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**TRADE MARKS ACT 1994  
IN THE MATTER OF APPLICATION NUMBER 3250660  
BY HELEN ROSEMARY BROWN  
TO REGISTER THE FOLLOWING TRADE MARK IN CLASS 29**

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### **Background**

1. On 16 August 2017 Helen Rosemary Brown ('the applicant') applied to register the above mark for goods in class 29 as listed in Annex A of this decision.
2. On 25 August 2017, the Intellectual Property Office ('IPO') issued an examination report in response to the application. In that report, an objection was raised under section 3(1)(b) of the Trade Marks Act 1994 ('the Act') which read as follows:

*"The application is not acceptable in Class 29. There is an objection under Section 3(1)(b) of the Act as the mark is devoid of any distinctive character. This is because the expression 'mouth wateringly special' merely serves a promotional and laudatory function e.g. the average consumer would perceive the expression 'mouth wateringly special' as a laudatory message with the purpose of highlighting a positive attribute of the goods being offered.*

*It is considered that the average consumer, when greeted with the sign 'mouth wateringly special' would not attribute any trade mark significance to the expression and would instead merely perceive the sign as a promotional intimation that the food products provided by the applicant are better than the average product and have an incredible taste.*

*As a result, I feel the mark is non-distinctive for the goods applied for in Class 29 and therefore would fail to function as a Trade Mark for these goods"*

3. On 8 September 2017 the applicant responded saying that she could not accept our decision as the same mark had already been accepted and registered in class 35<sup>1</sup> for the *retailing* of food, and the expression implied the same message in both classes. She went on to say that the message intended is that the products are of better quality, content and taste. The examiner was not persuaded by these arguments and so wrote to the applicant on 11 September 2017, maintaining the objection. Following this, the applicant requested an *ex parte* hearing.
4. At the hearing, which was attended by the applicant's husband Mr Brown, I explained why the objection had been raised i.e. that the average consumer would perceive the expression 'mouth wateringly special' as indicating that the goods are mouth-wateringly

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<sup>1</sup> 3226567 'mouthwateringly special'; here, the words 'mouth' and 'wateringly' are conjoined but this is unlikely to be seen as adding distinctive character

tasty and/or delicious and so would not give it any trade mark significance. Mr Brown referred to the Registrar's earlier acceptance of an identical mark in class 35, reiterating points made by Mrs Brown in her written submissions. In response to Mr Brown's submissions regarding the earlier acceptance, I emphasised the difference between the two applications. The registered mark was for retail services and this would affect the assessment of the distinctive character of the mark. You would not describe *services* as being mouth wateringly delicious in the way that you would describe foodstuffs as being so. I maintained the objection and refused the application at the hearing, confirming this in writing on 10 October 2017.

5. Following my refusal, the applicant, who was unhappy with our decision, wrote on 10 October 2017 asking why we had registered signs such as '*Papa Johns - Better Ingredients - Better Pizza*' (3225117) and the Specsavers mark – *SHOULD'VE* (3175246). The applicant also criticised the highly subjective nature of the way in which trade marks are examined and went on to ask about the procedure for appealing against an *ex parte* decision. I responded to the applicant on the same day, explaining why we had accepted the marks referred to and provided a further explanation of the appeals procedure.
6. On 9 November 2017, the applicant submitted a form TM5 requesting a statement of the reasons for the decision. I am now asked under section 76 of the Act and rule 69 of the Trade Marks Rules 2008 ('the Rules') to state in writing the grounds of my decision and the materials used in arriving at it. No formal evidence has been put before me for the purposes of demonstrating acquired distinctiveness. Therefore I only have the *prima facie* case to consider.

### **The Law**

7. Section 3(1) of the Act reads as follows:

*3.-(1) The following shall not be registered -*

*(a) ...*

*(b) trade marks which are devoid of any distinctive character,*

*(c) ...*

*(d) ...*

*Provided that, a trade mark shall not be refused registration by virtue of paragraph (b), (c) or (d) above if, before the date of application for registration, it has in fact acquired a distinctive character as a result of the use made of it."*

### **The relevant legal principles - section 3(1)(b)**

8. The Court of Justice of the European Union ('CJEU') has emphasised the need to interpret the grounds for refusal of registration listed in Article 3(1) of Directive

2008/95/EC ('the Directive', being the codified version of the original Directive 89/104/EEC) and Article 7(1) of Council Regulation (EC) No 207/2009 ('the Regulation', being the codified version of original Council Regulation 40/94), in the light of the general interest underlying each of them (Case C-37/03P, *Bio ID v OHIM*, para 59 and the case law cited there and, e.g. Case C-273/05P *Celltech R&D Ltd v OHIM*).

9. The general interest to be taken into account in each case must reflect different considerations according to the ground for refusal in question. In relation to section 3(1)(b) (and the equivalent provisions referred to above upon which section 3(1)(b) is based) the Court has held that “...*the public interest... is, manifestly, indissociable from the essential function of a trade mark*” (Case C-329/02P *Satelliten Fernsehen GmbH v OHIM ‘SAT.1’*). The essential function thus referred to is that of guaranteeing the identity of the origin of the goods or services offered under the mark to the consumer or end user by enabling him, without any possibility of confusion, to distinguish the product or service from others which have another origin (see paragraph 23 of the above mentioned judgment). Marks which are devoid of distinctive character are incapable of fulfilling that essential function. Moreover, the word ‘devoid’ has, in the UK at least, been paraphrased as meaning ‘unpossessed of’ from the perspective of the average consumer.
10. Section 3(1)(b) must include within its scope those marks which, whilst not designating a characteristic of the relevant goods and services (i.e. not being necessarily descriptive), will nonetheless fail to serve the essential function of a trade mark in that they will be incapable of designating origin. In terms of assessing distinctiveness under section 3(1)(b), the CJEU provided guidance in *Koninklijke KPN Nederland NV v Benelux Merkenbureau (Postkantoor)* C-363/99 where, at paragraph 34, it stated:

