



For an enhanced foie gras protection and well-informed consumers

Gathered in the European Federation of Foie Gras, the five European countries producing foie gras, namely Belgium, Bulgaria, France, Hungary and Spain, attach great importance to offering to European consumers and restaurateurs the **quality** expected from this exceptional delicacy. It is important to stress that foie gras is part of the European cultural and gastronomic heritage.

The current definition of foie gras as laid down by Regulation No 543/2008¹ provides imperfect protection for the product “foie gras” understood in a broad sense: raw foie gras and processed foie gras. Wishing for **consumers to make informed choices and not to be victims of fraudulent practices**, Euro Foie Gras calls for:

- **Maintaining the definition of raw foie gras** in the future delegated act on marketing standards;
- Completing this text with the **insertion of the definition of processed foie gras**.

It is crucial for providing an accurate information to consumers and for the protection of an authentic mode of production.

Adopting a progressive approach, Euro Foie Gras will also pursue its path of transparency by continuing to open its farms to all those who wish to come and see the reality of the production.

Effective protection for raw foie gras must be maintained



Raw foie gras is defined in Article 1 *in fine* of the European regulation on marketing standards for poultry meat in these terms:

*“The livers of geese, or of ducks of the species *Cairina muschata* or *Cairina muschata x Anas platyrhynchos* which have been fed in such a way as to produce*

¹ COMMISSION REGULATION (EC) No 543/2008 of 16 June 2008 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 as regards the marketing standards for poultry meat:
<https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:157:0046:0087:EN:PDF>

hepatic fatty cellular hypertrophy. The birds from which such livers are removed shall have been completely bled, and the livers shall be of a uniform colour.

*The livers shall be of the following weight:
duck livers shall weigh at least 300 g net,
goose livers shall weigh at least 400 g net”*

Paragraph 5 of the recitals gives the justification for this introduction: “*the high value and consequent risk of fraudulent practices make it necessary to lay down especially precise minimum marketing standards.*”

Although the legal weights are below the average weight of raw foie gras produced and traded on the market, the European foie gras sector defends with vigor and conviction the maintenance of this definition in all its components for several reasons:

- **Foie gras remains a prestigious and high value product.** Its important consumption at very specific times of the year as well as its relatively high price prove it. Moreover, in France, it is recognized as a “*protected gastronomic and cultural heritage*” and, in Hungary, it has received the recognition of “*hungaricum.*” It is a local product, using ancestral know-how that has become over the centuries an essential ambassador of European gastronomy.
- **Waterfowl must have been fed in such a way as to cause a fatty cellular hypertrophy of the liver. The weight of the livers - 300 g for ducks and 400 g for geese - must be kept in the consumers’ interest. These weights are based on several scientific studies** including a recent one titled “NormoFoie²” which identified the size of hepatocytes (or liver cells) as an indicator of the level of fattening. Thus, the minimum threshold of 250 μm^2 can be considered as an indicator of the state of fattening of hepatocytes. This study concludes that “*When the liver is properly fattened, i.e when all cells are fattened, all of its hepatocytes are larger than 250 μm^2 . Only livers whose weight exceeds 300 g have at least 80% of fattened hepatocytes*”. On the contrary, when it comes to the livers weighing less than 300 g, we can see that a significant proportion of hepatocytes is not fattened, which means that fattening is incomplete. This study also shows that the current regulatory weights are minimalist with regard to the quality expected for a good foie gras, for which the sufficient presence of different fatty acids determines an optimum texture and an incomparable flavor. Consequently, the weight of duck livers should be increased up to 400 g so that they are considered totally fat.

It would therefore be untruthful, misleading and deceptive for consumers to reduce the minimum weights of duck and goose livers since livers of a weight lower than those currently set by the European marketing standards would not be sufficiently fattened to be tasty. The influence of liver weight on consumer preferences has also been proven by the NormoFoie study. Sensory and hedonic tests carried out on a panel of consumers showed that there is “*a preference for the weight range of 420-520 g over light livers*”. This difference in fattening and therefore in the quality of the product is also clearly visible, especially in terms of color, which is not uniform as

² NormoFoie Study, INRA UMR GenPhySE, 2018

stipulated in the current regulation (See below pictures of livers at different weights). Furthermore, these minimum weights are also the only available means for European and national authorities to control the product in a simple way. Deleting it would open the door to fraud and deception, as it has been the case in the past.

