

Name compliance for e-cigarettes

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Introduction

The Royal Decree of 7 November 2022 amending the Royal Decree of 28 October 2016 on the manufacture and marketing of electronic cigarettes entails adjustments to the names of e-cigarette products due to the new Article 5 §§12 and 13:

§ 12. Without prejudice to paragraph 10, the packaging units and any outer packaging of electronic cigarettes and refill bottles shall not contain the following:

1° the suggestion that a particular electronic cigarette or refill bottle is less harmful than others or is intended to reduce the effect of certain harmful components of smoke or has vitalizing, energizing, healing, rejuvenating, natural, organic or health or lifestyle benefits;

2° resemblance to a food or cosmetic product;

3° the suggestion that a particular electronic cigarette or refill bottle is more readily biodegradable or has other environmental benefits.

§ 13. The suggestion of a taste, smell or aroma may only be indicated by a single word in weighted, normal, regular Helvetica alphabetical type, in black or white and in a maximum font size of 10.

The purpose of this document is to give information on what is and is not allowed in the naming of your products and also to give examples.

If this information does not allow you to know whether your product name is authorized or not, please contact enottab@health.fgov.be with the subject line "Question regarding the name of e-cigarette products". We will respond to your email as soon as possible (some cases will need to be discussed with the Inspection Department, which may take longer). We will then adapt this document with the answers to the various new cases submitted.

Field findings by the inspection service may also lead to re-evaluations of certain proposed names and to clarifications for particular cases.

It should be noted that the combination of name and labelling may give rise to different opinions than those based solely on the name.

Please note that this list is not fixed, please consult it regularly (the version and date of the last update can be found at the foot of this document).

As a reminder, all other notification and labelling requirements must be compliant with under penalty of law.

Please bear in mind that the name of your product entered in EUCEG must allow to identify your product via its labelling.

Use of languages

You are allowed to use any language you wish for the name of your product, as long as the aroma does not exceed one word on the label and in the name of your product.

Example :

Appeltaart (Dutch) -> acceptable.

Tarte aux pommes (French) -> not acceptable (« tarte » and « pomme » = 2 words to indicate the aroma of the product). Likewise Apple pie (English)-> not acceptable.

Hyphen

The use of a hyphen is only accepted if it is present in its official spelling.

Example :

Saint-Jacques (French - Saint-Jacques in Helvetica 10N/B) -> acceptable

Pomme-Banane / Appel-Banaan / Apple-Banana -> not acceptable

Notified name vs packaging

It is allowed for the flavoring on the label (in one word Helvetica 10N/B) not to be part of the notified name. The product must nevertheless remain identifiable. The presentation on the label may lead to this rule not being applicable (for example Not OK = Notification "Green Label Xmg" and indicate "apple" flavour in Helvetica next to "green" also in Helvetica).

Attention, it is not tolerated to indicate a flavour in the name of the product and to add a second one on the label, only 1 word is tolerated to designate the flavour of the product.

Example :

- Purple Raspberry : EUCEG name "Brand name Purple Xmg" and on the label "Raspberry" in Helvetica 10N/B (separated from the Purple indication) -> acceptable

- Green Apple: EUCEG name « Brand name Green Xmg » and on the label « Apple » in Helvetica 10N/B (separated from the Green indication) -> acceptable

- Red Fruits : EUCEG name "Brand name Red Xmg » and on the label « fruits » in Helvetica 10N/B (separated from the Red indication) -> acceptable

- Apple Banana : EUCEG name "Brand name Apple Xmg » and on the label « Banana » in Helvetica 10N/B -> not acceptable

To be noted :

The flavouring indicated in Helvetica can only appear once on the label (regardless of the number of sides of the packaging).

Non-aromatic text can also be in Helvetica.

Specific cases

Here is a list of combinations with positive, negative, specific rules

Colors

Gold + an aroma-> OK

Gold + tobacco -> OK

Similar cases : Silver -> OK

Specific cases : Kiwi Gold -> Not OK

Brun / Bruin / Brown + an aroma -> OK

Brun / Bruin / Brown + tobacco -> Not OK

Similar cases : blond, dark, ... (any association of colour with tobacco flavour that refers to a specific tobacco taste)

In general, a colour is acceptable with a flavour unless it specifically characterises a taste.

Examples :

Pomme Verte / Groene appel / Green apple -> Not OK

Framboise Pourpre / Paarse Framboos / Purple Raspberry -> Not OK

Citron Vert -> Not OK

Examples with red:

Red + apple -> Not OK

Red + aroma (color non-specific) -> OK

Red + Fruits -> Not OK (red fruits being a specific aroma)

Red + Kiwi -> OK (Red Kiwi not being a specific aroma)

Red + Strawberry -> Not OK

Le Rouge/The Red -> OK

Green + Leafs -> depends on context (if referring to an aroma (green tea) = Not OK / if not (tree leaves) = OK)

Letters and numbers

A letter + aroma -> OK

A letter + tabac -> OK

Similar case : a number

In general, a letter is acceptable with a flavour unless a colour combination suggests that the letter is flavour specific.

