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# UK Judge Permits “Raw” Label for Honey

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## Covington & Burling LLP

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A UK judge has decided that Odysea Ltd, an artisan food company, can use the word “raw” to describe its small-batch, minimally-processed honey. Judge Neville, of the First-tier Tribunal (General Regulatory Chamber), gave the decision on 26 February 2024. The judgement is available [here](#) and opens with a classic reference to Winnie the Pooh:

1. *“The things that make me different are the things that make me me”, said Piglet, who must have seen quite a bit of honey eaten over the years. If he treated Pooh to some “raw honey”, what would be different about it?*
2. *Plenty, says Odysea, who have sold thousands of jars of honey proudly labelled as “raw”: unlike ordinary honey, ours has not been heated above its natural temperature and has undergone far less processing, so is of better quality. Describing one of Odysea’s raw honey products, the judges at the Great Taste Awards complimented the “subtle pine and fir flavours, the perfect level of sweetness, the hint of saltiness, the sheer sexiness of this honey”.*
3. *Nothing, says Waltham Forest Trading Standards, who wants them to stop: all honey is raw because it has not been cooked, so it misleads consumers to suggest that yours is special. Odysea has had to reprint its labels to say “artisan honey” instead. The Tribunal must decide if that is right.*

The dispute arose when Waltham Forest Trading Standards served an Improvement Notice on Odysea. UK Trading Standards bodies work with the UK Food Safety Authority to ensure that food in the UK is safe, fit for human consumption, and is labelled in a way that properly informs consumers and complies with food legislation. The Notice alleged that Odysea’s honey breached the prohibition on providing misleading food labelling and information to consumers. The honey’s label described the product as “raw”. Trading Standards, following internal (ACTSO) guidance, argued that by describing the honey in this way, Odysea misleadingly suggested that its honey had some unique or special characteristic. In fact, Trading Standards argued, all honey is *raw* because it is not *cooked*. Trading Standards also noted that “raw” was not one of the categories of honey defined and permitted for sale by the UK’s Honey Regulations 2015.

In the course of the proceedings, Odysea provided detailed evidence qualifying what it meant by “raw”, and why it was justified in using the term. Odysea described how its honey is gathered from beehives by a small team in Greece, using minimally invasive and often non-mechanised methods. Odysea’s honey is strained through a 300

micron mesh, but never ultra-filtered. Odysea’s honey is sometimes warmed to aid movement, but never above 40 degrees Centigrade. The result is a product with a high level of enzymatic activity, that still contains pollen and other naturally-occurring particles. Odysea provided evidence that consumers in the UK (and beyond) understand that “raw” signifies “minimally processed”, and actively seek out honey like Odysea’s.

The judge rejected Trading Standard’s arguments that “raw” in this context simply means “uncooked”, and that Odysea’s use of “raw” was misleading because all honey is uncooked. Looking at the evidence, the judge concluded that “*consumer perception is aligned with common sense: raw in this context takes the everyday meaning of ‘unwrought’, ‘unprocessed’, ‘in its natural state’*” (para. 54). On that basis, the judge reviewed Odysea’s production process and concluded that the honey produced *via* that process could reasonably be described as “raw”.

The judge did not explicitly define how much processing can be applied to honey before it cannot be described as raw, noting that “*beyond... obvious examples*” of raw honey, the question “*becomes less clear*” (para. 54). Nevertheless, the judgement provides some sweet food for thought for other artisan food producers considering how to advertise and label their products.

Brian Kelly, Seán Finan and Tom McGuire of Covington & Burling LLP and Robin Kingham of Gough Square Chambers represented Odysea Ltd before the Tribunal.

**Covington & Burling LLP** - Seán Finan , Brian Kelly and Thomas McGuire

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