*“A trade mark’s distinctiveness within the meaning of Article 3(1)(b) of the Directive must be assessed, first, by reference to those goods or services and, second, by reference to the perception of the relevant public, which consists of average consumers of the goods or services in question, who are reasonably well informed and reasonably observant and circumspect (see inter alia Joined Cases C-53/01 to C-55/01 Linde and Others 5 [2003] ECR I-3161, para 41, and Case C-104/01 Libertel [2003] ECR I-3793, paras 46 and 75).”*
11. So the question of a mark being devoid of any distinctive character is assessed by reference to the goods and/or services applied for, and by reference to the perception of the average consumer for those goods and/or services. I should also add that being ‘devoid of any distinctive character’ does not represent an objective standard, but is based upon an assessment which concludes that the sign presented for registration is ‘unpossessed’ of distinctive character from the perspective of the average consumer. Since, in the relevant authorities’ assessment, the sign is unpossessed of distinctive character (this has been, in turn, paraphrased as being ‘origin-neutral’ as distinct from ‘origin-specific’), the sign is not considered capable of performing the essential function of a trade mark.
12. In applying that assessment to this case, it is important that I am convinced that the objection applies to all the goods and services applied for. If there are goods and

services specified which are free of objection under section 3(1)(b), then they must be allowed to proceed. In CJEU Case C-239/05 *BVBA Management, Training en Consultancy v Benelux-Merkenbureau*, the question being referred to the court was whether the Directive, on which the Act is based, must be interpreted as meaning that the competent authority is required to state its conclusion separately for each of the individual goods and services specified in the application. The court answered (paragraph 38), saying that the competent authority was required to assess the application by reference to individual goods and services. However, where the same ground of refusal is given for a category or group of goods or services, the competent authority may use only general reasoning for all the goods and services concerned. This guidance by the European authorities has been applied and interpreted in relation to the approach taken by the relevant UK authorities and which can be found in Tribunal Practice Notice ('TPN') 1/2012 headed 'Partial Refusals'.

13. In addition to considering the objection in respect of all the goods claimed I then need to assess whether promotional slogans can fulfil the function of a distinctive trade mark. Following from the CJEU guidance on cases such as *Sykes Enterprises v OHIM (Real People Real Solutions)* [2002] ECR II-5179, there had been a tendency to assume that promotional statements cannot possess the necessary distinctive character to indicate trade origin. This sort of assessment was based on the assumption that consumers are not in the habit of regarding slogans as trade marks, but instead regard them as purely promotional, non-distinctive material. Following the CJEU decision in Case C-398/08P *Audi AG v OHIM ('Vorsprung Durch Technik')* we now know that this is only part of the consideration that must be made. In paragraph 44 of that decision, the Court stated:

*"... while it is true... that a mark possesses distinctive character only in so far as it serves to identify the goods or services in respect of which registration is applied for as originating from a particular undertaking, it must be held that the mere fact that a mark is perceived by the relevant public as a promotional formula, and that, because of its laudatory nature, it could in principle be used by other undertakings, is not sufficient, in itself, to support the conclusion that the mark is devoid of distinctive character."*

14. It is also a well-established principle these days that the Registrar's role in examination will involve a full and stringent examination of the facts, underlying the Registrar's frontline role in preventing the granting of undue monopolies, see, to that effect, CJEU Case C-51/10 P, *Agencja Wydawnicza Technopol sp. z o.o. v OHIM* [2011] ECR I 1541. Whilst this case was, technically speaking, in relation only to section 3(1)(c) or its equivalent in European law, the principle about the 'prevention of undue monopolies' must hold good whether section 3(1)(b) and/or (c) applies.

### **Application of legal principles - section 3(1)(b)**

15. In arriving at my decision, I first have to identify who the average consumer for the goods covered by the application is. The specification covers a very wide range of edible products in class 29. Some are 'everyday' foodstuffs and beverages such as apple puree and beef stew, whilst others are more unusual such as e.g. 'abalones' and 'bone oil'. For both the former and latter types of foods, I consider it reasonable to

assume the relevant consumer to be the general public. The level of consumer attention for the 'everyday' low cost goods covered by the application is likely to be low. Regarding the more unusual goods, supermarkets now stock a wide range of unusual foods from overseas which once may have only been available in specialist shops. Television shows and magazines give information on many International cuisines leading consumers to become familiar with such cuisines and their unusual ingredients. Therefore although the level of consumer attention may be slightly higher for the more unusual goods, it would not constitute the high level of attention given to the purchase of highly specialised, high cost goods.

16. I now have to decide whether the sign applied for, used in relation to the goods claimed, would be seen as one which lacks any capacity *prima facie* to distinguish the products of one trader from those of another. I must consider the perception of the average consumer when seeing the words 'mouth wateringly special' in normal and fair use in relation to the goods claimed. Taking into account the fact that all of the goods claimed are those to be eaten or drunk I feel that the objection is valid in respect of all the goods. Some of the goods are the finished product which can be eaten immediately and could be considered to be mouth wateringly special. The objection would be equally valid in relation to those goods which are ingredients for the finished product, as when seeing these words on such goods, consumers are likely to consider that these ingredients would make the finished product mouth wateringly special. One must be aware that the test is one of immediacy or first impression, as confirmed in the decision of *Real People Real Solutions* referred to above, where it was stated:

*"a sign which fulfils functions other than that of a trade mark is only distinctive for the purposes of Article 7(1)(b) of Regulation No 40/94 if it may be perceived immediately as an indication of the commercial origin of the goods or services in question, so as to enable the relevant public to distinguish, without any possibility of confusion, the goods or services of the owner of the mark from those of a different commercial origin."*

17. To make any assessment, it is necessary to start with a linguistic analysis of the words appearing in the mark in order to assess whether or not it is capable of performing the essential function of a trade mark. And although it is important that any assessment of distinctiveness takes into account the mark's totality, it is also necessary to take into account the meaning of the individual parts of the mark.
18. The mark applied for consists of the phrase 'mouth wateringly special'. The Merriam-Webster online dictionary defines 'mouth wateringly' as being an adverb of the verb 'mouth watering' which itself means "*arousing the appetite; tantalizingly delicious or appealing*". One of the definitions of the word 'special' in that same dictionary is "*distinguished by some unusual quality; especially: being in some way superior*".
19. Used in respect of the goods intended for protection, I do not believe that consumers would perceive the phrase 'mouth wateringly special' as being anything other than a claim to those goods being of a superior quality, reflected in the fact that they will make one's mouth water. In this application, the sign appears in plain word type and has no stylisation, device elements or unusual grammatical juxtaposition to give it any

distinctive character. It is highly unlikely that the words alone would indicate, to consumers, the trade origin of the goods.

