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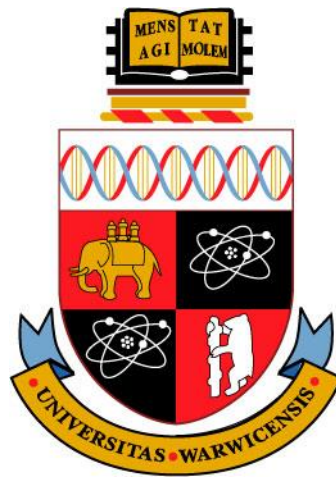
**A Tale of Two Cheeses:  
Parmesan, Cheddar, and the Politics of Generic  
Geographical Indications (GGIs)**

**by**

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## Abbreviations

ACTA	Anti-Counterfeiting Trade Agreement
AOC	<i>Appellation d'Origine Contrôlée</i>
BSE	Bovine spongiform encephalopathy
CAC	Codex Alimentarius Commission
CAP	Common Agricultural Policy
CCFN	Consortium for Common Food Names
CETA	Comprehensive Economic and Trade Agreement
CS	Copenhagen School
DOOR	Database of Origin and Registration
DOP	<i>Denominazione di Origine Protetta</i>
EC	European Commission
ECJ	European Court of Justice
EGI	European Geographical Indications
EU	European Union
EUKOR	EU-South Korea Free Trade Agreement
FTA	Free Trade Agreement
GDA	Global Dairy Alliance
GGI	Generic Geographical Indication
GI	Geographical Indication
GMO	Genetically Modified Organisms
INAO	<i>Institut National des Appellations d'Origine</i>
KORUS	United States-South Korea Free Trade Agreement
NMPF	National Milk Producers Federation
NW	New World
PDO	Protected Designation of Origin
PGI	Protected Geographical Indication



PRC	Parmigiano-Reggiano Consortium
TPP	Trans-Pacific Partnership
TRIPS	Trade-Related Aspects of Intellectual Property Rights
TSG	Traditional Specialty Guaranteed
TTIP	Transatlantic Trade and Investment Partnership
UK	United Kingdom
UNESCO	United Nations Educational, Scientific and Cultural Organization
UR	Uruguay Round
US	United States
WCFC	West Country Farmhouse Cheddar
WIPO	World Intellectual Property Organization
WTO	World Trade Organization

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## **Declaration**

This thesis is submitted to the University of Warwick in support of my application for the degree of Doctor of Philosophy. It has been composed by myself and has not been submitted in any previous application for any degree.

For my husband Kevin  
Partner in eating, adventure, and life

## **Abstract**

The difference between Geographical Indication (GI) and generic food terms is an important and highly contentious issue in international negotiations. This distinction is of significant importance to producers, manufacturers, consumers, and policy-makers all over the world because it means the difference between the restricted versus open use of certain popular terms in domestic and global markets. This thesis uses a food studies approach that employs cheese as a lens to understand the contested politics of Generic Geographical Indications (GGIs), which has been under-explored in the literature on GIs. Through case study and an analysis of written policy material and other documents, websites, blogs, artifacts, observations, and semi-structured interviews and discussions, it investigates the complex processes through which European and New World (NW) actors compete over the status – protected or generic - of cheese names, why this struggle is manifested in the case of Parmesan but not of Cheddar, and how we can better understand genericism within the context of GI policy. The thesis argues that actors guided by differing agricultural paradigms compete to secure the use of terms through oppositional discursive strategies of ‘gastro-panic’ where they appeal to a language of security in order to persuade policy-makers to take action against the perceived threatening actions of their opponents. It finds that unlike the contested term Parmesan no such panic has emerged surrounding Cheddar because its widespread use has not been interpreted as a threat to the ‘original.’ As well, genericism emerges as both a dynamic and socially-constructed concept subject to ongoing negotiation and contestation and a strategic discursive device used block the successful registration of proposed product names as GIs. The debate over cheese reveals the inherently political nature of the ways in which genuineness and genericness are constructed in an increasingly competitive marketplace.



## **Preface**

The inspiration for this thesis started with a pizza – the ‘Pizza Napoletana’, otherwise known for its ‘margherita’ variety. It is probably the most basic, minimalist, and recognizable type of pizza around the world. The ingredients consist mainly of a simple red tomato base, white mozzarella topping, olive oil, and bits of green basil and oregano, the colors of which are said to be reminiscent of the Italian flag. But it was not the ingredients, the preparation, or even the taste of this pizza that intrigued me but the contested use of its name, the authenticity of which individuals and groups had arisen to promote and protect.

I first learned of the issues surrounding Pizza Napoletana in 2009 when it was protected as a Traditional Specialty Guaranteed (TSG) in the European Union (EU). The TSG certifies the traditional composition and recipe of a food or dish and does not restrict its production to any particular place of origin. This means that anyone in the EU can still use the name provided they produce their pizza according to a strict set of specifications outlined in an 11-page document on the True Neapolitan Pizza Association’s website. The catch is that the pizza’s ingredients must be derived from the Campania region of Italy and no substitutes may be used. Formal objections were raised by Germany and Poland to the protection of the name and an added irony was that even pizza-makers in Naples could not agree on what characterized the ‘real’ thing.

I found this baffling, even downright frustrating. I thought about how over centuries foods have travelled with migrants across borders and represent a fundamental aspect of individual and collective identity and a connection to home. Foods have been fused and integrated into new local cultures and suited to local

tastes and ingredients. Italian cuisine is among the most successfully globalized foods in the world and pizza is its shining star. Every aspect of a pizza from its dough and toppings to its cooking methods varies around the world and certain regions have developed their own signature specialties. I wondered how anyone could possibly declare that there is only ‘one way’ to prepare a widely-produced type of pizza, why they were they so adamant about it, and how it was legitimate to restrict the use of the name.

I became so intrigued to understand the motivations – cultural, economic, political, and otherwise – that fuelled this endeavor that I wrote my Master’s thesis on European food name protection schemes and made Geographical Indications (GIs) the focus of my PhD research. I started out a sceptic convinced that it was necessary to take a more critical approach to GIs than had thus far been the case. But like cheese, the composition of which changes and transforms over time, my own beliefs, attitudes, perceptions, and opinions surrounding the topic over which you are about to read have also matured and changed. The writing of this thesis has not only been an intellectual but also a personal endeavor for me, something like a socialization process experienced through the research itself. It has also been a learning experience about my position within the debate. Thus, far from being ‘merely’ a pizza, I came to realize that Neapolitan pizza is celebrated as an iconic symbol of Italian culture and it was this quintessential Italianness represented by the name that was worth fighting for, despite how absurd its protection seemed to me at the time.

From the beginning I have been well aware of my own pre-conceived judgments, values, and preferences surrounding this topic and how one’s background can influence the ways certain issues are viewed and opinions formed. This stems, I

feel, from being born and raised in the United States, a country founded by immigrants that is often equated to a ‘salad bowl’ of intermingling food cultures derived from all over the world. At my house there was always a tub of grated organic US-produced ‘Parmesan’ innocently sitting in the refrigerator and my insight and appreciation of the complicated nature of this simple food product would not occur until much later. I was also raised as a vegetarian from birth and entered the world destined to have a unique relationship with what I eat. Over my lifetime the food I consume has evolved into something I love to grow, pick, harvest, preserve, purchase, prepare, and share. It is a subject I spend my days celebrating, contemplating, theorizing, writing, talking, and worrying about. This has also led me to take a particular stance on issues of food and agriculture that supports alternative food movements and more agro-ecological approaches to agriculture.

I made it a point to subject my views to rational critical examination and realized quite quickly just how much they would be influenced. This is because it is difficult *not* to take a normative position in the GI debate. The protection of food names is a highly emotional issue and the position of each side has been likened to a religion to which followers submit with unquestioning devotion and opponents harshly critique. I found it hard not to be swept away by the passion and seriousness to which the artisanal cheese-makers I spoke with dedicated to a lifetime of making cheese. Viewing themselves as guardians of ancient and irreplaceable traditions, they likened the precision and care required to ‘raise’ the cheese as similar to looking after a baby. They professed their utmost pride in the quality, uniqueness, and even the nutritional value of their cheese. Contending that there was no other product out there like it, one cheese-maker declared that, “A person living with a small piece of Parmigiano can live all his life” (Personal interview, February 28, 2013). This was

contrasted with many of the representatives I spoke to representing the interests of generic cheese-makers and companies – business people wearing suits and ties who emphasized productiveness and commercial and market opportunities instead of the devoted daily transformation of milk into cheese. It would be tempting to want to protect the small cheese-makers unconditionally against their industrial counterparts. However, despite not having an affinity for the mass production of industrial cheeses, I realized that those who were fighting to protect their right to the use of cheese names did have a point.

Taking both sides into consideration, I was determined to be as objective as was reasonably possible in my approach. It did not take me long to realize that objectivity is an idealistic vision unattainable for those who are involved in qualitative, interactive analyses. Regardless of the stance of the researcher, those with whom we come in contact with form and shape pre-conceived notions about us that affect their positions and responses to interview questions. Knowing that there is a great deal of tension between the EU and other countries on the GI and generic issue, upon contacting interviewees I made it a point to keep my national identity discreet in order to prevent any distortion of their perceptions of my motivations and responses to my research. But for those I spoke to I could never simply be a neutral “researcher.” The second I opened my mouth I became the “*American* researcher,” for better or for worse, which was made very clear in interviews I conducted with both European and non-European officials.

For instance, one EU trade official I met with exclaimed, “I love to speak to Americans even more than the convinced or the converted” (Personal interview, April 9, 2013) and an Italian Ministry of Agriculture official wondered with shock and amazement, “How did you, a woman from the US, become interested in the

topic and end up over here in Europe?” (Personal interview, February 22, 2013). He then proceeded to lecture me on how important it was to raise awareness of the GI concept in the US. I was immediately judged as coming from a country with appalling industrial food standards that European interviewees needed to “educate” about the subject, “prove” the worth of their position, and “persuade” to side with it.

On the other side, the withholding of my nationality when approaching American interviewees resulted in hesitation, distrust, and suspicion of my motives. Upon starting a discussion with an American cheese association representative, the first issue she wanted to address had to do with “where I stood” on the generic issue. When I made it clear that I was doing academic research and was approaching the issue from an objective standpoint, she was not in any way convinced. Fearing that I had been swayed throughout the course of my studies in Europe, it was her job to gauge my intentions and ensure that I was in a position to fairly and accurately represent American dairy interests. It was not until the end of the interview that she revealed that by not making my Americanness immediately apparent, that she did not pass on my request for further interviews to colleagues and contacts and I therefore received few responses to interview requests.

This was never intended to be a normative thesis and I have done my best to represent the perspectives of both sides in an equitably critical manner. Throughout the PhD process I have balanced the pro-protection and pro-generic camps on both shoulders and come to discover that neither side is wholly the angel, nor is either side wholly the devil. Each has important and good points to make and at the same time seems misguided and inflexible in others, which I have attempted to illustrate throughout the thesis.

# *First Course*

## **1. Introduction**

It was the best of cheese; it was the worst of cheese,  
It was traditional and artisanal; it was modern and industrial,  
Its name was protected; its name was generic,  
It was an epoch of the international harmonization of agri-food trade rules; it was an epoch of the fragmentation of agri-food trade rules...

This thesis tells the story of two cheeses, Parmesan and Cheddar, and their position within a global dispute over the right to use particular food names in commerce. Similar in their state of being cheese, they differ in physical composition and circumstances. On the one hand is Parmesan – hard, granulated, and sold grated or in chunks. Declared by the European Court of Justice (ECJ) to be a translation of Parmigiano-Reggiano, the Parmesan name enjoys Protected Designation of Origin (PDO) status within the European Union (EU). At the global level a PDO is otherwise known as a Geographical Indication (GI), a sign used on goods that confers legal protection for the exclusive use of a product name to producer groups in a defined geographical area based on the assumption that a product's uniqueness is the result of a symbiotic relationship between its geographical and cultural origin. This means that only those cheese-makers within a strictly-defined region of Italy who use particular ingredients and abide by an exacting recipe may call their cheese Parmesan, and anyone outside this region is forbidden from using the name to market their products. This is not yet the case in third countries and the EU would like to see Parmesan protected worldwide. However, a number of countries both within the EU and abroad have contested the decision to protect Parmesan and requested an international standard for the name on the basis that it is the generic

term for a type of cheese long produced in various territories. The use of the name Parmesan is a highly controversial issue and the debate remains at a standstill.

On the other hand is Cheddar – smooth, hard, sometimes crumbly, rinded or in blocks, varying in color from off-white and yellowish or orange and intensity of taste from mild to extra-strong, sharp or mature. The name Cheddar has been uncritically assumed to have lost the link to its original location of origin within the United Kingdom (UK), rendering it un-protectable and open for use by anyone anywhere to market a certain *type* of cheese. A name like Cheddar may be referred to as a Generic Geographical Indication (GGI),<sup>1</sup> a seemingly oxymoronic concept that describes a food name once used to designate a product's geographic source that has over time been so widely used that it has lost the connection to its origin and become part of the public domain. Generic terms are the antithesis of GIs because they can be used by anyone, anywhere, at any time, and may not be privately owned. Under GI systems of protection, if a name is deemed generic it may never be registered in order to prevent the monopolization of common terms. However, in some cases generic terms may be incorporated into a compound GI that receives protection, such as 'West Country Farmhouse [Cheddar]' or 'Orkney Scottish Island [Cheddar].' Cheddar is a rare exception to GI rules and one of only a handful of product names permitted to be used generically with a geographical qualifier. Yet, there is no concrete evidence pointing to the institutionalization of Cheddar as a generic term.

The cases of Parmesan and Cheddar are illustrative of the competing interests at stake within the debate over the protection of geographical food names, what happens when such attempts conflict with claims of genericity, and the ambiguous

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<sup>1</sup> GGIs will also short-handedly be referred to as 'generics.'

and complicated nature of generic names.<sup>2</sup> This issue is important because the generic use of geographical names has long been and continues to be one of the most contentious issues within the GI debate where the distinction between GI and generic terms is becoming an increasingly important issue in international negotiations. A claim of genericity is often the first line of defense against the proposed registration of a contested GI. And more than mere semantics, such a distinction is of significant importance to producers, manufacturers, consumers, and policy-makers all over the world because it means the difference between the restricted versus the open use of certain popular terms in domestic and global markets. The generic issue also reflects the concerns and preferences of different actors and institutions in various countries and is linked to larger, politically-charged debates surrounding the liberalization of agricultural trade, appropriate assistance for farmers and rural communities, the need to protect or preserve the use of certain terms in an open trading system, and the role of governments and the market. The conflict over generics will help shape the future of food marketing, trade, and the evolution of GI regulations and is of significance for the study of international trade and policy amidst the increasing globalization of food markets. Yet, despite these implications the topic of GGIs has received little academic attention.

Considering its rising importance around the world, the lack of attention to the generic issue from scholars and analysts is surprising. This thesis seeks to fill this gap by using the dispute over cheese as a lens to generate more in-depth understanding of the international politics of generics within the GI debate. Its aim is

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<sup>2</sup> ‘Genericism’ has various meanings and I employ a number of forms of the concept throughout this thesis. For one, it refers to the process whereby a formerly source-indicating term becomes generic. More specifically, I use it to refer to a set of ideas that serve as a legitimating strategy through which actors argue that certain food names within the GI debate are generic. Finally, genericity and genericness are used interchangeably to refer to the state or quality of being generic.



to deconstruct the complex rhetorical strategies and counter-claims processes employed by actors within the debate and makes an original interdisciplinary contribution to the multidisciplinary literature on GIs. Cheese presents a suitable product category through which to examine this phenomenon because their names are currently the most internationally contested. According to one United States (US) trade official “right now cheese is the big issue” (Personal interview, April 10, 2013). Additionally, cheese is a fascinating product in its own right. Much like wine, it is more than just a simple everyday food. It arouses passion in those who produce, sell, and consume it and has been central not only to the diets but also the spirituality, culture, and political-economy of civilizations for millennia. Due to its keeping properties cheese has long been traded far and wide and well-known production processes and techniques have been embedded in different areas across the globe (Dalby 2009; Kindstedt 2012). In today’s world what a cheese is called is much more than what a cheese is called – it involves everything from how a product is perceived in consumers’ minds to how names and products are intertwined with everything from identity, culture, and the social relations of production within a territory to business, industrialization, and trade.

## **1.2. Contestation and interests**

This thesis explores the struggle over GGIs between the EU and its ‘New World’ (NW) opponents because that is where the majority of recent tension has arisen. The GI debate is said to be distinct from other intellectual property conflicts that tend to pit countries in the ‘Global North’ against those in the ‘Global South.’ Instead, it is characterized as a conflict between the ‘Old’ and ‘New Worlds’ as developing countries have aligned themselves on both sides of the fence (WTO

n.d.).<sup>3</sup> The issue began two decades ago when GIs entered the sphere of multilateral discussion during the Uruguay Round (UR) of trade negotiations and were institutionalized in the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) as a type of intellectual property where they are defined as “sign[s] used on goods that have a specific geographical origin and possess qualities, reputation or characteristics that are essentially attributable to that place of origin” (WIPO n.d.). The Articles enshrined in TRIPS were born of political compromises intended to balance conflicting interests and resulted in hierarchical levels of protection for different GIs. As a concession to the EU a stronger level of global protection was afforded to wine and spirit designations. To appease NW countries a weaker level of protection was established for food and agricultural products. Certain exceptions were also included barring the protection of generics within individual Member territories.

Since the TRIPS agreement was signed the EU and its allies have pushed for stronger global protection of food GIs, many of which are cheese names, and the creation of a legally-binding multilateral register in the World Trade Organization (WTO). A primary motive for such moves has been “to prevent more geographical indications from becoming generic” (TRIPS Council 2001) as a result of improper overuse around the world. The EU considers the generic use of GIs in non-EU countries to be akin to counterfeiting and a threat to legitimate producer rights in the areas of origin. This is because once a term becomes generic its geographical distinctiveness is lost, its reputation eroded, and the owners lose the right to have it legally protected. The EU and its producers have a targeted interest in the success of extension endeavors because GIs like Parmesan and West Country Farmhouse

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<sup>3</sup> Perspectives of NW countries to be explored in this thesis include the US, Australia, Canada, New Zealand, and Argentina.

Cheddar carry considerable economic and cultural value. They are also considered to be important tools to protect consumers and help marginal producers compete in a more globalized market environment. In addition, GI schemes are a fundamental element of European food and agricultural quality policy and over a thousand food product names have already been registered. But the EU has consistently faced stern resistance from many NW countries who consider extra protection for foodstuffs to be unwarranted and view GIs as unnecessary and unfair market interventions. NW actors fear that if this higher protection were to be realized they would be forced to relinquish countless terms used to market food products.

In recent years as no substantive progress has been made to extend protection at the multilateral level, the EU has made attempts to reclaim or ‘claw back’ the exclusive use of many widely-used product names through various proposals, bilateral, and ‘Stand Alone’ trade agreements to prohibit others around the world from using certain terms that originated in Europe. Several NW countries have already reluctantly given up the generic use of valuable wine and spirit terms through bilateral agreements, often in exchange for benefits such as greater market access. For example, the EU negotiated the phasing out of the use of numerous wine and spirit terms (such as Burgundy, Champagne, Chianti, Port, and Sherry etc.) with South Africa in 1999 (Europa 2002), Canada in 2003 (Government of Canada 2004), the US in 2006 (Alcohol and Tobacco Tax Trade Bureau 2005), and Australia in 2008 (Australian Government 2010). But the EU has also begun incorporating protection for food GIs in more current negotiations. Cheeses have featured prominently in these attempts in part because they account for the largest single category of food GIs in the EU with 216 registered [see Appendix A] and represent the highest valued category of food products (Chever et. al. 2012: 8). The EU’s

moves are highly controversial because some of the names they are looking to protect are considered generic, or open to public use, in other countries. In the multilateral context generic use was cited as having “the potential to cause the *greatest unease* in negotiations for increased international protection” of GIs (Evans and Blakeney 2007: 283, emphasis added) and this continues to be the case.

An interesting feature of the generic issue is that it only affects a small number of terms. But these are terms that resonate very strongly with a large number of actors given their widespread use and “they are the ones that have a big impact” (Personal interview, April 9, 2013b). NW actors have a focused interest in generic names because they are widely-used, recognizable, and highly valuable commercial and marketing resources for communicating product information. This is particularly the case where cheese is concerned and over time it has become typical in various countries to define cheeses not by areas of origin but according to generic types or styles – Asiago, Cheddar, Gorgonzola, Gruyère, Parmesan etc. – in composition and method of production, which conflicts with European attempts to secure protected designations for many of these names. There are also international cheese standards mandated by the Codex Alimentarius Commission (CAC) that suggest the genericness of particular cheese names, some of which the EU is attempting to register and could potentially protect in future trade agreements. In response to these moves NW resistance has turned into outright hostility and dairy industries in countries all over the world have issued a call to arms and launched a number of new initiatives and consortiums to counter what they perceive to be a European threat to their legitimate right to use generic cheese terms in commerce.

### **1.3. Globalization and the dairy industry**

The dispute over generics must also be situated within the recent history and context of the globalization of the world food economy, which has been one of the most important factors in driving the international protection of and backlash against GIs. Food has travelled across regions, countries and continents throughout history; however many have argued that we are witnessing a new phase in the global regulation of food that is characterized by an increased “pace and scale of change and the systematic manner in which it is executed and organized” (Lang 1999: 170). This is marked by a shift towards the liberalization of markets and dismantling of national institutional and regulatory structures in food and farming sectors (Ufkes 1993), more flexible and extra-local systems of production, calls for greater market access and competitiveness, the corporate pursuit of higher profits around the world, and new forms of international food governance and harmonization through institutions such as the WTO (McMichael 1992, 2005, 2009). Here, dominant discourses championing the free market rule and states are told to open up their markets or risk jeopardizing their long-term food security and ending up WTO non-compliant.

Food and agriculture remain highly sensitive subjects in international negotiations where they have been deemed the “ultimate deal-breaker” (Broude 2005: 4) and are at the heart of the collapse of numerous multilateral trade talks. In fact, Broude (2005: 4) states that around “40% of the disputes initiated in the WTO relate to edible products.” Calls for liberalization are underscored by a persistent refusal of the EU and US to significantly reduce subsidies and widen access to their markets. And it is these two major agricultural powers that have been spearheading the opposing sides in the generic debate. There is evident tension over global power

in the food system and the WTO is becoming increasingly marginalized as the world fractures into competing groups with opposing world views on how the international food and agricultural economy should be governed and regulated.

The dairy industry is a notable example of these trends and in recent years there has been a shift towards domestic and international trade liberalization and policy reform (OECD 2004).<sup>4</sup> A hugely important industry, dairy has traditionally been and in many cases continues to be one of the most heavily protected agricultural sectors in most countries around the world (OECD 2004: 4). The justification for this distinctiveness and substantial protection is based on the industry's sensitivity to economic changes, the perishable nature of milk, high employability and labor intensiveness of milk production, large prevalence of "small-scale producers," strength of dairy "cooperatives," and its perceived importance for maintaining and developing the countryside (Doughrate et. al. 2013: 188-89). In order to shield domestic producers and consumers from international market fluctuations, governments have intervened through the use of import tariffs and restrictions, income and price supports, production quotas, the purchase, storage and disposal of surpluses, and export subsidies. But such practices have been criticized for negatively impacting international trade and prices, distorting competition, and leading to overproduction, chronic surpluses, and the import-dependence of developing countries. There are attempts to phase out many of these practices following commitments institutionalized in multilateral agreements; however results have varied (Langley et. al. 2003; Friedmann 1982, 1992, 1993; Dobson and Cropp 1995; Bailey 2005). To illustrate, European dairy policy is increasingly taking a more market-oriented approach. Once the biggest spender of all

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<sup>4</sup> By the *dairy industry* I am referring to the agricultural sector dedicated to the production and processing of all milk-based products, including cheese.

WTO members (de Gorter, Ingco, and Ruiz 2002: 4), the EU has significantly reduced its export subsidies (Muhammad and Kilmer 2008; Matthews 2012) and milk quotas are set to expire in 2015 (Defra 2008). Nevertheless, many barriers remain.

Though many processed products may be included under the umbrella of the dairy industry, cheese is currently the reigning champion and more is being produced and traded than ever before (OECD 2004). Major players in the global cheese trade in order of volume include the EU, US, New Zealand, and Australia, but dairy production is increasing in other countries as well (Hollister 2013). At the top, the EU and US “dominate global cheese production with a two-thirds share of the total. Together they are responsible for 55% of expected additional cheese output” (OECD/FAO 2011: 164). With consumption levels of cheese in more developed markets saturating, many multinational companies and producers have set their sights further afield and are jockeying to secure a wedge of new markets.<sup>5</sup> Global demand for cheese is rising significantly, driven primarily by changes in consumption and emerging markets in countries such as China and other parts of Asia (Chappatta 2011; Yu and Liu 2012; Han 2013). And with the appearance of a widening consumer base it is no secret that the power of food names to differentiate adds value in the global marketplace. Thus, cheese is shaping up to be an increasingly lucrative yet highly competitive global market as previous importers, such as the US, have become strong net exporters (Stephenson 2013).

Despite a potentially optimistic outlook these changes are occurring at a rapid, and for some, disturbing pace. Globalizing processes have profound and

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<sup>5</sup> According to Zenith International (2008), “Global demand for dairy products has risen by 15% from 40.9 million tonnes in 2003 to an estimated 47.0 million tonnes in 2008” – with cheese commanding the biggest share.

complex political, economic, and cultural effects on food systems that are exacerbated by changes in domestic and international policies and agreements. For many, this reality has been difficult to swallow. The appearance of dairy farmer protests is a regular occurrence in European news where powerful media images display hordes of tractors descending on Brussels and disrupting traffic, fresh milk being dumped and sprayed at police forces, and herds of sheep being marched through cities such as Paris to contest the market volatility, low milk prices, and high costs of animal-rearing that is forcing small farmers out of business. And no one can forget when French farmer Jose Bové led a group of demonstrators in the dismemberment of a McDonald's in France in part as a protest against an exorbitant US import tax on Roquefort cheese that was levied in retaliation for France's refusal to import hormone-treated beef, and in part against the hegemony of capitalism and its negative effects on farmers and consumers (Diamond 2001; Northcutt 2010). Elsewhere in the world such as in Canada, farmers have marched on Parliament to draw attention to the negative consequences that would be wrought on family dairy farms if certain international trade deals are signed. And in the US dairy farmers are speaking out against the Trans-Pacific Partnership (TPP) trade agreement. But it is not only milk farmers who are affected, cheese sales also respond to fluctuations in global prices and, "Unlike milk, which is seen as a staple, cheese is regarded as a luxury, and sales tend to drop off dramatically during a recession" (Cendrowicz 2009) and can have disastrous effects on producers.

Consequently, it is not only financial gain but also jobs and livelihoods that are at stake within the continuous globalization of food industries and the insecurities of producer groups can be mobilized and have powerful effects on policy-making. In the EU, institutionalized mechanisms such as GI schemes are viewed as one means



of insulating producers from the potentially harsh effects of adaptation and competition wrought by more open markets and are an integral aspect of European food policy. However, for others they are seen as nothing more than an insidious form of trade protectionism.

#### **1.4. Research questions**

This thesis addresses three main research questions designed to increase the understanding of the politics of GGIs:

- First, how and why are European and NW actors competing over the status – protected or generic – of cheese names?
- Second, why is this struggle manifested in the case of Parmesan but not of Cheddar?
- Third, how can we better understand genericism within the context of the GI debate?

#### **1.5. Arguments**

As well as broadening the understanding of genericism within GI policy and challenging the tacit assumptions associated with it, this thesis aims to demonstrate how a broader framing of discursive and rhetorical processes gives a more sophisticated reading of the relationship between food production and forces such as globalization. It does so by sufficiently addressing the research questions, which are driven by three main arguments. First, I contend that the debate over food names has gained additional salience in the multilateral arena because it has been framed by parallel discursive processes of ‘gastro-panic’ concerning the threatening effects of the protection of food names on the one hand and their generic use on the other. Here, European and NW actors compete by using language to persuade relevant

audiences of the need to take action against a perceived threat through policy changes or other arrangements in order to secure the exclusive or open use of terms. In doing so they also frame their arguments in ways that are consistent with particular agricultural ‘paradigms,’ which are naturalized worldviews encompassing shared ideas, values, and norms that shape how actors identify problems in the agri-food sector and ways to address them, such as through the conferral or invalidation of exclusive rights. These international actors are not only motivated to secure access to the use of cheese names purely for profit-maximizing purposes but also in order to maintain a sense of security amidst the perceived insecurity brought about by the increasing globalization of dairy industries, trade, and international norms and regulations.

Second, I argue that the appearance of a gastro-panic is dependent upon the active endeavors of actors invested in its success who are guided by differing worldviews that affect whether or not they perceive the outside use of a term to be a threat. Thus, no struggle has emerged surrounding Cheddar because its widespread use has not been interpreted as a threat to the ‘original.’ This is a result of its genericity being naturalized by producers and governments as indisputable fact or common sense and occurs within a market liberal context that preserves the openly competitive use of the term where any protectionist attempts to restrict it might otherwise be viewed as a threat. And third, I assert that within the GI context genericism may be understood in two distinct ways. On the one hand, it is a highly complex and unstable concept. Its definition, how it is measured, where, and in what context is still a matter of debate at national, EU, and multilateral levels. It is therefore a dynamic and socially-constructed concept subject to ongoing negotiation and contestation rather than a static condition that is determined with a confident

degree of objective evidence and finality. On the other hand, it may be used as a strategic discursive device aimed at blocking the successful registration of proposed product names as GIs.

## **1.6. Gastro-panic**

Following from the research questions, the dispute over the protection or non-protection of cheese names is a negotiated and contested area within bilateral and multilateral discussions and current focuses alone are insufficient to understand the complexity of the contemporary GGI debate. GI regulations and their institutionalized generic exceptions are practical but also inevitably political, thereby warranting more in-depth examination of the discursive and rhetorical strategies involved in shaping the outcome of product statuses. Therefore, in this thesis I develop a theoretical framework that engages with the varied meaning constructions and rhetorical strategies permeating the dispute over cheese names. Within this framework I operationalize the concepts of moral panic, securitization, and Barthesian myth in order to conceptualize what I refer to as the ‘gastro-panic’. These concepts were chosen for their ability to act as critical tools that draw attention to the socially-constructed nature of phenomena in society and provoke challenge to taken-for-granted ways of seeing the world, and also for their complementarity in reconciling certain limitations inherent to each concept. I argue that the use of food names has gained additional salience on the global agenda because it has been framed by countering political constructions of ‘gastro-panic’.

I am aware that the various empirical contexts in which moral panic and securitization have been used do not afford it perfect transferability to the GGI context. First, the particular panic under consideration does not have the veritable

features of a genuinely *moral* panic. Issues surrounding food are rarely the subject of moral panic analyses (Beardsworth 1990; Monaghan, Hollands, and Pritchard 2010; Saguy and Almeling 2005) and are generally disputed by critics whose aim is to tighten the applicability and boundaries of the concept. Yet, the controversy surrounding a number of food issues, including GGIs, fulfils the majority of criteria advance by theorists. Difficulties in applying moral panic to empirical cases involving food lie in its use as a unified term. The traditional usage of the qualifying adjective *moral* limits the meaning of the noun *panic* by denoting particular qualities. One way of overcoming this limitation is by substituting ‘gastronomy’ for ‘moral’ as the defining feature of the *panic* because the purpose of the adjective is to enhance the general requirements of the panic construction, not define it.

Second, in this thesis I do not seek to engage directly with or make a contribution to the literature on food security or to employ a literal reading of securitization theory. Securitization in its purest form is posited to take security issues somehow *beyond* normal politics. But the issue surrounding GGIs is not likely to be taken out of the political arena in the same extreme way as, say, serious threats to national food security and the debate over GGIs has remained intrinsically political. This is because food security deals with *access* to sufficient, culturally-appropriate food and has over time also taken form as a widely-used discourse employed as a means of rationalizing certain national and global policies assumed to prevent and alleviate hunger. It is its own distinct area of study and within security studies has been defined as an *aspect* of human security at a more individual level (Paris 2001: 90). In this thesis I am not using a literal application of moral panic or securitization but rather an analogical one that draws attention to how similar

structures of language are used to enhance the urgency of the issue and legitimize political exceptions made with regard to the use of food names.

