C/2025/148

13.1.2025

Request for a preliminary ruling from the Bundesgerichtshof (Germany) lodged on 9 October 2024 – Kyberg Pharma Vertriebs-GmbH v Schutzverband gegen Unwesen in der Wirtschaft e. V.

(Case C-657/24, Kyberg Pharma)

(C/2025/148)

Language of the case: German

Referring court

Bundesgerichtshof

Parties to the main proceedings

Defendant and appellant on a point of law: Kyberg Pharma Vertriebs-GmbH

Applicant and respondent in the appeal on a point of law: Schutzverband gegen Unwesen in der Wirtschaft e. V.

Questions referred

1. Is Article 10(2) of Regulation (EC) No 1924/2006 ([1]) to be interpreted to the effect that the term 'labelling' relating to a food also covers written advertising for the food, with the result that the use of a health claim in written advertising means that the information requirements laid down in that provision must be satisfied in the advertising?
2. Is Article 10(2) of Regulation (EC) No 1924/2006 to be interpreted to the effect that, where health claims are used in food advertising, the information requirements existing under that provision must also be satisfied in the advertising, even if the labelling for the food contains the required information?

([1]) Regulation (EC) No 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods (OJ 2006 L 404, p. 9), as last amended by Commission Regulation (EU) No 1047/2012 of 8 November 2012 (OJ 2012 L 310, p. 36).