20. The objection in the original report stated that the mark was unacceptable because it sent a promotional and laudatory message. Although I consider the examiner was correct in raising an objection against this mark on the grounds of non-distinctiveness I do not think it was appropriate to base that objection around the promotional nature of the mark. In the *Audi* decision (referred to in paragraph 13 above), the Court acknowledged that the fact that a slogan-type mark carries a promotional message does not, by itself, constitute a basis for refusal i.e. a slogan can still denote commercial origin even if it is simultaneously performing a promotional purpose. In paragraph 47 of that decision, the court confirmed that characteristics such as having a number of meanings, being a play on words, or being perceived of as imaginative, surprising and/or unexpected are, as a rule, likely to endow a sign with distinctive character (whilst also noting that such characteristics are not essential pre-requisites for a finding of distinctive character). The message to be taken from such comments is that one should avoid deeming a sign as being devoid of any distinctive character simply because it performs a promotional function.
21. I have to decide whether the mark, which could be considered a promotional statement, has any qualities which could raise this promotional message into a distinctive indicator of trade origin. It is clear from the comments of the Court that where a sign (whether used in a promotional capacity or not) possesses 'originality' and 'resonance', and is capable of being remembered because of qualities arising from *inter alia* word-play, imagination, creativity or unexpectedness, then it cannot be considered to be completely devoid of distinctive character. Having made a full semantic analysis of this sign, without pre-conception or pre-emption, and taking into account all known and relevant surrounding circumstances, I do not consider it to have any of the qualities that would enable this sign to be seen as a trade mark. The mark is not, in any way, imaginative, surprising or unexpected. Used on or in respect of foodstuffs and beverages, it merely informs one that they are 'mouth wateringly special'. In this respect, I have considered the comments made by the Appointed Person in BL O-353-10 *BRING THE WORLD CLOSER* where, at page 15, the following is stated:

*"The expression... is caught by the exclusion from registration in section 3(1)(b) because it is liable to be perceived and remembered by the relevant average consumer as nothing more than an origin-neutral statement about the [goods] concerned. It appears to me to involve no verbal manipulation or engineering of the kind which, in other cases, has been recognised as sufficient to turn explanatory phraseology into a sign possessed of a distinctive character."*

22. I do not believe that the sign in question has any features that would render it memorable in the eyes of the consumer. I consider it to be nothing more than a positive message about the mouth-watering qualities of the goods it is intended for use in respect of, and so the objection raised against the mark is valid.
23. When considering the objection, I also have to consider whether this objection applies to all the goods claimed (see paragraph 12 above). In this case the goods are all those

which are to be eaten or drunk, and so the phrase 'mouth wateringly special' could reasonably be applied to any and all of them. Therefore the objection applies to all the goods covered by the application.

**24. Section 3(1)(c)**

The examiner only raised an objection under Section 3(1)(b) of the Act and it was this objection that was discussed at the hearing and addressed in this decision. However, given the nature of the mark, it could be argued that an objection under Section 3(1)(c) would also have been appropriate. Section 3(1)(c) of the Act states that mark "*which consist exclusively of signs or indications which may serve, in trade, to designate the kind, quality, quantity, intended purpose, value, geographical origin, the time of production of goods or of rendering of services, or other characteristics of goods or services*" shall not be registered. At paragraph 18 I undertook a linguistic analysis of the words appearing in the mark, and from the dictionary definitions of the words it is clear that they can be seen as indicating a descriptive of a quality of the goods, i.e. those goods which are mouth wateringly special. Therefore, on consideration, I feel that an objection under Section 3(1)(c) would have been appropriate. However, the fact that such an argument may have been appropriate does not detract from the validity of the 3(1)(b) objection under which the mark has been refused.

**Conclusion**

25. Having assessed the mark applied for, and taking into account relevant case law, I do not believe the mark to have any distinctive character. In this decision, I have considered all the papers filed and submissions made. For the reasons given above, the application is refused under section 3(1)(b) in relation to all of the goods claimed.

**Dated this 29<sup>th</sup> day of March 2018 2018**

**Linda Smith  
For the Registrar  
The Comptroller-General**



## Annex A

### Class 29 specification listed the application

Abalones [not live]; Abalones, not live; Abura-age [pieces of fried tofu]; Acidophilus milk; Ajvar [preserved peppers]; Albumen for culinary purposes; Albumin milk; Algae prepared for human foods; Alginates for culinary purposes; Almond butter; Almond jelly; Almond milk; Almond milk for culinary purposes; Almond milk-based beverages; Almonds, ground; Almonds (Prepared -); Aloe vera prepared for human consumption; Anchovy; Anchovy fillets; Anchovy, not live; Anchovy paste; Animal fats for food; Animal kidneys [offal]; Animal marrow for food; Animal oils for food; Antipasto salads; Apple butter; Apple chips; Apple flakes; Apple puree; Apple purée; Apple sauce (compote); Ark shells, not live; Ark-shells [not live]; Ark-shells, not live; Aromatized fruit; Arrangements of cut fruit; Arrangements of processed fruit; Artichoke paste; Artichokes, preserved; Artificial cream; Artificial cream (dairy product substitutes); Artificial fish roes; Artificial milk based desserts; Artificial sausage skins; Aspic; Aubergine paste; Bacon; Bacon bits; Bacon rinds; Baked beans; Banana chips; Bean curd; Bean dip; Beancurd sticks; Beans; Beans cooked in soy sauce (Kongjaban); Beans, preserved; Beef; Beef bouillon; Beef fat; Beef jerky; Beef slices; Beef stew; Beef tallow [for food]; Beefburgers; Berries, preserved; Beverages consisting primarily of milk; Beverages consisting principally of milk; Beverages having a milk base; Beverages made from milk; Beverages made from or containing milk; Beverages made from yoghurt; Beverages made from yogurt; Beverages made with yoghurt; Beverages made with yogurt; Birds eggs and egg products; Bisques; Black pudding; Black pudding [blood sausage]; Blanched 2 nuts; Blended butter; Blended cheese; Blended oil [for food]; Blocks of boiled, smoked and 9 then dried bonitos (katsuo-bushi); Blood sausage; Blue cheese; Blue mussels [not live]; Blue mussels, not live; Boiled and dried fish; Boiled potatoes; Bologna; Bombay mix; Bone oil, edible; Bone oil [for food]; Botifarra sausages; Bottled cooked meat; Bottled fish products; Bottled fruits; Bottled sliced fruits; Bottled vegetables; Bouillon; Bouillon concentrates; Bouillon (Preparations for making -); Bratwurst; Brawn; Breaded and fried jalapeno peppers; Broad beans; Broccoli; Broth; Broth concentrates; Broth [soup]; Bulgogi [Korean beef dish]; Bulgogi [Korean dish consisting of sliced and seasoned barbecued beef]; Burgers; Butter; Butter (Chocolate nut -); Butter (Cocoa -); Butter (Coconut -); Butter for use in cooking; Butter made of nuts; Butter oil; Butter (Peanut -); Butter preparations; Butter substitutes; Butter with herbs; Buttercream; Buttermilk; Caesar salad; Camellia seed oil for food; Cancoillotte; Candied fruit; Candied fruit snacks; Candied fruits; Candied nuts; Canned beans; Canned cooked meat; Canned fish; Canned fruits; Canned meat; Canned peanuts; Canned pork; Canned pork and beans; Canned processed olives; Canned pulses; Canned quail eggs; Canned seafood; Canned sliced fruits; Canned sliced vegetables; Canned snails; Canned soups; Canned spinach; Canned tomatoes; Canned vegetables; Canola oil; Canola oil for food; Caponata; Carp [not live]; Carp, not live; Carps, not live; Carrots; Cashew nut butter; Cashew nuts (Prepared -); Cassava chips; Casseroles [food]; Caviar; Century eggs; Chantilly cream; Charcuterie; Cheddar cheese; Cheese; Cheese containing herbs; Cheese containing spices; Cheese dips; Cheese fondue; Cheese in the form of dips; Cheese mixtures; Cheese powder; Cheese products; Cheese spreads; Cheese sticks; Cheese substitutes; Cheonggukjang jjigae [Korean dish consisting primarily of tofu]