Thus, I am not interested in language for its own sake but in what actors' chosen language can tell me about the process through which competing perspectives within the generic dispute have politicized GGIs in the product category of cheese. I define gastro-panic as a discursive strategy of demarcation and legitimation that actors use to (re)construct the cultural, economic, and political boundaries surrounding food production and consumption. They do this by appealing to a logic of security in order to persuade an audience that a cherished referent object within the food system, such as a food name, requires protection from an existential threat. This then legitimates the instigation of certain exceptional measures to provide such protection. Gastro-panic represents a boundary-maintaining and creating mechanism used by claims-makers to legitimize their normative and material interests in attaining or blocking the protection of food product names. The gastro-panic functions as more than a discursive construction and can also have real practical effects on policy-making and the distribution of resources through the cheese names themselves.

The use of certain language is affected by and can affect social relations and be used to advance particular and sometimes conflicting ideologies, meanings, and worldviews that are understood and represented differently in different contexts (Wood and Kroger 2000; Paltridge 2012; Jones 2012; Shi 2007). The gastro-panic is a linguistic process that takes form through Barthes' concept of *myth*. When I refer to myth it is strictly in the Barthesian sense as opposed to its use in common vernacular which implies that something is potentially false, unfounded or mistaken,

or an invented or imaginary legend or fable. Myth is a type of speech or mode of communication. Essentially, it is a type of discursive process that distorts and naturalizes certain worldviews, ideologies, and interpretations to appear as indisputable facts or common sense. Anything that can be spoken about or communicated through a discourse may become myth because it is not the objects themselves that are most important but rather the messages and meanings they convey. Myth is composed of beliefs and representations that sustain and legitimate current power relationships and promote the values and interests of dominant groups in society. It is also intentional, contextual, and varied and is uncovered by focusing on the evolving meanings attached to certain signs, such as food names.

As myth, the gastro-panic simultaneously allows a focus on certain aspects of the GGI situation, such as behavior deemed threatening, while shrouding others. Myth naturalizes a view of generic producers as counterfeiters on the one hand and EU producers as aggressive protectionists on the other. By ensuring that the situation is perceived in one way rather than another, the gastro-panic articulated by each side in the debate prevents us from paying attention to other aspects of the situation that might be inconsistent with it. The overall effect of the gastro-panic is to problematize a food and/or agricultural issue in order to enhance its political salience and secure its placement on the policy agenda.

Gastro-panic is an appropriate tool for thinking about the global politics of cheese because it acts as a critical lens through which to draw attention to the socially-constructed nature of the GGI debate and provoke challenge to taken-for-granted and entrenched ways of viewing the issue. The intention of the research is not to focus on how special interest groups in the cheese sector, for example,

influence GI policy and their various lobbying activities. Rather, the focus here is on analyzing and deconstructing the various rhetorical and linguistic processes used by opposing sides to secure the right to use particular cheese terms. A critical study of myth is “not just the denunciation of particular ideological positions, but the analysis of how their messages are constituted, how they come to persuade” (Moriarty 1991: 22). This becomes important when considering that the GGI issue is fundamentally a competition over the meaning of signs – the food names themselves – and a struggle over cultural representations whereby actors attempt to fix and naturalize particular meanings and worldviews surrounding their use.

### **1.7. Food Studies**

This research is firmly anchored in the emerging field of food studies. The study of food is nothing new and in fact Miller and Deutsch (2009: 3) state that:

“There are many fields that study food itself – its production (agricultural sciences, meat and poultry science, aquaculture); its chemical, physical, and biological properties (food science, biochemistry); its physiology when consumed (nutrition); and its preparation (culinary arts). And while offshoots of these fields – such as cultural and community nutrition, agro-economics, and food marketing – come into play in food studies, they are their own distinct fields of study.”

Here it is possible to know what food studies is not but what food studies is continues to be the subject of energetic academic debate. Nevertheless, attempts have and are being made to pin down its main tenets. Miller and Deutsch (2009: 3) differentiate food studies as “the study of the relationships between food and the human experience” while the NYU Steinhardt (New York University 2013) program on food studies states that it “emphasizes the ways individuals, communities, and societies relate to and represent food within a spatial, cultural and historical context. Food studies examines the political, economic, and geographic framework of food production, while attending equally to the study of consumption, including

gastronomy...” In essence, it attempts to understand food through more than its materiality to encompass abstract and cultural features. Food constitutes more than simple sustenance or providing one of the world’s most lucrative industries. Anthropologists (Döring, Heide, and Mühleisen 2003: 2) and others have highlighted its centrality to the human cultural experience (Counihan and Van Esterik 2013; Montanari 2006; Goldstein and Merkle 2005). It is also an important aspect of identity (Mintz 2002; Scholliers 2001; Wilson 2006), community (Mintz 2003; Wells, Gradwell, and Yoder 1999), and carries significant symbolic weight (Mintz 1994; Owen Jones 2007). I would also argue that the field has emerged through recognition that many complex phenomena involving food cannot be sufficiently explained when constricted by disciplinary boundaries.

Thus, in recent years it has been possible to distinguish a “food studies turn” in academic research whereby a multitude of scholars have engaged individually and/or collectively in the exploration and interrogation of food at a level that has contributed to the development of a new field. Food studies is not just a passing fad but its existence can be evidenced by the growing number of university programs around the world (Spiegel 2012), associations, societies and networks, and academic journals and texts that embrace its interdisciplinary perspectives [see Appendix B].

What is unique about food studies is that it embraces an interdisciplinary and holistic approach to the critical examination of food issues within multiple societal contexts, analyzing its findings using a wide range of perspectives, theories, methodologies, and disciplines (Albala 2013; Atkins and Bowler 2001; Miller and Deutsch 2009; Koç, Sumner and Winson 2012). It is especially useful when undertaking distinctly food-related research or where the position of food is of primary importance, such as is the case with GGIs. Methodologically, food studies



research differs from traditional research in three ways. First, it actively seeks to bring the long-neglected intellectual inquiry of food to the fore of a wider range of disciplines (Miller and Deutsch: 7); second, it is inherently interdisciplinary and bridges traditional boundaries between academic disciplines and schools of thought; and third, it is an analytical perspective that places food at the center of analysis, using it as a lens through which to explore, analyze, and understand phenomena within society, both past and present.

This research places the dispute over cheese at the center of analysis in order to better understand the contested politics of generics within the context of the contemporary GI debate. It takes a qualitative approach, which critically interprets and understands the nature of GIs and generics as social constructs rather than relying upon more objectivist approaches that attempt to rationalize, test, and explain. The meanings surrounding the use of cheese terms are constructed by and between various individuals and groups in international society. They are subjective, contextual, varied, and constantly evolving. At the same time, I take an interpretative approach that seeks to understand the perspectives of both sides of the issue in a balanced manner.

This approach is especially pertinent considering that ever more GIs are being awarded based on abstract reputational and cultural rather than scientifically verifiable geographical links to the place of origin (Gangjee 2006; Hughes 2006-2007: 358-68) and the generic status of terms is being negotiated through international agreements rather than empirically assessed. For instance, in many cases the geographical terrain within a demarcated region of origin is highly variable, thus calling into question the essential land/quality link that underlies GI protection. This was the case with Feta cheese, which can be produced within the

entire territory of Greece. The genericness of Feta has been called into question by numerous countries in the EU and around the world yet rights to its use were awarded to Greek producers. Gangjee (2006: 9) states that, “As one moves away from ‘natural’ features, the argument that GIs are a commercially or politically expedient monopoly in a term, with arbitrary production boundaries, becomes increasingly difficult to ignore.” This view recognizes that the policy and practice of food name protection and non-protection is socio-culturally, economically, and politically embedded with meanings, values, and norms being highly contextualized. As a result, it is also a “site of negotiation and contestation” (McDonald 2008: 67) whereby competing interests define, shape, and drive change.

### **1.8. Case study**

Within the framework of food studies and as a means of better exploring the complexity of GGIs, my research design involved carrying out a comprehensive case analysis of the dispute over cheese names and focused on the illustrative examples of Parmesan and Cheddar. This debate is a case of negotiated and contested international agri-food politics and generics themselves are exceptions to GI rules. Case study proved particularly appropriate since my research questions seek to address the ‘how’ and ‘why’ of the *contemporary* (Yin 2009: 4) dispute over cheese names. An in-depth case study also allowed for a more detailed illustration and examination of the complex relationships between a diverse range of actors from “micro,” “meso,” and “macro-levels” (Simons 2009: 25) and enabled me to document the diverging perspectives and contested viewpoints and demonstrate the influence of key actors and interactions throughout the narrative.

In this research the dispute over cheese represents the primary unit of analysis because it can be considered an “outlier” case within the context of GIs (Thomas 2011: 77). Due to the complicated issue of genericism, it is interesting by virtue of its difference from and exception to GI norms and regulations. A general belief also persists that “wine is not cheese” (Brink 2007: 5) and dairy is perceived as being “different” and not as easy to change (Personal interview, April 11, 2013). For example, this argument asserts that while wines are now being marketed through alternative means such as grape varietals, fewer substitutes for widely-used cheese terms are considered to exist. I limit the investigation to the issue of foodstuffs, specifically cheese, because there are separate regulations for wines and foodstuffs both in the TRIPS agreement where the latter is afforded a lower level of protection and within the EU (Fontaine 2013) where different rules and definitions apply. Furthermore, within the case study I examine what Yin (2009: 31) refers to as “embedded units” or the comparative cases of Parmesan and Cheddar. Rather than focusing on embedded cases that could be directly replicated, I deliberately selected Parmesan and Cheddar because they offer contrasting situations in demonstrating the politics of genericity. Parmesan has been protected within the EU despite considerable contestation and was referred to by one informant as the “poster child” (Email interview, May 20, 2013) of the international dispute over cheese names. Additionally, one interviewee stated that, “The US industry and US trade have been lobbying against the GI concept for many years, and the main name behind this has been Parmesan...the generic issue is really about a handful of mostly cheese names...in the end, this is 80% about Parmesan and a couple of others” (Personal interview, May 24, 2013). On the contrary, Cheddar has been for the most part unconditionally accepted as a generic name, which allows it to be used all over the

world or registered with a geographical qualifier. Thus, the two cheeses form an integral part of the broader context and serve to illustrate contrasting situations at the heart of the generic dispute. Such a “nested” (Thomas 2011: 152) structure is useful in that it draws attention to the more micro-level food-centered focus and at the same time locates the cheeses within the wider intentional politics of generics and GI trade regulations.

A number of scholars have demonstrated how to design a systematic, disciplined, and concise case study (Yin 2009; Simons 2009; Thomas 2011). With case study, comprehensiveness, relationships, and processes rather than generalizability and causation are the ultimate objectives and, “The aim is particularization – to present a rich portrayal of a single setting to inform practice, establish the value of the case and/or add to the knowledge of a specific topic” (Simons 2009: 24). At the same time it is not prevented from being used as a means of informing related phenomena in varied contexts (Berg 2004: 259). The cases of Parmesan and Cheddar are each important in their own right and could also be used to appraise the genericity of other contested cheese terms.

## **1.9. Methods**

Case study is unique in that it supports the collection of a diverse range of empirical data and the utilization of various methods for their collection and analysis. In exploring the case of GGIs I have drawn on written policy material and other documents, websites, blogs, artifacts, observations, and semi-structured interviews and discussions. I began by collecting documents that included official policy regulations and legislation, press releases and memos, newspaper and magazine articles, speeches, written testimonies, hearings, reports, and statements. I

also scoured the internet for dairy industry and cheese websites and blogs. Furthermore, I examined cheese-related artifacts such as labels and packaging and conducted observations through visits to two Parmigiano-Reggiano and one Cheddar production site, numerous supermarkets, and three international food and cheese festivals including the Slow Food Salone de Gusto and Terra Madre (Turin 2012), Global Cheese Awards (Frome 2013), and World Cheese Awards (Birmingham 2013).

Furthermore, I deemed the use of interviews to be essential to shed light on a topic only marginally covered in the literature and to understand the point of view of interviewees on each side of the debate. In order to identify an appropriate interview sample, I conducted “purposive sampling” (Bryman 2008: 458). In other words, rather than pursuing research participants on a random basis, my goal was to isolate key individuals and groups who were relevant to the research questions. To do this I began by increasing my knowledge of the subject through an extensive literature review. During this phase I familiarized myself with the important issues and empirical realities that required broader theoretical explanation. Thus, I started my theoretical work with an idea of what I intended to theorize but also wanted to develop a framework that generated greater understanding of the empirical realities. For this a “theoretical sampling” approach (Bryman 2008: 459) proved most useful. This ongoing approach entails choosing additional participants to reflect an evolving theoretical focus and fosters an internal negotiation between the theory and the empirical realities over the course of the research. It also ensured a large variety of interviewees. In addition, there were two occasions where I took advantage of a “snowball sampling” (Atkinson and Flint 2011) approach to get in touch with

difficult to access contacts through referrals from previously-established interviewees.

The basic criteria I used to identify whether an interviewee was appropriate included whether they had been directly involved in international negotiations or research on GIs or work within the cheese industry and are familiar with the implications of the generic issue. I conducted 24 interviews and 2 short discussions with stakeholders and actors that included cheese-makers, cheese consortiums and associations, academics, dairy lobbyists, cheese festival organizers, and representatives of state, EU and multilateral organizations across four continents (EU, UK, Italy, Spain, Switzerland, US, Australia, and Argentina). I considered my sample to be saturated (Bryman 2008: 459) when I had interviewed actors at each level of the debate and could adequately demonstrate variation and relationships on each side. Most interviews were performed in person, however due to time and geographical constraints some were conducted by phone or email. Semi-structured interviews were selected to allow a greater degree of flexibility and freedom in the direction of the interview while still being able to address central themes identified through the literature and policy documents on GIs and generics.

Finally, I performed a thematic analysis of the data in order to tease out the main themes that form the basis for the empirical chapters (Braun and Clarke 2006; Bryman 2008). This widely-used method of analysis proved useful as it is not wedded to any particular theoretical framework. I began by performing a read-through of all my collected data in order to become thoroughly familiarized with it. Next, I engaged in the generation of initial codes followed by a search for relevant themes. Themes were chosen that captured important elements in relation to the research questions and not necessarily based on the frequency of their appearance.

The research questions evolved throughout the coding process; however, my analysis was also theoretically-driven as it reflects my analytic interest in the area. I then reviewed, refined, and defined the themes and produced the final write-up. My analysis provides a rich thematic description of the entire data set in order to highlight the predominant themes, which was useful when investigating an under-researched area such as GGIs.

### **1.10. Contribution**

Research on GIs has burgeoned in recent years but has been overwhelmingly concentrated around the legal and intellectual property approaches to the issues and the differences between *sui generis* and trademark systems of protection (O'Connor 2004; Echols 2008; Calboli 2006; Agdomar 2008; Kazmi 2001; Gangjee 2012). And although the GI debate involves numerous countries, research has mainly centered on the transatlantic conflict that pits the philosophical (Marette, Clemens, and Babcock 2008), cultural (Echols 2005), and legislative (Echols 2008) differences and competing interests of the EU against those of the US (Creditt 2009; Zacher 2005; Niska 2004; Chen 1996; Goldberg 2001; Josling 2006). At the same time, various studies have emphasized the benefits of utilizing GIs as marketing tools, citing methods for their implementation in the EU (Bouamra-Mechemache and Chaaban 2010a; Parrott, Wilson and Murdoch 2002; Whirthgen 2005) and developing countries (Das 2007; Mawardi 2005; Rangnekar 2009; Vivas-Eugui 2005) as a mechanism for promoting and sustaining regional and local development. In addition, many scholars have devoted attention to the construction of GIs as indicators of quality within European agricultural policy (Parrott, Wilson, and Murdoch 2002; Ilbery and Kneafsey 2000a; Ilbery et. al. 2001; Desquilbet, Hassan, and Monier-Dilhan 2005; Loureiro and McCluskey 2000). They are also the subject

of an increasing number of international conferences, receiving much press and attention.<sup>6</sup>

But amidst this eruption of interest there is little focus on exceptions to GI norms, which is encapsulated by generics. A good deal of scholarship has been devoted to the genericism of trademarks rather than GIs (Burgunder 1985; Levy 2005; Desai and Rierson 2006). And the small body of literature on GGIs has mainly been limited to the areas of law and economics (Benavente 2010; Gangjee 2012) with some detailed attention to the issue being concentrated in the product category of wine (Lindquist 1999; Kazmi 2001; Craven and Mather 2001; Kemp and Forsythe 2007; Rose 2007; Zahn 2012), which was the first to receive extra protection in the WTO and experience a clawing-back of terms previously used generically. Gangjee (2007) extends this focus by exploring the contentious case of Feta cheese as a means of better understanding generic use in the context of European law. Additionally, Rangnekar and Kumar (2010) examine the problematic case of Basmati rice, a widely-imitated “transborder” GI between India and Pakistan that has been at risk for becoming generic. They draw attention to the wide array of interests and other aspects involved in establishing the genericity of a term. These instances aside, the growing political, economic, and cultural salience of GGIs, particularly in the world of cheese, makes it especially important to further interrogate the meanings, assumptions, and political processes that underlie notions of GI genericism within a *global* context. In a world of increasingly globalized markets and multilateral regulations, the framework for the treatment of GIs and generics is

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<sup>6</sup> For example, the World Intellectual Property Organization (WIPO) has organized six international symposia on GIs since 2003. As well, the Organization for an International Geographical Indications Network (OriGIN) held its sixth General Assembly on GIs in 2013, the same year that the eleventh international congress of the Asociación de Antiguos Alumnos de Magister Lvcentinvs (AAAML) was devoted to GIs and trademarks, and a workshop on GIs as cultural property took place at the University of Tübingen.



still under construction and the decisions made could have significant impacts on producers and consumers all over the world.

This thesis seeks to bring the current controversies around the genericity of cheese terms into focus and makes a contribution to the multidisciplinary literature on GIs and the current international policy debates surrounding GGIs. In order to capture the complexity of the issue as a whole, the study utilizes a problem-focused food studies approach. This concentrates the research around the generation of knowledge, for example through a better understanding of genericism and the counter-claims processes employed in the conflict, as well as its practical implications regarding the development of international GI policy and practice. At the same time, it ensures that the contribution is not restricted to any particular discipline or body of literature. The GGI issue rests at the nexus of agricultural policy, intellectual property, and trade. In order to reflect this complexity, it was necessary for the study to engage with literature from these areas as well as a number of other disciplines that have touched on the GI debate. Then, to generate a more holistic understanding of the GGI issue, I developed an interdisciplinary theoretical framework based on concepts derived from sociology, international relations, and culture studies in order to examine it.

Hence, this thesis makes an *interdisciplinary* contribution to the multidisciplinary literature on GIs in two important ways. First, it addresses a gap in existing research on GIs by widening the theoretical and empirical understanding of the conflict over GGIs and generating a better understanding of genericism in the context of GI politics. It does this by expanding the analysis beyond a transatlantic focus to encompass broader perspectives from NW actors and by interrogating the issue through the lens of cheese, specifically the innovative comparison of the highly

contested case of Parmesan and the uncontested case of Cheddar. While wine has been at the center of earlier debates over generic status and received some coverage in the literature, many agreements phasing out the usage of wine terms have already come to pass. This has for the most part been begrudgingly accepted by the sector. But cheese names are the subject of ongoing site of negotiation and contestation within contemporary global GI politics where the request for an extension of stronger protection to foodstuffs and the claw-back of generic food terms that constitutes the most current area of contention within the GI debate.

Second, this research liberates the focus on GGIs from a primarily legalistic perspective by providing an in-depth examination of the political and discursive processes that influence the status of terms. Raustiala and Munzer (2007: 365) admit that the GI issue is “primarily driven not by philosophical arguments but by political interests” and a European lawyer whom I interviewed (Phone interview, April 20, 2013) stated that history and politics preceded the legality of GIs and in reality the issue of name protection is “a question of compromise...and politics.” GIs and generics are, in essence, social constructs and what is generic in one region or territory might be protected in another. The established protected or generic status of a food name is often not the outcome of objective processes of definition and demarcation but rather the result of a political struggle where actors advocate competing meanings and worldviews in order to secure the “power to name” foods, to “create ‘official versions’” of food policy and regulations, and to “represent the legitimate social world” of food production, consumption, and marketing (Barker and Galasinski 2001: 56). It is therefore important to problematize the taken-for-granted nature of opposing perspectives and analyze the processes of social and cultural construction within political negotiations because the decisions made have

concrete effects on the use of resources, in the form of cheese names, around the world and also affect the development of international regulations and markets.

### **1.11. A seven course meal**

The chapters in this thesis have been carefully planned to complement each other intellectually and gastronomically and unfold as various ‘courses’ throughout the reading, much like in a formal dinner. Therefore, please note that the word ‘courses’ will here forth be used in place of ‘chapters’. Following the first course starter in this introduction, the second course provides an overview of the flourishing literature that has been devoted to exploring GIs in recent years. It encompasses qualitative and quantitative sources at multiple levels from local to European and global perspectives. Its purpose is to provide an exhaustive context of the main issues and debates currently surrounding GIs as well as an overview of their historical evolution. In addition, it clearly exposes the gap in the literature and lack of focused research devoted to GI exceptions such as generics that this study aims to rectify. Then, the third course serves up an interdisciplinary theoretical synthesis of moral panic, securitization, and Barthesian myth, which I conceptualize as ‘gastro-panic,’ that is used to inform the analysis in subsequent empirical courses.

Next, the fourth course introduces the case of Parmesan, one of the most controversial names within the greater struggle over generic cheese terms, as a lens through which to examine the contested politics of food name protection. Parmesan is at the heart of a competition over meaning whereby opposing actors attempt to define the particularistic or generic nature of the name in order to secure its exclusive or generic use. The course presents the issue in depth from a perspective of *terroirism* underpinning the European struggle for global GI protection. I illustrate

how Italian and European claims-makers have framed the generic use of Parmesan as a threat to the original through a gastro-panic that is characterized by heightened concern over its generic use and imitation in countries around the world, hostility towards the ‘folk devils’ who continue to produce and export what are deemed to be fake and unlawful copies, and a consensus that increased protection within the WTO should be instigated to combat the problem. Actors frame NW use of the name as a threat projected to have serious consequences for the original producers in order to provide a foundation for political action and secure the exclusive use of Parmesan. Finally, I demythologize the gastro-panic in order to better understand why the issue has arisen in recent years. I demonstrate that although the protection of Parmesan has a long history, it has gained markedly greater political salience in recent years owing to socio-economic difficulties at the domestic level and major changes in the global cheese economy that have led to feelings of considerable insecurity on the part of producers. Gastro-panic politics surrounding Parmesan inform national, EU, and international debates on the future of GI and generic terms and are interwoven with demands for agricultural exceptionalism and multifunctionality, market intervention, and restricted competition in a proposed global free trade regime.

In the fifth course the uncontested case of Cheddar, a name that for the most part has been uncritically accepted as the generic name for a type of cheese manufactured all over the world, is compared to Parmesan in order to better understand why no gastro-panic has arisen surrounding its use. It is also intended to address the lack of systematic discussion within the literature of terms that are considered to be generic, why, and how their status was determined. I deconstruct Cheddar’s genericity as a mythical social construction by drawing attention to various ambiguities and inconsistencies within the EU and internationally in order to

expose the dynamic and complicated nature of genericism. As I demonstrate, pinpointing solid evidence to verify the genericity of Cheddar is far from straightforward. The definition of genericism, how it is measured, where, and in what context are still a matter of debate both within the EU and at the multilateral level. I also determine that various differences in the approach to Cheddar help explain the absence of gastro-panic surrounding its protection. These include a lack of historical attempts to protect the name, differing ideological perspectives and level of government involvement, and the fragmented organization, cohesion, and approach of producer consortiums to GI protection.

Following the two specific cheese cases, the sixth course broadens the focus on GGIs by using the debate over cheese names in general as a lens to understand the countering processes at play within the contested politics of food name protection and presents the issue in depth from a NW perspective of genericism. This course is meant to highlight the fact that gastro-panics are not simply one-sided affairs. Numerous groups representing the oppositional viewpoint of genericism have emerged to defend their right to use generic cheese names in commerce, thereby challenging the EU folk devilling process likening their production activities to illegal counterfeiting. I reveal how claims-makers from NW countries are competing with the EU through a countering discursive process of gastro-panic that is characterized by heightened concern over the attempted GI protection of cheese terms, hostility towards the aggressive European ‘folk devil,’ and a consensus that something must be done to combat the behavior. Within this discursive context actors frame EU efforts as a threat projected to have serious consequences for global dairy industries in order to provide a foundation for political action and secure the open use of terms. I then demythologize the gastro-panic through discussing the

motivations behind this response and addressing the various interests at play. I argue that these actors have mobilized a global defense of these terms not only to maximize profits but in an attempt to restore an existential sense of security during a time of perceived insecurity brought about by European pursuits, which occurs within the context of the increased industrialization and globalization of cheese production. These countering gastro-panic politics also inform national and international debates on the future of generic terms and are interwoven with demands for agricultural liberalization, market access, and open competition in a proposed global free trade regime. Finally, the seventh course concludes by highlighting the main findings in order to foster the digestion of the insights gained throughout the thesis and also offers suggested avenues for future research.

## *Second Course*

### **2. GIs and Generics in the Literature**

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#### **2.1. Introduction**

The purpose of this literature review is three-fold. First, it is intended to provide an overview of the great deal of literature that has been devoted to exploring GIs in recent years, encompassing qualitative and quantitative sources at multiple levels from local to European and global perspectives. Second, it presents an exhaustive context of the main issues and debates currently surrounding GIs and an overview of their historical evolution, stemming from their origins in France to the European harmonization in 1992 until today. And third, it clearly exposes the gap in the literature and lack of focused research devoted to GI exceptions such as generics.

Trends within the literature surround the conception of quality and the usefulness of the schemes for rural development and consumer protection. Additionally, the prominence of the international debate on GIs has led the area of law and intellectual property to dominate. Notable work has also explored the potential for GIs to be used as economic tools in developing countries and their role in international trade. A noticeable feature of academic and policy debates surrounding GIs has been a lack of focus on discursive and rhetorical constructions involved in GI politics. In addition, the issue of GGIs is briefly mentioned but rarely the sole subject of inquiry.

The review is organized thematically into three main sections. The first section focuses on a historically-inspired narrative of the progressive

institutionalization of GIs from regional to global contexts in order to provide the foundation for their existence. The second section details the construction within the EU of GIs as indicators of quality. And the third section is meant to highlight the fact that, although GIs have been institutionalized at various scales of governance, this institutionalization has taken place in a divided political context despite attempts by the EU at an outward show of unity. Such contestation provides justification for the further scrutiny of GI protection.

## **2.2. Institutionalization**

The protection of GIs originated in a particular regional context and has over time sky-rocketed up to the multilateral agenda. Their historical evolution has until recently been a much neglected area, despite Gangjee's (2012: 14) claim that you cannot fully understand the contemporary GI debate "without appreciating its inheritance." GIs reflect the creation and organization of governmental institutions responsible for overseeing and implementing policy at various multi-levelled scales of governance. Thus, in the following sections a historically-inspired approach to the literature displays how the institutionalization of GIs spread from its birthplace in France to the European level and finally made its way into the WTO.

### **2.2.1. Regional level**

Although indicating the source of goods has a long history and numerous countries have established protection systems over time, the French were the first to regulate appellations of origin (Raustiala and Munzer 2007: 244) and establish one of the most well-known GI systems in the world – the *Appellation d'Origine Contrôlée* (AOC). The French system may be considered the most renowned, influential, and rigorous due to its success and the substantial effect it has had on



wine and food markets around the world (Charters 2006: 40; Barham 2003: 128). A main feature of the AOC system is the embeddedness of the concept of *terroir*, which refers to the interaction of geographical and cultural characteristics in a place of origin that determine a product's uniqueness and legitimate the protection of its name (Jacobsen 2010; Trubek 2008; Vaudour 2002; Wilson 1998). Today AOC certifications are granted under the auspices of the *Institut National des Appellations d'Origine* (INAO), a body made up of national committees and regional offices that control and distinguish wines, spirits, and agricultural product designations. In a brief statement about the history and development of origin protection policies, the INAO (2006) explains:

“History shows that the custom of naming products according to the place where they are manufactured or harvested is very ancient. However, it was not until the late 19th century that the political powers in France, faced with the increasingly intense growth of domestic and foreign trade and above all the almost total destruction of the country's vines by phylloxera in 1870, decided to intervene.”

The AOC system was initially designed to safeguard wine appellations and the history of protection is further explored by Charters (2006) who discusses how rapid economic and social changes in nineteenth and early twentieth century France had significant effects on the wine industry. The production of wine has been vital to the French economy for thousands of years (Revel 1982: 78) and calls to better protect the sector were underlined by an “agricultural depression” beginning in the 1870s, religious anti-alcohol movements, increased international competition, and a large migration of people from rural to urban areas that led to nostalgic feelings for a more simple country life. Rioting was problematic and massive discontent spread as vineyards attempted to revive the industry (Charters 2006: 38-9). Over time the ability to identify, craft, and manipulate notable wine regions became a crucial means of increasing profits (Pitte 2002: 15). But difficulties arose as producers

attempted to falsify wines by adding value through phony labels mimicking reputable vineyards in order to guarantee economic gain amidst overproduction and lower-cost competition. While fraud was rampant in food products as well, wine was purported to be the product most in danger of falsification and most in need of protection (Charters 2006: 38-9).

The French government justifies its historic intervention in the wine industry based on logical necessity that was the result of changing economic conditions and uncontrollable crises. The INAO (2006) further outlines the subsequent phases in instituting AOC policies and admits that in 1905 “there was recognition of the collective nature of the designation of origin as an integral part of the national patrimony.” The early 1900s witnessed a dearth of legislation attempting to rescue the struggling wine industry, guard against fraud, and protect geographical appellations. Following producer and governmental struggles, AOC policies were institutionalized in 1935. Protection was later extended to cheeses and other agricultural products and has remained an integral element of French agri-food policy until the present day (INAO 2006). Due to the accomplishments and highly evolved nature of the system, France has provided the focus for various academic case studies (DeSoucey 2010; Marie-Vivien 2009) and is often featured as an example of success “as a value added strategy...encouraging the preservation of rural heritage and the maintenance of traditional landscapes” (Barham 2003: 134) and a model for the adoption and further institutionalization of GI protection around the world. In fact, the AOC system provided the prototype for both European and global GI legislation.

### 2.2.2. European level

Within the EU, the success of origin protection systems and their importance in various Member States<sup>7</sup> as well as a desire to harmonize national systems already in existence led to the institutionalization of GIs at the EU level (European Commission 2007). The year 1992 marked the harmonization of Protected Designation of Origin (PDO) and Protected Geographical Indication (PGI) quality schemes that legally safeguard the names of traditional and specialty foodstuffs, wines, and spirits within the EU.<sup>8</sup> PDO and PGI marks designate the names of regions, places, and in exceptional cases countries or other terms used to describe a food, agricultural, or beverage product.<sup>9</sup> The schemes were set up to protect the genuine nature and reputation of products from imitations, contribute to rural development, and as a response to continuing consumer demands for higher-quality products. They are also reported to play an important role in safeguarding gastronomic traditions from the unforgiving forces of global change (European Commission 2007). To clarify, though PDOs and PGIs are also important for wines and spirits, they are treated differently from foodstuffs within the EU and separate rules and regulations apply. Since the latter is the focus of this research, the system afforded to wines and spirits will not be discussed.

