

# GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

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## MARKS OF ORIGIN

### Submission of Laws and Regulations

#### SWITZERLAND<sup>1</sup>

The following communication has been received from the Swiss Government.

There is in Switzerland no law or regulation requiring in a general manner that imported products should bear a mark of origin.

The obligation to mark foreign origin is only imposed in the case of certain foodstuffs. The legal bases for this are the following:

1. Federal law on the trade in foodstuffs and various common goods of 8 December 1905 and
2. Ordinance governing the trade in foodstuffs and various common goods of 26 May 1936  
for: eggs  
honey  
fruit and vegetables  
milk preserves  
cheeses  
wine  
certain brandies
3. Ordinance of the Federal Department of the Interior amending the regulation concerning trade in kirsch of 3 July 1959  
for: kirsch (eau-de-cerises)
4. International Convention for the Use of Appellations d'Origine and Denominations of Cheeses ("Stresa Convention")  
for: cheeses

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<sup>1</sup>An alphabetical list of the notifications received from governments is indexed and appended to this document.

Extract of laws and regulations concerning marks of origin

Switzerland

1. Federal law on the trade in foodstuffs and various common goods of 8 December 1905

Article 28, paragraph 1

- (1) The customs officials exercise, in the Swiss customs offices and warehouses, control over goods coming from abroad which are subject to the provisions of the law and are not passing in transit.

Article 54, paragraphs 1 and 2

- (1) The Federal Council issues the provisions necessary to safeguard public health and prevent all fraud in the trade in goods and articles subject to the control established by the present law.
- (2) It shall prescribe for the wholesale and retail trade in foodstuffs the use of precise descriptions, rendering impossible any error as to the nature and provenance of the goods.

2. Ordinance governing the trade in foodstuffs and various common goods of 26 May 1936

Article 13, paragraph 4

- (4) Advertisements for imported eggs of every kind, fruit, vegetables, honeys and foreign wines must mention the foreign origin of such produce; that indication must be placed beside the specific appellation. The description "foreign" constitutes a sufficient distinctive mark of foreign origin.

Article 79, paragraph 6

- (6) The packages of milk preserves of all kinds must bear the name of the maker or vendor or a registered trade mark (Article 14). Foreign products must bear in a clearly legible manner the description "foreign" or the name of the country of origin, in close conjunction with the specific appellation.

Article 82, paragraphs 2 (second and third sentences), and 10

- (2) Processed cheeses made wholly or partly with cheeses of foreign provenance must be expressly described as foreign in advertisements and all kinds of publicity and on their packages. The makers of processed cheese are required to supply the cantonal inspectors or persons authorized for the purpose by the cantonal supervisory authorities with all requisite information concerning entries of foreign cheese and their use and to authorize such officials to inspect their trade and production ledgers, invoices, etc.

- (10) Foreign cheeses must be described as such, if their origin is not already apparent from their appellation, e.g. Roquefort, Gorgonzola, Dutch cheese, etc. (see also below: Stresa Convention).

Article 173, paragraphs 1 and 2 (last sentence)

- (1) Imported eggs, and their packings, must bear a mark showing their foreign origin. The packing-cases (whole cases, half cases and quarter cases) must bear, on one of their small sides, the name of the country of origin or the inscription "Import" in Latin characters, printed or branded with a hot iron and at least 3 cm. high. Each egg must bear either an indication of the country, or the description "Imp" in Latin characters, clearly legible, indelible, resistant to boiling and at least 2 mm. high.
- (2) Imported preserved eggs, and their packages, must also bear the designations of origin prescribed for fresh eggs.

Article 189, paragraph 3

- (3) Fruit of every kind coming from abroad must be described in a manner clearly visible to the buyer by the term "foreign" or by the name of the country of provenance, unless it is a question of fruit such as tropical fruit, of which the foreign origin is obvious.

Article 218, paragraphs 1, 2 and 3

- (1) Foreign honey must be expressly described as such in advertisements, publicity, etc.
- (2) The containers in which foreign honey is offered for sale or sold must bear the description "foreign honey", or an indication of the country of origin. Those indications must be inscribed in characters of the same dimensions and as legible as those of the word "honey" and applied in such a way that the latter word be read at the same time as they are.
- (3) Mixtures of foreign honey and Swiss honey must be treated as foreign honey.

Article 336, paragraphs 1, 2 (last sentence) and 5

- (1) The indications relating to the provenance (State, canton, province, department), origin (region or place of production, locality, vineyard), variety of vine, method of vinification, year, qualities, and alcoholic strength of a wine, and any other indication, must be in accordance with the facts and exclude all possibility of confusion.
- (2) For foreign wines, the description according to a variety of vine shall always be accompanied by the indication of origin and provenance.