with rich soybean paste];Chicharron;Chicken;Chicken balls;Chicken breast fillets;Chicken croquettes;Chicken mousse;Chicken nuggets;Chicken pieces;Chicken salad;Chicken stock;Chile con queso;Chile rellenos;Chili con carne;Chilled dairy desserts;Chilled foods consisting predominately of fish;Chilled meals made from fish;Chilli beans;Chilli oil;Chipped potatoes;Chips [french fries];Chips (Fruit -);Chips (Potato - );Chitterlings;Chocolate nut butter;Chop suey;Chorizo;Chowder;Clam juice;Clams, not live;Clams [not live];Clarified butter;Coated peanuts;Cocktail onions;Cocoa butter;Cocoa butter for food;Coconut butter;Coconut chips;Coconut, desiccated;Coconut fat;Coconut flakes;Coconut milk;Coconut milk [beverage];Coconut milk for cooking;Coconut milk for culinary purposes;Coconut milk powder;Coconut milk used as beverage;Coconut milk-based beverages;Coconut oil;Coconut oil and fat [for food];Coconut oil for food;Coconut powder;Coconut shrimp;Codfishes, not live;Cods [not live];Cods, not live;Coffee cream in the form of powder;Coffee creamer;Coffee creamers;Coffee whiteners consisting principally of dairy products;Coleslaw;Colza oil for food;Common plaice fish, not live;Common plaice, not live;Compote;Compotes;Concentrated butter;Concentrates (Bouillon -);Concentrates (Broth -);Condensed milk;Condensed tomatoes;Consommés;Cooked chicken;Cooked dish consisting primarily of chicken and ginseng (samgyetang);Cooked dish consisting primarily of fermented vegetable, pork and tofu (kimchi-jjigae);Cooked dish consisting primarily of rich soybean paste and tofu (cheonggukjang-jjigae);Cooked dish consisting primarily of soybean paste and tofu (doenjang-jjigae);Cooked dish consisting primarily of stir-fried beef and fermented soy sauce (Sogalbi);Cooked dish consisting primarily of stir-fried chicken and fermented hot pepper paste (dak-galbi);Cooked fish;Cooked fruits;Cooked meals consisting principally of fish;Cooked meat dishes;Cooked meats;Cooked olives;Cooked poultry;Cooked seafood;Cooked snails;Cooked spinach;Cooked truffles;Cooked vegetables;Cooking fats;Cooking oils;Corn dogs;Corn fats;Corn oil;Corn oil [for food];Corn oil for food;Corned beef;Corned beef hash;Cornichons;Cottage cheese;Cottage cheese preparations;Cows' milk;Crab;Crab cakes;Crab roe paste;Crabs [not live];Crabs, not live;Cranberry sauce [compote];Crayfish, not live;Cream;Cream, being dairy products;Cream cheese;Cream [dairy products];Cream fraiche;Cream powder;Cream (Whipped -);Creamers for beverages;Creme fraiche;Crisps;Crisps (Potato -);Croquettes;Crucian carps, not live;Crustaceans, not live;Crystallised Fruit;Crystallised ginger;Crystallized fruit;Crystallized fruits;Crystallized ginger;Crystallized gingers;Cucumber Kimchi [Oi-sobagi];Curd;Curd cheese;Curdled milk;Cured meats;Cured sausages;Currants;Custard style yoghurts;Cut fruits;Cut vegetables;Dahls;Dairy desserts;Dairy products;Dairy products and dairy substitutes;Dairy puddings;Dairy spreads;Dairy-based beverages;Dairy-based dips;Dairy-based spreads;Dairy-based whipped topping;Dak galbi [Korean dish consisting primarily of chicken stir-fried in a fermented hot pepper paste];Dates;Deep frozen chicken;Deep-frozen poultry;Dehydrated chicken;Dehydrated vegetables;Desiccated coconut;Desserts made from milk products;Dill pickles;Dips;Dishes of fish;Doenjang jjigae [Korean dish consisting primarily of tofu with soybean paste];Dolmas;Double cream;Dried beans;Dried beef;Dried coconuts;Dried cranberries;Dried dates;Dried durians;Dried edible algae;Dried edible black fungi;Dried edible mushrooms;Dried edible seaweed;Dried edible seaweed (hoshi-wakame);Dried edible tremella fuciformis;Dried eggs;Dried figs;Dried fish;Dried flakes of laver for sprinkling on rice in hot water (ochazuke-nori);Dried fruit;Dried fruit mixes;Dried fruit products;Dried fruit-based snacks;Dried fruits;Dried fruits in powder form;Dried