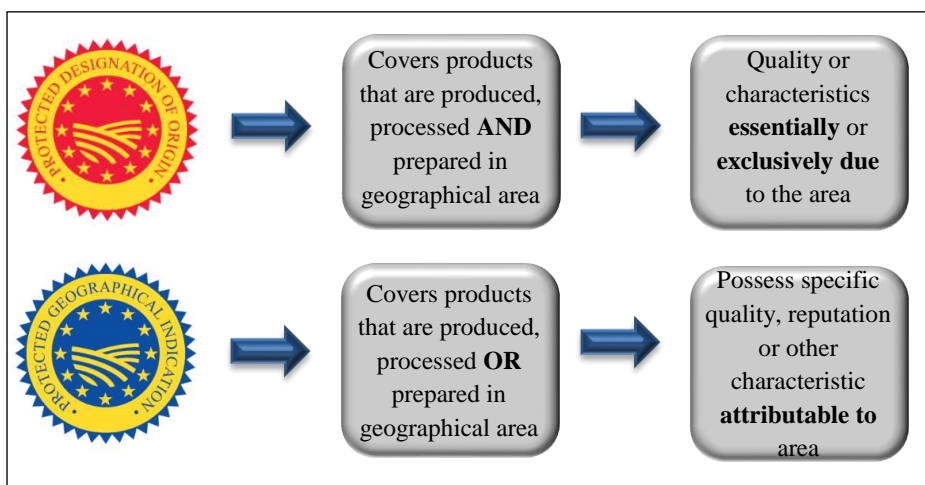
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<sup>7</sup> For example, the *Appellation d'Origine Contrôlée* in France, *Denominazione di Origine Controllata* and *Denominazione di Origine Controllata e Garantita* in Italy, *Denominación de Origen* in Spain, and *Denominação de Origem Controlada* in Portugal.

<sup>8</sup> The year 2006 also saw the institutionalization of the Traditional Specialty Guaranteed (TSG) scheme (Council Regulation No 509/2006). However, TSGs will not be discussed in this thesis because they do not confer exclusive property rights over product names and their emphasis is not on connecting names to geographical places of origin. Rather, they are intended to protect a product's "traditional character, either in the composition or means of production" (European Commission 2012b) and may be used by anyone who abides by a defined recipe or method. As well, the number of registered TSGs is small and only hovers around thirty-seven (European Commission 2012a). Becker (2009: 116) suggests that this could indeed have to do with the fact that TSGs do not offer similar "monopoly power" as PDO and PGIs, which makes them less attractive to potential applicants.

<sup>9</sup> For more information see Council Regulation (EEC) No 2081/92. These regulations were succeeded in 2006 by Council Regulation (EEC) No 510/2006 and most recently in 2012 by Regulation (EU) No 1151/2012.

The differences between PDOs and PGIs are illustrated in Figure 2.1 (Adapted from European Commission 2012b). Under the legislation, a PDO guarantees that a product’s production process was performed *entirely* within a specified geographical area (European Commission 2012b). PDOs ascribe to the strictest definitional criteria and are classified as *designations of origin*, which means that the product’s “quality or characteristics are *essentially or exclusively due* to a particular geographical environment with its inherent natural and human factors, and the production, processing and preparation of which take place in the defined geographical area” (Regulation (EU) No 1151/2012, emphasis added). Conversely, a PGI is somewhat less exacting and ensures that only *one aspect* of a product’s production was performed in a particular area (European Commission 2012b). PGIs have more loosely defined criteria and are classified as *geographical indications*, meaning a product has “a specific quality, reputation or other characteristics *attributable to* that geographical origin and the production and/or processing and/or preparation of which take place in the defined geographical area” (Council Regulation (EC) No 510/2006, emphasis added). For the sake of brevity, the schemes will here forth be referred to as European Geographical Indications (EGIs) unless specific differentiation is warranted.



**Figure 2.1: PDO and PGI Schemes**

The registration of a product name is subjected to a multi-leveled application process. To begin, a group of producers must outline the product's precise definitions and specifications.<sup>10</sup> Next, the application is examined by the relevant national authorities. Finally, it is sent to the European Commission for review where it may either be accepted or rejected. If accepted, a contestation period of around three months is provided to allow anyone to voice disagreement to a proposed name (European Commission 2012b) and it is often at this point that oppositional claims of genericity arise. If no resistance emerges producers are granted exclusive rights to the use of the name, which is protected from all "Misuse, imitation or evocation..." that also encompasses translations and "expressions such as 'style', 'type', 'method' etc. suggesting that the product is equivalent or associated with the original, and even if the true origin of the product is indicated..." (European Commission 2007). And once registered, a designation may never become generic. The majority of names of products destined for human consumption, unless deemed to be generic, are eligible for registration under the system. This includes types of meat, dairy, and fish products, fruits, vegetables, and cereals, oil, eggs, honey, beer, bread, pastry, cakes, confectionary, and more. A full list of EGI products may be accessed on the European Commission's Database of Origin and Registration (DOOR) website (European Commission 2012a). There are currently over one thousand food and agricultural products derived from all over the European continent registered (European Commission 2011) and still more await confirmation.

The harmonization of EGIs is legitimated based on their potential to prevent the counterfeiting of traditional products (Nicoletti, Platania, and Privitera 2007) and

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<sup>10</sup> Producers both from within and outside the EU are entitled to use the system, though third country participation has thus far been minimal.

to provide tools for rural development (Whirthgen 2005) and consumer protection (European Commission 2007). According to Parrott, Wilson, and Murdoch (2002: 243), around seventy percent of registered products in Europe originate in “Less Favoured Areas (LFAs)” most likely “because such regions have, for a variety of reasons, failed to fully engage with the ‘productivist’ conventions that have predominated in the agro-food system in the second half of the 20<sup>th</sup> Century.” Thus, a number of studies have been devoted to assessing the usefulness and benefits of EGIs in rural areas. Bouamra-Mechemache and Chaaban (2010b) focus on whether or not PDOs effectively sustain rural employment in France. They found that obstacles to market entry were less under the PDO label, thereby increasing the number of cheese companies and employees. At the same time, the increase in expenses required to abide by stringent manufacturing methods proved to be a burden that could cause some producers to leave the label. However, the advantages for employment were determined to compensate for this disadvantage. Furthermore, farmers are reported to benefit from higher prices for raw materials such as milk under PDO and PGI production. Chatellier et Delattre (quoted in Réquillart 2007) demonstrates how in 2000 the farmers in their study were able to command a fifteen to thirty percent higher price for their milk. Finally, as symbols of regional identity, gastronomic products can also serve rural areas as a means of promoting tourism (Bessière 1998).

EGI schemes were not only designed to assist producers but also to ensure consumer protection. According to Tregear, Kuznesof, and Moxey (1999: 390-91), “The underlying premise of such policies is that consumers make ready and positive associations between places and foods, and, moreover, that they value such associations.” And without this EGIs gain no clout. As a result, numerous scholars

have focused research on ascertaining the level of consumer desire for origin products (Resano, Sanjuán, and Albisu 2012; Espejel, Fandos, and Flavián 2007; Espejel, Fandos, and Flavián 2008) and some studies have verified the attractiveness of origin-protected products and consumer willingness-to-pay (van Ittersum et. al. 2007; Fandos and Flavián 2006; Scarpa, Philippidis, and Spalatro 2005). Dimara and Skuras (2005: 96) find that Greek wine consumers place high importance on information connecting a product to its origin and attribute the current interest in origin products to its satisfaction of a “current ‘nostalgia’ for ‘real’, ‘healthy’, ‘authentic’ and ‘wholesome’ way of life and an expression of cultural identity.” Other research has also focused on how European consumers define (Vanhonacker et. al. 2010), perceive (Kuznesof, Tregear, and Moxey 1997; Tregear, Kuznesof, and Moxey 1999), and construct (Skuras and Dimara 2004) traditional and regional foods and how EGI labels might be used to strategically market products.

### **2.2.3. Global level**

There have also been numerous attempts over time to institutionalize GI protection at the global level. GIs have served partly or wholly as the subject of international agreements stemming from the Paris Convention on Intellectual Property (1883), Madrid Agreement on indications of source (1891) and Stresa Convention for cheeses (1951), to the much more stringent and elaborate provisions detailed in the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration (1957) (O’Connor 2004; Echols 2008; WIPO n.d.). However, in each case the number of signatories remained minimal.<sup>11</sup> Thus, the significance of the TRIPS agreement mentioned in the first course is made even clearer by the fact that it applies to all 160 member states of the WTO. Goldberg

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<sup>11</sup> For example, to date the Lisbon Agreement only has 28 participants.

(2001: 151) states that the TRIPS agreement represents substantial progress made towards securing global protection for GIs, which in only a short period of time has been greater “than in the prior attempts of the last hundred-plus years.”

The literature devoted to GIs at the global level has been heavily focused in the areas of law and intellectual property where the majority of interest in their evolution has proliferated (Kazmi 2001; O’Connor 2004; Calboli 2006; Agdomar 2008; Echols 2008). Normative critiques are evident as those in favor of greater GI protection tend to lean more sympathetically towards the European position, citing various benefits of increased protection for food products, reasons why opponents should accept stronger GI protection, and suggesting potential compromises to international disputes (Doster 2006; Hayes, Lence, and Babcock 2005; Waggoner 2008; Addor and Grazioli 2002; Vittori 2009). Lang (2006) emphasizes that the European project should serve as an example for TRIPS of the successful liberalization of trade across national borders where competition has not been interrupted by the expansion of strong GI protection. In a world continuously oriented on a “free” trading system, he states that the protection of GIs becomes ever more crucial and that an extension of higher protection to foodstuffs is “long overdue” (Lang 2006: 510).

A variety of claims have been presented in favor of strengthening international agreements and global institutions in charge of regulating and protecting GIs. The main arguments used by proponents revolve around aspects that concern consumers, producers, culture, and developing countries. First, it is claimed that the demand for quality-ensured and diversified food products continues to grow around the world (Babcock and Clemens 2004: 17). One study compared Country of Origin, GI, and EGI labels for olive oil in Canada and found that in general



consumers valued such labels for their indication of a product's quality and were prepared to pay more for them (Menapace et. al. 2009). GIs are asserted to help build consumer confidence (Smallwood and Zeuthen 2008), which has become especially important amidst a string of reoccurring food scares (Addor and Grazioli 2002: 874).

Furthermore, an increasing number of producers are becoming interested in the benefits (Babcock and Clemens 2004: 17) and market potential (Agdomar 2008: 574) of the system. GIs possess significant branding power (Agarwal and Barone 2005) and are innovative and legitimate tools that can be employed for the economic benefit of whole regions (Gutierrez 2005: 46, 49). Scafidi suggests that GIs “serve an attributional function by allowing communities to capture the additional economic value of authenticity...rather than just a grant of economic monopoly...” (quoted in Hughes et. al. 2007: 956). However, producers continue to worry about inadequate international legal protection and rising expenditures to enforce their rights, which is why stronger protection is needed (Vittori 2009).

Next, it is argued that GI products are unable to be replicated outside their place of origin because specific physical and material components such as soil, climate, and environment afford them unique characteristics. But these features are also the result of established traditions involving immaterial components that include social and cultural capital that together are embodied by the notion of *terroir*. GIs are distinctive in that they are a collective phenomenon, which Agdomar (2008: 560) refers to as their “cultural component.” The role of the local community, culture, identity, and knowledge plays a large part in the production and essence of a product. As stated by Barham (2003: 129), GIs “hold the potential of re-linking production to the social, cultural and environmental aspects of particular places, further distinguishing them from anonymous mass produced goods...” Without the

economic advantages of the policies small producers would be unable to compete in a globalized business environment, might disappear, and important aspects of culture would be lost. GIs also “convey the cultural identity of a nation, region or locality, and add a human dimension to goods...” (Addor and Grazioli 2002: 874).

Finally, one of the foremost areas of interest in the GI literature is the proposed benefit of increased protection for developing countries (Mawardi 2005; Das 2007). For many developing countries GIs could represent an avenue of entry into world markets (Vivas-Eugui 2005: 724) and a means to foster their own brands instead of basing their economic advancement on imitations (Guerra 2004: 18). In one such instance producers in the Indian state of Goa successfully created a GI by focusing on the collective cultural heritage of Feni liquor distilling (Rangnekar 2009). In addition, they could be useful to help protect cultural and natural biodiversity (Bérard and Marchenay 2006; Guerra 2004) as well as local heritage (Jena and Grote 2010) and traditional knowledge (Downes 1998).

### **2.3. Quality Constructions**

GI protection systems have been characterized as the “immaterializing of food and institutionalizing of quality” (Allaire 2003: 63). Quality is the new buzzword in European and international agri-food policy and a massive resurgence of concern for quality food has taken center-stage in recent years (Krissoft and Bohman 2002). This has been influenced by a string of food scares in the mid-1990s, which exposed the fragility of food production systems and shocked European food institutions into action (Knowles, Moody and McEachern 2007). Bergeaud-Blackler and Ferretti (2006: 11) describe how it was especially following the Bovine spongiform encephalopathy (BSE) crisis of 1996 that consumer health began to take

political prominence and the seeds of an original “European-style” food policy began to sprout and, “Consumer protection and public health came to be treated, not as a matter merely of facilitating market exchanges across Europe, but as politically relevant themes in themselves.” Within this context traditional and origin-assured foods have garnered extra attention as beacons of safety amidst a sea of potential risk because a product’s name acts as a “warranty of quality” (Blakeney 2005: 629).

But fear and safety have not been the only motivating factors in the turn to quality. EGIs are embedded within what Callon, Méadel, and Rabeharisoa (2002) term the “economy of qualities” whereby actors in the food system (re)qualify and actively construct various dimensions of quality in order to differentiate products (Deaton, Busch, and Samuels 2010; Stræte 2008; Cidell and Alberts 2006). Quality is an admittedly ambiguous (Parrott, Wilson, and Murdoch 2002: 246) and contested concept (Ilbery and Kneafsey 2000a: 318; Ilbery et. al. 2001: 30). Nevertheless, in addition to health, safety, and taste the European Commission (2007) has defined various components of quality in the EGI policy context:

- “Specific product characteristics, often linked to geographical origin or production zone (e. g. mountain areas), animal breed or production method (e. g. organic farming)
- Special ingredients
- Particular production methods often resulting from local expertise and traditions
- Observation of high environmental or animal welfare standards
- Processing, preparation, presentation and labeling in ways that enhance the attractiveness of the product for consumers.”

Traditional products are said to embody the abovementioned features and maintain a certain standard of quality that consumers desire and a number of studies have been devoted to analyzing the effectiveness of EGIs as quality signals (Desquilbet, Hassan, and Monier-Dilhan 2005; Loureiro and McCluskey 2000; Bureau and Valceschini 2003).

Additionally, Ilbery et. al. (2005: 123) elaborate on how within the quality construction framework other elements are used to differentiate food and agricultural products, which they term “PPP schemes” that employ a combination of “product, process and place.” These schemes are constructed based on complex producer motivations stemming from a “*Territorial development rationale* (schemes as interventions)” that links products to places, developing a niche market to safeguard “livelihoods, build territorial identity and secure community cohesion” to a “*Critical rationale* (schemes as a form of opposition)” where certifications are used to emphasize the positive attributes of products that set them apart from “the perceived negative consequences of product standardization, mass marketing, environmental degradation, and health and safety concerns” (Ilbery et. al. 2005: 118-19). However, the authors contend that the labels are protectionist since their main purpose is merely to prevent product names from becoming generic and that “they are not quality labels in their own right, neither do they contain mandatory baseline environmental standards” (Ilbery et. al. 2005: 129).

Réquillart (2001: 13) asserts that traditional products cannot be preserved without both the “public interventions” that “feed the ‘social construction of quality’ of regional products” and the “private interventions” that stem from producers’ promotional efforts. Ilbery et. al. (2001) provide an empirical investigation of the latter through an overview of how producers use regional imagery to market quality products in particular ‘lagging rural regions’ of Greece and Finland. Their results point to highly variable conceptions of the meaning and interpretation of quality, thereby complicating its use as an effective marketing device. In fact, producers appeared to be less focused on marketing and were more interested in distinguishing their products through highlighting particular small-scale production methods,

expertise, and the use of superior ingredients. This presents a significant issue for EGI schemes “where there is an implicit assumption that the linking of products to specific places is an automatic guarantee of quality” (Ilbery et. al. 2001: 38). Nevertheless, these findings are important for the study of EGIs because they provide further evidence that not all EGI producers can simply be reduced to “profit maximizers” (Ilbery et. al. 2001: 31).

Finally, Gilg and Battershill (1998: 39) are not convinced that the growth in quality food markets presents a formidable affront to an increasingly rigorous industrialized food system, only providing disorganized assistance to a select few. Those who choose to employ the system face multiple difficulties related to costs that are the result of strict technical requirements (Bouamra-Mechemache and Chaaban 2010a). Marescotti (2003) examines the case of the ‘Cherry of Lari’ in Tuscany and finds that it was external actors rather than the producers themselves who were most concerned with attaining a quality label. Much traditional production in Europe is small-scale in nature. On top of that, producers are confronted with a costly and complicated application process and pressure to maintain stringent standards. As a result, she concludes that origin labels might not be the most useful means of sustaining small producers. Along similar lines, Bowen and De Master (2011) argue that it is crucial to question the power relations that cement taken-for-granted beliefs surrounding concepts such as ‘heritage’ and ‘tradition’ which may be strategically used by dominant actors to exploit quality markets. They examine case studies of products in France and Poland and find that, while there is potential for these policies to benefit regional development they may also “(1) reduce the diversity of available products, (2) create static notions of culture and (3)

fundamentally change or distort the character of products in promoting the shift from local to extralocal markets” (Bowen and De Master 2011: 75).

## **2.4. Contestation**

The institutionalization of origin policies appears on the surface to be a unified and organized governmental response to solve a variety of issues plaguing producers of traditional products and consumers in both developed and developing countries. However, such institutionalization has ensued in a fractious and complex political context in which contestation endures despite attempts at outward shows of unity on the part of the EU.

### **2.4.1. Regional level**

The history of French AOC development is far more complicated than a mere recognition of the essential national connection to patrimonial designations and effective intervention by the government. A more thorough look at the history and development of origin protection reveals the complexity of vested interests involved in shaping AOC institutions. A dual struggle occurred in the food and wine industry in France in the late nineteenth and early twentieth centuries. On the one hand was an attempt to put an end to the adulteration of common food and drink products (Stanziani 2007). On the other hand was a battle to protect the sanctity of products from the usurpation of names and reputations, such as the dilemma over the rights to ‘Champagne’ and to preserve added value through class distinctions. Kolleen Guy (1999, 2001, 2002, 2003) investigates how private actors such as producers and merchants were pivotal in the struggle underpinning the call for appellations to differentiate products. The name ‘Champagne’ was used to promote particular connotations with quality, prestige, and French identity, and merchants encouraged

the notion that inexpensive Champagne was inauthentic to disguise their own self-interest and promoted the importance of guarding wine as a nationwide patrimonial mission in order to persuade the government to take action (Guy 1999: 238). Guy (2003: 192) states that “by evoking soil, history, and tradition, the wine producers made what were essentially social and cultural constructs appear ‘natural’ and, therefore, justly protected by a rational set of regulations. Products of the *terroir*, whether or not they were actually consumed in France, became an important aspect of the idea of ‘Frenchness.’”

In addition, according to the INAO (2006) an AOC “identifies an unprocessed or processed agricultural product, which draws its authenticity and typicity from its geographical origin.” The INAO (2006) clarifies the authenticity claims by stating that an AOC assures a product’s intimate connection with its “terroir,” which it states is a “clearly defined geographical area” encompassing “natural” and “human” components whose unique features may not be replicated elsewhere (INAO 2006). But despite being institutionalized, terms such as *terroir*, authenticity, and typicity continue to be ambiguous and heavily debated (Alcock 2005; Hudgins 2005; Whittings 2005). This testimonial also implies that distinguishing an AOC product area is simple when it continues to be a highly disputed and difficult process (Hood 2008; Charters 2006: 104). When calls for demarcation began, designated production areas were “constructed rather than found” (Gangjee 2012: 102) and disagreements between regions campaigning for the rights to appellations abounded while actors with vested interests helped to shape the very definitions consistent in the AOC today (Guy 2001). As well, early appellations were criticized because they “reflect[ed] the political efficiency of local authorities and interests more than the actual quality of the wines” (Teil 2010: 256).

To continue, the very notion of *terroir* providing the basis for French AOC policies is a very contested and politicized term. Scientists generally approve of the assertion that differing ecological areas have an effect on wine (Guy 2002: 42). But what is generally disputed is its socially constructed nature (Barham 2003) and the inclusion of abstract elements “that recognizes the joys, the heartbreaks, the pride, the sweat, and the frustrations of its history” (Wilson 1998: 55) and even refers to the wine maker’s “soul” (Guy 2002: 42). Vaudour (2002: 120) attributes *terroir* to a shared recollection of a population in a particular area that has evolved over time into a normative judgment and expectation of a product’s taste. However, this conception is overly simplistic and does not take into account the complicated interaction of “French *tastemakers* – journalists, cookbook writers, chefs – and *taste producers* – cheese makers, winemakers, bakers, cooks...” who contribute to actively defining it (Trubek 2008: 21).

#### **2.4.2. European level**

To return to Gangjee’s historical narrative regarding the evolution of GIs, one of the most striking features relates to his disclosure of little-known disputes that were integral to the creation of the PDO/PGI divide under European law. The contemporary GI chronicle portrays a cooperative and collective Europe as the ultimate defender and promoter of protection for traditional products everywhere, whereas an overlooked reality reveals that “the European divide that was bridged relatively recently, appears to have faded from memory” (Gangjee 2012: 226). The PDO was the only scheme in existence until 1991 because of disagreements that permeated the debate mainly between northern and southern countries. It was rejected by the European Parliament and returned only to emerge with what would turn out to be the less-strict PGI. The separate PDO/PGI schemes materialized in



order to resolve a political dispute between French and German protection models, reflecting the “terroir logic premised on a qualitative link” that is central to the French system and the “communicative logic premised on the reputation link” that is fundamental to the German system (Gangjee 2012: 231). Thus, the split was devised as a means of conciliating diverging national interests while maintaining the legitimacy of the system as a whole. Profeta et. al. (2009: 633) suggest that such a division is ineffective and should be abolished.

The tension between France and Germany and the ultimate policy compromise reflects an important issue. European agricultural policy, of which the EGI system is an important part, is not as uniform and seamlessly harmonized as it may seem. Rather, it is a highly differentiated system divided along state lines where national and sub-national actors actively influence and shape policy based on domestic interests and concerns. It has been demonstrated that decision-making in the area of agriculture is greatly influenced by the political and economic interests of individual Member States (Runge and von Witzke 1987; Mahe and Roe 1996; Daugbjerg 1999; Greer 2005). The interests of EU Member States concerning the composition of common agricultural policies differ widely depending on the “structural and income differences in their farming sectors” (Olper 1998: 466) as well as the overall “role of agriculture in society,” particularly reflecting the growing tension between maintaining agricultural enterprises in borderline rural areas and the shift in the direction to more industrialized and productive systems (Grethe 1999: 205).

Webber (1999: 61) contends that European integration theorization in the area of agricultural policy “under-estimates the continuing significance of the

member states, especially France and Germany, as political actors in Brussels and over-estimates the extent to which they have ceded power to supranational bodies such as the Commission.” He demonstrates how national governments driven by differing preferences and reflecting pressure from national interest groups have exerted control within EU decision-making in the agricultural sector. One of his cases is devoted to occurrences in the early 1990s, the same period during which EGI schemes were harmonized. He shows how the Commission has acted more as a “mediator” to resolve conflicts between disagreeable Member States rather than an “independent policy formulator” in its own right (Webber 1999: 59).

Agriculture in the EU is characterized by a multilevel governance structure where states are only “one among a variety of actors contesting decisions that are made at a variety of levels” (Marks, Hooghe, and Blank 1996: 346). These actors are driven by different priorities, agendas, and strategies and interact through the formation of coalitions, policy networks, and bargaining processes (Landau 1998) in an attempt to adapt policy to suit and protect their own agricultural interests. According to Greer (2005: 32), while “supranational policy programmes are highly sensitive to national demands” the development of policy “is structured by the important network relationships between governments and rural stakeholders at the national level.” Regarding the latter, the defense of agricultural interests by sub-national groups at the national level is conceivably more significant and influential than at the EU level. At the national level highly organized agricultural lobbyists possess significant and disproportionate power that enables them to exert influence on policy and convince national representatives to block reforms and concessions in both EU and international negotiations (Keeler 1996). At the international level state officials try to protect national interests through closely monitoring the negotiating

agenda. Conflicts between Member States restrict the EU's negotiating flexibility and affect the evolution of and decisions made in agricultural trade negotiations (Woll 2009).

Food is a contested medium within the EU and conflicts have arisen from sociological processes as well as differences in national agricultural policies and preferences. DeSoucey (2010) develops the concept of "gastronationalism" whereby the production and consumption of food is employed to delimit and preserve nationalist identities within the context of Europeanization, which in turn also affects its production, marketing, and protection under EGI schemes. And while nationalist sentiments towards food redraw boundaries between Member States, Becker (2009) notes that differing agricultural strategies do as well and also affect the enthusiasm for EGI schemes. Each country can choose from a variety of food quality initiatives to suit their needs, which include 'collective quality marks', 'geographical indicators' (EGIs), 'food quality assurance schemes' and 'organic production' (Becker 2009: 127). His study finds that countries in the Mediterranean region are heavily oriented towards EGIs while Germany, the UK, Ireland, and Belgium placed emphasis on quality assurance. Austria and the Scandinavian countries were more organic-oriented while central and east European countries such as the Czech Republic, Poland, Slovenia, Slovakia, and Hungary are jumping on the EGI bandwagon.

Ultimately, it is important to keep in mind that not all Member States have placed EGI schemes on their list of national priorities. This becomes even clearer from a look at the European Commission's (2014) DOOR database in which three-fourths of all EGI registrations derive from southern countries such as Italy, France, Spain, Portugal, and Greece. Such a division is also reflected in the cheese names

consistently put forward for protection in EU bilateral negotiations [see Appendices C and D].

These national differences are in part due to varying climactic conditions but also to variations in national agricultural systems. Many countries especially in northern Europe were opposed to the harmonization of EGIs at the European level because “the northern perspective on quality marks often rested on an assumption that they are an unjustified market intervention, distorting trade and competition within the Community food market” and that the schemes “represent a spurious construction of quality” (Parrott, Wilson and Murdoch 2002: 248). Countries such as the UK whose historical consumption pattern has not developed a strong link between regions and their respective products have been slow to take on the system. Ilbery and Kneafsey (2000b) show that producers in the UK adopt the system more to protect their business interests from competition than to increase profits because they do not feel that the certification system is desired or widely recognizable by consumers.

To continue, research conducted by Parrott, Wilson, and Murdoch (2002) presents evidence that the contestation permeating origin protection within Europe could also be attributed to differences in national cultures. They suggest that a geographical divide pits the more economically efficient “‘north’, where more functional and aspatial approaches to food quality dominate” against a more territorial, social, and culturally-embedded ‘south’ whose approach “is based upon pre-existing agricultural and gastronomic traditions and can be interpreted as a reaction to the perceived threats posed by globalization and EU harmonization” (Parrott, Wilson, and Murdoch 2002: 256). They admit that this is an over-simplified characterization and that further complexity exists within the various European

regions. But it is important in that it highlights fundamental cultural tensions that exist to complicate the legislation and treatment of EGIs within the EU.

Furthermore, national divides within Europe are evident when considering consumer preferences. Roosen, Lusk, and Fox (2003) find that consumers in France, Germany, and the UK desire to know the origin of beef, especially following the BSE scares. However, consumers in the UK still give priority to price, indicating a possible resistance to purchase costlier EGI products. They remind that informing consumers of the origin of a product is different from capitalizing on the premium prices of EGI-labelled products. Additionally, Halkier et. al. (2007) reinforce that there cannot be a unified conception of consumers within Europe because of national differences. Their study highlights the differences in discursive framings of consumers in Norway, Denmark, Italy, and Portugal and concludes that “references to the European consumer are misleading” (Halkier et. al. 2007: 380). This is supported by a Eurobarometer (EC Special Eurobarometer 2004: 56) survey where European consumers were asked whether an EU guarantee of the origin and traditional methods of a product would affect their confidence in it. In 1999 forty-six percent of people expressed interest in an origin guarantee and forty-eight percent in a tradition guarantee. Yet, the results were spread unevenly across Member States with a higher proportion of confidence unsurprisingly emanating from southern countries such as Spain, Greece, Portugal, and Italy and a lower number from countries such as Denmark, Sweden, the Netherlands, and Austria.

Additionally, other research has relayed negative or disinterested perceptions of EGI products (Bonnet and Simioni 2001). Hassan, Monier-Dilhan, and Orozco (2011) directed an empirical study of the price elasticity of a French PDO cheese that contests the broad acceptance that PDOs signify high-quality for most consumers in

the cheese sector. The price elasticity of PDOs was shown to be similar to normal products, therefore suggesting that “globally, consumers are not more but less loyal to PDOs than to standard products” and that an increase in price leads to a significant decrease in demand (Hassan, Monier-Dilhan, and Orozco 2011: 15). Likewise, a survey of Greek consumers’ willingness to pay finds that while over eighty percent of respondents approve of the benefits of PDO labeling, only ten percent had ever heard of it. The authors conclude that the labels could prove ineffective without a devoted promotional operation (Fotopoulos and Krystallis 2003). These findings are supported by the same Eurobarometer (EC Special Eurobarometer 2004: 51-3) survey and indicate that quality labels are not well-known. Survey results from 1996 and 1999 show that eighty percent of respondents had never seen or heard of PDO while PGI fared worse with eighty-six percent. Awareness was generally low across Member States, with some exceptions in countries such as Italy and France.

Moreover, much like in France the apparent ease to which products are registered under the EGI system overlooks the crucial yet contentious aspect of demarcating production boundaries for products, and the division between PDO and PGI designations within European legislation complicates this further. Through the example of the Melton Mowbray Pork Pie PGI in the UK, Gangjee (2006) focuses on a product whose link to the geographical origin is considerably weak and whose production area has spread in order to display the difficulty in drawing distinct boundaries around products where no concrete rules exist for doing so. He declares that for:

“products based more on ‘reputational’ links to their places of origin, constructed around cultural, historical or socio-economic moorings rather than on scientifically verifiable natural features, establishing clearly defined boundaries has become more problematic. As one moves away from ‘natural’ features, the argument that GIs are a

commercially or politically expedient monopoly in a term, with arbitrary production boundaries, becomes increasingly difficult to ignore” (Gangjee 2006: 9).

These boundaries will turn out to be ever more essential as the amount of EGIs protected by the system increases.

The Melton Mowbray example leads to a related issue regarding the designation of products as generic. Gangjee (2007) is one of few scholars to tackle the issue of genericism in an EU context. Through the case of Feta cheese he demonstrates the complications that arise when producers attempt to register a product that others outside the region consider to be generic. The protection of Feta under the EGI system has been contested in court on multiple occasions by producers in European Member states outside of Greece who used the contestation mechanism to lodge a complaint against its registration. A complicated legal battle ensued that ultimately resulted in the registration of Feta as a PDO based on evidence that consumers still acknowledge its place of origin to be Greece. The decision of the case highlighted the “competing interests at stake” (Gangjee 2007: 3) that ultimately favored producers over consumers. Gangjee (2007: 18) also notes that on occasion EGI registration “outcomes are influenced by political concessions.”

### **2.4.3. Global level**

Calls to extend the protection of GIs and to create a multilateral register have also led to a contentious atmosphere within world trade negotiations. As with the split between PDO and PGIs in the EU, the different degrees of protection represented by Articles 22 and 23 in the TRIPS agreement were the result of a political compromise “granted solely for the political reason of persuading the European Communities (EC) to join consensus on the Uruguay Round package, despite strong opposition from many countries” (Das 2007: 37). Consequently, this

is indicative of why many opponents remain “suspicious” (Teil 2010: 269) of an extension whilst arguing that current protection is sufficient and that participation in a multilateral register should be voluntary, not obligatory (WTO 2008).