- (5) It is forbidden to use in offers or invoices, or on barrels, wine-lists, labels, etc. descriptions such as "type", "kind", "fashion", "substitute" or others in conjunction with an indication of provenance, origin or variety of vine.

Article 338, paragraphs 2, 3, 4 and 5

- (2) Foreign wines must be described as such, if their foreign origin does not already clearly appear from their appellation, e.g., "Bordeaux", "Valtelline", "Tyrolean wine" etc. Wines described as "Montagne", "Hügelwein", and "Rosé" must be regarded as foreign wines.
- (3) The wines to which the provisions of the present article apply are divided into four classes, according to their origin or provenance, and taking into account their quality and composition. The description to which the wines are entitled in their country of origin determines their classification, insofar as it does not run counter to Swiss regulations.

Class I: Famous high-class wines. Wine with an indication of origin (Article 336), of which the names in themselves indicate the very highest quality, or in respect of which express mention is made of a particular quality by indications such as "appellation contrôlée", "vino tipico" or "vino classico", "Auslese", or "Wachstum". These wines can not be blended.

Class II: Quality wines, wines with indication of origin or of variety of vine, without the indications of special quality mentioned in respect of Class I. Such wines may contain, without change in their appellation, a maximum of 20 per cent of other wines of the same colour meeting the requirements of Classes I or II.

Class III: Current wines with indication of provenance such as "French red wine", "Spanish red wine", "wine of Catalonia", "wine of Piedmont", etc. Such wines may contain, without change in their appellation, a maximum of 30 per cent of other wines of the same colour meeting the requirements of Classes I, II or III.

Class IV: Ordinary wines without indication of origin or provenance. Blends of wine of whatever provenance, but of the same colour, must be described as "foreign red wine", or as "foreign white wine". Blends of white wine and red wine must be clearly described as such, or as "table wine"; they must in no case be placed on the market as "Schiller". Wines described as "Montagne", "Rosé", or "Hügelwein", without indication of provenance, may contain up to 30 per cent of white wine without change in description. The term "table wine" may be used to describe a blend of white wine and red wine in any proportions. It is forbidden to use, for wines of this class, indications relating to a special treatment or mentioning a particular quality, such as "spécial", "pregiato", or a year. Descriptions relating to hybrid wines and their blends are dealt with in Article 339.

- (4) The Federal Department of the Interior establishes, on the basis of the principles laid down in Article 336, paragraph 1, and after consulting experts, as complete a list as possible, kept constantly up-to-date, of the descriptions of the wines in Classes I, II and III, which it classifies accordingly.
- (5) In no case may the blending operations mentioned in this article result in the changing of an appellation of origin or of provenance into a generic appellation. Descriptions such as "Hungarian Burgundy", "Chilean Bordeaux", and so on, are forbidden.

Article 339, paragraphs 1, 2 and 3

- (1) It is forbidden to use fancy names, or indications relating to origin (Article 336), for hybrid wines or for the so-called "Americano" wines (Article 334).
- (2) The description "hybrid wine" or "Americano" must appear on offers, invoices, price-lists, wine-lists, barrels and other containers, in characters of the same dimensions as the other indications, and on the labels in characters of larger dimensions and quite as legible.
- (3) Blends of hybrid wine with local wine of the same colour from European vines must be described as "table wine", "hybrid wine" or "Americano". The same applies to blends with foreign wine from European vines in which hybrid wine predominates. If, on the other hand, the proportion of foreign wine in the blend is over 50 per cent, it must be described as "foreign red wine" or "foreign white wine", or as "table wine". The "Montagne", "Rosé" and "Hügelwein", in Class IV (Article 338; without indication of provenance) may contain without change in their description up to 20 per cent of Swiss hybrid wine if they have not been blended with more than 10 per cent of white wine. It is forbidden to use fancy names or indications of origin for these blends, whereas indications of provenance are allowed for wines which, in addition to the hybrid wine of the provenance indicated, contain a maximum of 20 per cent of wine of some other provenance. The provisions of paragraph 2 relating to the dimensions of the characters shall apply.

Article 393, paragraph 1, (c) and (p)

- (1) It is not permitted to offer for sale under the names specified below any brandies other than those corresponding to the definitions given and to the particular standards of the Swiss Handbook on Foodstuffs, 4th Edition, Supplement I (1945), p.146, and containing in sufficient quantities, the substances which give them their characteristic smell and flavour.