funghi;Dried herring roe;Dried lentils;Dried mangoes;Dried meat;Dried milk;Dried milk for food;Dried milk powder;Dried nuts;Dried olives;Dried pawpaws;Dried persimmon (Got-gam);Dried pieces of agar jelly (kanten);Dried pineapples;Dried prawns;Dried pulses;Dried seafood;Dried shrimps;Dried soya beans;Dried squid;Dried strawberries;Dried truffles [edible fungi];Dried vegetables;Dried vegetables in powder form;Drinking yoghurt;Drinking yoghurts;Drinking yogurts;Drinks based on yoghurt;Drinks based on yogurt;Drinks made from dairy products;Dry whey;Duck eggs;Edible bird's nests;Edible birds' nests;Edible bone oil;Edible crystallised fruits;Edible crystallized fruits;Edible dried flowers;Edible fat-based spreads for bread;Edible fats;Edible frogs, not live;Edible insects, not live;Edible nuts;Edible oil;Edible oils;Edible oils and fats;Edible oils derived from fish [other than cod liver oil];Edible oils for glazing foodstuffs;Edible oils for use in cooking foodstuffs;Edible seaweed;Edible seeds;Edible shavings of dried kelp (tororo-kombu);Edible sunflower seeds;Eels, not live;Egg nog (Non-alcoholic -);Egg substitutes;Egg whites;Egg yolks;Eggplant parmigiana;Eggplant paste;Eggs;Eggs (Powdered -);Eggs (Snail -) for consumption;Escamoles [edible ant larvae, prepared];Escargots;Evaporated milk;Extra virgin olive oil;Extracts for soups;Extracts of meat;Extracts of poultry;Extracts of vegetables [juices] for cooking;Extra-virgin olive oil;Faggots [food];Falafel;Fat (Coconut -);Fat-containing mixtures for bread slices;Fatty substances for the manufacture of edible fats;Fermented bamboo shoots boiled and preserved in salt (menma);Fermented bean curd;Fermented fruits;Fermented milk;Fermented soybeans;Fermented soybeans (natto);Fermented tofu;Fermented vegetable foods [kimchi];Fermented vegetables (kimchi);Ferments (Milk -) for culinary purposes;Filled potato skins;Fillets (Fish -);Fish;Fish and seafood spreads;Fish balls;Fish cakes;Fish crackers;Fish croquettes;Fish eggs for human consumption;Fish extracts;Fish fillets;Fish fingers;Fish (Food products made from -);Fish in olive oil;Fish jellies;Fish meal for human consumption;Fish mousses;Fish, not live;Fish paste;Fish, preserved;Fish preserves;Fish products being frozen;Fish products prepared for human consumption;Fish roe, prepared;Fish (Salted -);Fish sausages;Fish, seafood and molluscs;Fish spawn (Processed -);Fish spread;Fish steak;Fish sticks;Fish stock;Fish, tinned [canned (Am.)];Fish with chips;Fish-based foodstuffs;Fishmeal for human consumption;Flakes of dried fish meat (kezuri-bushi);Flakes (Potato -);Flavoured nuts;Flavoured edible oils;Flavoured milk;Flavoured milk beverages;Flavoured milk drinks;Flavoured milk powder for making drinks;Flavoured nuts;Flavoured oils;Flavoured yoghurts;Flaxseed oil for culinary purposes;Foie gras;Food pastes made from meat;Food preparations predominantly of milk;Food products made from fish;Foods made from fish;Foods prepared from fish;Frankfurters;Freeze-dried meat;Freeze-dried tofu pieces (kohri-dofu);Freeze-dried vegetables;French fries;Fresh meat;Fresh poultry;Fresh unripened cheeses;Fried chicken;Fried meat;Fried platano;Fried potatoes;Fried tofu pieces (abura-age);Fritters;Fromage frais;Frosted fruits;Frozen appetizers consisting primarily of chicken;Frozen appetizers consisting primarily of seafood;Frozen bamboo shoots;Frozen brackens (Gosari);Frozen celery cabbages;Frozen chips;Frozen cooked fish;Frozen eggs;Frozen fish;Frozen french fries;Frozen frog legs;Frozen fruits;Frozen meat;Frozen meat products;Frozen pre-packaged entrees consisting primarily of seafood;Frozen prepared meals consisting principally of vegetables;Frozen shellfish;Frozen spinach;Frozen vegetables;Fruit based snack foods;Fruit chips;Fruit conserves;Fruit desserts;Fruit flavoured yoghurts;Fruit jams;Fruit jellies;Fruit jellies [not being confectionery];Fruit juices for cooking;Fruit leathers;Fruit marmalade;Fruit paste;Fruit pectin;Fruit peel;Fruit pie fillings;Fruit Powders;Fruit, preserved;Fruit preserved