The further multilateral institutionalization of GIs has been resisted by numerous countries. In 1999 and 2003 the US and Australia confronted the EU in the WTO, citing the internationally non-compliant and discriminatory nature of GI policies. Handler (2006: 79) states that such a move was a strategic counter to what they believe to be the EU’s protectionist intentions, while Charlier and Ngo (2007: 181) cite the resistance as a means of preventing the EU from imposing their policies “on an international model.” While the EGI system was found to be internationally compliant, this dispute resulted in a change within policy structures that from 2006 allowed third countries to register and directly object to proposed names (Council Regulation (EC) No 510/2006). It also resulted in the creation of the WTO Dispute Settlement Panel (Josling 2006: 352).

Although the GI debate involves many countries, a main focus within the legal, intellectual property, and trade literature has been on the transatlantic conflict that pits the philosophical (Marette, Clemens, and Babcock 2008), cultural (Echols 2005), and legislative (Echols 2008) differences and competing interests of the EU against those of the US (Creditt 2009; Zacher 2005; Niska 2004; Chen 1996; Goldberg 2001). The EU protects GIs through a collective *sui generis* system while the US prefers individual trademarks (Beresford 2007). As well, within the context of the shift towards the further liberalization of agricultural trade, GIs feature prominently in European agricultural reform strategy (Goldberg 2001: 144; Hughes 2006-2007: 339) but are considered by the US to be an unnecessary barrier to trade and a threat to business interests (Josling 2006: 360). Other differences in



approaches are evident as the EU utilizes GIs as an agricultural policy tool to promote quality and rural development and the US views it as an issue of property rights (Marette, Clemens, and Babcock 2008: 456).

Whereas literature devoted to further GI institutionalization tends to support the European position, the controversial nature of EU proposals is reflected in oppositional arguments against it (Bowers 2003). Montan (2006) asserts that the protection of GIs under TRIPs was an important and worthwhile milestone in multilateral negotiations but that attempts to extend more stringent protection are not. She also affirms that the EU's intentions are positive in easing the transition from quantity to quality within their agricultural policy but that their self-interested perspective blinds them to the "realities that such policies cause for 'new world' countries" (Montan 2006: 346). Hughes (2006-7: 386) supports this assertion by making the case that the EU's extensionist ambitions are unjustified on the basis that there is "no convincing evidence of how the terroir inputs work, no convincing evidence that consumers can detect the allegedly unique outputs, and plenty of evidence that the geological and climatic factors that are important to artisanal food production do not line up with the appellations that have been created." Such conclusions are echoed by Raustiala and Munzer (2007: 340) who determine that GI protection is useful in its current form but that extended protection beyond wines and spirits is unjustified and unsupportable by various theories of property.

Another area of contention surrounds the issue of generics, which according to (Gangjee 2007: 1) "has persisted as the single most controversial issue in Geographical Indication (GI) law for over a century." The issue is touched upon in the literature focused at the global level but is limited mainly to the areas of law and economics (Benavente 2010) as well as being concentrated in the category of wine

(Kazmi 2000). With regard to the former, Rangnekar and Kumar (2010) examine the complicated nature of GIs at the global level through the case of Basmati rice, which has been imitated by those seeking to capitalize on its reputation and high value and incorporated into trademarks and patents thereby putting it at risk for genericization. Basmati is also problematic due to its position as a “transborder” GI between India and Pakistan and the authors draw attention to the wide array of interests and other aspects involved in establishing the genericity of a term. Regarding the latter, Kemp and Forsythe (2007) present the case of Champagne as a means of discussing conflicts between GIs and trademarks while Lindquist (1999) uses wine as a lens to show how the US has failed to comply with GI provisions in the TRIPS agreement. Still others investigate bilateral trade agreements that have affected the use of generic wine terms in various countries (Craven and Mather 2001; Rose 2007; Zahn 2012).

To continue, opponents of GIs argue that many details have been overlooked in the haste to secure extended protection and revolve around issues of structure, consumers, producers, culture, and developing countries. They have pointed out flaws and difficulties in the implementation, consistency (Staten 2005: 245), and transparency (Profeta et. al. 2009: 624) of GI systems along with imprecise and varying definitions (Torsen 2005: 60). Beresford (2007) argues that the focus should remain at the national level to ensure fully functioning and compliant systems before further protection is considered at the global level. On a different note, skeptics point out that if the threat of globalization has created a need to safeguard goods through further intellectual property rights such as GIs, it has at the same time increased their financial worth. GI advocates who at once bemoan globalization’s relentless standardization are at the same time motivated to support international arrangements

that enable them to profit from it (Raustiala and Munzer 2007). With regard to consumers, GIs could actually prove more rather than less perplexing as, “It is often hard to market a similar product with a different name without using or referencing a well-known GI” (Raustiala and Munzer 2007: 362) and decreased supply might also lead to a rise in prices and leave consumers in a worse position (Das 2007: 40). Chen (1996: 62) dismisses GI protection as “designed primarily to maximize producer incomes and only secondarily, if at all, to protect consumer expectations.”

Additionally, a number of those countries opposed to GI extension historically received countless numbers of immigrants who brought their cultural traditions with them, including names and terms because, “As food technology migrates, the terminology migrates” (Hughes et. al. 2007: 976). They argue that it would be “culturally insensitive” to try and repossess immigrant traditions that have long been used and are now considered to be “acquired rights” (Das 2007: 41). At the same time, many such terms have become generic (Hughes 2006-7: 353-54), handed down through generations of European immigrants (Cox 2003). Broude (2005) also confronts the argument advocated by many GI proponents that the legal protection of GIs will help prevent the standardization and disappearance of cultural diversity. In a unique article addressing the often overlooked role of culture in the international regulation of GIs, he describes how legitimating their further extension through the argument that they act as preservation mechanisms for culture is misguided and unnecessary and declares that “it is not GIs that uphold culture, but rather culture that upholds GIs” (Broude 2005: 32). Culture is repeatedly used to legitimate protective measures, which have nonetheless been shown to be futile in counteracting cultural change over time. Ultimately, Broude (2005: 26) holds that,

“The safeguarding of cultural diversity is thus at the mercy of market forces, with or without legal GI protection.”

Finally, the usefulness of GIs for developing countries is contested and the translation of GI systems into different international contexts is far more complicated than it is presented. The role of the state in GI systems differs globally and there is a greater degree of state involvement in countries such as India who are newer to embrace the system. On the contrary, it is more withdrawn in established GI countries such as France where the approach has shifted to allow for more agency for producers (Marie-Vivien 2009). Still, in some developing countries the state is absent and benefits for rural communities are lost at the hands of more powerful actors. Bowen (2010) demonstrates how differences in national GI policies and state involvement in France and Mexico significantly affects the potential for GIs to positively influence rural development. France has one of the oldest GI systems in the world while Mexico is relatively new to the system. The state is involved in providing monetary support for producers in France; however the government’s involvement in rural development in Mexico has diminished. She concludes that without governmental support to help small producers, GI protection may never benefit them.

El Benni and Reviron (2009) also recognize that focusing on products that are already well-known outside their place of origin does not offer any insights into the usefulness of GIs for lesser-known producers in developing countries. Along similar lines, Kur and Cocks (2007: 1011) claim that GI protection is pointless without more of a focus on “fostering brand awareness.” Others stress that a multilateral arrangement will not accrue instantaneous advantages to developing countries (Vivas-Eugui 2005) and that building a recognizable product reputation is

hard work (Hughes et. al. 2007) and occasionally benefits only a few producers rather than entire regions (Callois 2004/6). In some cases GIs could also impose more obligations and costs than reap benefits (Williams 2002). This situation is highlighted in an empirical study of tequila carried out by Bowen and Zapata (2008: 117-18), which illustrates the possible drawbacks of GI protection. Ironically, their study found that the tequila GI registration did not in fact benefit small communities but instead led to ecological deterioration and financial exclusion at the hands of powerful external players. At the same time, with regard to traditional knowledge Zou (2005: 1174) reminds that “protecting the biodiversity and traditional knowledge of developing countries involves complex political, social, and economic undertakings that may be best dealt with through venues other than international trade.” It is also surprising in the literature that despite the intense focus on GIs as an economic tool, few empirical analyses of their economic effects and consequences have been performed in developing countries where heavy emphasis has been placed on their potential benefits.

## **2.5. Conclusion**

In this course I demonstrated how the protection of GIs has undergone a progressive institutionalization over time. What began as a social and economic struggle in early twentieth century France resulted in the creation of AOC certifications that inspired the creation of origin protection schemes in other countries, prompting the EU to harmonize the systems in order to ensure the free movement of goods across national borders. The EU has also been the main advocate for GI protection globally, which has resulted in attempts to strengthen and extend protection. In addition, they promote EGIs as an important mechanism to ensure quality, contribute to rural development, and inform consumers. At the same time,

this institutionalization has not occurred without contestation. The development of GI policies at various scales of governance reveals the divisions and complicated interests that have interacted to socially construct a scheme that is not yet fully embraced around the world. Differences in cultures, agricultural policies, and consumer preferences within European Member States contribute to an EU that is divided on the EGI issue. And at the global level, divisions between countries are further entrenched. Opposition to the system abounds as actors consistently argue against extended GI protection and emphasize its inconsistencies.

A thorough overview of the literature on GIs and generics reveals a number of key themes within this historical evolution. These surround the prominence of law and intellectual property studies within the international debate, the conception and construction of quality, and the usefulness of the schemes for rural development and consumer protection. Notable work has also explored the potential for GIs to be used as economic tools in developing countries and their role in global trade. Still, a noticeable feature of academic and policy debates surrounding GIs has been a lack of focus on the discursive and rhetorical constructions involved in GI politics. In addition, the issue of GGIs is briefly mentioned but rarely the sole subject of inquiry. For that reason, in the next course I introduce a theoretical framework designed to investigate the neglected issue of GGIs that is derived from the concepts of moral panic, securitization, and myth. These concepts combine into what I term a ‘gastro-panic’ rhetoric that is evident in the discourse of EU and NW actors involved in the generic dispute. I argue that the politics of generics are framed by parallel constructions of gastro-panic that pits competing sides against one another and enhances the political salience of the perceived threat of generic use on the one hand and GI protection on the other.

## *Third Course*

### **3. Moral Panic, Securitization, and Myth: Theorizing the Gastro-Panic**

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#### **3.1. Introduction**

The debate over GIs is a continuously evolving and contested area within bilateral and multilateral discussions. The majority of recent literature has centered on GIs as a legal and intellectual property issue (O'Connor 2004; Echols 2008; Calboli 2006; Agdomar 2008; Kazmi 2001), specifically focusing on the different protection mechanisms such as the distinctions between *sui generis* and trademark systems. As well, much attention has been paid to the utility of GIs as a means through which to ensure high quality and promote rural development (Bouamra-Mechemache and Chaaban 2010a; Parrott, Wilson and Murdoch 2002; Whirthgen 2005; Parrott, Wilson and Murdoch 2002; Ilbery and Kneafsey 2000a; Ilbery et. al. 2001; Desquilbet, Hassan and Monier-Dilhan 2005; Loureiro and McCluskey 2000) and as a potential tool for developing countries (Das 2007; Mawardi 2005; Rangnekar 2009; Vivas-Eugui 2005). However, more in-depth examinations of the discursive and rhetorical constructions involved in GI politics along with exceptions to GI rules, such as GGIs, have been largely neglected.

I argue that these focuses alone are insufficient in understanding the complexity of the contemporary GI debate. Thus, my aim is to develop an explanatory framework that engages with the varied meaning constructions and discourses permeating the dispute over generics, which are evident amidst the negotiated and contested terrain that encompasses international decision-making in

the area of agriculture and foodstuffs. I begin by examining the concepts of moral panic, securitization, and Barthesian myth. Moral panic refers to the heightened concern over a perceived threat and demarcation of a ‘folk devil’ and is used as a means of beginning the analysis and the main foundation from which the gastro-panic will be built. I then introduce the theory of securitization developed by the Copenhagen School (CS) in order to conceptualize moral panic as a food system security issue and draw attention to processes of legitimation. I finish by elaborating on an aspect of meaning-making that characterizes and flourishes in a moral panic and must be deconstructed – that of Barthes’ conception of myth – where I will be able to distinguish the competing mythologies of *terroirism* and genericism that underlie competing discourses over the status of particular food names. Throughout the chapter I highlight the main limitations of each approach and demonstrate how I overcome the shortcomings of each concept. Then, I expand on the notion of gastro-panic through a synthesis of the three approaches, which will guide the discussion and empirical analyses in later courses.

### **3.2. Moral Panic**

In my investigation of the politics of generics within the GI debate I develop an explanatory framework that takes the concept of moral panic as its starting point. I second Critcher’s (2008: 1138) assertion that moral panic is best used as “an ideal type: a means of beginning an analysis, not the entire analysis in itself.” The explanatory value of moral panic is generally attributed to its role in clarifying the “normative contours” and “moral boundaries” within societies (Goode and Ben-Yehuda 1994: 30). But because it “is not conceptually rigid or inflexible” (Goode and Ben-Yehuda 2011: 33) and can be enhanced by numerous theories to describe and elucidate a wide range of cases, it may also be used to illuminate how the



various boundaries within the generic debate that designate food name protection – social, political and economic – are actively constructed. At the same time, David et. al. (2011: 227-8) suggest that, “The power of the term has resided as much in the concept’s ability to provoke challenges to taken-for-granted ways of seeing, as it has in providing a unified way to view the world.”

### **3.2.1. The limitations of moral panic**

Issues surrounding food are rarely the subject of moral panic analyses and are generally disputed by critics whose aim is to tighten the applicability and boundaries of the concept. Food-related issues where it has been used tend to revolve around food scares such as BSE (Beardsworth 1990) and obesity (Monaghan, Hollands and Pritchard 2010; Saguy and Almeling 2005). However, these cases have been criticized for overlooking the essential ‘moral’ aspects of the panic (Thompson 1998: Preface vii; Critcher 2008: 33), lacking the presence of a clear folk devil, or focusing on regulating one’s self as opposed to controlling others (Critcher 2008: 29). Nonetheless, scholars continue to question whether the powerful social reactions stirred up by food scares qualify (Murji 1999: 414) and why certain issues such as the public outrage over Genetically Modified Organisms (GMOs) have not yet been the target of analysis (Hunt 2001: 56), since it could be argued that both cases display the essential features of a moral panic.

I contend that food issues should be brought to the center of moral panic analysis, which will be elaborated through the dispute over generics. Cohen (2011: 242) opines that the most significant areas for possible moral panic eruptions in the future will center around “immigration, migrants, multicultural absorption, refugees, border controls and asylum seekers” because they are “more political, more edgy and

more amenable to violence.” Empirical cases such as the environment and, I would add, food issues that are less receptive to analysis are so because they lack clear folk devils and are “more politically ambiguous and intellectually difficult” (Cohen 2011: 242). But the knowledge gained by applying moral panic to these cases should not be underestimated and they should not be discarded simply because they do not perfectly fit the moral panic mold. In fact, one of the main challenges of moral panic analysis is to figure out how to help it mature, to alter the mold in such a way that permits it to be useful for problematic cases such as climate change (Rohloff 2011). Food and agricultural issues have consistently been and will continue to be highly politicized sites of panic in the future.

The concern surrounding generics and GIs is not a moral panic in a traditional sense. Thus, I am aware that the various empirical contexts in which the moral panic concept has been used do not afford it perfect transferability to this context. However, I argue that the use of food names has gained additional salience on the global multilateral agenda because it has been framed by parallel political constructions of panic concerning the threatening effects of the generic use of food names on the one hand and the threat of their exclusive protection on the other. The particular panic under consideration does not have the veritable features of a genuinely *moral* panic, yet the controversy surrounding it fulfils the majority of moral panic criteria advanced by conventional and revisionist theorists alike.

The literature indicates that certain empirical cases surrounding food persist in puzzling scholars because they are capable of exhibiting the characteristics of a moral panic, yet any attempt to include them within its realm of analysis has been challenged. This begs the question whether the difficulties in applying the moral panic concept to certain food issues arise from its application as a unified term. The

traditional usage of the qualifying adjective *moral* limits the meaning of the noun *panic* by denoting particular qualities. This has previously been criticized as exclusive and others have called for its broadened use to encompass more varied cases (Critcher 2008: 1137). This custom has also disqualified non-moral food issues from fitting comfortably into the moral panic framework.

Therefore, it may be possible to separate the *moral* from the *panic* because the purpose of the adjective should be to enhance the general requirements of the panic construction, not define it. The essence of moral panic analysis also rests in its usefulness as a tool to interrogate the *panic* aspects embodied in social reactions to conditions or events that are perceived as threatening various orders – political or economic – and not just the *moral* order. Therefore, simply identifying the general parameters of a panic does not inevitably make it a *moral* panic in nature and it could be possible that not all panics are by definition *moral* panics. After all, it is necessary to know more about the veritable content of a panic before applying the moral panic concept in its entirety. Thus, the general explanation of how a panic is constructed may be retained and new qualifying adjectives attached that better fit varied empirical cases. Since GIs and generics are not distinctly *moral* issues, I will discuss the possibility of re-configuring moral panic as a *gastro*-panic. This will be further enhanced through the inclusion of the CS notion of securitization and Roland Barthes' concept of myth, which will be further explained throughout this course.

### 3.2.2. Exploring the ‘gastro’ in gastro-panic

Gastronomy forms the basis and content for the ‘gastro’ in gastro-panic.<sup>12</sup> While modern gastronomy may be associated with popular TV chefs and gourmet magazines or construed as food snobbism – it is much more than that. It is not an overstatement to say that gastronomy encompasses all things food and drink, both in study and in practice. Szanto (2011: 3) explains that it “concerns itself with relationships and connections – the complex dynamics of food, people, and environments.” Gastronomy is a holistic discipline (Scarpato 2002), a science (Hervé 2002; Van der Linden, McClements, and Ubbink 2008), a practice (Santich 2004), and a much-debated term that has evolved throughout history. Its usage was revived in early nineteenth-century France (Scarpato 2002: 93-4) and the pioneers of gastronomy in Europe felt they were serving a higher purpose through advancing a “discourse of aesthetic taste, a cultural field opening onto the material pleasures of appetite” (Gigante 2005: xvii). Long reserved for the upper classes, gastronomy was eventually liberated from the elite domain and popularized amongst the middle classes in France as “the art of good eating” (Scarpato 2002: 94).

The definition of gastronomy has continued to expand and one of the most well-known gastronomers of the early twentieth century, Jean Anthelme Brillat-Savarin (1949: 61-2), muses that:

“Gastronomy is the intelligent knowledge of whatever concerns man’s nourishment...The subject matter of gastronomy is whatever can be eaten; its direct end is the conservation of individuals; and its means of execution are the culture which produces, the commerce which exchanges, the industry which prepares, and the experience which invents means to dispose of everything to the best advantage.”

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<sup>12</sup> The word itself has been around since antiquity (Santich 2004: 16) and is rooted in the Greek language where ‘gaster’ refers to the ‘belly or stomach’ and ‘*nomas*’ to the ‘law of a subject’ (Bode 1994: 127).

Here, gastronomy assumes a political-economic dimension through the consumption, production, distribution, and trade of food and drink. What is more, it encompasses the anthropological study of food habits (Arnott 1975) and the culture-specific norms and rules of eating and drinking. As such, it is a “socio-cultural practice” that provides a rallying point around which identities coalesce (Hjalager and Richards 2002: 4, 3) and a manifestation of “cultural expressionism” that contributes meaning and value to life (Hegarty and O’Mahony 2001). It has also become “a contemporary cultural resource” (Scarpato 2002: 102) at the heart of both tourism (Van Westering 1999; Hjalager and Richards 2002; Kivela and Crofts 2005) and commerce and is used as “a way to study the earth and probe why products have appeal...it is a method and set of tools for creating and giving value to food, and for preserving its culture and heritage” (Capatti 2008: 9).

In summary, gastronomy may be used as a lens through which to better understand the complex dynamics of the food system – from production, processing, distribution and marketing to purchasing, preparation and consumption – and how these processes are culturally specific and linked. By food *system* I refer to Tansey and Worsley’s (1995: 1) definition that highlights the interrelatedness of three important components that include the:

- (1) “Biological: the living processes used to produce food and their ecological sustainability.”
- (2) “Economic and political: the power and control which different groups exert over the different parts of the system.”
- (3) “Social and cultural: the personal relations, community values and cultural traditions which affect people’s use of food.”

In this way a gastro-panic cannot be a food scare because its broadened focus does not allow it to be confined to the context of food safety and health (Knowles, Moody and McEachern 2007). Rather, it could also emphasize the concern over the

disappearance of regional food and drink products, gastronomic diversity, and eating habits at risk due to encroaching industrial systems, globalization, and a fast-food way-of-life (Slow Food 2012). Gastro-panic involves the perceived and expressed anxiety over a wide range of elements within the contemporary food system, how this concern is manifested in political and public discourse, and the concrete effects it has on policy and governance.

I define gastro-panic as a discursive strategy of demarcation and legitimation that actors use to (re)construct the cultural, economic, and political boundaries surrounding food production and consumption. They do this by appealing to a logic of security in order to persuade an audience that a cherished referent object within the food system requires protection from an existential threat and that certain exceptional measures are legitimate to provide such protection. Gastro-panic represents a boundary-maintaining and creating mechanism used by claims-makers to legitimize their normative and material interests in attaining or blocking the protection of food product names. It is itself a form of myth that simultaneously allows a focus on certain aspects of a situation, such as behavior deemed threatening, while shrouding others. By ensuring that a situation is perceived in one way rather than another, the gastro-panic prevents us from paying attention to other aspects of the situation that might be inconsistent with it. The overall effect of the gastro-panic is to problematize a food and/or agricultural issue in order to enhance its political salience and secure its placement on the policy agenda. This is important because according to Greer (2005: 34), “At times of crisis or on matters of high policy, agricultural issues can rise to the top of governmental policy agendas and involve high-level intervention from heads of government and other senior ministers.”

The gastro-panic functions as more than a discursive construction and can also have real practical effects on policy-making and the distribution of resources. In this way it functions similarly to Lakoff and Johnson's (1980) conception of metaphor because it is not only prevalent in the language of actors but also structures their everyday practice. The gastro-panic is not simply *talked* about in terms of what is perceived to be threatening but also partially structures much of the actions performed in international negotiations where the right to use a food name has the potential to be won or lost. There competing actors consider the opposition to be a threat to their interests and they defend their positions, use and plan their own strategies, organize proposals, and mobilize supporters to influence policy and government action. The discourse pervading the gastro-panic thus serves a clear political-economic purpose: the deployment of language acts as an exercise of power through which it can be a useful means of persuading an audience (Charteris-Black 2011), or generating a consensus, that actions must be taken to deter a threat.

The use of certain language is affected by and can affect social relations and be used to advance particular and sometimes conflicting ideologies, meanings, and worldviews that are understood and represented differently in different contexts (Wood and Kroger 2000; Paltridge 2012; Jones 2012; Shi 2007). When I refer to the gastro-panic as a discursive process I am viewing the situation through Barthes' concept of *myth*. Myth is a type of speech or mode of communication. Essentially, it is a discursive process that distorts and naturalizes certain worldviews, ideologies, and interpretations to appear as indisputable facts or common sense. Anything that can be spoken about or communicated through a discourse may become myth because it is not the objects themselves that are most important but rather the messages and meanings they convey. Myth is composed of beliefs and

representations that sustain and legitimate current power relationships and promote the values and interests of dominant groups in society. It is also intentional, contextual, and varied and is uncovered by focusing on the evolving meanings attached to certain signs, such as food names.

As myth, the gastro-panic simultaneously allows a focus on certain aspects of the GGI situation, such as behavior deemed threatening, while shrouding others. Myth ensures that generic producers are unquestionably viewed as counterfeiters on the one hand and EU producers as aggressive protectionists on the other. By ensuring that a situation is perceived in one way rather than another, the gastro-panic articulated by each side in the debate prevents us from paying attention to other aspects of the situation that might be inconsistent with it. The overall effect of the gastro-panic is to problematize a food and/or agricultural issue in order to enhance its political salience and secure its placement on the policy agenda. Now that gastro-panic has been defined it is important to consider how it was derived from the concepts of moral panic, securitization, and myth.

### **3.2.3. Defining moral panic**

Moral panic refers to an outbreak of concern that arises over the appearance of objectionable behavior (Cohen 2002: 1) that is perceived as violating or threatening the “status quo”– the current social, political (Patry 2009: 138) or economic order (Cricher 2011). During a moral panic the division between the normal ‘us’ and deviant ‘them’ becomes more pronounced as claims-makers portray those allegedly responsible for the undesirable behavior, otherwise known as “folk devils,” in a negative light (Goode and Ben-Yehuda 1994b: 30). At the same time, calls are made demanding action be taken to control the deviants to prevent their



behavior from reoccurring or leading to more disastrous consequences (Cohen 2002: 26, 38-9). Ultimately, the collective agreement as to the unacceptability of folk devils' behavior justifies any measures taken to control and prevent it. This could include the creation of additional rules and regulations or the withdrawal of "rights and liberties previously enjoyed" (Goode and Ben-Yehuda 1994b: 31-2, 27).

The epistemological underpinnings of moral panic derive from a constructivist perspective whereby the threat of a folk devil's behavior is not objectively apparent but takes form through the "*quality bestowed upon it*" (Young 2009: 7, original emphasis). This quality is communicated by "claims-makers" that includes individuals, interest groups, campaigners, and others who "call attention to a troubling condition" (Best 2011: 47). Claims-makers profess to represent and promote the needs, preferences, and/or interests of others (Saward 2010: 36-8) in an attempt to influence policy-makers to take decisions in a particular direction and can have a decisive impact on policy and practice. Thus, the identification of deviance in society is generated through a process of social delineation and construction that may in turn be used as a means of facilitating punishment for said deviance (Cohen 2002). In other words, according to Howard Becker (1963: 9, original emphasis) it is the claims-makers who "*create deviance by making the rules whose infraction constitutes deviance...*" and assigns them to specific individuals or groups who are thereafter marked as "outsiders." This is solidified through a process of *sensitization* that "entails the reinterpretation of neutral or ambiguous stimuli as potentially or actually deviant" (Cohen 2002: 59, 62).

Goode and Ben-Yehuda (1994b: 33-45) sum up five essential 'criteria' that must be fulfilled in order to identify a moral panic. The first three include *concern* over behavior deemed to be threatening, *hostility* towards those involved and

*consensus* that something must be done to control it. Within a panic concern and hostility are directed towards the folk devil and their demarcation and denunciation as an ‘other’ is fundamental (Goode and Ben-Yehuda 1994b: 29). Through the use of a number of linguistic methods including *symbolization*, which shapes stereotypes associated with them (Cohen 2002: 27), as well as metaphors (Patry 2009: 43) and myths (Goode and Ben-Yehuda 1994b: 25), folk devils are portrayed by the opposing side in a negative light. This negativity is exacerbated by claims-makers who emphasize the seriousness of their behavior and indicate its unavoidable re-occurrence if action is not taken. In addition, “disaster” analogies eliciting fatalistic “prophecies of doom” and imaginative allusions as to what *might* ensue as a result of the behavior, emotive symbols and fear that the behavior is spreading like a virus through the whole of society may become evident (Cohen 2002: 19, 26, 38-9, 40, 46).

Consensus in a gastro-panic can be established by analyzing the appearance of “organized, collective action or campaigns on the part of some of the members of a society to do something about, call attention to, protect, or change (or prevent change in) a given condition...” as well as “the introduction of bills in legislatures to criminalize or otherwise deal with, the behavior and the individuals supposedly causing the condition” and “public discussion of an issue in the media in the form of magazine and newspaper articles and television news stories...” (Goode and Ben-Yehuda 1994a: 152). Where GIs are concerned, a multitude of claims-makers including producers consortiums, lobby groups, states, the EU, and reflected in the media are spearheading a campaign to ensure that more is done to protect certain interests at the global level where the EU is actively advocating for the multilateral strengthening of GI legislation to control the unfair use of names around the world.

Similar campaigns and media coverage has emerged in NW countries to call attention to the EU's actions and institutionalize the preserved use of generic terms.

Two additional elements of *disproportionality* and *volatility* are important criteria of moral panic but require further clarification. First, moral panic is traditionally defined by its *disproportionality* or what David et. al. (2011: 221) refer to as the concept's "built-in hypothesis." Disproportionality contends that so-called disruptive behavior is met with a response that is out of proportion to the actual harm that would be incurred from it (Cohen 2002: xxviii). Because of the slippery terrain through which the analyst must traverse in order to make hard claims about what constitutes objective reality in this sense, it has been highly criticized by a number of scholars as one of the most troublesome aspects of the moral panic concept (Ungar 2001; Garland 2008; Rohloff and Wright 2010; Waddington 1986).

Nevertheless, Goode and Ben Yehuda make a claim for retaining disproportionality as a constitutive component of moral panic (Goode and Ben-Yehuda 1994b: 38) and I agree that it should not be abandoned because it is inherent to the use of moral panic as a critical tool. To do this Rohloff (2011: 635) proposes the exploration of "empirical cases that do not obviously fit the model of a 'bad' 'irrational', 'exaggerated and distorted', 'panic'" such as climate change (Rohloff 2011; Ungar 2011) or in this case GGIs. In addition, another way to do this is to focus on Watson's (2009: 431) conception of disproportionality as related to an imbalance in the allocation and revocation of rights that often results from a panic, which asserts that through the process of constructing deviance disproportionality occurs when:

"(i) it becomes legitimate to withdraw rights from the groups that the dominant construction associates most directly with the deviant behaviour; or (ii) it becomes legitimate to assign extra rights to the groups that the dominant construction

associates with untainted behaviour. Either way, it is a strategy of social division built upon the asymmetric allocation of rights in favour of the group that successfully comes to define what counts as errant and/or proper behaviour.”

Watson’s account of disproportionality differs from Cohen’s in the sense that it is not limited to the penalties directed towards folk devils through a withdrawal of rights. Rather, it emphasizes that a similar imbalance occurs when extra rights are granted to some groups but not others. With GIs disproportionality occurs through an imbalance between the rights granted to certain privileged food producing groups relative to their revocation from others. Thus, the conferral of asymmetric rights whereby producers of protected foodstuffs are granted rights that producers of generics are not is an alternative way of ensuring disproportionality.

Furthermore, the *volatility* of moral panic needs to be addressed. Some scholars have taken issue with the tendency to use moral panic as a model to understand singular, short-term, and explosive events without considering the influence of broader historical and social processes (Rohloff and Wright 2010: 405; Hunt 2011: 57). In order to overcome this various researchers have attempted to embed moral panic within ongoing historical and social processes and to avoid a direct focus on the irrationality of the concept (Hier 2002, 2008, 2011; Critcher 2008; Hunt 2011). As a result, revised conceptualizations of moral panic define it as a “heightened campaign or sense of concern about a particular issue (or set of issues)...” (Rohloff 2011: 636) that “operate[s] to (re)affirm a sense of existential security in moments of perceived insecurity” (Hier 2011: 524). These re-conceptualizations enable me to situate the gastro-panic within the context of the continuously globalizing agri-food system where heightened concerns over food-related issues are a regular occurrence.

Moral panic in the case of GIs is evident when considering the heightened concern over the generic use of protected product names, the conduct of which has come to be deemed as usurpation, counterfeiting, “agropiracy” and even “theft of culture” (Agdomar 2008: 581, 562) and the hostility directed towards the illegitimate producers and companies who use abuse them. Nicoletti, Platania, and Privitera (2007: 4) declare that such misuse is an increasingly treacherous “phenomenon of international proportions, and that besides having serious economic and social repercussions they jeopardize the regular functioning of the market and deceive consumers, there is an urgent need for legislative measures, provisions and initiatives to limit their effect...in the international context in which they operate.” Producers who have potentially utilized geographical labels outside of the region of origin unnoticed for years are sensitized and targeted as counterfeiters and rule-breakers who justifiably deserve to have their name rights revoked due to the inauthentic character of their products, while the producers of genuine, quality origin products deserve full rights to the use of the name.