Regarding the presence on the market for many years of other products from palmipeds such as *mousse de foie* or *lean liver (foie fin)*, **Euro Foie Gras argues that it would be misleading for the consumer to make them believe that a product other than foie gras could have the same intrinsic characteristics**. Euro Foie Gras insists that the reduction of liver weights would not create any new commercial opportunity for breeders and actors of the sector since, as mentioned above, these products already exist on the market. If these products have their place, it is important to meet consumers' needs who want to make informed choices and trust the name "foie gras".

Inexistent protection for processed foie gras must be overcome



Processed foie gras is not defined by the current European legislation. **This legal vacuum means that consumers are not protected against fraud on this product which represents 80% of the foie gras sold to end consumers**. This is notably true since they do not usually have sufficient knowledge to make the distinction between processed foie gras and other products. The European Directive n°2005/29/EC on unfair business-to-consumer commercial practices in the internal market³ allows to sue any economic actor engaged in deceptive marketing practices. Nevertheless, this possibility is unsatisfactory and in no way protective of consumers since it is very difficult, and even impossible, for a sector like foie gras to carry out this type of action in a consistent and repeated manner.

It is also important to emphasize that the European market is the most exposed to fraud since 75% of foie gras is consumed by the European Union which is therefore by far the largest consumer of foie gras in the world.

In addition, even though European countries account for 95% of worldwide foie gras production, **new non-European Union producer countries are emerging and thus the potential risk of competition is increasing in the internal market**. This makes it therefore necessary to establish a European standard.

In view of these elements, **Euro Foie Gras calls for the inclusion of the definition of processed foie gras in the future delegated act on marketing standards** in the following terms:

Whole foie gras: *it is made of one or more whole liver lobes of goose or duck either*

³ DIRECTIVE 2005/29/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32005L0029&from=DE>

cooked, semi-cooked or fresh, in which exuded fat does not exceed 30 %. A fragment of foie gras lobe is allowed to complete the weight.

Bloc of goose foie gras, bloc of duck foie gras: *it is made with a mechanical blend of several goose foie gras or duck foie gras, either cooked or semi-cooked with seasoning and water added. The ratio between humidity and defatted product shall not exceed 82 %. If labelled "with pieces" (avec morceaux), it must contain at least 30 % of foie gras pieces.*

Only this definition will provide total protection to European consumers who love this product. Euro Foie Gras wishes to point out that such an inclusion would have no impact on the final price of the product and that it would not create additional administrative constraints since simple methods of analysis and control already exist, in particular in France.

Foie gras production meets consumers' expectations on animal welfare



Even if the delegated act on marketing standards is not designed to deal with animal welfare, it is essential for us to address this issue, which is important for both consumers and producers.

European production of foie gras is legal, strictly regulated and controlled

A recommendation of the Council of Europe⁴, adopted in 1999, authorizes it in the countries where it was already practiced. In addition, breeders must comply with the European legislation on the protection of farm animals⁵.

The foie gras sector is proactive in the field of animal welfare

European foie gras producers have decided to go beyond the legal framework by adopting a European Charter on breeding of waterfowl for foie gras⁶. This Charter sets out the commitments of the sector that should govern the breeding of geese and ducks for the production of foie gras (food, watering, housing, slaughter etc.). At the national level, this proactive approach takes different ways. Thus, in Belgium, the Royal Decree of 1994 amended in 2010⁷ and controlled by the public authorities, enacts specific obligations relating to the housing of fat palmipeds, the duration of the fattening phase, etc. In France, the voluntary "Palmi G confidence"⁸ initiative, launched in 2014 and led by the sector, aims to guarantee and certify breeders' best practices notably in terms