in alcohol;Fruit preserves;Fruit pulp;Fruit pulps;Fruit purees;Fruit rinds;Fruit salads;Fruit snacks;Fruit spread;Fruit, stewed;Fruit-based fillings for cakes and pies;Fruit-based fillings for cobblers;Fruit-based snack food;Fruits (Crystallized -);Fruits in preserved form;Fruits preserved in alcohol;Fruits, tinned [canned (Am.)];Galbi [grilled meat dish];Game;Game, not live;Garlic butter;Garlic paste;Garlic [preserved];Garlic-based spreads;Gelatine;Ghee;Gherkins;Ginger jam;Glazed fruits;Goat cheese;Goat milk;Goose liver pate;Got-gam [dried persimmons];Grapeseed oil;Grapeseed oil for food;Grated potato nuggets;Green split-peas;Grilled chicken (Yakitori);Grilled pork belly (samgyeopsal);Grilled vegetables;Ground almond;Ground almonds;Ground meat;Ground nuts;Groundnut oil;Guacamole;Guacamole [mashed avocado];Guava paste;Gumbo;Haggis;Ham;Hamburgers;Hard cheese;Hardened oils for food;Hardened oils [hydrogenated oil for food];Hash brown potatoes;Hawthorn flakes;Hazelnut spread;Hazelnut spreads;Hazelnuts, prepared;Hemp milk used as a milk substitute;Hen eggs;Herrings, not live;Herrings [not live];Honey butter;Hot dog sausages;Hotdog sausages;Hummus;Hummus chick pea paste;Hummus [chickpea paste];Hydrogenated oils for food;Instant mashed potato;Instant miso soup;Instant soup;Instant stew;Isinglass for food;Jams;Jellies;Jellies [bread spreads];Jellies for food;Jellies, jams, compotes, fruit and vegetable spreads;Jelly made from devils' tongue root (konnyaku);Jerky;Juices (Vegetable -) for cooking;Kale chips;Kanten [dried pieces of agar jelly];Kefir;Kefir [milk beverage];Kelp [processed];Kephir [milk beverage];Kielbasa;Kimchi [fermented vegetable dish];Kimchi jjigae [Korean dish consisting primarily of fermented vegetables, pork and tofu];Kipper fillets;Kiwifruit flakes;Kkakdugi [Korean fermented radish dish];Knockwurst;Knuckle of ham;Koumiss [kumiss] [milk beverage];Kumys [kumyss] [milk beverage];Lactic acid bacteria drinks;Lactic acid drinks;Lamb products;Lard;Lard [for food];Lard for food;Laver;Laver (Toasted -);Lecithin for culinary purposes;Legume salads;Lemon curd;Lemon juice for culinary purposes;Lemon spread;Lentils;Lentils, preserved;Linseed oil for culinary purposes;Linseed oils [edible];Liquid eggs;Liver;Liver pastes;Liver pate;Liver pâté;Lobsters, not live;Lobsters (Spiny -), not live;Low fat cheese;Low fat dairy spreads;Low fat yoghurts;Low-fat potato chips;Low-fat potato crisps;Luncheon meats;Lyophilised meat;Lyophilised vegetables;Lyophilized meat;Lyophilized vegetables;Maize oil;Maize oil for food;Maraschino cherries;Margarine;Margarine substitutes;Marmalade;Marmalades;Marrow (Animal -) for food;Marrowfat peas;Mascarpone;Mashed potato;Mashed potatoes;Matzo ball soup;Meat;Meat boiled down in soy sauce (tsukudani meat);Meat burgers;Meat, canned;Meat extract;Meat extracts;Meat floss;Meat, frozen;Meat gelatines;Meat jellies;Meat paste;Meat, preserved;Meat [preserved];Meat preserves;Meat products being in the form of burgers;Meat spreads;Meat stocks;Meat substitutes;Meat, tinned;Meat, tinned [canned (Am.)];Meatballs;Meat-based mousses;Meat-based snack foods;Meats;Meats (Salted -);Milk;Milk (Albumin -);Milk based beverages [milk predominating];Milk based drinks [milk predominating];Milk beverages;Milk beverages containing fruits;Milk beverages, milk predominating;Milk beverages with high milk content;Milk curds;Milk drinks;Milk drinks containing fruits;Milk ferments for culinary purposes;Milk of almonds for culinary purposes;Milk powder;Milk powder for food purposes;Milk powder for nutritional purposes;Milk products;Milk shakes;Milk solids;Milk substitutes;Milk-based beverages;Milk-based beverages containing coffee;Milk-based beverages containing fruit juice;Milk-based beverages flavored with chocolate;Milkshakes;Minced meat;Mincemeat [chopped meat];Mincemeat made from

fruits;Mincemeat [preserved fruit];Mixed pickles;Mixed vegetables;Mixes for making broths;Mixes for making soup;Mixtures of fruit and nuts;Mold-ripened cheese;Mold-ripened cheeses;Mortadella;Mould-ripened cheese;Mousses (Fish -);Mousses (Vegetable - );Mozzarella sticks;Mullet roe salad;Mushrooms, prepared;Mushrooms, preserved;Mushrooms puree;Mussels, not live;Mutton slices;Natto [fermented soybeans];Non-alcoholic egg nog;Non-alcoholic eggnog;Non-dairy creamer;Non-living crustaceans;Non-living molluscs;Noodle soup;Nut and seed-based snack bars;Nut oils;Nut oils for food;Nut paste spreads;Nut toppings;Nut-based food bars;Nut-based snack foods;Nut-based spreads;Nuts being cooked;Nuts being dried;Nuts being preserved;Nuts, prepared;Oat milk;Octopuses [not live];Octopuses, not live;Offal;Oils and fats;Oils for food;Olive oil;Olive oil for food;Olive oil [for food];Olive oils;Olive paste;Olive pastes;Olive puree;Olives, [prepared];Olives, preserved;Olives stuffed with almonds;Olives stuffed with feta cheese in sunflower oil;Olives stuffed with pesto in sunflower oil;Olives stuffed with red peppers;Olives stuffed with red peppers and almonds;Omelets;Omlettes;Onion rings;Onions, preserved;Organic milk;Organic nut and seed-based snack bars;Ox bone based broth (seolleongtang);Oysters, not live;Oysters [not live, for human consumption];Packaged meats;Palm hearts, processed;Palm kernel oil for food;Palm oil for food;Palm oil [for food];Pastes (Liver -);Pastes made from nuts;Pastrami;Pâté (Liver - );Pates;Pâtés;Peach flakes;Peanut butter;Peanut milk;Peanut milk for culinary purposes;Peanut milk-based beverages;Peanut oil [for food];Peanut oil for food;Peanut paste;Peanut spread;Peanuts, prepared;Peanuts, processed;Peas, preserved;Peas, processed;Pectin for culinary purposes;Peel (Fruit -);Peeled tomatoes;Peeled vegetables;Pepperoni;Perches, not live;Pickled cucumbers;Pickled eggs;Pickled fish;Pickled fruits;Pickled gherkins;Pickled hot peppers;Pickled jalapenos;Pickled onions;Pickled peppers;Pickled pigs' feet;Pickled radishes;Pickled vegetables;Pickled watermelon rind;Pickles;Pie fillings of meat;Pieces of chicken for use as a filling in sandwiches;Plaices, not live;Pollen prepared as foodstuff;Pork;Pork cutlets;Pork loin;Pork preserves;Pork rinds;Potato cakes;Potato chips;Potato crisps;Potato crisps in the form of snack foods;Potato dumplings;Potato flakes;Potato fries;Potato fritters;Potato pancakes;Potato salad;Potato snack foods;Potato snacks;Potato sticks;Potato-based dumplings;Potato-based gnocchi;Potato-based salads;Potato-based snack foods;Poultry;Poultry extracts;Poultry, not live;Poultry salads;Poultry substitutes;Powdered cream;Powdered eggs;Powdered fruits;Powdered milk;Powdered milk for food purposes;Prawns, not live;Pre-cooked curry stew;Pre-cooked miso soup;Pre-cooked soup;Pre-cut vegetable salads;Pre-cut vegetables;Pre-cut vegetables for salads;Pre-packaged dinners consisting primarily of game;Pre-packaged dinners consisting primarily of seafood;Preparations for making bouillon;Preparations for making broths;Preparations for making soup;Preparations for making soups;Preparations for making yoghurt;Prepared almonds;Prepared beef;Prepared coconut;Prepared dishes consisting primarily of fishcakes, vegetables, boiled eggs, and broth (oden);Prepared dishes consisting principally of meat;Prepared entrees consisting primarily of seafood;Prepared fish dishes;Prepared fruits;Prepared insects and larvae;Prepared meals consisting primarily of meat substitutes;Prepared meals consisting principally of game;Prepared meals consisting substantially of seafood;Prepared meals containing [principally] bacon;Prepared meals containing [principally] chicken;Prepared meals containing [principally] eggs;Prepared meals made from meat [meat predominating];Prepared meals made from poultry [poultry predominating];Prepared meat;Prepared meat dishes;Prepared nuts;Prepared