It is important to emphasize that moral panic is not simply a one-sided affair. McRobbie (1994: 114) describes how contemporary folk devils may “fight back” and that various “social movements, pressure groups and other voluntary organizations” have emerged in their defense. These groups not only represent opposing viewpoints that challenge the folk devilling process but also play a role “in actively defining the political agenda” (McRobbie 1994: 115). Consequently, the gastro-panic is essentially “a battle between cultural representations” (Cohen 2002: xxxiii) where competing actors make claims and counter-claims in an attempt to establish dominance over the other through a “discursive strategy of demarcation” that crystallizes boundaries between what constitutes admissible and inadmissible

behavior (Watson 2009: 431). What is interesting in the context of this debate is that a slew of claims-makers from NW countries including dairy associations and consortiums, lobby groups, and state officials have emerged to defend the use of generic cheese terms in global commerce and are actively taking steps to influence international negotiations and agreements. These actors re-frame the debate through a countering discourse of gastro-panic that effectively reverses the folk devilling process through constructing EU attempts to restrict the use of generic product names as a threat projected to have serious consequences and through purifying producers of generic products of any wrong-doing.

Following the clarification of disproportionality, volatility, and the countering processes of gastro-panic, the various criteria and examples from the GGI debate are outlined in Table 3.1 (Adapted from Goode and Ben Yehuda 1994b: 33-45; Watson 2009: 431; Rohloff 2011: 636; Hier 2011: 524).

**Table 3.1: Moral Panic Criteria and the GGI Debate**

<b>Moral Panic Indicators</b>	<b>Description</b>
Concern	Heightened in relation to certain group behaviors and its supposed consequences.  e.g. EU concern over generic use/abuse of particular food names versus NW concern over EU attempts to restrict generic use.
Hostility	Toward particular group or category engaging in behavior perceived to be responsible for threat.  e.g. EU hostility towards ‘counterfeiting’ producers versus NW hostility towards ‘aggressive’ behavior of EU.
Consensus	Agreement by involved actors that threat is real, serious, caused by behavior of group members and that something must be done to control it. Varies, could be articulated by small or large groups.  e.g. Demonstrated on both sides through the appearance of discourse manifested in the language of various campaigns, lobby groups, dairy consortiums and associations, states and supranational bodies, and media discussion.

Disproportionality	Occurs through an imbalance between the rights conferred to certain groups relative to their revocation from other groups. e.g. EU calls for exclusive use rights to be granted asymmetrically to European producers versus NW appeals to unfairness in order to reverse it.
Volatility	Temporary campaign that operates to (re)affirm a sense of existential security in moments of perceived insecurity. Concern can be long-lasting but peak at various moments over time, then disappear or become institutionalized in social movement organizations, legislation etc. e.g. Movement to institutionalize protection for or preservation of use of food names, either GI or generic, within the context of continuously globalizing dairy systems.

### 3.2.4. Why do moral panics occur?

The use of the term ‘panic’ has been criticized as conveying the inherent irrationality of the concept (Cohen 2002: xxvii). But moral panics are rational processes that do not occur naturally in society; their materialization and influence is dependent upon the active endeavors of claims-makers invested in their success (Goode and Ben-Yehuda 1994b: 79-80). According to McRobbie and Thornton (1995: 560), moral panic can be used strategically “by politicians to orchestrate consent, by business to promote sales in certain niche markets, and by media to make home and social affairs newsworthy...” and the role of the folk devil might serve as “a tool to accomplish social, political, or commercial objectives” (Patry 2009: 138) such as the protection of domestic food producer and business interests. Because of this intentionality the work of many researchers involves interrogating different types of actors – from grassroots, interest-group, and elite dimensions – and problematizing their claims in order to tease out their core motives, interests, and agendas in generating and sustaining a moral panic (Goode and Ben-Yehuda 1994b: 32, 124; Thompson 1998: 15).

But moral panics are not only purposeful, they are also contextual. Research indicates that they are evoked in “troubled times, during which a serious *threat* is sensed to the interests or values of the society as a whole or to segments of a society” (Goode and Ben-Yehuda 1994b: 32, original emphasis) or appear amidst “transitions in the social, economic or moral order...” (Garland 2008: 13). Scholars have underlined that food can become a potent “political symbol particularly in periods of great economic and social change” (Leitch 2010: 440). Recall from the introduction the discussion over the impacts and insecurity born of the continuous liberalization of the dairy industry brought about by the pressures emanating from European integration and globalization. Such structural processes have spurred the formation of campaigns, consortiums, and attempts to affect the use of food product names in one’s favor and could explain the appearance of parallel processes of gastro-panic surrounding GGIs.

In order to institutionalize punishment for perceived deviant behavior, proponents from both sides also actively employ a number of devices. First, they appeal to *legitimizing values* or the enforcement of “existing rules or attempting to enforce new rules” (Cohen 2002: 91). This is evident in EU attempts to extend GI protection globally and NW attempts to institutionalize an international methodology for determining generic status. Next, actors take action through *enterprise* as a means of publicizing the importance of GIs and generics, especially for developing countries, in order to attain the backing of various countries and supporters around the world. Lastly, an element of *power* is crucial (Cohen 2002: 91). According to Lenski (1966: 57), “Institutionalized power takes many forms, but it always involves the possession of certain enforceable rights which increase one’s capacity to carry out one’s own will even in the face of opposition.” Countries and producers around



the world disagree over whether certain names should be exclusively or openly used. Nevertheless, both sides have made efforts to institutionalize their respective norms within international agreements.

### **3.3. Security and the Copenhagen School**

The purpose of the next section of the framework is to resolve certain limitations of the moral panic concept and to further develop Hier's (2011: 524) assertion that moral panics "operate to (re) affirm a sense of existential security in moments of perceived insecurity." As is the case in the majority of moral panic research, Hier restricts his analysis to the societal realm and conceptualizes moral panic as a type of *moral* regulation. However, through the notion of gastro-panic I attempt to broaden the applicability of the concept to encompass a wider range of issues within the food system. I do this by demonstrating how the gastro-panic may be formulated through conceptualizing moral panic as a food system security issue using the language of securitization advanced by the CS. Thus, I begin by discussing what I mean by food system security. I also define security and what constitutes a security issue. This is followed by an overview of the CS, its broadened notion of sectors, and securitization.

#### **3.3.1. Food: a non-traditional security issue**

In this framework I conceptualize moral panic as a food *system* security issue rather than a food security issue, which I explain further in this section. There is an extensive body of literature devoted to the study of food security (McDonald 2010; Rayfuse and Weisfelt 2012; Chiarolla 2011; Almas and Campbell 2012; Carolan 2013; Lawrence, Lyons, and Wallington 2011) but conceptualization of the concept has evolved over time. Maxwell (1996: 155) states that since the 1970s food security

has been re-focused “from the global and the national to the household and the individual; from a food first perspective to a livelihood perspective; and from objective indicators to subjective perception.” It has moved beyond an emphasis on secure access to a sufficient amount of food simply as a source of nutrition and means of survival to encompass its social and cultural appropriateness, quality, and political significance (FAO 2008; Koc and Dahlberg 1999; Ganapathy, Bliss Duffy, and Getz 2005; Carr 2006). Food security has mostly been approached as its own area of study and has only recently entered the sphere of security studies as a non-traditional security object (Wiggins and Slater 2010). Very few scholars have utilized an international relations security perspective to explore issues of food and it has mainly been integrated as a fundamental aspect of human security at a more individual level (Paris 2001: 90). This is especially limiting considering that food security has become a prominent focus of government policy and rhetoric in many countries around the world.

When zeroing in on security as its own concept it is possible to see how it might translate into other areas related to food. Security itself is a widely debated term, declared by W.B. Gallie (1956) to be an “essentially contested concept.” Nevertheless, for the purpose of this research it is defined as a means towards assuring a degree of protection for “social, political and economic (spaces) communities” (Clements 1990) that provides relief from “threats to cherished values” (Williams 2013: 1) and objects. The focus of security can be to ensure “survival” or deal with a number of existential crises and concerns (Buzan 1991a: 432-33). As a complement to the constructed nature of moral panic I am also utilizing a constructivist perspective of security that views it as “a social construction, meaning different things in different contexts. Security is also seen as a

site of negotiation and contestation; in which actors compete to define the identity and values of a particular group in such a way as to provide a foundation for political action” (McDonald 2008: 67). Furthermore, a security issue arises when a particular *referent object*, or that which is endangered and needs to be protected, is demonstrated to be at risk from an *existential threat* (Buzan et. al. 1998: 21).

Therefore, we can consider insecurity as occurring when some aspect of the food system is perceived to be threatened. It could be said that a number of alternative food movements (Goodman 2003, 2004; Wiskerke 2009) including fair trade (Raynolds, Murray, and Wilkinson 2007), food sovereignty (Wittman, Desmarais, and Wiebe 2010), organic (Raynolds 2000), local (Starr 2010), and Community Supported Agriculture (Adam 2006) schemes have emerged in response to the perceived threats prompted by the increased globalization and industrialization of the food system. In addition, there has been emerging recognition that the diversity of food products, production methods, and cultures has a legitimate right to survive and should not be reduced to commodities. In many ways traditional foodways and food products have become cherished referent objects in need of protection from global forces. This may be evidenced through the flurry of attempts to secure United Nations Educational, Scientific and Cultural Organization (UNESCO) protection for gastronomic heritage and culinary practices in recent years,<sup>13</sup> the cataloguing and reinvigorating of “endangered” foodstuffs by popular

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<sup>13</sup> Despite initial rejections and a declaration by UNESCO president Chérif Khaznadar that, “There is no category in Unesco for gastronomy” (Sciolino 2008), in 2010 the “Gastronomic Meal of the French” (UNESCO 2010a), the “Mediterranean diet” (UNESCO 2010b), and “Traditional Mexican cuisine” (UNESCO 2010c) were controversially declared to be world intangible cultural heritage. Italy has also discussed a bid for protecting the Pizza Napoletana (Kington 2011) and students in London are campaigning to get London pubs there as well (Kingston University London 2012). But what is interesting about these attempts is that they do not only focus on a finished product, the food or cuisine itself. They incorporate a respect for the traditions, know-how, skills, and social interaction that encompass each element of the food chain from farm to table, including aspects of production and consumption.

social movements such as Slow Food (2013), and the increased visibility and protection of GIs. But insecurity also occurs when corporate or other interests are perceived as being endangered by forms of protectionism erected within a more market-oriented food system.

These movements also indicate that there are many who hold an insecure view that globalizing processes threaten the state by eroding national food sovereignty and reduce the ability of governments to have control over their domestic production; threaten economies with foreign-produced commodities, unfair competition and the reduction of jobs; threaten cultural identities and traditional eating habits with powerful inflows of fast food and McDonalidization (Ritzer 2010); threaten the environment by destroying biodiversity; and threaten individual food safety through the import of non-traceable tainted foodstuffs. These phenomena emphasize an important focus on a broadened conception of insecurity in the food system that moves away from lack of intake, access, and availability and might more usefully be conceptualized as ‘food system security.’ Security in this context may then be viewed through the lens of gastronomy discussed in the first section in order to broaden the concept to encompass the survival and preservation of traditional industries, the maintenance jobs, incomes and livelihoods, profits and interests, food cultures and identities, environment and landscapes, and safety.

Specific to the generic debate, food names can be considered as referent objects whose use is perceived to be endangered by competing actors. On the one hand, GIs are seen as being under threat of genericide whereby a product name loses the connection to its place of origin and becomes un-protectable and open for use by

everyone. On the other hand, generic terms are seen as being under imminent threat of being restricted through GI protection. Food names are considered to be powerful security tools and the protected use of a name is designed to aid in the “economic and cultural survival” (Agdomar 2008: 600) of niche producer groups through preventing the erosion of reputations attached to a food name and the free-riding and open use of their terms. But unprotected use of a name also aids in the survival of companies who have long relied on generic terms to market their products.

To continue, security is achieved through different means and reflects two approaches; the first views it in its commoditized form as the result of amassing power and resources and the second sees it as serving more of a liberating function through the cooperation and interaction of agents (Williams 2008: 6). GIs and generics represent a culmination of both approaches. GIs are valuable economic and cultural resources that can be used to market and add value to products, leading to increased premiums for producers (Bramley, Biénabe, and Kirsten 2009: 114). Once awarded, they are legally protected intellectual property rights that ensure the exclusive use of producer groups within a designated area. At the same time, many proponents argue that they should be prized for their collective value because it is the producers themselves who draft the rules and specifications of their products, which therefore “empowers communities” (Rangnekar 2009: 14). Conversely, generic names represent important and valuable marketing tools for distinguishing recognizable types of products and a multitude of actors have arisen in cooperation to defend their use on a global scale.

### 3.3.2. Broadening the agenda: the CS

Such a broadened application of security would not be possible without contributions made by the CS. Traditional perspectives of security in International Relations have tended to be restrictive until the CS struck at the heart of traditional security analysis – its focus on the military sector and the state. Though it did not occur without criticism (Knudsen 2001; McSweeney 1996), members of the CS including Barry Buzan and Ole Wæver have considerably broadened the conceptualization of security. First, Buzan (1991b) developed four additional “sectors” within which threats to states could arise – political, economic, societal and environmental, which are illustrated in Table 3.2 (Adapted from: Buzan et. al. 1998: 22-3). Sectors serve as “lenses or discourses” (Hansen and Nissenbaum 2009: 1157) through which differing perspectives and “types of security concerns...” that constitute actors and issues may be illustrated (Buzan et. al. 1998: 168). Though separated analytically, actors, objects, and threats appear and interrelate across sectors (Buzan et. al. 1998: 167).

**Table 3.2: Security Sectors**

<b>Sector</b>	<b>Referent Object (s)</b>
Political	Legitimacy, sovereignty, norms, rules, institutions
Societal	Identity, tradition, culture
Economic	Firms, trade, production, resources
Environmental	Ecology, sustainability

Second, the CS was unsatisfied that the state remained the center of analysis as the sole referent object. In later work they argued that society and the identities that constitute it were, “The principal focus of the new insecurity” (Wæver et. al. 1993: 2) thereby endorsing the candidacy of non-state referent objects. As a result, attention may be paid to a wide array of threats that can emerge in numerous areas in the name of a diverse range of referent objects other than the state (Buzan et. al.

1998: 5). Moral panic is for the most part restricted to the societal sector where society, composed of its norms and values, is the referent object perceived to be threatened by the behavior of deviant folk devils and few attempts have been made to target other aspects such as economic factors (Critcher 2011). The multi-sectoral approach therefore expands the investigation to a variety of discourses within the gastro-panic and necessarily includes a wider range of interrelated concerns that traverse the GGI dispute.

It is important to emphasize again that security is inherently a site of negotiation and contestation and through it “there will always be winners and there will always be losers” (Roe 2012: 261). Boundary-construction and preservation are fundamental to the pursuit of security and enables the differentiation of security communities. While such demarcation is important, Clements (1990) states that, “Delimiting specific territorial or even ideological boundaries has been one of the principal sources of conflict over the years especially when there are incompatible claims for the same space.” Actors may appeal to security strategically to legitimate exceptional measures intended to block an unwanted development, or as a means of reinforcing the status quo. Vuori (2008: 93) points out that “the construction of security issues can be utilized for a range of political purposes, from raising an issue on the agenda of decision-making to legitimating policies, deterring threats...”

This is certainly the case where food names are concerned because security by way of acquiring a GI to protect it from outside use creates an imbalance that results in insecurity for those who have been using it generically. On the contrary, the right to use a name generically is also interpreted as compromising legitimate producers by eroding a name’s reputation and misleading consumers. Either way,

food names represent a contested domain where different parties compete over and claim entitlement to the right to their use and seek to fix their own political norms and rules within international society in order to secure it. In the next session I discuss the discursive processes through which this struggle is realized.

### **3.3.3. Securitization**

Along with its expanded notion of sectors and referent objects the CS also introduced the analytical framework of securitization, initially developed by Ole Wæver. Securitization posits that designating an issue as a matter of security is an active political choice, thereby contesting the argument that threats exist objectively before language and simply waiting to be discovered (Wæver 1995: 65, 46). Rather, the thrusting of issues into the security field is a socially constructed and linguistic process or “*speech act*” (Wæver 1995: 55, original emphasis) performed by “securitizing actors,” which I will continue to refer to as claims-makers, through “securitizing moves” (Buzan et. al. 1998: 36, 24-5). Something becomes a security issue because it is presented as such and studies of securitization generally focus on political discourse (Buzan et. al. 1998: 25). In essence, actors invoke security by drawing attention to a threatening development perceived to endanger a cherished referent object that, following audience acceptance, legitimizes the right to deal with said threat using exceptional measures that may fall outside otherwise binding rules and conduct (Buzan et. al. 1998: 23-5). Not all issues must be presented “with a drama of urgency and priority” (Buzan et. al. 1998: 28) but are characterized by a specific rhetorical structure that can have significant political effects.

At this point a note of clarification is needed. The CS asserts that securitization takes security issues somehow beyond normal politics and that de-



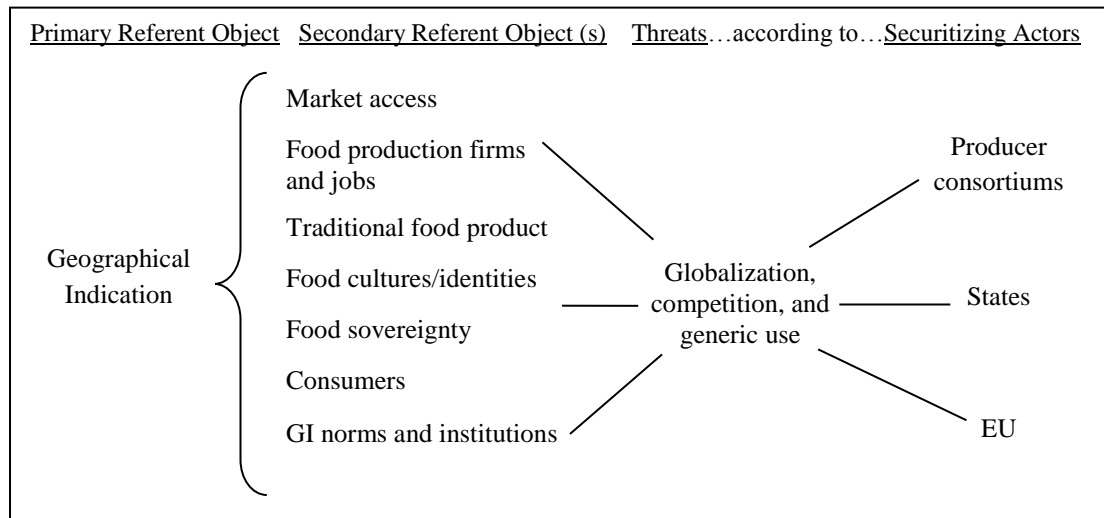
securitization is a means of bringing these issues back into the political domain (Hansen 2012; Aradau 2004). However, food system security and GI issues are not likely to be taken out of the political arena in the same extreme way as, say, national security and the debate over GGIs has remained intrinsically political. In this thesis I am not using a literal application of the CS theory of securitization but rather an analogical one that focuses on how similar structures of language are used to legitimize political exceptions made with regard to the use of food names. Additionally, when I discuss countering processes I am not referring to de-securitization but rather to the folk devil fighting back with a similar discursive strategy that frames the initial securitizer as the securitized.

Moving on, there has been considerable debate surrounding what constitutes a successful act of securitization and traditional approaches have been criticized for placing too much emphasis on the *moment* of a speech act (Stritzel: 2007: 359) and downplaying the role of audience, context, and agency in determining its success (Balzacq 2005; Stritzel 2007; McDonald 2008). Here I am not exploring the factors contributing to the success of a speech act but *how* it is used in practice as a mythical discursive strategy of legitimation to achieve certain aims within the generic debate. For this task Balzacq's (2008: 171-73) sociological approach to securitization as a form of *strategic practice* is most useful. He proposes that the purpose of securitization is to *persuade* a particular audience that a threat warrants exceptional measures be taken to mitigate it. This focus is distinct from traditional conceptions because it uses the power of words to meet an objective (Balzacq 2005: 178-79). The objective in this case is the right to the protection of or open use of particular food names.

To reiterate, security as a speech act *does* something – it securitizes, thereby establishing that the presence of a threat to the material or abstract survival of one or more referent objects warrants an exception be made to mitigate it. Essentially, it is a mythical discursive strategy of legitimation used by actors to frame an issue within the political arena in a particular way in order to convince an audience that such exceptional measures should be taken. As such, the task of securitization is to “gain an increasingly precise understanding of who securitizes, on what issues (threats), for whom (referent objects), why, with what results, and, not least, under what conditions (i.e., what explains when securitization is successful)” (Buzan et. al. 1998: 32). Using the framework I can better understand the securitizing moves and processes by which various actors, in defense of GIs as referent objects declared to be endangered by globalizing market forces and generic name use, legitimate the preferential conferral of rights to those who produce them. At the same time, I can consider the counter-securitizing trends visible in the defense of the right to generic use and the securitization of GI protection.

Following from that, the integration and liberalization processes that expose producers to ever more worldwide competition could constitute a threat to GIs and, “In a sense, it is certainly correct to say that GI protection is a reaction against uniformity, big conglomerations, and globalization” (Hughes et. al. 2007: 971) and “increasing threats from America and other ‘New World’ producers...” (Rose 2007: 734). What are in fact being protected are not only the food names but the material and abstract well-being of a number of underlying objects. Thus, I expect to find that the food names themselves serve as primary referent objects in need of protection, which act as umbrellas encompassing a variety of secondary referent objects within the food system, the possibilities of which are displayed in Figure 3.2. The suggested

threats and referent objects are by no means exhaustive but act to guide the empirical questions and analyses in further chapters.

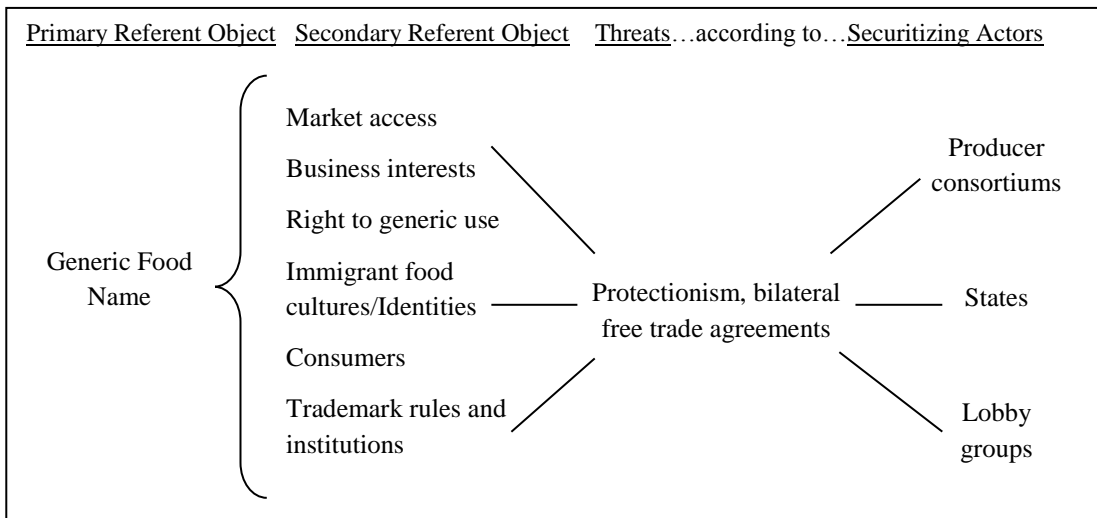


**Figure 3.1: Referent Objects and GIs**

Europe is an environment in which threats to farmers’ livelihoods and food cultures resonate strongly with many citizens and governments. Thus, food system security logic can be politically persuasive and used to legitimate economic patriotic or exceptionalist policies that effectively begin to raise barriers between national, European, and global economies. Such maneuvers create tensions in a global climate increasingly framed by a discourse of market liberalism and in turn become a threat themselves to the dominant paradigm. The move towards asymmetric rights afforded to GI producers could therefore be considered an exceptional measure because it challenges the openly competitive nature of free market relations on the basis that GIs require governments to suspend the norm of open market access and grant exclusive property rights (Charlier and Ngo 2007: 181; Chen 1996: 36).

Securitizing processes in Europe are at odds with those who orient themselves on a more liberalist perspective, which has also come to be a main discursive force shaping the current global capitalist system. This perspective holds

that insecurity is affirmed to be a natural aspect of market functioning (Buzan et. al. 1998: 95-7), with innovation and efficiency being primary aims at the expense of those who cannot compete. Buzan (1991: 238) declares that, "The ever-changing conditions of market competition favor organizational flexibility over permanence." Hence, it might become difficult for those who subscribe to the liberal logic of free trade, efficiency, and open competition to be able to accept the special treatment of GIs and the state intervention that comes with it, especially when such protection threatens the use of valuable generic terms. The counter-securitizing discourses are evident as the threat is transformed into that of "trade protectionism" where food system security logic is used to further break down barriers between economies. In subsequent courses, I expect to find GI protection declared to be a threat to the generic use of particular food names along with other secondary referent objects indicated in Figure 3.3.



**Figure 3.2: Referent Objects and GGIs**

**3.4. Barthes and Myth**

Cohen reasons that moral panic is a struggle over cultural representations, which refers to the discursive processes through which meaning is generated and

shaped. The dispute over the generic status of food names involves parallel constructions of gastro-panic where actors compete to demarcate and fix particular meanings to secure the use of product names. According to Hall (1997: 3), “we give things meaning by how we *represent* them – the words we use about them, the stories we tell about them, the images of them we produce, the emotions we associate with them, the ways we classify and conceptualize them, the values we place on them.” These meanings are important because they are not merely abstract notions but, “They organize and regulate social practices, influence our conduct and consequently have real, practical effects” (Hall 1997: 3) and are developed and deployed in concrete struggles over power, influence, and societal norms. GIs grant exclusive property rights to producers of food and beverage products and genericism invalidates those rights. And the legitimization for granting or revoking the right to use names greatly depends on the connotations attached to them and the negative and/or positive meanings attached to those who use them. It is not the names themselves that have changed but the meaning ascribed to and different worldviews that underpin them.

In order to further interrogate the persuasive power of gastro-panic I utilize Roland Barthes’ conception of myth.<sup>14</sup> Myth is important in the context of moral panic because while “myth-making characterizes all societies at all times...” at times of moral panic society is especially receptive to them (Goode and Ben-Yehuda 1994b: 25) and the gastro-panic itself can be viewed as a type of myth. Barthes presents a particularly convincing critical account of myth-making as an ideologically-driven discursive construction. To clarify, I must stress that when I

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<sup>14</sup> A note of clarification: Barthes describes ‘myth’ in its singular form to designate the process itself; however a multitude of myths constitute all societies. I will be using the singular and plural forms of the word interchangeably.

refer to *myth* it is strictly in the Barthesian sense as opposed to its use in common vernacular which implies that something is potentially false, unfounded or mistaken, or an invented or imaginary legend or fable. According to Barthes (2009: 131) myth is a “type of speech” and a “system of communication” that surrounds everything from language and images to material objects such as food. Anything that can be spoken about or communicated through a discourse may become myth because it is not the objects themselves that are most important but rather the messages and meanings they convey (Barthes 2009: 131). In Barthes’ view myth is powerful because although it is socially constructed, it distorts and naturalizes certain world views, ideologies, and interpretations to appear as indisputable facts or common sense (Barthes 2009: 154). In other words, Moriarty (1991: 25) declares that, “Myth seeks to ground political and historical situations, and ideological alignments, in the realm of the natural.”

Therefore, myth is a discursive process that “abolishes the complexity of human acts, it gives them the simplicity of essences...it organizes a world which is without contradictions because it is without depth...” (Barthes 2009: 169-70). It is composed of beliefs and representations that sustain and legitimate current power relationships and promote the values and interests of dominant groups in society. As a result, it “reduces reality to the juxtaposition of two readily computable values” (Moriarty 1991: 27). The gastro-panic naturalizes a view of the opposing folk devil’s behavior as wrong and promotes binary oppositions through notions such as genuine, legitimate, authentic, and artisanal versus fake, illegitimate, inauthentic, and industrial to describe the characteristics of GI products and producers versus generics. Note however that many of the products protected under the GI system are industrially-produced (Hughes et. al. 2007: 971). Even within the French national

AOC system there are categories differentiating between farmer, artisanal, cooperative, and industrial cheeses (Villegas 2005: 67).<sup>15</sup> On the other side, there are also artisan producers in various countries who use generic terms simply as a means of denoting particular styles or types of cheeses. As well, the meaning of concepts such as authenticity and genuineness are ambiguous and heavily debated (Alcock 2005; Hudgins 2005; Whittings 2005) while the notion of legitimacy is constantly being negotiated and contested within the GI context (Smith 2006).

Next, it is important to emphasize that myths, like moral panics, are never arbitrary (Barthes 2009: 150). Rather, their manifestation is the result of the motives, intent, and purpose of those who construct them (Barthes 2009: 142-43). They are contextual and sporadic, dissipate and alter with time and are often employed when meanings are inadequate to serve the needs of a community. They can be uncovered by focusing on the evolving meanings attached to certain signs and Barthes admits that food is consistently the subject of mythical discourse (Barthes 1961: 20-27). The generic use of certain cheese terms around the world has not always been considered improper behavior and the gastro-panic surrounding their use has intensified at the global level only in recent years. Additionally, today modern anxieties have led to a culinary nostalgia that emphasizes simple, traditional and rural foods, though “the flavorful survival of an old, rural society that is itself highly idealized” (Barthes 1961: 24). A quick look into history reveals that many of the associations we attach to products that are now celebrated for their traditional, cultural, and artisanal characteristics are the result of contemporary constructions or successful marketing by self-interested actors (Boisard 2003; Guy 2003). Bromberger (2006: 89) states

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<sup>15</sup> More specifically, “*Fermier* cheeses are farmhouse cheeses, using milk from the farmer’s herd or traditional methods. *Artisanal* cheeses come from independent farmers using their own or others’ milk. *Coopérative* cheeses are made at a dairy with milk coming from cooperative members. *Industriel* cheeses are produced in factories” (Villegas 2005: 67).

that, “Certified ‘traditional’ cheeses are now as much a reflection of market demands and modern collective representations of health and sanitation as they are of the ‘traditional methods’ and locality that they purport to embody.” At the same time, West (2012: 9) reveals that the seemingly uncomplicated nature of many cheese names masks what are actually “the product of complex and often contentious histories.”

Furthermore, myth is selective and only preserves and presents what are considered particularly suitable aspects of history (Barthes 2009: 151). Many origin products that represent long traditions and are purported to be cultural necessities edit out the significant social exclusion that led to their symbolic valorization. In the past, reputations were often the result of social exclusion signified by consumption habits and gastronomic histories are rife with divisions between the urban rich who could afford certain products (Pitte 2002: 71) and rural poor who remained tied to the land in the country side and produced most of their food for local intake (Roehl 1976: 271). This “elitist model” at the source of the preference for certain goods helped form taste over time (Capatti and Montanari 2003: 115-16) and many products deemed traditional were aristocratic and unattainable for a majority of the population who remained tied to the land (Roehl 1976: 271). Conversely, many foods which were considered only fit for peasants in their day are now celebrated as unique, traditional, and highly sought after (Richards 2002: 3), which has led to an “aestheticization of peasant foods” that shadows the complex, difficult, and undernourished lives of those who historically consumed them (West and Domingos 2012: 122).

The abovementioned examples help demonstrate why deconstructing myth is crucial because it calls attention to the socially constructed nature of taken-for-



granted cultural norms and values and the dominance of certain ideologies that can be used to serve particular interests. Here I focus on how the gastro-panic operates as myth because, “The critical study of myth is not just the denunciation of particular ideological positions, but the analysis of how their messages are constituted, how they come to persuade” (Moriarty 1991: 22). In the gastro-panic surrounding GIs, different social, economic, and political interests compete to invest meaning in food product names which are used to promote universal definitions of concepts such as quality and *terroir* on the one hand and generic on the other in order to legitimize the rights to use or prevent others from using them.