⁴ Recommendation available here :

https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=090000168052d5d7

⁵ The production of foie gras is regulated by the Directive 98/58/CE concerning the protection of animals kept for farming purposes: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31998L0058&from=FR>

⁶ Charter available here:

http://www.eurofoiegras.com/docs/EUROFOIEGRAS_CHARTE_UK.pdf

⁷ Royal Decree of 1994 related to the protection and welfare of the animals, modified in 2010:

<http://environnement.wallonie.be/legis/bienetreanimal/bienetre045.html>

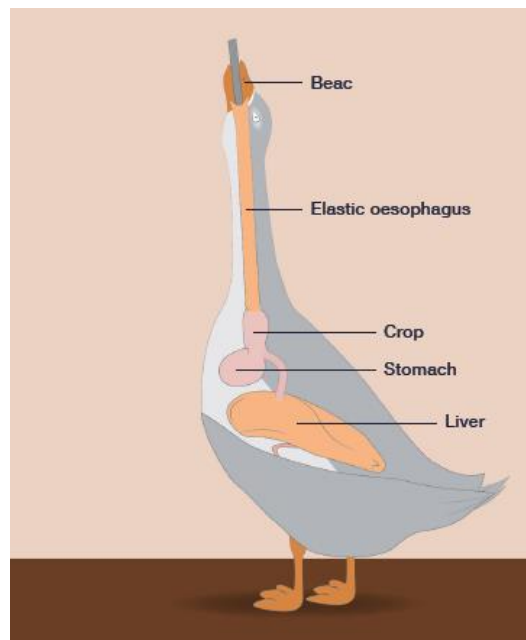
⁸ The "Palmi G confidence" initiative, which is in its implementation phase, brings together 15 organisations representing 90% of the sector.

<http://elevage-gavage.fr/le-foie-gras/les-engagements>

of animal welfare (the commitments cover, for example, food, comfort, health and hygiene etc). With a set of specifications controlled by an independent body, this approach is part of a logic of professional ethics through which breeders affirm their desire for transparency and continuous improvement. In Hungary, the Hungarian Poultry Council adopted in 2011 a Code of Good Practice for the fat palmipeds sector⁹.

The production is adapted to the anatomy and physiology of ducks and geese

The anatomical characteristics of these animals - absence of glottis and elastic esophagus that can easily be distended without any suffering (as a snake that swallows its prey) - allow them to swallow large preys such as fish or frogs. These characteristics are present in the species most suitable for assisted feeding (Mulard ducks and Muscovy ducks) although they do not migrate. Therefore, as scientific studies have shown, the fattening phase does not cause suffering. Euro Foie Gras stresses that the progress made, thanks in particular to the research on the preparation of the animals during the breeding phase and the selection of the strains, has allowed to halve the duration of the fattening phase in 25 years.



The production of foie gras is born from the observation of a natural phenomenon

Migratory birds naturally store fats in their liver before their migration. The fattening of geese and ducks for foie gras production is only the reproduction of this natural, non-pathological and completely reversible physiological aptitude that animals raised for the production of foie gras have preserved. This has been demonstrated by scientific studies, notably by INRA¹⁰.

Foie gras is a healthy product, resulting from an extensive production method

Foie gras comes from a healthy palmiped reared outdoors during 90% of its existence, then fattened in a progressive and controlled way. During the assisted feeding phase,

⁹ Document available here :

http://www.mbt.hu/mediatar/fajlok/regebbsi_fajlok/btt_kodex_kesz

¹⁰ Study of Elisabeth Baeza, INRA Prod. Anim, 2013, 26 (5), 403-414.

two meals a day are distributed for a period of 10 to 12 days, after verification that the previous meal has been digested.