onions;Prepared peppers;Prepared pine nuts;Prepared pistachio;Prepared pistachios;Prepared rootstocks;Prepared salads;Prepared snails [escargot];Prepared torreyia nuts;Prepared vegetable dishes;Prepared vegetable products;Prepared walnuts;Prepared watermelon seeds;Preserved balloon flower root (Doraji);Preserved chilli peppers;Preserved chopped chilli peppers, not being seasonings or flavorings;Preserved fish;Preserved fruits;Preserved garlic;Preserved jujubes;Preserved meat;Preserved mushrooms;Preserved nuts;Preserved olives;Preserved peas;Preserved plums;Preserved potatoes;Preserved sausages;Preserved soy beans for food;Preserved soya beans;Preserved soya beans for food;Preserved soybeans for food;Preserved truffles;Preserved vegetables;Preserved vegetables (in oil);Preserves made from vegetables;Preserves of game;Preserves of poultry;Preserves, pickles;Processed algae for human consumption;Processed almonds;Processed apples;Processed apricots;Processed artichokes;Processed asparagus;Processed avocados;Processed bean sprouts;Processed beans;Processed bee pupae for human consumption;Processed bee pupae, for human consumption;Processed beetroots;Processed beets;Processed betel nuts;Processed blueberries;Processed brussel sprouts;Processed brussels sprouts;Processed cabbage;Processed cactus for food;Processed cheese;Processed cherries;Processed chickpeas;Processed coconut;Processed collard greens;Processed dates;Processed edible cordyceps;Processed edible flowers;Processed edible flowers in crystallised form;Processed edible flowers in crystallized form;Processed, edible seaweed;Processed edible seaweed;Processed edible seeds;Processed eggplant;Processed eggs;Processed fish;Processed fish products for human consumption;Processed fish roe;Processed fish spawn;Processed fruits;Processed fruits, fungi and vegetables (including nuts and pulses);Processed grape leaves;Processed lamb;Processed legumes;Processed lemongrass;Processed lemons;Processed lychee fruit;Processed mangos;Processed meat;Processed meat products;Processed mustard greens;Processed nuts;Processed olive puree;Processed olives;Processed onions;Processed oranges;Processed papayas;Processed peaches;Processed peanuts;Processed peas;Processed pepperoncinis;Processed peppers;Processed pignoli;Processed pimientos;Processed plantain seeds;Processed potatoes;Processed Pulses;Processed pumpkin seeds;Processed quinces;Processed roots;Processed scallions;Processed seafood;Processed seafood products;Processed seeds;Processed shallots [used as a vegetable, not seasoning];Processed soya beans;Processed soybeans;Processed spirulina;Processed sunflower seeds;Processed sweet potatoes;Processed tomatoes;Processed vegetables;Processed walnuts;Processed watermelon seeds;Processed yams;Prosciutto;Prostokvasha [soured milk];Protein milk;Prunes;Pudding (Black -) [blood sausage];Puffed pork rind;Pulp (Fruit -);Pumpkin seed oil for food;Quail eggs;Quark;Quenelles;Quenelles [fish];Quenelles [meat];Radish cubed kimchi (kkakdugi);Ragouts;Raisins;Rape oil [for food];Rape oil for food;Rapeseed oil for food;Ready cooked meals consisting wholly or substantially wholly of game;Ready cooked meals consisting wholly or substantially wholly of meat;Ready cooked meals consisting wholly or substantially wholly of poultry;Ready grated cheese;Refried beans;Relishes [pickles];Rennet;Rhubarb in syrup;Rice bran oil [for food];Rice bran oil for food;Rice milk;Rice milk for culinary purposes;Rice milk for use as a milk substitute;Rice milk [milk substitute];Ripened cheese;Ripened cheeses;Roast beef;Roast beef flavoured extract;Roast chestnuts;Roast chicken;Roast ducks;Roast nuts;Roasted nuts;Roasted peanuts;Rosti [fried grated potato cakes];Ryazhenka [fermented baked milk];Salads (Fruit