#### **3.4.1. Constructing myth**

For Barthes, myth involves various levels of meaning or *orders of signification* that must be explored through the more technical language of semiology. In the first order, or that of the *language-object*, an object acts as a *signifier* that embodies a particular meaning or *signified* (Barthes 2009: 135-6). When these two elements are merged together they become one and the same in the form of a *sign*. This is also related to what semiologists call the *denotation* or the literal meaning (Barker 2008: 79) and for words might be the definition that you look up in a dictionary. Such meanings are said to be “broadly agreed upon by members of the same culture” (Chandler 2013).

In order to apply this to material objects such as food, Moriarty (1991: 25) points out that “society inevitably transforms functional objects into signs of their function...” For example, cheese is a sign in itself – it is a coagulated and compressed milk product. But when it is differentiated as a particular type or brand of cheese – as Parmesan, Cheddar, Roquefort or Gouda – it attains further

connotations. To illustrate, Parmesan is defined in the English Merriam-Webster (2013) dictionary as “a hard Italian cheese” and “a very hard dry sharply flavored cheese that is sold grated or in wedges.” However, an Italian dictionary defines Parmigiano as “hard cheese, semi-fat, a grainy paste, produced in Parma and Reggio Emilia” (Dizionario Italiano 2003-2014). Notice the nuanced differences in definitions, with one emphasizing the general type of Italian product and the other including its specific region of production.

Next, a seemingly innocent sign can become the signifier in a second order of meaning. This is the order of myth, the metalanguage through which the sign becomes an empty *form* that is joined with a second signified and culturally significant *concept* (Barthes 2009: 137-8, 140). Together the form and concept constitute a *signification* (Barthes 2009: 142) where meanings are not the result of the sign itself but by how it is conceptualized or understood by a particular society. This level represents the broader connotations of the sign, which “involves meanings that are generated by connecting signifiers to wider cultural concerns” (Barker 2008: 79) and reflects myth’s reliance on the socio-cultural and historical context in which it exists. Ultimately, it is when certain “connotations have become naturalized, that is, as accepted as ‘normal’ and ‘natural’, they act as conceptual maps of meaning by which to make sense of the world. These are myths” (Barker 2008: 79).

The connotations for cheeses and those who produce them are widely variable according to the type and location of their production and consumption. Parmesan connotes quality, traditionality, and Italianness for a *particular* cheese with precise characteristics from a *particular* place in Italy and the EU that enjoys protected status, and producers of the cheese outside of this demarcation have come to symbolize counterfeiting folk devils. In other areas Parmesan represents a *type* of

*generic* hard cheese used in Italian dishes that can be produced anywhere by anyone using a multitude of different methods, and European producers attempting to secure its exclusive use have been demonized as aggressive and their actions illegitimate.

For Barthes, this combination of the denotative and connotative functions of signs and orders of signification are what produces ideology and is what Fiske and Hartley (1978: 30) have called the “third order of signification.” The ideological level “reflects the broad principles by which a culture organizes and interprets the reality with which it has to cope” (Fiske and Hartley 1978: 30). Thus, significations act by concealing the operation of certain socio-economic structures, including regimes of ownership, orders, and ideologies that permeate each culture. For Italians and the EU, Parmesan represents the idea of *terroirism*, the belief that certain products essentially derive their characteristics from the places for which they are named and therefore cannot be replicated elsewhere. Such ideas serve those producers in the place of origin by legitimizing the conferral of property rights that excludes others from using a name based on the uniqueness of the product’s origin and characteristics. It also serves the overall aims of European agricultural exceptionalism by securing a new form of producer assistance. In contrast, for those on the opposing side Parmesan embodies the notion of genericism. The cheese becomes a form that carries the concept of genericness and blocks the registration of a particular name. The signification of genericism is one that bolsters global business interests by representing a widely recognizable type of cheese, deriving its argumentative substance from the wider context of market liberalism. Since Barthes’ (2009: 144) method requires the naming of concepts, *terroirism* and genericism are distinct mythological concepts at the root of GGI politics and will be further discussed in the next sections.

To continue, concepts can be represented by multiple forms, the repetition of which acts as a tip-off that a myth is at bay (Barthes 2009: 143). Both *terroirism* and genericism are signified by a multitude of products in different countries, with over a thousand protected names in the EU and a number of names used generically in countries such as the US, Australia, and others. As well, each sign may carry multiple meanings concurrently (Semetsky 2000: 201). The meanings of concepts are rarely stabilized or unproblematic in practice and because their meaning fluctuates, they are also inherently contested and according to Vološinov (1973: 23) the sign, or in this case the food name and those who produce it, “becomes an arena of the class struggle.” Thus, “Signification changes as social conventions and social struggles seek to fix meaning...The ideological struggle is the contest over the significance of signs. Here power attempts to regulate and ‘fix’ the otherwise shifting meanings of signs” (Barker 2008: 81). This is important because it emphasized “a sense that meaning was the outcome of politics and the play of power” (Barker 2008: 82). Cheese names are signs with varied meanings that are at the root of the struggle over the ownership of the terms themselves. As a consequence, actors are competing to fix their own ideas inherent to the use of cheese names in order to secure the rights to market them around the world.

Within the context of the dispute over the generic status of GIs, I argue that there are two representations contending for dominance that frame competing perspectives surrounding the status of certain product names within the GI debate. *Terroirism* and genericism represent ideologies that legitimate the allocation of private rights to the use of food names – in the case of GIs and *terroirism*, or their revocation – in the case of generics and genericism, which are motivated by competing political, economic, and social interests. In this debate the struggle is

inherent to the way signs are defined and used by each side in the marketplace and actors' attempts to fix preferred meanings. It also reflects wider conflicting viewpoints on the nature of agricultural production and markets and how agri-food economies should be governed and regulated.

Following from that, claims-makers within the gastro-panic seek to persuade relevant audiences of the need to take action against a perceived threat through policy changes or other arrangements. In doing so they also frame their arguments in ways that are consistent with particular agricultural 'paradigms', which are naturalized worldviews encompassing shared ideas, values, and norms that shape how actors identify problems in the agri-food sector and ways to address them. The "Dependent Agriculture Paradigm" is argued to have dominated agricultural policies in post-Second World War Europe, the US, and other industrialized countries (Josling 2002: 253) and was underlined by an ideational framework of 'agricultural exceptionalism.' This concept rests on the assumptions that food and agricultural industries are somehow different or 'exceptional' in relation to other economic sectors and that their value lies beyond the commercial production of food to encompass non-marketable social, environmental, and even food security benefits that contribute to overall national interests and well-being, which therefore justifies preferential treatment and state intervention (Grant 1995; Skogstad 1998; Daugbjerg and Swinbank 2008, 2009; Coleman 2011).

But *terroirism* and genericism are underlined by two new paradigms that Josling (2002: 254-8) terms the "Multifunctional Agriculture Paradigm" and the "Competitive Agriculture Paradigm." The former has been embraced by the EU and maintains certain 'exceptionalist' features. The latter has been embraced by many

NW countries and is underlined by what Daugbjerg and Swinbank (2009: 12) term “agricultural normalism.” This concept is premised on the belief that agriculture should be treated as no different from other economic sectors and that problems within markets are the result of state protectionism. It encompasses a globally institutionalized set of ideas for agri-food markets that promotes increased liberalization and reduced state intervention, free trade, and greater market access thereby de-legitimizing any type of preferential treatment or state intervention such as the conferral of exclusive GI rights. The views of competing actors within the cheese sector are thus guided by particular policy paradigms that are naturalized as myth.

### **3.4.2. *Terroirism***

*Terroirism* is a neologism that derives its assumptions of reality from the ambiguous French concept of *terroir*, a widely discussed and controversial term with no universal definition or direct translation into other languages.<sup>16</sup> *Terroir* asserts that certain products derived from historical places of origin are genuine and legitimate relative to similar products produced in different territories (INAO 2006). But the positive notion of *terroir* that undergirds the European GI system typifies what Scarpato (2002: 101) calls the “myth of global provenance.” The meaning of the concept has evolved over time and it was used in the seventeenth century to describe

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<sup>16</sup> I elected to use the French concept of *terroir* despite my focus on an Italian and English cheese name because according to Smith (2006: 6), “Although the other four southern states have played important roles in developing the EU’s programmatic model, the French approach to geographical indications has always been its dominant ideological inspiration.” *Terroir* was used to describe the product/place connection in quite a few of my interviews with British, Italian, and EU trade representatives (Personal interviews, March 13, February 22 and 27, and April 9, 2013). One Italian Parmigiano-Reggiano representative informed me that the word ‘*typico*’ is similar to *terroir* in Italian but that it is not synonymous. It is broader and incorporates more of the cultural and human elements of a product that comes from a territory with a history and characteristics that exist nowhere else. He stated that, “The product must be linked to geography and has a value and history beyond the product itself, a cultural tradition linked to a territory” (Personal interview, February 27, 2013).

product flaws such as an “earthy” flavor (Jacobsen 2010: 10) or in the eighteenth century to denote the negative characters of people in certain regions of France (Guy 2003: 42). It was not until the nineteenth century that the positive connotations of *terroir* took on a nationalistic flavor to become naturalized as part of French cultural identity and, “The connection between geography and quality had become a widely accepted belief, if not to say myth, by the nineteenth century” (Guy 2003: 122). Originally used to link viticulture practices and particularistic geography to the quality of wine, *terroir* has since been de-localized from its patrimony in France and globalized as a universal marketing concept. It has become a catchword in gastronomic literature where it inspires the celebration of local and place-based foods and alternative food movements around the world (Trubek 2008; Jacobsen 2010; Paxson 2010) and also in trade negotiations (Barham 2003; Josling 2006) where it takes on significant marketing and commercial importance and forms the conceptual foundation for GI protection schemes. *Terroir* is more than just a notion; it matters economically and culturally for both producers and consumers.

To elaborate, *terroir* refers to the intimate connection between (1) material factors such as the natural, geographical, and ecological elements of a place (see Wilson 1998; Robertson 1994; INAO 2006) and (2) immaterial factors that include human, historical, mystical, symbolic, and cultural importance (see Guy 2003; Trubek 2008; Leynse 2006; Vaudour 2002; Deloire, Prévost, and Kelly 2008) and their combined impact on the uniqueness, reputation, and quality of food and beverage products. Many scientists generally approve of the assertion that differing ecological areas have an effect on products, especially wine (Guy 2002: 42) but what is most commonly disputed is the inclusion of the abstract human or cultural element (Wilson 1998: 55). The idea of *terroir* emphasizes that the distinct characteristics of

a place bestows unique qualities on wine and food products. And within the GI context it defines the crucial link between a product's place of origin and its distinctiveness in the marketplace.

Although, when *terroir* is used as a legitimating strategy or political tool to ensure the conferral of exclusive property rights to some producers over others it becomes *terroirism*. In the context of European multifunctional agriculture, *terroirism* legitimates government action in formulating and extending 'economic patriotic' agricultural policies that "seek to discriminate in favour of particular social groups, firms or sectors understood by the decision-makers as insiders because of their territorial status" (Clift and Woll 2012: 308). In the GI context this refers to the disproportionate privileging of 'genuine' producers over others through the conferral of exclusive property rights. 'Multifunctionality' is a defining feature of current European agricultural policy that plays an important role in the negotiating position of the EU in world trade negotiations and "developed partly in response to the threat which trade liberalisation presents to European agriculture" (Dibden and Cocklin 2009: 163). The concept asserts that the value of agriculture lies beyond the commercial production of food to encompass "so-called 'non-economic' objectives" (Winters 1988) and "non-trade concerns" (Gössl 2008). These could include certain non-marketable social and environmental benefits such as sustainable and rural development, food quality, safety, and security, and the preservation of landscapes and cultural heritage that are perceived as threatened by the further liberalization of agricultural trade. Multifunctionality is a contested policy concept in the context of agricultural negotiations because it has been used to help justify government intervention and continued state support for agriculture in order to protect agri-food markets from external competition (Burrell 2001; Potter 2004; McCarthy 2005;



Kaditi and Swinnen 2006; Potter and Tilzey 2007; Dibden, Potter, and Cocklin 2009).

To continue, as noted by Barthes (2009: 177) it is difficult to know the “social geography” of mythologies; however it is conceivable to isolate “the lines which limit the social region where it is spoken.” Additionally, he observes that “a myth ripens because it spreads” but will often resist spreading to hostile environments (Barthes 2009: 177). Thus, it is plausible to argue that distinctive boundaries are evident when considering the divisions between those who are in favor of GI protection for product names and those who are against it. *Terroirism* itself has had powerful constitutive effects in some countries but not others and has been transplanted in different forms in various countries that have institutionalized GI protection regimes and norms. Yet, the myths promoted through GIs attempt to take root in very different cultural and ideological assumptions that have evolved throughout history and as a result are not universally accepted. The meanings conveyed through food products and their names are read in different ways and ultimately affect the enthusiasm for origin protection. As well, there is skepticism as to “whether or not appellation systems actually guarantee quality” or if GIs are mainly being used as an exclusionary tool to market and prioritize European goods (Charters 2006: 104, 109). This oppositional position has exposed a different reading of meanings surrounding product names through genericism.

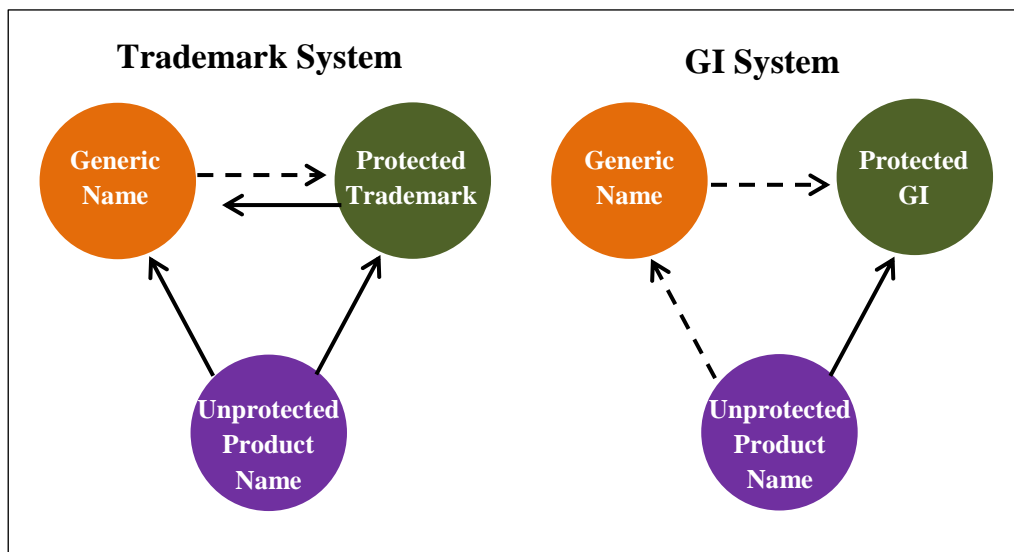
### **3.4.3. Genericism**

On the other side, genericism provides the ideational basis of oppositional calls to retain the generic status quo. I use the concept to refer to a set of ideas that serve as a legitimating strategy through which actors contend that certain food names

within the GI debate are *generic*. Benson (quoted in O'Connor 2004: 95) states that “when a product’s geographic name becomes accepted as signifying the type of product, rather than its geographic source, the name is considered generic and it becomes part of the public domain.” Generic terms are the antithesis of GIs because they can be used by anyone, anywhere, at any time, and may not be privately owned. The rationale behind this is that the protection of generic terms “would grant the owner of the mark a monopoly, since a competitor could not describe its goods as what they are” (McKeown 2011). Genericism may also be used as a political tool to block the *terroirist* conferral of exclusive name-use rights and preserve the open use of terms.

However, there are distinct differences between systems of protection that must be explained and are illustrated in Figure 3.4. Presumably, according to rules and regulations in both trademark and GI systems of intellectual property protection a generic name may *never* be registered. I say ‘presumably’ and signify this uncertainty by dashed lines in the diagram because a declaration of the genericness of names is not a straightforward process in either system. Trademarks “are seen as a public good because it is claimed they avoid the protection of geographical names that have become ‘generic’...Generic names are therefore seen as a means of presenting the general characteristics of a product to the consumer. They are not seen as indications of a product’s source and, accordingly, should not be protected by the trademark or any other intellectual property right” (Smith 2006: 4). Once a term becomes generic its distinctiveness is lost and an owner loses the right to have it legally protected. It is therefore important to take steps to prevent genericization from occurring in the first place as it is very difficult and uncommon, though not impossible, for a term to be “recaptured” for exclusive use (Butters and Westerhaus

2004: 112). Genericity is supposed to be established on a case-by-case basis through court procedures using evidence from various sources including customer surveys, dictionaries, and media use (Stern 2008: 1). But there is no consistent methodology for determining genericness and it remains a dubious and constantly evolving state. Furthermore, charges of genericness are not easily defensible in court (Butters and Westerhaus 2004: 119-20), requiring extensive costs and litigation. Much more has been written about genericism in a trademark context than with regard to GIs, which is a gap I hope to fill with this research. In later courses I demonstrate how when it comes to GIs, genericism is just as complicated and multiple contested GIs have been awarded to food names that have been considered generic by others, such as Parmesan and Feta.



**Figure 3.2: Genericism Processes in Trademark and GI Systems of Protection**

There are further differences when it comes to the genericity of names. In the EU, simply because a name is unprotected does not mean it is generic as genericity is a state-of-being all its own. Moreover, once registered a GI may *never* become generic while this is not the case in many countries around the world that protect geographical names through trademark systems. There, protected names can or have

already become generic through a process of genericide whereby they are established over time as the household term for a class of products (Butters and Westerhaus 2004: 112). In these countries it is the task of the private owner of a mark, not the state as is in the case of the EU, to police the marketplace to ensure that competitors and consumers are using their marks in appropriate ways (Farnsworth 2004: 14). Nevertheless, Stern (2008: 7) asserts that, “Genericide...gives power to the public to seize a word as its own, despite any efforts of the owner.” In many countries such as the US “registrations can be cancelled at any time on grounds of genericism” (Bolter 2010: 49). The irony here is that the more popular and widely used a name becomes, the more the owner risks losing the exclusive right to its use (Matthews Lawson 2010). Many taken-for-granted terms such as Cheddar, Gouda, and Dijon are said to have succumbed to genericide.

One could argue that genericide is merely part of the natural evolution of language and utilization of words that enter into common parlance. But what makes this process so controversial is that it results in the cancellation or dilution of privately-held rights to names that carry considerable financial and symbolic value. There is a constant worry that competitors will use names in order to free-ride on established reputations for their own products. Thus, a general insecurity pervades the marketplace and is illustrated through the various metaphorical themes surrounding discussions of genericism that take on fatalistic and fearful tones. This is because according to Farnsworth (2004: 14), a mark dies when it becomes generic and genericism “strikes at its very essence, its capability to differentiate competing goods and services, its commercial value.” Names that owners fail to ensure the proper “inoculation” (Butters and Westerhaus 2004: 112) for against the genericide virus could become its next “victims” (Bolter 2010: 48). No one is safe and anyone’s

names “could be next” (Matthews Lawson 2010). For the owner of a GI in a more globalized trade regime, genericism in other countries is considered a danger, a threat, a risk, and something that needs to be combatted to prevent from occurring in the future. It is also one of the main reasons the EU is seeking extra protection for its terms worldwide in order to ensure that they are not at risk for future genericide (Goldberg 2001: 150; Kur and Cocks 2007: 1012).

Genericism can be used as a legitimating strategy or political tool to block the asymmetric conferral of exclusive property rights to some producers over others and preserve the open use of terms. NW actors are able to work within the competitive paradigm, which enables them to de-legitimize the preferential treatment of European producers as a form of protectionism that is inconsistent with globally institutionalized goals set for agri-food markets that include liberalization and reduced state intervention, open competition, and free trade. A generic term epitomizes these ideals in that its use is open to everyone and provides a category within which dairy industries may maximize their competitiveness.

To sum up, while *terroirism* is controversial because it enables the exclusive ownership of food names by those in specific locales, genericism is controversial because it revokes or invalidates those rights. *Terroirism* may thus be defined as the process and discursive strategy of localization that ties or is used to tie the rights to the use of signs, in the form of food names, to producers and production in designated regions of origin through the justification that a product’s distinctiveness and characteristics can only derive from there. On the contrary, genericism is the process and discursive strategy of *de-localization* that invalidates or is used to invalidate private rights to release terms into the universe of public use. Within

gastro-panic politics arguments of *terroirism* and genericism afford significant power to those who wield them, the former as a means of legitimating the conferral of private property rights to group of producers and the latter to blocking the registration of names and terms as well as discrediting their private ownership.

### **3.5. Synthesizing Moral Panic, Securitization, and Myth: Towards the Gastro-panic**

The benefits of employing moral panic, securitization, and myth lie in their complementarity. Each may be used as a critical tool and also compensates for areas where the others are lacking in explanatory value. First, where moral panic traditionalists attempt to maintain a stronghold over the essential *moral* aspects of a panic, the broadened security agenda advanced by the CS allows an examination of panic constructions across a variety of sectors outside the societal, such as the political, economic, and environmental.

Second, moral panic focuses primarily on the generation of *negative* images that result in the demonization of ‘them’, the folk devil, while neglecting a more focused look on the ‘us’ or what exactly is endangered or needs protecting, namely the proper behaving members of society. Securitization is important because it brings a focus onto the referent object, or that which is being protected, to the analysis. With GIs this is important, for example, because along with focusing on controlling generic name use claims-makers are simultaneously attempting to secure extra rights for genuine producers. Thus, I argue that one aspect of creating a folk devil might be through the positive construction of another, a ‘folk angel’ whose characteristics are glorified rather than demonized. It has been noted by some scholars that certain modern panics have less clearly defined folk devils (Ungar 2001), so perhaps one aspect of modern panics could be the creation of ‘folk angels’ and more ambiguously

defined ‘folk devils.’ In the GI case origin products are glorified and easy to define yet the existence of the ‘other’ or generic devil in this instance is less clear – anyone outside the location of origin qualifies.

Third, moral panic research tends to focus more on the generation of images to the neglect of discursive processes that contribute to the demonization of folk devils and construction of threats (Cricher 2008; Hier 2002). Securitization therefore allows an exploration of the process as a type of linguistic discourse that displays how threats are articulated and how the cherished nature of the referent object is argued to justify extra protection. It also eases the burden on disproportionality advanced by conventional moral panic theorists by asserting that actors themselves decide what threatens their security (Buzan et. al. 1998: 34), and that it is not the task of the analyst to prove whether or not something *really* constitutes a threat. Fourth, moral panic interrogates the motives or intentions of actors, which is something in securitization that is often disregarded (Floyd 2010: 2). Fifth, where securitization theory is lacking in clarity, such as in designating what constitutes “exceptional measures,” moral panic satisfies with the notion of disproportionality. Disproportionality, or how rights are asymmetrically conferred to some groups over others, could constitute an exceptional measure within securitization.

And sixth, Barthes enables me to interrogate the whole notion of the gastro-panic as myth, a struggle over cultural representations whereby actors attempt to fix and naturalize particular meanings and worldviews surrounding the use of food names in order to accomplish a political aim. Myth also makes it possible to pinpoint the ideologies of *terroirism* and genericism that fundamentally underlie competing discourses within the debate while subjecting them to a “demythicalisation” (Crotty

1998: 156) to ensure critical awareness of the interests and power relations at play in the determination of product statuses.

### **3.6. Conclusion**

Together, gastronomy, moral panic, securitization, and myth constitute the gastro-panic. Gastro-panic may be defined as a mythical discursive strategy of demarcation and legitimation that serves to (re)construct the cultural, economic and political boundaries surrounding food production and consumption. Actors employ this discourse in order to persuade an audience that a cherished referent object (folk angel) within the food system requires protection from an existential threat (folk devil), and that certain exceptional measures are legitimate to provide such protection. Gastro-panics also represent a boundary-maintaining and creating mechanism used by claims-makers to legitimize their normative and material interests in attaining GI protection or preserving generic use. Exceptional measures in this regard could refer to the disproportionate allocation or revocation of rights in favor of the securitizing group.

In order to investigate the gastro-panic constructions within the debate over GGIs I seek to interrogate a number of empirical questions. Who are the claims-makers or securitizing actors that are advocating for *terroirism* and genericism? How is *terroirism* and genericism manifested in their discourse? How are folk devils, folk angels, and their behavior portrayed by each side? On what issues are these actors concerned, what is at stake, and what threatens? What is being protected and why? These questions guide the analysis in subsequent empirical courses, beginning with the contested case of Parmesan.



## *Fourth Course*

### **4. The King of Cheeses and Controversy: Gastro-panic and the Protection of Parmesan**

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#### **4.1. Introduction**

In the EU Parmesan is synonymous with Parmigiano-Reggiano, a protected term that refers to a place-based product derived from a particular region of Italy. In many countries around the world, Parmesan is a generic term used to refer to a type of cheese that has lost its link to the place of origin. The term Parmesan is one of many translations derived from Parmigiano-Reggiano, an Italian cheese otherwise known as the ‘King of Cheeses’ due to its unique characteristics and worldwide fame. But Parmesan is also the ‘King of Controversy’ because while use of the generic term co-existed with Parmigiano-Reggiano within the EU and abroad for many years, claims-makers including Italian industry and trade groups, government officials, farmers’ unions, consortia, chefs, consumers, and the EU have declared that outside use of the name is having deleterious consequences for the original cheese, its producers, and consumers, and must be stopped. As a result these actors have made attempts to do whatever it takes to secure exclusive rights to the term at the global level, a move that has been highly criticized by dairy industries around the world.

A puzzle is presented here because numerous countries outside of Italy such as Germany, Argentina, Australia, Canada, New Zealand, South Africa, and the US have long produced and regulated generic Parmesan according to legal standards. Regarding production, Australia currently produces over 9,000 tons (Dairy Australia

2013: 37) and exports the largest amount (Klapper 2007) while in the US consumption and production have continued to rise over recent years (Cheese Market News 2004) with production reaching 11,000 tons in 2013 (USDA 2014). Some companies have been producing the product for many years, the Kraft (2013) website stating that their grated Parmesan product has been around since 1945. Dairy industries and companies within these countries are not willing to give up use of what they view to be a generic name and the TRIPS agreement protects their right to use formerly geographic terms that have become generic in their territory.

Parmesan is an especially useful case to examine the contested politics of food name protection because its use has been the focus of international attention since 1996 and currently represents one of the most controversial names within the greater struggle over generic terms in the context of GI politics. According to one EU respondent, “The US industry and US trade have been lobbying against the GI concept for many years, and the main name behind this has been Parmesan...In the end this is 80% about Parmesan and a couple of others” (Personal interview, May 24, 2013a) and one article asserts that the cheese is currently a “thorn in US-EU free-trade agreement” (Ames 2013). As well, one NW respondent called Parmesan the “poster child” (Email interview, May 31, 2013) of the dispute as it is symbolic of the greater conflict over generic terms within international negotiations.

The purpose of this course is to use Parmesan as a lens through which to view the contested politics of food name protection as a competition over meaning. In this case competing actors make claims and counter-claims in order to establish dominance over the other and win the right to demarcate the particularistic or generic nature of the name in order to secure its exclusive or generic use. More specifically, the course presents the issue in depth from the perspective of *terroirism*, the myth

underpinning European attempts to secure global GI protection. I argue that European actors appeal to a food system security discourse of gastro-panic in order to legitimate the exceptional conferral of exclusive rights to the use of Parmesan. They also pursue global protection for the name in an attempt to restore an existential sense of security during a time of perceived insecurity brought about by socio-economic difficulties within the region of origin and the increased industrialization and globalization of cheese production.

I begin by drawing attention to the inherently contested nature of Parmesan by discussing 4 significant events at European and global levels. Then, I illustrate how Italian and European claims-makers have framed the generic use of the name as a threat to the original through a gastro-panic that is characterized by heightened concern over its generic use and imitation in countries around the world, hostility towards those who continue to produce and export what are deemed to be fake and unlawful copies, and a consensus that increased protection within the WTO should be instigated to combat the problem. Finally, I demythologize the gastro-panic in order to better understand the volatility of the panic or why the issue has arisen recently. I demonstrate that although the protection of Parmesan has a long history, it has gained markedly greater political salience in recent years owing to socio-economic difficulties at the domestic level and major changes in the global cheese economy.

#### **4.2. Contesting Parmesan**

Because it is a PDO in the EU, the name Parmigiano-Reggiano and all translations, including Parmesan, may only be used for cheeses produced according to strict specifications within a legally designated zone in northern Italy

encompassing the provinces of Parma, Reggio Emilia, Modena, Mantua, and Bologna.<sup>17</sup> The production process has been set by a consortium of producers and requires the cheese to be composed of local milk with no added preservatives, aged for a minimum of 12 months – with three typical maturation periods occurring at 18, 22, and 30 months – and to undergo a quality-control inspection by experts in order to receive the official branding. This final stage is a prestigious moment in the life of the cheese because it graduates from a nameless form to be fixed with a signified – Parmigiano-Reggiano.

Parmigiano-Reggiano is a premium product that consumers are willing to pay more for because of its high quality, which is largely due to producer commitments to traditional production methods. The added value helps cheese-makers stay afloat without compromising their methods and ingredients amidst pressure from competing products, many of which are cheaper and industrially-produced. But its high premium and “large share of the market may make it vulnerable to exogenous forces wishing to alter and standardise the product in order to capture part of its high added value” (de Roest 2000: 3). There are cases where counterfeiters attempt to forge the Parmigiano-Reggiano brand in order to take advantage of this value. Parmigiano-Reggiano producers and cheese-makers have long sought to prevent this from happening, which is evidenced from the timeline in Table 4.1, with protection for the name having been discussed since the beginning of the 20<sup>th</sup> century. In 1934 a group of producers formed the Consorzio Interprovinciale del Grana Tipico, the

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<sup>17</sup> As stated in Article 13.1 of Regulation (EC) No 1151/2012 of 21 November 2012 (which has replaced Council Regulations (EC) No 510/2006 of 20 March 2006 and (EEC) No 2081/92 of 14 July 1992), registered names are protected against “any misuse, imitation or evocation, even if the true origin of the products or services is indicated or if the protected name is translated or accompanied by an expression such as ‘style’, ‘type’, ‘method’, ‘as produced in’, ‘imitation’ or similar, including when those products are used as an ingredient.”

“oldest organisation for the protection of a cheese” (Parmigiano-Reggiano Consortium 2004) as a means of defining the region of origin and protecting the cheese and its name from lower quality imitations both domestically and abroad. This was renamed the Consorzio del Formaggio Parmigiano-Reggiano, which I will here forth refer to as the Parmigiano-Reggiano Consortium (PRC), in 1954.

**Table 4.1: History of Parmigiano-Reggiano Protection**

<b>Year</b>	<b>Event</b>
1934	Consorzio Interprovinciale del Grana Tipico formed
1954	Consortium renamed the Consorzio del Formaggio Parmigiano-Reggiano
1951	Parmigiano-Reggiano registered under Stresa Convention
1955	Parmigiano-Reggiano protected in Italy as Denominazione di Origine Protetta (DOP)
1969	Parmigiano-Reggiano registered under Lisbon Agreement
1996 - ongoing	Germany initially proposes Codex standard for Parmesan in May
1996	Parmigiano-Reggiano registered as Protected Designation of Origin (PDO) in the EU in June
1999 - 2002	Court Case Nuova Castelli, Parmesan declared to be translation of Parmigiano-Reggiano
2003	Parmigiano-Reggiano is one of 41 names the EU proposes to claw back in the WTO, including all translations
2003 - 2008	Germany sued over use of Parmesan, which is eventually declared to be an evocation of the PDO
2013	PRC forms collaboration to recognize Reggio-Emilia region as UNESCO “Intangible World Heritage”

The first attempt at international legal protection for the name occurred in 1951 with the Stresa Convention and subsequently in 1969 under the Lisbon Agreement. The Permanent Council of International Convention of Stresa for the Use of Appellations d’Origine and Denominations of Cheeses or simply the ‘Stresa Convention’ was the first international agreement devoted specifically to the protection of cheese names. Countries involved in to the Convention agreed to protect the names or designations of certain cheeses within their territory from

misuse.<sup>18</sup> But what is interesting in this agreement is that there were two hierarchical levels of protection similar to what exists in Articles 22 and 23 in the TRIPS agreement today. Only four cheeses (Parmigiano-Reggiano, Gorgonzola, Pecorino Romano, and Roquefort) were granted extra protection in Annex A, which prevented any use of the name even if the source of production was clearly indicated. The cheeses in the second group in Annex B were allowed to be used by member countries if they complied with particular specifications (Peaslee 1979; Blakeney 2009).<sup>19</sup> This implied their “quasi generic” (O’Connor 2004: 35) nature and reflected their use outside the area of origin. The Stresa Convention has now been overridden by European PDO and PGI rules and some of the cheeses in Annex B have become protected designations, such as Danablu (PGI), Asiago (PDO), Esrom (PGI), Fontina (PDO), Fiore Sardo (PDO), Svecia (PGI), and Gruyère (PGI).