Even if fattening by using the assisted feeding method respects the animals' digestive rhythm, the Standing Committee of the Council of Europe asked, in its specific recommendation of 1999, that research for alternative methods be conducted. The results of research programs carried out in France are so far inconclusive:

- **Experiments on alternatives harmful to animal welfare and animal health such as the destruction of the satiety center have been abandoned.**
- In a synthesis note written by the researchers Gérard Guy (INRA) and Xavier Fernandez (ENSAT) ¹¹, it is explained that “an experiment designed to fatten the liver of Mulard ducks without the use of *gavage* was undertaken in 2006 (Guy et al) with the support of the foie gras interbranch organisation CIFOG. Overall the results indicate that under the effect of **a food rationing - food relaxation sequence**, Mulard ducks are able to overconsume and fatten their liver spontaneously. Mulard ducks have a good capacity to regulate their energy intake (Guy et al 1997). The overconsumption is then temporary and the effective fattening of the livers remains moderate (the liver goes from 60g to 150g) so that in the current state of the knowledge, **this technique can be conceived only for a pre-fattening allowing to shorten the duration of *gavage*.**”
- Another alternative was studied ***“to exploit the possible behaviors of hyperphagia corresponding to the pre-migratory period of the waterfowl which must constitute energetic reserves for migration. The target species is the Landes goose (...). The experiment consists of simulating the occurrence of the autumnal period in a dark building in order to trigger a hyperphagia (...).”*** The first results are not completely conclusive because they show a very great heterogeneity of the weight of the livers as well as a large increase in the quantities of food required. In this case, the animals remain in a building during all the breeding while, as a reminder, ducks and geese currently live 90% of their existence outdoors.

New studies are underway, particularly on intestinal microbiota bacteria that could generate a natural fattening of the geese liver. However, none of the current scientific studies are conclusive.

Furthermore, we do not believe in the reality of the product named “ethical foie gras” marketed by the Spanish producer, La Patería de Sousa - Labourdette, produced from wild geese supposedly fed with acorns. The analyses carried out on the product¹² sold on the market show that it is not a fattened foie gras. Moreover, many violations have been noticed: Pateria is not listed in the general register of farms, does not have an authorized slaughterhouse, has no authorization allowing it to export poultry to the United States and has not published its accounts in the commercial register since 2017 in violation of the law. In addition, its sanitary approval was withdrawn by the regional

¹¹ Synthesis note written by Gérard Guy and Xavier Fernandez, INRA, October 2013: “*Impact of gavage on the welfare and state of play of the studies regarding alternatives to gavage.*”

¹² Analysis produced by the laboratory Cofrac n°16.12.0061A.001.

authorities of Extremadura due to the deficiencies and significant non-conformities observed which endanger the food safety of consumers.

Euro Foie Gras stresses that if, in the future, an alternative production method is found, it is important that it respects the welfare of the animals, that it provides a product offering identical characteristics and an equal quality and that it is economically viable for farmers.

Euro Foie Gras wants to assure European consumers and restaurateurs that the product they are buying is indeed foie gras and not a different and therefore misleading product. Only the delegated act on marketing standards can provide such assurance by defining the characteristics of both raw and processed foie gras.

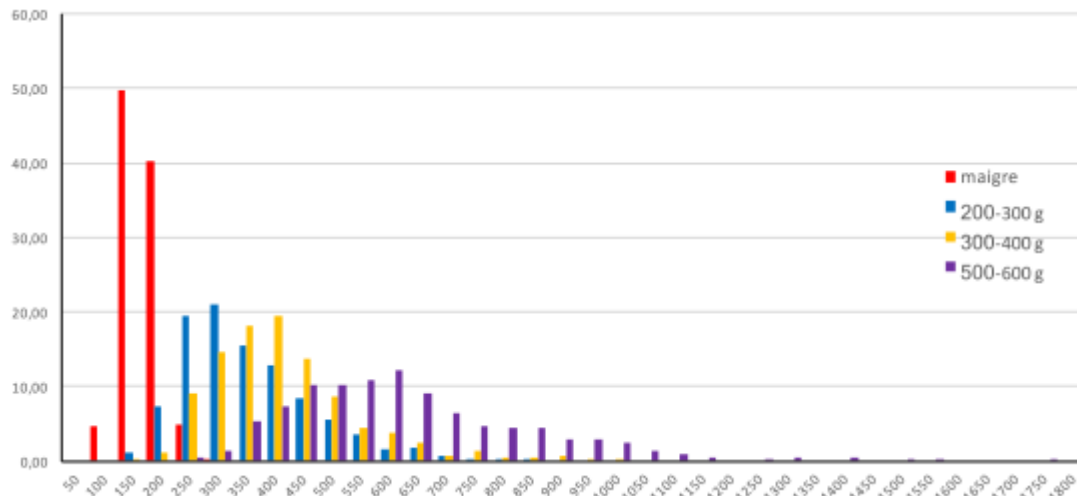
If you want to visit a farm producing foie gras and have experience on the ground, do not hesitate to contact us: <https://www.eurofoiegras.com/fr/qui-sommes-nous/>