Examples :

« Tobacco » + « M » in green or on a green box -> Not OK (the M referring to Menthol).

Several letters + aroma -> OK

Exemple : MFB (initials of 3 flavours Melon Strawberry Banana) -> OK

Please note that if the acronym is specific to a flavour, it cannot be associated with another flavour.

MLB + aroma -> Not OK (MLB is a specific tobacco)

RY4 + aroma > Not OK (type of tobacco)

Toxicity reduction / Energizer

Any word that suggests reduced harmfulness is prohibited.

Examples :

Light -> Not OK (suggesting that it reduces harmfulness)

Fine -> Not OK (suggesting that it reduces harmfulness)

The Fine -> Not OK (suggesting that it reduces harmfulness)

Pure -> Not OK (suggesting that it reduces harmfulness)

Energy + aroma -> Not OK (art 12)

NRG -> Not OK (art 12)

Diminutives

Diminutives are forbidden for aromas. These will always be compared with the list of ingredients.

Chlo + Mint -> Not OK (diminutive)

Euca + Mint -> Not OK (diminutive)

Verb + aroma (pour Verveine) -> Not OK (diminutive)

Verve + arôme (pour Verbena) -> Not OK (diminutive in connection with ingredient list if Verbena in ingredients)

Fru!t R3d -> Not OK (diminutive)

F'red -> Not OK (diminutive)

Fred -> Not OK (diminutive)

Peago -> Not OK (diminutive in connection with list of ingredients Peach & Mango)

Anawi -> Not OK (diminutive in connection with list of ingredients Ananas & Kiwi)

Ana + aroma -> Not OK (diminutive in connection with list of ingredients Ananas)

Strawmelly -> Not OK (diminutive in connection with list of ingredients Strawberries & Mellon)

Fruizy + aroma -> Not OK (word invented on the basis of fruit)

Fruizee + aroma -> Not OK (word invented on the basis of fruit)

Slang/informal words

Slang/familiar words referring to one flavour are not allowed with another flavour

Kawa + aroma -> Not OK

Clope + aroma -> Not OK

Animals / location

Gazelle (or other animals) + aroma -> OK

Gazelle horn-> Not OK (food)

Marrakech (or other city or country name) -> OK

Brussels Sprout -> Not OK (food)

Dragon + fruit -> Not OK (dragon fruit is specific)

Dragon + aroma -> OK (if no dragon fruit in the ingredient list)

Saint Love + coffee -> OK

Freshness

Granita + aroma -> Not OK (freshness)
Frapped + aroma -> Not OK (freshness)
Polar + aroma -> Not OK (freshness)
Extreme + aroma -> OK
Extr + aroma -> OK
Glagla + aroma -> Not OK (freshness)
Galglä + aroma -> Not OK (misuse of Glagla)
Freez + aroma -> Not OK (freshness)
Frost + aroma -> Not OK (freshness)
Ice + aroma -> Not OK (freshness)
Splach + aroma -> OK
Fresh + aroma -> Not OK (freshness)
Cold + aroma -> Not OK (freshness)
Ice + Berg -> OK
Iceberg + aroma -> Not OK

Food

Shell + nut -> OK (shell is edible)
Drop + mint-> OK
Dro + Menthe -> OK
Pulp + aroma -> Not OK (specific edible part of the fruit)
Skin + peach -> Not OK (specific edible part of the fruit)
Juice + aroma -> Not OK (specific edible part of the fruit)
Jus + aroma -> Not OK (specific edible part of the fruit)
Smoothie + aroma -> Not OK (food)
Drink + aroma -> Not OK (food)
Dessert + aroma -> Not OK
Custard + aroma -> Not OK
Hive + aroma -> OK
Orchard + aroma -> OK
Forest fruits + aroma -> Not OK
Forest + other fruits -> OK (except combination Not OK - example Strawberry)
Crushed + aroma -> OK (the fact that it is crushed does not change the taste)
Fizz + aroma -> Not OK (reference to cocktails)
Westblend + aroma -> Not OK (specific aroma)
Roasted / Roasting + aroma -> Not OK (action on taste)
Sour + aroma -> Not OK
Mix + aroma -> Not OK
Mix + Exotic -> Not OK
Exotic + aroma -> Not OK

Plants

Plant name = aroma

Compounded plant name -> Not OK

Plant name is one word + aroma -> Not OK

Qualificative

Classic + aroma -> OK

Chich/Chicha/Shisha + aroma -> OK

Supreme + aroma -> OK

Exquisite + aroma -> OK

Original + aroma -> OK

Super + aroma -> OK

Smooth + aroma -> OK

Wild + Strawberry -> Not OK

Wild + aroma which doesn't render "wild" specific -> OK