Next, the Lisbon Agreement affords stronger international protection to product names that is similar to that within the EU. It is this level of protection that the EU would like to see extended to all agricultural products. The Lisbon Agreement was the first international agreement to also protect translations of Parmigiano-Reggiano such as Parmesan. It is administered by the World Intellectual Property Organization (WIPO) (1958) and Article 3 ensures “against any usurpation or imitation, even if the true origin of the product is indicated or if the appellation is used in translated form or accompanied by terms such as “kind,” “type,” “make,” “imitation,” or the like” within the territories of the 28 signatories. The agreement also overcomes limitations of the territoriality principle in that terms protected under

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<sup>18</sup> Parties to the agreement included Austria, France, Netherlands, Denmark, Italy, Switzerland, Norway, and Sweden.

<sup>19</sup> Annex B cheese terms included Asiago, Brie, Caciocavallo, Camembert, Danablu, Esrom, Fiore Sardo, Fontina, Gruyère, Gubrandsdalsost, Herregaards, Emmental, Maribo, Pinzgauer Berkase, Provolone, Saint-Paulin, Sbrinz, and Svecia.

the agreement cannot be deemed to have become generic in other signatory countries as long as they are protected in the country of origin.

But it was in 1996 when Parmigiano-Reggiano was registered as a PDO in the EU, the same year that Germany brought the status of the term Parmesan to the attention of the CAC, that questions surrounding the generic use of the translation were brought to the forefront of international attention. Use of the name Parmesan had spread within Europe and also around the world, less so by attempts to forge the compound name Parmigiano-Reggiano but more so through the genericization of translations. According to one interviewee, “Parmesan was tolerated in Italy for quite some time...Parmesan used to be considered different than Parmigiano-Reggiano and there was initially no conflict between them. But then they clawed back the term in Italy and in Europe” (Personal interview, April 11, 2013). Thus, attempts to protect it internationally have been met with resistance and controversy.

Through examining 2 court cases within the EU and 2 proposals at the global level in the CAC and WTO, in this section I illustrate how Parmesan has been caught by myth. According to Barthes anything that can be spoken about or communicated through a discourse may become myth and in this case it is not the cheese itself that is most important but rather the messages and meanings it conveys and how it is conceptualized and understood by different societies. I draw attention to the contested nature of Parmesan by revealing how oppositional actors compete for dominance by employing parallel processes of meaning construction – that of genericism and *terroirism* – to demarcate and fix particular representations in order to secure exclusive protection for or open use of the name.

#### 4.2.1. European level

A few years after the registration of Parmigiano-Reggiano as a PDO in the EU, in 1999 the PRC brought a case against an Italian company that had been producing a dry, grated cheese under the label ‘Parmesan’ for export to other European Member States. The company was located within the region of origin and also produced cheese according to the PDO specification for sale domestically. However, the cheese sent abroad contained a mixture derived from various origins. The case sought to determine whether or not an Italian company could export cheese under the term Parmesan despite Italian law prohibiting any use of the name if the product did not abide by the production specifications (European Court of Justice v Bigi 2002).

Germany, the biggest producer of the cheese after Italy (Smith 2008), was asked to comment on the case. They raised the argument that use of the name could not be considered misuse or evocation of the PDO because the name Parmesan had evolved over time to be understood by consumers, both in Germany and other Member States, as a generic term. Although they admitted that originally Parmesan constituted a translation of Parmigiano-Reggiano, it had come to take on another meaning in the everyday usage of consumers:

“By ‘parmesan’, German and Austrian consumers mean a cheese that is grated, or intended to be grated, and used as a garnish for certain dishes. ‘Parmesan’ does not call to mind the name of a cheese originating from the Parma region, or more generally, from Italy. Rather, by ‘Parmigiano Reggiano’, German consumers mean a type of ‘parmesan’ of a particular quality, made in Italy, having an aromatic taste varying from strong to pungent, and requiring a certain time to mature (at least 12 months)” (European Court of Justice 2002: 9, para 48).

In describing what consumers meant by the term, Parmesan became an empty form in a mythical order of meaning that was joined with a culturally specific concept – that of a category of grated cheese. In this instance the meaning was the result of



how it was declared to be understood by German and Austrian societies. Thus, it becomes evident in this statement that the connotation of Parmesan as a type of grated cheese had been naturalized and acted as a conceptual lens through which German representatives viewed the issue. And since generic names may not be registered according to European legislation, here genericism emerged as a means of preventing the use of Parmesan from becoming the exclusive property of Italian producers.

Ultimately, in 2002 the ECJ rejected the argument that Parmesan was a generic term as it was “far from clear” and not sufficiently proven by Germany (European Court of Justice 2002: 4, para 20). They also ruled that Parmesan was, in fact, a direct translation of *Parmigiano-Reggiano* and that once a European country had registered a name it may not be marketed anywhere in the EU or risk misleading consumers. But what is interesting is to notice how a competing meaning of Parmesan, guided by *terroirism*, presented itself in the language of the court:

“The use of the term ‘*Parmigiano*’ immediately conjures up in the mind of the European consumer the cheese produced in that region of Italy and not an inhabitant of that Italian town” (European Court of Justice 2002: 9, para 52)

They continued:

“The designation of origin ‘*Parmigiano Reggiano*’ therefore refers to parmesan, the characteristic cheese, originating in a particular place (the town of Parma and its surroundings) and in that particular region (Emilia-Romagna)” (European Court of Justice 2002: 10, para 54).

Notice the differing connotation of Parmesan as a particular cheese derived from a specific geographical area, which in this statement is claimed to be the result of how it is understood by European consumers regardless of a lack of empirical evidence.

An alternative connotation of Parmesan was demarcated and confirmed and

*terroirism* was used as a means of localizing the term and legitimizing the exclusive use of the translation Parmesan for Italian producers.

Shortly after Parmesan was declared to be a translation that must also be protected in the EU, in 2003 the European Commission confronted and eventually took Germany to court over its failure to clamp down on the production of Parmesan within its borders (*Commission of the European Communities v Germany* 2008). The German government held to its arguments that the term had succumbed to genericide. They also contended that Parmesan had an independent meaning separate from that of the registration Parmigiano-Reggiano, that the regulations only protected the compound term in its entirety, and that Parmesan had been produced in Italy up until the year 2000. One German dairy representative was reported as stating that, “The southern European member states want to use this regulation to turn back the time and they want to protect designations that have clearly become generic” (*Associated Press* 2007).

The Commission’s response to Germany was that Parmesan could only be generic in the case that consumers stop regarding the name as related to its place of origin; in essence the connotation with Italy was lost. They argued that this had not taken place despite a lack of empirical evidence to the contrary; otherwise manufacturers would not need to use words and images connecting their products to Italy. The Commission also stated that singular elements of all compound terms were protected unless generic or declared to be ‘unprotected’ by their owners, which was not the case with Parmesan, and that all elements of a compound name are protected unless otherwise indicated.<sup>20</sup> The production of Parmesan in Italy was irrelevant in

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<sup>20</sup> A number of compound cheese names were registered along with Parmigiano-Reggiano under the European system in 1996 such as Camembert de Normandie, Emmental de Savoie, Brie de Meaux, Provolone Valpadana, Pecorino Romano, Mozzarella di Bufala Campana, Noord-Hollandse Gouda,

that it did not constitute genericity because the product was intended for export to countries where the term is not necessarily protected “in accordance with the principle of territoriality” (Commission of the European Communities 2008: 4, para 38). This last point is especially interesting because in the current dispute over the use of Parmesan actors claim that the name is being abused in non-EU countries despite the recognition of territoriality under the WTO.

In 2008 Parmesan was declared to be an evocation of Parmigiano-Reggiano restricted to the exclusive use of right-holders within the specified region of Italy. However, the burden of ensuring compliance with the regulations was held to be the responsibility of the PRC rather than the German government.<sup>21</sup> The question of Parmesan’s genericity, though introduced, was never fully addressed and dismissed based on lack of evidence. While the PRC (2007) asserted that these cases demonstrated that Parmesan was clearly *not* a generic term, in actuality given enough evidence its genericness could still be proven.

#### **4.2.2. Global level**

The contestation surrounding Parmesan is also evident at the global level. A month prior to the registration of Parmigiano-Reggiano as a PDO in the EU, in 1996

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and West Country Farmhouse Cheddar cheese. But what differs about these names may be found in an annex at the bottom of the listed registrations where it was declared that protection was not sought for components of certain compound names including Camembert, Emmental, Brie, Provolone, Pecorino, Mozzarella, Gouda, and Cheddar (Commission Regulation (EC) No 1107/96). This meant that the compound term was only protected in its entirety and that the other parts could continue to be used as was the case with cheeses in Annex B of the Stresa Agreement. Since there was nothing in the annex citing that protection for Parmigiano or Parmesan was not sought, it was assumed that they were also protected. This point has been discounted by Hauer (2008: 389) who argues that “whether a single part of that designation is a generic name cannot depend on the applicant’s declaration of will but must exclusively depend on the actual facts.”

<sup>21</sup> This has since changed in more recent revisions of the regulations. As stated in Article 13.3 of Regulation (EC) No 1151/2012, “Member States shall take appropriate administrative and judicial steps to prevent or stop the unlawful use of protected designations of origin and protected geographical indications, as referred to in paragraph 1, that are produced or marketed in that Member State.” Whereas previously the burden of ensuring compliance was placed on the consortium, today it is the responsibility of each Member State.

Germany submitted the first proposal to the CAC (Joint FAO/WHO Food Standards Programme 1996: 12) to begin work on an international standard for Parmesan cheese. The CAC “develops harmonised international food standards, guidelines and codes of practice” (FAO/WHO 2014) to ensure food safety, protect consumers, and facilitate fair trading practices and has established a number of standards setting out the requirements, in terms of composition and quality, of certain cheeses.<sup>22</sup> But far from a routine request, the proposal sparked a chain of discussion over the course of subsequent Codex sessions that crystallized into a permanent deadlock between those in support of and those against the creation of an international Parmesan standard.

The situation within Codex is very important because it represents the first manifestation of contested politics surrounding Parmesan in an international institutional setting. On the one hand Germany, the US, and other supporters argued that Parmesan had long been generic, which was justified by the substantial international trade in cheese under the name and warranted a clear definition at the international level. The declaration of genericness acted to de-localize the term thereby legitimating the creation of a fixed definition through an international standard. This de-localization was further specified through evidence presented by the German delegation indicating that at the time Parmesan was manufactured in 11 European and non-European countries and regulated by a legal standard in 6, consumed in 19, and that 64,620 tons were produced and 11,577 tons exported (Joint FAO/WHO Food Standards Programme 1999).

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<sup>22</sup> Individual cheese standards include Mozzarella, Cheddar, Danbo, Edam, Gouda, Havarti, Samso, Emmental, Tilsiter, Saint-Paulin, Provolone, Cottage cheese, Coulommiers, Cream cheese, Camembert, and Brie (FAO/WHO 2011).

On the other hand, Italy, the EU, and other opponents continuously rejected the creation of a new standard on the basis that Parmesan could not be a generic term since Parmigiano-Reggiano and all translations, including Parmesan, were protected as a European PDO. In 2000, the EC employed a logic of *terroirism* to re-localize the meanings attached to Parmesan and discursively block the standardization of the name:

“Consumers in Italy, as throughout the world, identify “parmesan” with the cheese produced in Italy in the indicated geographic origin....It is in fact a natural product with superior quality characteristics derived from the surroundings of its provenance, as well as the type of food used for the cattle. For all these reasons, the use of the term “parmesan”, a translation of the geographic name “Parmigiano”, is therefore truly misleading for consumers, who think they are buying a product with certain superior and natural qualities, instead of an altogether generic product. It is obvious, in fact, that the term “Parmesan” does not evoke, but coincides with, a geographic name (the adjective from the name Parma according to the local dialect)” (Joint FAO/WHO Food Standards Programme 2000).

The argument again rests upon how Parmesan is perceived by consumers, not only in Italy but also the rest of the world, as relating entirely to the PDO. Notice how the cheese also assumes the status of the folk angel and the EU underlines its *terroir*, which gives it its ‘superior’ and ‘natural’ quality.

In parallel with the indecision over Parmesan transpiring in the CAC, in 2003 the EU pursued a controversial proposal in the WTO known as “claw-back.” The objective was to regain the exclusive use of 41 product terms listed in Table 4.2, 13 of which were cheeses, for right-holders in the countries of origin and prohibit their outside use. This list represented what the EU viewed to be some of the most valuable, most abused, and most copied products abroad and included Parmigiano-Reggiano and its translation Parmesan. When taking a closer look at the breakdown of the list it is also interesting to notice that the preferences of only 6 Member States, 5 of which are Mediterranean countries, are taken into account. This reflects the differing interest in GI protection within the EU itself and will be discussed in more

detail further in the course. Nevertheless, in the multilateral arena the EU speaks with ‘one voice’ and justified the list based on the argument that the value of these terms was vulnerable to being eroded, especially since there was insufficient protection in the WTO and the Parmesan issue was being pursued within the CAC. In the previous course I discussed how generic names are viewed to be public goods in countries that protect intellectual property through trademark systems and that only in very rare cases may they acquire protection. With that said it is easier to understand why this proposal was profoundly contentious because it attempted to recapture terms from generic use around the world and eventually had to be abandoned.

**Table 4.2: EU Claw-back List**

<b>Member State</b>	<b>Wines and Spirits</b>	<b>Cheeses</b>	<b>Meat and Other Products</b>
Italy	Chianti, Grappa di Barolo/del Piemonte/di Lombardia/del Trentino/del Friuli/del Veneto, dell'Alto Adige, Marsala	Asiago, Fontina, Gorgonzola, Grana Padano, Mozzarella di Bufala Campana, <b>Parmigiano-Reggiano</b> , Pecorino Romano	Mortadella Bologna, Prosciutto di Parma, Prosciutto di San Daniele, Prosciutto Toscano
France	Beaujolais, Bordeaux, Bourgogne, Chablis, Champagne, Cognac, Graves, Médoc, Moselle, Saint-Emilion, Sauternes	Comté, Reblochon, Roquefort	
Spain	Jerez/Xerez, Malaga, Rioja	Manchego	Azafrán de la Mancha, Jijona y Turrón de Alicante
Portugal	Madeira, Porto	Queijo São Jorge	
Greece	Ouzo	Feta	
Germany	Liebfrau(en)milch, Rhin		

Returning to the CAC, in 2005 and 2006 it was eventually maintained that territorial intellectual property regulations including GIs should not prevent the

pursuance of a new Codex standard for cheese and that Parmesan met all criteria for establishing a new standard. However, this position was dismissed by the EU as incomplete (Joint FAO/WHO Food Standards Programme 2005, 2006). They stressed that they “did not seek to use Codex procedures to prevent the use of “Parmesan” as a generic term in those countries where this was the case” (Joint FAO/WHO Food Standards Programme 2005) but that the Hard Grating Cheese standard would perfectly suffice and they could not compromise on a standard for Parmesan since the term was protected in the EU. In this instance the EU appeared to be respecting the territoriality of the generic use of Parmesan but at the same time had recently sought its exclusive protection in an alternative international forum, the WTO. These events therefore highlight the parallel and contradictory actions of the EU in two different institutional settings.

In the end no resolution was ever reached and the Parmesan question has been placed in permanent abeyance, destined to gather dust on the shelves of the Codex agenda indefinitely. Though considering the current international outcry over the attempted protection of a number of generic cheese terms that will be discussed in detail in the sixth course, this issue may yet be revisited. The name is still considered by many to be “internationally recognized” (Embassy Wellington 2005) as generic on the basis that it is produced in numerous countries and attempts to widen its protection have been severely criticized (Sutton 2004; The New Zealand Herald 2005; Hough 2013). Parmesan is reported to be “one of the most widely produced cheeses globally, with approximately two-thirds of it manufactured outside of Europe...” (CCFN 2013b). And one NW dairy representative emphasized that although Parmesan did derive from Parmigiano-Reggiano, that they have come to represent two different things. She stated that, “Our producers of parmesan would

not see themselves as making an ‘imitation’ or counterfeit product. It is just another offering in that class of product” (Email interview, May 31, 2013). These actors argue for the co-existence of Parmigiano-Reggiano and Parmesan in international markets.

The abovementioned cases are interesting because they rest on a set of clashing connotations contending for dominance. Basically, when a consumer is confronted with a product called Parmesan is the image brought to their mind that of the protected designation Parmigiano-Reggiano or a type of grated cheese that could be made anywhere? Parmesan is given meaning by how it is represented by each side in the debate. From the European perspective, the name is associated with a highly valued cultural product derived from a particular region of origin that is esteemed for its traditional character and production methods. However, from the opposing perspective the name is valued as a marketing device to indicate a generic type of widely-produced cheese. These meanings are not simply abstract notions but have practical effects because they are developed and deployed in concrete struggles over the power to influence and regulate use of the term in international negotiations. It is evident that Parmesan has been caught by myth because the meanings of the concept are unstable and problematic. They fluctuate and differ in varied contexts and as a result the name is inherently contested. Thus, Parmesan has become “an arena of the class struggle” (Vološinov 1973: 23) as competing sides within the struggle seek to fix its otherwise shifting meaning.

As the Parmesan case illustrates, standards and norms are not easily agreed upon and particular difficulties arise in harmonizing dairy standards when different local realities and philosophical alignments exist. In these contexts seemingly insignificant factors such as whether a certain cheese is rounded or in blocks or



whether a country aligns politically towards a more market liberal or protectionist trade regime matters and could impede on the creation of a new standard. And it must be remembered that even though the EU takes a unified position within Codex, differing Member State perspectives make this very difficult. For example, Germany and Austria were reported to have walked out of a Codex meeting in 2004 in protest of the EU's attempts to render the Parmesan standard proposal obsolete (Europolitics 2014). With regard to Codex standards, one European dairy representative explained:

“it's not a basic recipe. I think it's a little bit like, like a language. You can imagine that language existed before the grammar was written. And here most things existed in food...those things existed before the Codex standard was written. So the Codex standard tries to represent the reality. But like a grammar that has thousands of exceptions...you have more exceptions than real rules...to put it on paper, what can be seen as a common reality. And sometimes it just doesn't exist. And certain standards don't exist” (Personal interview, May 23, 2014).

The competing realities within Codex represented parallel pursuits of security in which each side sought to prevent its right to a particular use of Parmesan from being eroded. The name could be considered a powerful security tool that has the potential to aid in the survival of the cheese-makers in the PRC by preventing the erosion of its reputation and free-riding on its use, but also in the endurance of companies who have long relied on the term to market their products. As a site of negotiation and contestation, security always results in winners and losers and regardless of the result of each case one side would view itself as the latter. Security by way of acquiring exclusive rights to a GI to protect it from outside use creates a disproportionality or imbalance that results in insecurity for those who have been using it generically.

Therefore, actors discursively demarcated boundaries around fixed meanings of Parmesan as a means of preserving their respective status quos. Hence, the delimitation of ideological boundaries of *terroirism* and genericism became the main

source of conflict because there were incompatible claims over how the name could be used and who was entitled to use it to such an extent that no decision over a ‘common reality’ of Parmesan was ever reached. A similar situation has occurred in the WTO where clashing ontological positions and exceptions have led to a deadlock within GI negotiations. Parmesan is clearly a widely-used and internationally contested term, so how is the conferral of exclusive rights to Italian producers being justified? In the next section I elaborate on the manifestation of a gastro-panic whereby European actors invoke security in order to demarcate threats to the cheese and its producers in such a way as to legitimate political action to secure its protection.

#### **4.3. The Counterfeiters Must Be Stopped**

In recent years, gastro-panic discourse has arisen surrounding the generic use of the term Parmesan and may be evidenced through the heightened concern emanating from claims-makers such as Italian lobby, industry and trade groups, government officials, farmers’ unions, consortia, chefs, consumers, and the EU over the international abuse of food product reputations and attempts to affirm the genericity of the term. These claims-makers frame the production of imitation food products such as Parmesan as a form of food piracy and securitize it as a threat projected to have serious political, economic, and social consequences that must be addressed with global solutions. By calling attention to the troubling condition and professing to represent and promote the needs, preferences, and/or interests of producers and consumers, they attempt to influence global policy through extended GI protection and the asymmetric revocation of rights to generic use around the world.

#### 4.3.1. Concern

Having secured the exclusive use of Parmesan for Italian producers within the EU, Agriculture Minister Paolo de Castro was quoted in an article stating that, “There is no more risk in Europe of finding Parmesan that isn’t Parmesan...Outside the European Union is another story” (Bodoni 2008). Fears have extended beyond the EU to the improper use of the name abroad where the global production and consumption of generic Parmesan is increasing. They view the problem to be that none of it is the *real* thing and fake versions evoking the original abound and are sold all around the world touting numerous translated names. Claims-makers express concern that such generic use is akin to free-riding on the fame and good name of Parmigiano-Reggiano and has disastrous consequences. Fake Parmesans take away market share from the authentic one, tarnish its image, erode its reputation, and mislead consumers. The PRC (2008) states that outsider “use of the name ‘Parmesan’ during the last years has had a very negative impact on both the economy of the sector and the image of our unique cheese.”

The appearance of a gastro-panic is firstly indicated by an outbreak of concern over behavior deemed to be threatening, in this case the generic production of Parmesan. A security issue has arisen as the referent object Parmesan, which is perceived to be endangered and in need of protection, is demonstrated to be at risk from the existential threat of counterfeiting. For producers of Parmigiano-Reggiano, Italy, and the EU, Parmesan and its translations are synonymous with Parmigiano-Reggiano and thus their use outside the region of origin is akin to food fraud, food piracy, and counterfeiting, serious offences that are punished with hefty fines and even prison sentences. Acts of passing off generic Parmesan as the genuine article, securitized to as “illegal activities” (Parliamentary Questions 2012a) and acts of

“unfair competition” (Parliamentary Questions 2012d), constitute a threat and are estimated to be especially deleterious to the well-being of Parmigiano-Reggiano, which is said to be one of the world’s most imitated food products (WIPO 2011; Ciancio 2012; PRC 2012). For the cheese, the actions of counterfeiters are said to be severely damaging to its reputation, quality, and value (PRC 2004a, 2004c; European Commission 2003) thereby compromising its security by putting its very material existence and survival at risk (Berretta 2008). And due to the lack of international legal protection for food product names, actors assert that this phenomenon is only projected to get worse.

An Italian Ministry for Economic Development (2012: 3) consumer guide distinguishes between two types of counterfeiting in the food sector. The first, “Food fraud, falsification and adulteration,” involves the substitution of ingredients or modification of a product and calls to mind the recent horsemeat scandal or the discovery of melamine in infant formula but also includes the passing off of sawdust or chalk for grated Parmesan or using water to dilute milk and wine. In many cases such practices can be deleterious to human health and compromise consumer food safety. But the fight against Parmesan fraud is less a defense against those who might adulterate the product and more against those who threaten the sanctity of the name. The second type of counterfeiting involves the “Falsification of a brand, protected geographical indication (PGI) or denomination of origin (PDO),” such as the utilization of the word Parmesan for cheese to trick consumers into buying something of lower quality that was not produced in the correct way within the specified region of origin.

What is interesting is that the use of a GI outside its place of origin is placed in the same category of counterfeiting as dangerous substances. Both are illegal, with

one having a negative effect on human health and the other having a negative effect on the reputation, value, and image of the product. And the menace comes not only from counterfeiters within Italy who attempt to falsify the Parmigiano-Reggiano brand and label itself but particularly from foreign producers and manufacturers who continue to utilize the name generically within their territory and market it to others around the world. The Ministry states that in fact the second type of counterfeiting is most common abroad and, “The main offences encountered with regard to PDO/PGI foods *relate to the unauthorised use of a protected name for identifying a generic product*, irregular forms of labelling, the use of prohibited additives (in cheese for example)...” (Ministry for Economic Development 2012: 3, emphasis added).

This discourse is not confined to Italy and is evidenced in the language of the EU who is also taking a hardline approach to counterfeiting and leading the campaign to secure extra protection for GIs such as Parmesan worldwide. The EU has conflicted with other countries in their attempts to employ legitimating values through enforcing new rules that would criminalize GI infringements abroad and enshrine new enforcement powers in agreements such as the Anti-Counterfeiting Trade Agreement (ACTA) in 2011. In a recent campaign the EU expressed that, “Designed to defraud and deceive, counterfeit products pose a threat to European citizens and the European economy. Counterfeits’ poorer quality raises significant health and safety concerns, and their fraudulent business model puts thousands of jobs in jeopardy...” (European Commission 2013a). While this statement refers to counterfeit products as a whole, from shoes and bags to foodstuffs, it points to the considerable insecurity caused by the existence of counterfeits and highlights the serious implications in securitizing the generic use of Parmesan around the world in this way. First, it mythologizes the situation by reducing it to the juxtaposition of

readily computable values through an emphasis on the objectionable behavior as intentionally deceptive as opposed to unintentional. It also portrays the counterfeit product as worse in quality, creating a binary opposition of best versus worse. Second, it appeals to security by drawing attention to certain referent objects that are endangered and in need of protection – namely citizens and the economy – which these practices put at risk.

The securitization of generic use and movement to institutionalize the protection of food product names is promoted by the EU because enhanced global GI protection would provide relief from threats to the survival of Parmigiano-Reggiano and its artisanal production system “while leaving producers safe in the knowledge that their produce receives its legitimate world-wide recognition” (European Commission 2002). The EU asserts that its valuable food product names are in urgent need of greater protection to eliminate pirating and unfair competition abroad and safeguard them from misuse, imitation, and usurpation, which incur significant costs to genuine producers and put them, and unsuspecting consumers, at a disadvantage (European Commission 2001; European Commission 2002; European Commission 2009). Producers are already “under pressure from the economic downturn, concentration of retailer bargaining power, and global competition...” (European Commission 2013) and the production of generic Parmesan is said to threaten the well-being of ‘legitimate’ producers and consumers (European Commission 2010) where according to a European Commission negotiator at the WTO agricultural talks:

“On the one hand, the genuine producers suffer economic damage because valuable business is taken away from them and the established reputation for their products is compromised. On the other hand this situation also leaves the consumers with feelings of frustration because they do not receive the specific quality of product which the label suggest they are buying” (European Commission 2001).

Unfair competition through generic use threatens their rights under European legislation to produce their product free from the threat of counterfeiting and to assume fair market access (Kampf 2003) both now and in the future (European Commission 2003). It also puts their livelihoods, businesses, jobs, and the local economy at risk (Personal interview, February 27, 2013). Additionally, consumers everywhere are declared to be purposely deceived and confused when they cannot be assured of the origin and quality of the products they buy (PRC 2004a). The name, the PDO, is intimately linked to the quality of the product and when it is misused it compromises the security and safety of consumers. These reasons are presented as a means of legitimating the request for a disproportionality of use rights favoring Italian producers.

Another important indication of gastro-panic is the appearance of hostility towards those considered to be responsible for the threatening behavior. Concern enhances the division between the normal 'us' and deviant 'them' as claims-makers portray so-called illegitimate producers responsible for counterfeiting in a negative light. Known as the 'folk devils', they emerge within the gastro-panic discourse as the manufacturers and producers of imitation or generic Parmesan who are targeted as "food pirates" (Owen 2007a; Owen 2007b), "abusers" (Echikson 1998; PRC 2007), "pretenders" (Olmsted 2012) and "counterfeiters" (PRC 2008) who take advantage of, exploit, and free-ride on names and deliberately mislead and cheat consumers (PRC 2006; Monti 2014; Bodoni 2008). This negative imagery contributes to a process of *sensitization* where producers who have utilized Parmesan outside of the region of origin unnoticed for years are suddenly targeted as counterfeiters and rule-breakers who justifiably deserve to have their rights revoked due to the inauthentic character of their products, while Italian producers of genuine,

quality Parmesan deserve full rights to the use of the name. In essence, European claims-makers create deviance by constructing the rules surrounding the usage of certain terms, the violation of which is considered to be deviant, and assigns them to generic producers who are marked as “outsiders” (Becker 1963: 9). Through this process the identification of deviance is generated through social delineation that may be used to facilitate punishment in the form of revoked rights for generic producers.

#### **4.3.2. Serious consequences**

Within the gastro-panic the seriousness of the actions of folk devil imitators is also magnified through statements indicating the widespread nature of the problem and prophecies of doom, which are predictions indicating the likelihood of the phenomenon becoming worse as well as an emphasis on the negative consequences that could ensue if it is not controlled. This has the effect of further enhancing the political salience of the threat by emphasizing the urgency of the issue in order to persuade policy-makers and negotiators to act.

To begin, for many in Italy the case of Parmesan represents a problem perceived to be part of a widespread global trend plaguing contemporary society otherwise known as the ‘Made in Italy’ (Ross 2004; Di Maria and Finotto 2008; Bertoli and Resciniti 2012) phenomenon. This is where illegitimate producers and manufacturers around the world evoke the intangible attributes of Italianness, which is generally associated with high quality, in order to capitalize on the attached premiums by luring unsuspecting consumers to buy inauthentic products that were not actually produced in Italy. Claims-makers have asserted that such actions have resulted in the forced closure of tens of thousands of shops and businesses, the loss



of thousands of jobs, and missed opportunities by Italian businesses on billions in trade revenue at home and around the world due to unfair competition from lower-quality ‘Italian’ products of non-Italian origin (Ministry for Economic Development 2012: 3; Owen 2007; Monti 2014; Parliamentary Questions 2013). And Nicoletti, Platania and Privitera (2007: 1) state that the fabrication and copying of traditional food products is “a growing and increasingly dangerous phenomenon” eliciting severe economic and social consequences that warrant immediate governmental attention.

Some also point out that an increasing number of counterfeit products are being seized at the border (McMahon 2005; FareAmbiente 2013; Parliamentary Questions 2012c), which calls attention to the fact that the problem is getting worse through the increased free movement of goods. Consumers both in Italy and abroad are declared to be the ultimate “victims” of counterfeiting activities (Olmsted 2012) and a recent report (Coldiretti/Eurispes 2013) stated that, “Nearly one Italian in five (18 percent) was the victim of food fraud in 2013...” leaving consumers “more worried than ever before...” Mara Bizzotto demonstrates concern over this issue in correspondence addressed to the European Commission:

“‘Italian sounding’ products, i.e. products which are marketed and named in such a way as to sound Italian, having some features of the original brand, but not originating in Italy, are causing considerable economic damage to Italian-made products and Italian registered designation of origin (RDO) and protected designation of origin (PDO) products. They are also harming Italy’s image, especially in relation to the culinary excellence of our regions” (Parliamentary Questions 2012b).