Meanwhile, the following videos will make you discover the production of foie gras in a farm in Belgium: <https://www.youtube.com/watch?v=Dki60-IN8Ug> – and in France : https://www.youtube.com/watch?v=FY_JSw_VgHo

Created in 2008, Euro Foie Gras, the European Federation of Foie Gras, brings together producers' federations from France, Belgium, Bulgaria, Spain and Hungary. Its goal is to establish a continuous exchange of good practices, know-how and promote the profession of foie gras producer.

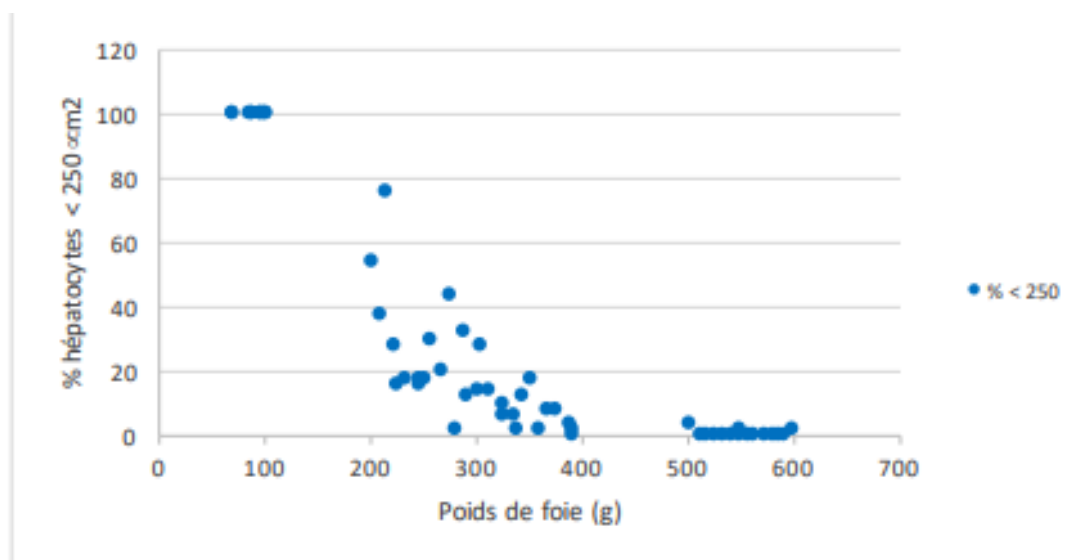
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Annex 1: Distribution of hepatocyte surface area (in μm^2) according to liver weight class (NormoFoie study)



“The graphic observation of the size distribution of hepatocytes (= liver cells) according to the weight class allows a better understanding of the variability in the level of fattening in each of the classes.”

Annex 2 : Percentage of hepatocytes with a surface area of less than 250 μm^2 , depending on the liver weight (NormoFoie study)



“The above results clearly indicate that for animals which have not been fattened, no hepatocyte has an area exceeding 250 μm^2 . In the group of high weight livers, we observe the opposite results since the percentage of hepatocytes with a size <250 μm^2 is close to zero. ”

Annex 3: Pictures of livers at different weights



Liver of 102 grams:
Lean liver, still red



Liver of 304 grams:
foie gras according to the legal definition /
in the reality liver a little bit more fattened



Liver of 500 grams:
foie gras: optimal size, light colour, flexible texture