "traditional statement"; the use of "homemade", "farm/village" or similar expressions is not in Law No. 5996 and the labeling regulations. In this context, while descriptive of a product, using with "farm /village", "homemade", "style", "with someone

method", "style as in where is in producing ", such ... as a type of cheese are not lawful [5, 9].

According to Turkish Legislation, labeling, advertising, advertisement and presentation, including food, food, packaging, used packaging material, design and exhibition, including information provided through any written or visual media, can't be done misleadingly. The legal requirements for the inspection and control of the foodstuffs supplied to the market must be taken into consideration. In case of any misleading information/declaration, the administrative penalty shall be imposed in accordance with the Law No. 5996. In order to promote the use of emblems (from 10th January 2018) in GI products in legally mandatory geographical indications, legislation can be performed in cooperation registration, governance and inspection [5, 27, 28].

CONCLUSIONS

Marking of labeling information in the marketed foodstuffs should be made according to the rules, not fraud, traceability and labeling, presentation and advertisement and protection of consumer rights. Inspection and control of proprietary products play an important role in preventing unfair competition. "Local Products and Geographical Indications Research Network in Turkey " (Reseaude Recherches Surles Produita de Terroir et Les Indications Geographiques de Turquie) has been worked since 2012 to be established GIs of an ideal system in Turkey, imparting value to local products promotion of sustainable rural development, preservation of cultural and biological diversity. This research network and The International Organization for Geographical Signage Network (ORIGIN) has been active in the identification and protection of geographical indications for the protection of Europe's agri-food heritage [22]. GI products to more emphasis on all international agreements to which Turkey is a party to an agreement, it would be useful to work in coordination with the competent authorities.

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