- (c) It is only permitted to describe as "Cognac" and "Armagnac" those products of French origin which the law of the country of origin recognizes as entitled to those appellations. The use is forbidden of descriptions such as "Cognac-" (or "Armagnac-") "-fashion", "-type", "-kind", etc., and also of the appellations "Cognac" or "Armagnac" associated with other indications of origin or with the word "blend".
- (p) Nothing can be described as "kirsch" except the product of the distillation of fermented cherries for which the use of a mark of authenticity has been authorized on the basis of documentary evidence (Article 409, paragraph 2). Brandies differently constituted must not bear names suggesting kirsch, such as "kirsch-type" or "kirsch-blend".

Article 402, paragraphs 1 and 2

- (1) The brandies and liqueurs bearing a specific name of origin (for example: Jamaica Rum, Holland Liqueur, Fernet-Milano) must be the original products imported from the regions indicated.
- (2) Foreign specialities can only be sold in the original flasks. The labels on those flasks must show the name of the maker.

3. Ordinance of the Federal Department of the Interior amending the regulation concerning trade in kirsch of 3 July 1959

Article 1, paragraphs 3 and 4

- (3) Any brandy obtained by distilling foreign fermented pure cherries, shall be considered to be "eau-de-cerises étrangère" (foreign kirsch<sup>7</sup>), whether it has been distilled abroad or in Switzerland. The country of provenance must be indicated clearly on labels, invoices, price-lists and publicity material of all kinds. The indication must be spelt out in full and be as clear and legible as the name "eau-de-cerises" and in close conjunction with it.
- (4) It is forbidden to mix indigenous kirsch and foreign.

4. International Convention for the use of appellations d'origine and denominations of cheeses ("Stresa Convention")

Article 1

- 1.1 "The Contracting Parties pledge themselves to take all the necessary measures, in accordance with their respective internal legislation, to ensure the application of the principles as stated in article 2 to 9 inclusive."

- 1.2 "They especially pledge themselves to prohibit and repress within their respective territorial confines the use, in the languages of the State or in a foreign language, of the 'appellations d'origine', denominations and designations of cheeses contrary to these principles."
- 1.3 "This pledge applies to all specifications which constitute false information as to the origin, variety, nature or specific qualities of the cheeses, stated on these cheeses or upon products which might be confused with cheese and which are circulated, imported, stored, offered or sold on the home market, as well as for export; it also applies to the wordings used upon packages, invoices, way-bills, commercial papers as well as in advertising, marks, names, inscriptions and illustrations."
- 1.4 "This article shall not apply to merchandise in transit."

### Article 3

- 3.1 "The 'appellations d'origine' which are the object of internal legislation reserving their use, within the territorial confines of one of the Contracting Parties, to cheese manufactured or matured in traditional regions, by virtue of local, loyal and uninterrupted usages, are listed country by country in Annex A; they are exclusively reserved to these cheeses whether they are used alone or accompanied by a qualifying or even corrective term such as 'type', 'kind', 'imitation', or other term."
- 3.2 [cf. Stresa Protocol, Article II, 1 and 2 (part)] However, with the exception of "Gorgonzola" and "Parmigiano Reggiano" cheeses, the provisions of paragraph 1 of this Article are to apply only to cheeses made with milk other than cow's milk.
- 3.3 [cf. Stresa Protocol, Article II, 3] In their trade with countries not adhering to the present Convention, the Contracting Parties may use the two "appellations d'origine" indicated in paragraph 3.2 above, provided that the indication of the manufacturing country is added.

### Article 6

- 6.1 "Cheeses destined for export shall bear the following:
- (a) the indication of the manufacturing country;
  - (b) the minimum guaranteed percentage of fat in the dry matter.

"For cheeses containing at least 45 per cent fat in the dry matter the indication of the percentage can be replaced by the words 'full cream';"

- 6.2 "For packaged cheese, when it is not possible to give this information on the cheese itself, it must be given on the package of the cheese as it is offered to the consumer."
- 6.3 "Furthermore the documents relating to the cheeses shall give the name of the cheese."
- 6.4 /cf. Stresa Protocol, Article IV, 1/ Provided that the "appellations d'origine" and denominations are used in conformity with the provisions of the present Convention, the Contracting Parties are authorized to derogate from the obligations in respect of marking prescribed in this Article for their trade with non-contracting countries when the regulations and/or situation of these markets make it necessary.

I N D E X

of the notifications received from governments published  
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