-);Salads (Vegetable -);Salami;Salmon croquettes;Salmon [not live];Salmon, not live;Salted and fermented seafood (jeotgal);Salted cashews;Salted eggs;Salted fish;Salted meat;Salted meats;Salted nuts;Salt-fermented sea urchin roe;Samgyetang [Korean ginseng chicken soup];Sardines [not live];Sardines, not live;Sashimi;Sauerkraut;Sausage casings, natural or artificial;Sausage meat;Sausage skins and imitations thereof;Sausage skins [synthetic];Sausages;Sausages in batter;Saveloys;Savory butters;Scotch eggs;Sea basses [not live];Sea basses, not live;Sea bream, not live;Sea breams [red snappers, not live];Sea breams [red snappers], not live;Sea cucumbers, not live;Sea salmon roe for food;Sea trout roe for food;Sea urchins [not live];Sea urchins, not live;Sea-cucumbers, not live;Seafood;Seafood extracts;Seafood jellies;Seafood [not live];Seafood, not live;Seafood paste;Seafood preserves;Seafood products;Seafood spread;Seafoods boiled down in soy sauce (tsukudani);Seasoned laver (Jaban-gim);Seasoned nuts;Seaweed extracts for food;Seed butters;Seeds, prepared;Seeds (Processed -);Seeds (Processed sunflower - );Seolleongtang [Korean ox bone broth];Sesame oil;Sesame oil [for food];Sesame oil for food;Sheep cheese;Sheep milk;Sheets of dried laver (hoshi-nori);Shelled nuts;Shelled prawns;Shellfish, not live;Shepherd's pie;Shish kabobs;Shortening;Short-necked clams [not live];Short-necked clams, not live;Shrimps, not live;Silkworm chrysalis, for human consumption;Silkworm chrysalis for human consumption;Silver carps, not live;Skimmed milk;Sliced and seasoned barbequed beef (bulgogi);Sliced fruit;Sliced meat;Smetana [sour cream];Smoked cheese;Smoked fish;Smoked fish spread;Smoked meats;Smoked salmon;Smoked sausages;Snack food (Fruit-based -);Snack foods based on legumes;Snack foods based on nuts;Snack foods based on vegetables;Snack mixes consisting of dehydrated fruit and processed nuts;Snail eggs for consumption;Snails prepared for human consumption;Soft cheese;Soft white cheese;Soft-ripened cheeses;Soft-shelled turtles [not live];Soup;Soup concentrates;Soup cubes;Soup mixes;Soup pastes;Soup powders;Soup (Preparations for making -);Soup preparations (Vegetable -);Soups;Soups and stocks, meat extracts;Sour cream;Sour cream substitutes;Sour milk;Soy bean oil [for food];Soy burger patties;Soy chips;Soy sauce marinated crab (Ganjang-gejang);Soya bean curd;Soya bean milk;Soya bean oil for food;Soya beans, preserved, for food;Soya chips;Soya milk;Soya milk [milk substitute];Soya [prepared];Soya yoghurt;Soy-based snack foods;Soybean milk [soy milk];Soybean oil;Soybean oil for cooking;Soybean oil for culinary purposes;Spiced nuts;Spiced oils;Spicy beef broth (yukgaejang);Spicy pickles;Spinach [prepared];Spiny lobsters;Spiny lobsters, not live;Split peas;Spreads consisting mainly of eggs;Spreads consisting mainly of fruits;Spreads consisting of hazelnut paste;Squashes [plants, preserved];Squid, not live;Squid [prepared];Steaks of fish;Steaks of meat;Steamed cakes of smashed fish and yam (hampen);Steamed egg hotchpotch;Steamed or toasted cakes of fish paste (kamaboko);Stewed apples;Stewed fruit;Stews;Stir-fried chestnuts with sugar;Stock;Stock cubes;Stock in the form of granules;Stock [prepared];Strained cheese;Strained soft white cheese;Strained soft white cheeses;Strawberries being preserved;Stuffed cabbage rolls;Stuffed olives;Stuffed potatoes;Sturgeon eggs;Suet for food;Sugar-coated fruits on a stick;Sultanas;Sunflower oil for food;Sunflower oil [for food];Sunflower seeds, prepared;Sweet corn, processed;Sweetcorn [preserved];Sweetfish [not live];Sweetfish, not live;Swordfish, not live;Tahini [sesame seed paste];Tangerines [preserved];Tapenades;Tempeh;Teriyaki chicken;Tinned fish;Tinned fruits;Tinned meat;Tinned meats;Tinned olives;Tinned seafood;Tinned tomatoes;Tinned vegetables;Toasted laver;Toasted sheets of laver (yaki-nori);Tofu;Tofu burger patties;Tofu

skin;Tofu-based snacks;Tomato concentrates [puree];Tomato extracts;Tomato juice for cooking;Tomato paste;Tomato preserves;Tomato purée;Tomatoes [preserved];Tripe;Trouts, not live;Truffle cheeses;Truffle juice;Truffle paste;Truffle-based oils;Truffle-based spread products (truffle creams);Truffles, preserved;Tube-shaped toasted cakes of fish paste (chikuwa);Tuna fish [not live];Tuna fish, not live;Tuna fish [preserved];Tuna in oil;Tuna, not live;Turkey;Turkey burger patties;Turkey meat;Turkey products;Tzatziki;Uncooked hamburger patties;Uncooked sausages;Veal;Veal stock;Vegetable burgers;Vegetable chips;Vegetable crisps;Vegetable extracts for cooking;Vegetable extracts for culinary purposes;Vegetable extracts for food;Vegetable fats for cooking;Vegetable fats for food;Vegetable jellies;Vegetable juice concentrates for food;Vegetable juices for cooking;Vegetable marrow paste;Vegetable mousses;Vegetable oils for food;Vegetable pastes;Vegetable pate;Vegetable powders;Vegetable preserves;Vegetable puree;Vegetable purees;Vegetable salads;Vegetable soup preparations;Vegetable spreads;Vegetable stock;Vegetable-based cream;Vegetable-based entrees;Vegetable-based meat substitutes;Vegetable-based snack foods;Vegetable-based spreads;Vegetables, cooked;Vegetables, dried;Vegetables in vinegar;Vegetables (Prepared -);Vegetables, preserved;Vegetables preserved in oil;Vegetables, tinned [canned (Am.)];Vegetarian sausages;Veggie burger patties;Venison;Walnut kernels;Weed extracts for food;Whale fat for food;Whale oil for food;Whales [not live];Whales, not live;Whey;Whipped cream;Whipping cream;White cheese;White of eggs;White pudding;Whiteners [dairy] for beverages;Yakitori;Yams;Yellow split peas;Yoghurt;Yoghurt based drinks;Yoghurt beverages;Yoghurt desserts;Yoghurt drinks;Yoghurt made from goats milk;Yoghurt-based beverages;Yoghurts;Yogurt;Yogurt drinks;Yogurt-based beverages;Yolk of eggs;Yuca chips;Yucca chips.