Her statement draws attention to both the negative material and immaterial consequences of such actions, in the form of economic damage and harm to the very image of Italy’s quality products as a whole, to such an extent that concern is being raised at the European level. Furthermore, the perceived and immense scale of the

problem can be demonstrated through a response to an American Parmesan winning the best US cheese award in 2009:

**“The American Parmesan...is just the tip of the iceberg of a widespread phenomenon throughout the world...The countries where the imitations are more successful are the U.S., Australia and New Zealand but what worries the most is the trend in emerging countries like China where the ‘Made in Italy’ imitations arrived prior to the original and are likely to affect growth. The foreign market penetration of low quality imitations as well as directly affect the Italian entrepreneurs, severely damages the image of ‘Made in Italy’, both on traditional and on emerging markets. Worldwide - concludes Coldiretti - the fight against the food pirates that falsify the territorial identity of products should be carried out under the WTO, with the aim of extending the protection of geographical indications...”** (Italian Food Net 2009, original emphasis).

The gastro-panic discourse in this passage is evident. First, it suggests that these actors are highly concerned and perceive this to be a pervasive and seriously harmful problem, which is indicated through phrases such as ‘tip of the iceberg’, ‘widespread phenomenon’, and referring to ‘worries’ that ‘severe damage’ could occur in both established and emerging markets. Hostility is also invoked as they draw attention to the need to ‘fight’ the folk devils, here denoted as ‘food pirates’, and the inevitability of the phenomenon becoming worse if action is not taken at the global level. The imitation of products is securitized as threatening Italian entrepreneurs and damaging the image of Italian products, which is then used to justify the extension of GI protection as a means of dealing with the problem.

For Italian actors, widespread imitation has not been the only problem but attempts by illegitimate folk devils to verify the genericity of Parmesan at the European level and institutionalize an international standard in the CAC are also indicative of worse things to come. These attempts were perceived as constituting a direct threat to the European status quo that has been built around the protection of food product names through GI schemes. The PRC expressed concern that if Germany were to be successful in securing a declaration of genericness for Parmesan

in the European court that “the whole European system of geographical indications would be put in jeopardy” and it “would mean dismantling the entire system of Geographical Indications established in Europe...with huge repercussions on producers and consumers, who would be without any protection against deceptive designations and publicity" (PRC 2007b).

In addition, regarding the attempt within the CAC the PRC (2005) securitized the proposal as an “attack against geographical indications” where Parmesan was only the beginning. They declared that its success would set a dangerous precedent and lead to the genericization of countless other protected terms around the world, putting an important referent object in the form of the entire international system of GIs at risk. This is a similar expression of foreboding that followed German attempts to declare the genericity of Parmesan within the EU, though taken at a global rather than an EU level. The PRC (2005) went on to state that:

“The objective is for the Codex Alimentarius Commission to finally dismiss the "Parmesan" proposal and resume the existing "Hard Grated Cheese" norm, which would assure the respect of the rights of all producers and consumers, and the principle of protection of territorial products and people's food cultures. The Codex meeting attracts the interest of numerous associations that highlight the risk of losing national sovereignty on food related issues: a key matter that requires fully shared norms.”

This passage indicates that the PRC perceived the security of a number of elements within the food system including producers, consumers, the legitimacy of GI system, and even national food sovereignty, to be endangered by the proposal. The elaboration of a prophecy of doom whereby the declaration of Parmesan as generic would delegitimize the entire system of GIs indicates that they viewed this event as a threat to the security of the system as a whole. Such prophecies are used to emphasize the seriousness of the behavior in order to legitimize action taken against it.

Next, claims-makers have stressed that there is more at stake than political-economic damage but that gastronomic heritage, traditions, and culture are in danger (McMahon 2005; Brown 2008; Personal interview, May 24, 2013b; Personal interview, February 27, 2013) if certain products are lost:

“We won’t just lose market share...We lose a culture, because the typical product is not just a quality product. It’s a product coming from a region, from a culture, from a human experience...For sure, if you lose this kind of product you will lost a little part of Italian, Spanish, French, Greek culture” (Holley 2002).

Italians take the diversity of their cuisines and products very seriously and citizens in each area of the country take immense pride in their respective gastronomic traditions (Parasecoli 2003, 2004). Traditional products have continued to disappear in part due to the spread of European and global standardization and “as regional products gradually disappear, they are replaced by foreign foods, foreign tastes; the universal and rationalized is now imported into the European periphery as the exotic” (Seremetakis 1994: 3). Deepening concerns in Italy over the imitation of Parmesan are linked to these wider structural processes and contribute to feelings of insecurity where “a fear of cultural homogenization has manifested itself in a politics of taste, based around the protection of ‘endangered foods’” (Leitch 2010: 458) such as Parmigiano-Reggiano.

#### **4.3.3. Real versus Fake**

Another important element within the gastro-panic is the appearance of divisions between the normal ‘real’ and deviant ‘fake’ Parmesans, which becomes more pronounced as claims-makers glorify the characteristics and production of the authentic ‘folk angel’ product while the inauthentic product and the folk devils responsible for its production are portrayed in a negative light. The presence of such a binary opposition is an indication in Barthesian terms that a myth is present and

must be deconstructed. It is also demonstrative of discursive boundary-creation and maintenance mechanisms used by claims-makers to define and demarcate divisions between the authentic and inauthentic products in order to legitimize their normative and material interests in attaining protection.

I first encountered this division in a discussion (Personal interview, February 22, 2013) with an Italian government official in Rome who exclaimed, “How lucky you are to be here, you are able to try the real thing. Now you can go back to the US and tell everyone you know that what they are eating is not the *real* Parmesan, it is *fake!*” The opposition of real versus fake is further evidenced in news articles where one US writer contended, “It’s the sad truth that much of what is passed off...as the King of Cheeses is not the real thing” (Olmsted 2012b) and, “Those who know the real Parmigiano Reggiano don’t like fakes” (D’Addono 2012). Warnings have also been issued to consumers:

“The next time you grate Parmesan cheese over spaghetti, check the label to see if it is the *real* thing. According to the Italian farming association CIA, increasing amounts of *fake* Parmesan are being sold in Britain. The problem is not only confined to the UK - inferior versions of Italy’s famously crumbly cheese are also being sold in Germany, South America and Japan. In Brazil the pirated version is called ‘Parmesão’ while Argentina calls it ‘Reggianito’. In the UK, one version is called ‘Parmeggiano’ - the real Parmesan cheese should have ‘parmigiano reggiano’ on the label” (McMahon 2005, emphasis added).

The marketing and sale of fake Parmesans is viewed as a problem that the consumer must be made aware of, and there is evidently an assumption that fake Parmesans are by nature inferior. To continue within the dichotomy of real versus fake, a notion of correctness and proper use also surfaces. Upon a visit to Canada the President of the PRC (2010, original emphasis) stated that:

*“unfortunately we saw examples of cheese called with the term “Parmesan”, a denomination that in Europe is protected and restricted to Parmigiano-Reggiano but which in extra European markets is considered a generic term and is therefore used in an improper manner without anyone being able to prevent it...Checking this*

*phenomenon, which so far is still not opposed by legislation and by agreements to be worked out within the WTO...is going to be a long and difficult journey, one primarily linked to the education of the consumer, the promotion in these markets of a correct food culture, at least in its fundamental elements, starting with the ability to recognize these products.”*

The President’s comments blur lines of territoriality by referring to generic use as de facto improper use despite Parmesan being considered a generic term in many third country markets. He justifies the assertion by appealing to legitimating values including enforceable rules for Parmesan within the EU. His particular perspective is guided by normative assumptions of what is ‘correct’ and ‘incorrect’ as related to food cultures and he considers an active strategy of re-localization to be required in order to instill the ‘correct’ knowledge of Parmesan as a cheese linked to a region of Italy in the minds of non-EU consumers.

In general, the ‘real’ Parmesan is mythologized as that which is produced by the folk angel within the region of origin using specifications set by the Consortium of producers. It is simple, produced with only three basic natural ingredients using a traditional and highly-regulated artisanal production process that assures its quality, and is highly nutritious (Olmsted 2012a; Piggot 2012) with a distinguishing taste derived from “the soil, the air, the grass the cows eat, the water...” (D’Addono 2012). On the contrary, through the use of *symbolization* stereotypes are associated with the fake product, which is assumed to be inferior and “is often of lower quality, contains additives and is industrially produced” (WIPO 2011). These oppositional characteristics are illustrated in Table 4.3 on the following page.

The continued intensification of capitalist cheese production through the use of industrial technologies, additives, and minimized processing standards does raise fundamental questions about what is, in fact, the ‘real’ Parmesan. For example, the

largest producer of Parmesan in the US Kraft foods manufactures a highly-processed grated Parmesan product made with additives such as cellulose powder and potassium sorbate. And after petitioning the US government to lower its minimum aging standard, the company now matures the cheese for 6 rather than the usual 10 months (Brodsy 2006). While some may argue that this is a clear case of lower quality ‘fake’ Parmesan that typifies the negative features of the folk devil product, it is important to deconstruct the myth by calling attention to cases where the ‘fake’ Parmesan defies these binary assumptions. For one, the American Sartori company’s ‘SarVecchio’ Parmesan is additive-free, produced using basic ingredients similar to Parmigiano-Reggiano, and aged for a minimum of 20 months. This particular Parmesan has won numerous awards at cheese competitions including ‘U.S. Grand Champion’ at the US Championship Cheese Contest in 2009 and ‘Best Foreign Cheese’ and overall ‘Best Parmesan’ at the Global Cheese Awards in Frome, UK in 2011, a year before the Parmesan category was eliminated. The same cheese also received recognition for its beneficial nutritional qualities, being awarded ‘Best Healthy Cheese in the World’ at the Global Cheese Awards in 2013.

**Table 4.3: Characteristics of Real versus Fake Parmesan**

<b>Characteristics</b>	<b>Real (Folk Angel)</b>	<b>Fake (Folk Devil)</b>
Ingredients	Simple and pure	Complex with additives
Quality	High	Low
Taste	Better, more character	Worse, bland
Nutrition	Healthy	Unhealthy
Production	Traditional	Industrial
Producers	Legitimate	Illegitimate
Use of name	Proper - Inside region of origin according to strict specifications	Improper – Generic use outside region of origin

The status of ‘real’ Parmesan as purely Italian is a socially constructed reality which is passed off as ‘natural’ and takes form as myth, thereby discounting the existence of anything that might contradict it. For example, rather than recognizing

the high quality of other types of Parmesan the Italian farmer's union Coldiretti referred to the award winning 'SarVecchio' Parmesan as a "blatant Parmigiano Reggiano imitation" that "underlines the scandalous faking of the original cheese" (Italian Food Net 2009). Furthermore, when asked what the difference is between Parmigiano-Reggiano and generic Parmesan, Italian representatives I spoke with dismissed the question as nonsensical. To them there is no difference because the original Parmigiano-Reggiano *is* Parmesan and was declared by the ECJ to be so (Personal interviews, February 22 and 27, 2013). One interviewee exclaimed that, "People, they can continue making cheese that you put on pasta, but they can call it *cheese*, that's the generic term" (Personal interview, April 12, 2013). Additionally, an informational booklet I was given during a factory tour advertises Parmigiano-Reggiano as "The *Only* Parmesan" (PRC 2011, emphasis added). By denying the potential for a generic version of the cheese, even one of potential high-quality, actors negate its very existence as an independent term and naturalize the meaning as connoting a cheese from Italy. Any attempts to challenge this universalization are dismissed for lacking sense and therefore excluded from serious consideration. The real contestation and power relations between proponents and opponents within the dispute over the name are obscured, reference to exceptions glossed over, and their competitive potential defused.

#### **4.3.4. Consensus**

The demarcation of 'real' Parmesan as endangered and the securitization of generic Parmesan production as a threat projected to have serious consequences can be seen as an attempt to invigorate a sense of urgency, thereby generating a social and political consensus that something must be done to "counter the illegal and imitation actions found at international levels and eased by the globalisation of



markets” (PRC 2004b). Consensus in the gastro-panic is established by analyzing the appearance of organized groups and campaigns on the part of certain members of society, such as government officials, farmer’s unions, and the PRC, in order to do something about and call attention to the threat of counterfeiting as well as protect certain referent objects, such as the name Parmesan and the social relations of production in the region. This is furthered through the introduction of new rules and regulations or the criminalization of the behavior and the individuals supposedly responsible. It is also evidenced through public discussion indicated within the media. As has been demonstrated previously in this course, claims-makers have attempted to institutionalize the criminalization of the generic use of GI terms in new international agreements. This particular issue has also generated a great deal of media and social attention that is discussed further in this section.

To remedy the situation and secure institutionalized punishment for the illegal imitation of product names, Italian government ministers have made pledges to continue pursuing better protection for Parmesan at national and international levels (McMahon 2005; The Economic Times 2003) where the EU is already active in pushing for tougher rules and enterprising the usefulness of GIs as a means of building international support. As well, the PRC (2008b) issued a call to consumers and businesses to “report any anomalous situations found in Italy and abroad because this is the only way to protect consumers more effectively and, at the same time, to eliminate situations causing unfair competition” while the Italian government has launched a “No to Fake” campaign to educate consumers and raise awareness about the dangers of counterfeiting in the food sector (Ministry for Economic Development 2012).

Numerous supporters have also mobilized to draw more attention to these issues. In 2008, the same year as the ruling against the German production of Parmesan, the International Day of Italian Cuisines (IDIC) was established “as a reaction **against the systematic forgery of Italian cuisine and products**” (IDIC 2014, original emphasis). Additionally, in 2010 the Italian Ministry of Agriculture, Food and Forestry Policies created the ‘Italianissimi’ project in the US where one study reported that sales of inauthentic products reportedly outnumber authentic products by ten to one (The Economic Times 2003).<sup>23</sup> The purpose was to “protect Italian food from imitation” by enlightening consumers, specifically in the US, to the “manipulative” practices of producers and manufacturers and to make them aware that they are being duped into buying non-genuine Italian products – meaning those not produced in Italy (Reddy 2010). And in December 2013 the Italian agricultural association Coldiretti organized an anti-food piracy protest near the border with Austria to confiscate phony products entering the country (Italy Magazine 2013), marched pigs outside the Italian parliament, and launched a “Battle for Christmas: Choose Italy” movement to inspire consumers to purchase genuine Italian-produced goods (Newton Media 2013; The Weekly Times 2013). This movement in particular is indicative of what DeSoucey (2010) terms ‘gastronationalism’ whereby nationalist sentiments are employed to entice consumers to purchase locally-produced products. The involvement of Italian government officials along with the various campaigns mentioned points to a consensus by certain actors that something must be done to deal with the serious problem of counterfeiting and generic use.

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<sup>23</sup> According to the Italian Ministry for Economic Development (2012: 3), “the United States along with Latin American and Australia ‘falsify’ most frequently.”

#### 4.3.5. Gastro-panic

When re-considering the various criteria illustrated in Table 4.4 below it becomes evident that a gastro-panic is manifested in the discourse surrounding the generic use of Parmesan around the world. By way of this mythical discursive strategy of demarcation and legitimation, the cultural, economic, and political boundaries surrounding the production and consumption of Parmesan are (re)constructed and restricted to Italian producers. Additionally, a new and unquestioned social reality is created in which the actions of imitators are demonized through the use of negative imagery and securitized as posing a serious threat to the original cheese, its producers, and consumers while the original cheese is celebrated. Within the gastro-panic actors appeal to a security discourse that constructs the threat and the threatened in order to legitimate the exceptional measure of revoking use of the term in other countries. The final criterion, that of volatility, will be further discussed in the next section.

**Table 4.4: Gastro-panic Criteria and Parmesan**

<b>Gastro-panic Indicators</b>	<b>Description</b>
Concern	Heightened in relation to the generic use and imitation of Parmesan abroad and its supposed consequences for producers and consumers.
Hostility	Toward illegitimate ‘counterfeiters.’
Consensus	Agreement by Italian actors and the EU that the threat is real, serious, and caused by the behavior of counterfeiters and imitators, thereby requiring the extension of international GI protection to control it.
Disproportionality	Calls for asymmetric rights to be conferred to legitimate Parmigiano-Reggiano (Parmesan) producers relative to their revocation from generic producers around the world.
Volatility	Contemporary movement to institutionalize the exclusive rights to the use of Parmesan in global legislation that gained momentum following the registration of Parmigiano-Reggiano as a PDO in the EU and in response to the insecurity caused by socio-economic difficulties and the increasing production and globalization of cheese industries.

The pervasiveness of the gastro-panic myth in political discourse surrounding the Parmesan issue is powerful because it is not only prevalent as a discursive strategy in the language of actors but also structures their practice. The issue is not only *talked* about in terms of the threatening effects of generic producers but partially structures much of the actions performed by actors both within the EU and in international negotiations where the right to use the term Parmesan still has the potential to be won or lost. Since Italian and EU actors consider all generic producers to be ‘illegitimate’, as the ‘legitimate’ producers they justify the conferral of asymmetric rights, formulate new rules through legitimating values, and mobilize supporters through enterprise to influence policy and government action. The discourse pervading the gastro-panic thus serves a political-economic purpose where the deployment of security language is used to persuade policy-makers that actions must be taken to stop the threat of generic use. It also acts to legitimize an exception within an open market economy that awards exclusive rights to some producers over others. In the EU this has had noticeable effects and led to the restriction of Parmesan categories and the confiscation of cheeses at international events and trade shows (CCFN 2013b; PRC 2012b; PRC 2013a). For example, the Global Cheese Awards in Frome, UK, was pressured to eliminate the Parmesan category after receiving a “threatening letter” from Parmigiano-Reggiano representatives a year following the 2011 win of the American ‘SarVecchio’ Parmesan (Personal interview, September 14, 2013). There are now separate ‘Italian-Style Hard Cheese’ and ‘Best Parmigiano-Reggiano’ categories.

As discussed in the second course, European agricultural and food policy is a highly-differentiated multi-actor and multi-levelled terrain. The policy and practice of individual Member States is influenced by interests at the sub-national level,

which has a profound impact on European policy and decision-making. According to one interviewee “the economic weight of producers matters. Some are more aggressive in protecting their interests and governments are ready to support them. Lobby groups as well...” (Personal interview, February 19, 2013). A GI like Parmesan is an economically and culturally-important resource and the PRC is a well-organized group that polices its use vigorously and is backed by the Italian government (Personal interview, February 22, 2013) who is active in ensuring that their interests are represented through the negotiating weight of the EU in international negotiations. Threats to the security of Parmigiano-Reggiano, whether real or perceived, infuse the debate with a sense of urgency and purpose that enhances the political salience of the issue by defining generic use as a problem that justifies a legal and policy response.

The gastro-panic represents a boundary-maintaining and creating mechanism used by Italian and EU claims-makers to legitimize their normative and material interests in attaining the protection of Parmesan. It is also a form of myth that simultaneously allows a focus on certain aspects of the situation, such as the conceptualization of generic use as counterfeiting, while shrouding others, such as the territoriality of genericism. By ensuring that the situation is perceived in one way rather than another, the gastro-panic prevents us from paying attention to other aspects of the situation that might be inconsistent with it, such as the high quality nature of some foreign-produced Parmesan cheeses. The overall effect of the gastro-panic is to problematize generic use as a threat in order to enhance its political salience and secure its placement on the policy agenda, with the ultimate aim to secure exclusive global protection of the name for Italian producers.

#### 4.4. Demythologizing the Gastro-panic

When considering the history of attempted protection for Parmigiano-Reggiano it is evident that any use of the name and in some cases its translation outside the region of origin has long been considered objectionable behavior. However, Parmigiano-Reggiano and Parmesan have co-existed in use for some time. The gastro-panic language that presents a *terroirist* conception of Parmesan as only connoting a region of Italy and generic producers as illegal counterfeiting folk devils has only recently become normalized and currently serves as a conceptual map of meaning by which claims-makers interpret the issue.

But Barthes argues that these significations also conceal the operation of further orders and ideologies that permeate a culture. As such, it is crucial to deconstruct the myth by interrogating the volatility of the gastro-panic to further understand why this issue has arisen in recent years, what motivations underlie it, and what ideological alignments are being served. Gastro-panic is a rational process that does not just occur naturally in society. Rather, its materialization and influence is dependent upon actors driven by specific motives, interests, and agendas. It is also contextual and often arises during difficult times of social, economic, and political change.

In this section I argue that Italian and European actors are competing over the status of Parmesan not only to secure an economic advantage but in an attempt to restore an existential sense of security during a time of perceived insecurity brought about by socio-economic difficulties at the domestic level and the increased industrialization and globalization of Parmesan production. In this context the GI is seen as a tool to accomplish various socio-economic, political, and commercial

objectives. The issue reflects underlying concerns and preferences of different actors and institutions in Italy and the EU that sustain and legitimate current power relationships in the international food and agricultural sector and promotes the values and interests of well-organized producer groups. It is also linked to larger, politically-charged debates surrounding the appropriate assistance for farmers and rural communities, the degree to which food cultures should be protected, the need for extended GI protection around the world, and the role of governments and the market.

#### **4.4.1. Socio-Economic Woes**

To understand contemporary pressures for expanded protection of Parmesan within the EU and abroad also requires consideration of the structure of Italian Parmigiano-Reggiano production and the socio-economic difficulties that have caused insecurity within the sector over recent years. Parmigiano-Reggiano production is exceptional in that it is performed not solely by large-scale industrial dairies but according to a collective artisanal system encompassing 384 dairies of varying sizes (Parmigiano Reggiano Consortium n.d.), some of which are so small that they only produce a couple of wheels of cheese per day. According to de Roest (2000: 4), in Parmigiano-Reggiano production:

“the labour to capital ratio is higher than in other dairy systems. The heavily co-operative structure of the cheese dairies also contributes significantly to maintaining employment...This is in contrast to neighbouring areas with similar physical and natural conditions. In this way the Parmigiano-Reggiano system acts as a barrier to the marginalisation of agriculture, a process that has caused serious depopulation in other parts of the Italian Apennines.”

The ability to craft the cheese requires the cheese-maker to undergo an extensive apprenticeship for many years and the process itself is long and highly labor-intensive, involving the transformation of milk into cheese on a daily basis. One

master cheese maker's wife I spoke to commented on how she had not had a holiday in 36 years and how they, despite being retired, still work 7 days a week from 4am to 8pm. Parmigiano-Reggiano is a cheese that requires a great deal of passion to make and despite having no relation to the cheese-making process in his family, her husband "started making it because he fell in love with it" (Personal interview, February 28, 2013a). Regardless of the hard work that is required to produce Parmigiano-Reggiano, those who are committed to upholding the traditional methods of production have helped maintain a differentiated regional culture in a potentially unexceptional geographic area.

Few cheeses embody as much passion, dedication, and consistency of tradition in their production and consumption as Parmigiano-Reggiano, having been produced in the same region for centuries using largely unchanged and minimally modernized processes. One cheese magazine expresses that Parmigiano-Reggiano is, "Considered by some to be the greatest cheese on earth..." (Anonymous 2012) and to those who know it well it is more than just cheese, it "is art, life – an almost sacred symbol of the culture of the land" (Bonilauri 1998: 9) and its consumption "borders on privilege" (Rossetto Kasper: 1). Asserted to be truly a product of its *terroir*, discussions surrounding the cheese emphasize the intimate interaction between its natural and human environment (Delmonte 1998: 6; Pinto 1998: 7) that contribute to its "qualitative superiority" (Bonilauri 1998b: 28) over imitations. Parmigiano-Reggiano is described as, "An unmistakable and unique product for its aroma and taste, the craft of its production, its extraordinary journey through a landscape of rivers, plains and hills, and its unparalleled balance of knowledge, man's passion and nature's bounty" (Parmigiano-Reggiano Consortium n.d.).



But despite its worldwide fame and role as a culinary cultural icon of Italy, Parmigiano production has fallen on hard times in recent years with resultant economic and social costs, and calls for its global protection coincide with this difficult reality. Many dairies have already been forced to close over the years and, “Numbers in the region have been dwindling since the end of World War Two, when there were more than 2,000 groups huddled on the small pocket of northern Italy manufacturing the cheese” (Merrett 2007) while today there are under 400. And as quoted in 2008 by the former director of the PRC Leo Bertozzi, “Parmesan is undoubtedly the most famous Italian food product in the world and although it is worth a billion euros a year it is being hit by the economic crisis” (Pisa 2008). Rising production costs, coupled with high retail prices and falling demand have contributed to economic hardship in the region. Producers operate in a climate of insecurity and are finding it difficult to make ends meet and many have been left on the brink of bankruptcy. Animal feed and milk are becoming ever pricier and the stringent production code to which producers must commit leaves little room for flexibility in cutting costs (Brown 2008; Pisa 2008).

In fact, also in 2008 the situation was deemed to be so critical that the Italian government purchased 100,000 wheels of the cheese at a cost of 50 million euros in an attempt to ward off the bankruptcy facing a third of producers. The media referred to this move as a “bail out” (Popham 2008; Owen 2008; Pisa 2008; Brown 2008) and it was criticized for “using state resources to help those that are inefficient” but justified as necessary by the Italian government (Berretta 2008). This is because Parmigiano-Reggiano is considered “the most important typical product in Italian agriculture” (de Roest and Menghi 2000: 439). It is a cherished referent object within the Italian economy where it comprises 30% of all cheeses with protected

designations (Mora 1998: 122) and utilizes 15% of the milk produced in Italy. According to de Roest (2000: 3), “In production terms Parmigiano-Reggiano is the most valuable cheese in the country. It is sold all over Italy and five percent of total production is exported.” However, Parmesan is not only an important commercial resource but also a signifier that expresses a sense of Italianness, which resonates strongly in an increasingly globalized world.

Other indications of the economic struggle lie in the increasing number of cheeses held on loans, where wheels of the cheese are accepted by some banks as collateral while they age in huge vaults (Storing cheese 2013; Associated Press 2009). This practice offers a lifeline for many producers who would otherwise be forced to close, and one cheese-maker was reported in 2009 to say that over 100 already had in the previous five years (Kennedy 2009). And to compound the problems, it has been reported that mafia gangs have been stealing the valuable cheese from trucks during distribution (Mercer 2006) and in 2012 the region where Parmigiano is produced was struck by a series of earthquakes that damaged around 5% of yearly production (Consorzio del Formaggio Parmigiano-Reggiano 2012).

To top it off, the social fabric of Parmigiano production has changed. An article in the *Taipei Times* referred to Parmigiano-Reggiano as “an industry under threat of extinction” (Logre 2011) that is being rescued by foreign immigrant workers at a time when the young Italian generation is disinterested in taking on the labor-intensive work (Duttagupta 2012). This point was reiterated in an interview I conducted with a Parmigiano cheese-maker who agreed that the danger of the tradition disappearing is very real. Two out of three factories formerly in his area had shut down and he stated that, “The young are not interested in farming. There are

Indians now raising the cows...Indians and immigrants are making Parmigiano now” (Personal interview, February 28, 2013b).

Producers are not the only ones stressed by the difficult economic climate and many cash-strapped Italian consumers have turned to lower-priced grated cheese substitutes (Mercer 2006) manufactured in Italy and abroad, such as Grana Padano and Gran Moravia,<sup>24</sup> making it increasingly difficult for Parmigiano cheese-makers to remain competitive within the country. In fact, “The main threat facing the Parmigiano Reggiano production system is the risk that its characteristics become indistinguishable from those of its main market competitors” (de Roest and Menghi 2000: 450). With consumption of the cheese in Italy slumping, many Parmigiano-makers have set their sights on bolstering exports to markets where the cheese fetches gourmet, rather than staple, prices (Berretta 2008). But this alternative is in jeopardy as global competition increases. To illustrate, Parmesan production has reportedly “tripled in the US over the last 20 years, while exports of Parmigiano-Reggiano to non-EU countries had fallen” (Mercer 2005) and, “Exports have recently risen by 7 percent to Europe, but a significant drop in exports to the U.S. was reported as production of “false” parmesan has increased there. According to an Italian farmers’ association, Chinese production of false Italian fontina, mozzarella,

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<sup>24</sup> Production of Gran Moravia, for example, was started by an Italian family in the Czech Republic where it is produced and sent to Italy to mature. A small amount of the cheese is sold in the country itself, three-fourths is exported to Italy, and the rest all over the world (Lopatka 2012). What is interesting about this cheese is that the producers have branded a very competitive product without using the term Parmesan. One producer states that, “The word parmesan is not right. In the Czech Republic, it’s commonly used for hard cheese but in Italy, we don’t use it. Instead we say formaggio grana to indicate the special structure of the cheese. Gran Moravia belongs to the family of hard cheeses manufactured according to old Italian traditions” (Richter 2012). However, websites marketing the cheese internationally still refer to it as “Parmesan Cheese” (Weiku 2014) and “Italian parmesan cheese” that is “similar in flavor to hard parmesan cheese. This delicious range is imported from Italy where it is now made using a traditional recipe. Try using this cheese as an economical substitute for more expensive parmesan cheeses as the flavor of the Gran Moravia is still quite lovely” (Fields China 2014). On a Czech trade site it is listed as a “cheese of Parmesan type – grana” (Czech Trade International 2014) and on an American one as “a hard grating cheese in the style of culinary Italian masterpieces like Parmigiano Reggiano or Grana Padano” (igourmet.com 2014).

and parmesan cheeses has already claimed a 52.6 billion euro market” (The Florentine 2005). And not only are these countries producing generic versions of the cheese to meet domestic demand but they too are taking advantage of the growing export potential around the world.

#### **4.4.2. Protecting Whom?**

Italian and European actors appear to segue interchangeably between treating GI protection for Parmesan as a security measure for consumers *and* for producers, the former being consistently used to justify its necessity as a means of reducing confusion. For example, in the 2008 court case pitting the European Commission against Germany, the Commission stated that the point of GI regulations “is not to protect private economic interests but those of consumers, whose expectations as to the quality and geographic origin of that product should not be disappointed” (Commission v Germany 2008: 6, para 60). Many consumers do indeed seek comfort in knowing the source of their foodstuffs and consider EGI labels to be indicators of quality. In Italy for example, quality “has been the main symbolic resource enabling people to deal with food scandals such as the one caused by BSE” (Halkier et. al. 2007: 390). But Raustiala and Munzer (2007: 361-62) challenge the need for extended GI protection for agricultural products under the consumer confusion argument by drawing attention to the inconsistency of quality within many appellations that results from intra-regional diversity and loosely-defined production practices. They argue that the disappearance of competing products could actually have the opposite effect in leaving consumers even more bewildered when they are unable to locate familiar products. They also state that simple labelling is sufficient to mitigate any consumer confusion, as no one would be misled to the place of origin when encountering a product such as ‘Parmesan made in Canada.’

The consumer-confusion argument is also questionable when re-considering that Italian claims-makers have expressed that consumers in some markets need to be 'educated' to re-establish the 'correct' link between the region of origin in Italy and the name Parmesan, suggesting that the link has indeed been lost and de-legitimizing the need for exclusive GI protection. It could therefore plausibly be argued that if consumers prefer the fake versions of Parmesan that their consumption rights are being infringed if particular products are removed from the market. This would be exacerbated by the purported inability of Italian Parmigiano-Reggiano producers to keep up with international demand for the cheese and as such "the losers...would be consumers accustomed to buying an affordable, locally or regionally produced Parmesan" (Anonymous 2004b). Some consumers might knowingly choose a 'fake' commodity version or perhaps cannot afford to spend a larger proportion of their constrained income on the 'real' specialty product.

With that said, the main motivating factor in the case of Parmesan appears more so to be an attempt to offer extra-market assistance to Parmigiano-Reggiano producers where the GI acts as a tool "to keep producers producing, improve income, and preserve agriculture" (Personal interview, February 19, 2013). This assertion was further supported in interviews I conducted where informants admitted that GI schemes originated as producer, rather than consumer, protection mechanisms:

"the Commission were driven not from a consumer perspective. They were driven from a production and a desire to safeguard and protect rural communities where these traditional food products have been made for a long long time. And that in itself is a very noble objective, I'm not decrying it, but I think that has to say up front it was all about protecting the production rather than anything after the consumer. It was almost an afterthought" (Personal interview, September 25, 2013).

Furthermore, when asked if the main beneficiaries of GI protection were producers or consumers, one Parmigiano-Reggiano representative stated:

“First, there is a necessity of protecting producers in the beginning because the first interest is shown by producers themselves who need to protect their own cheese and then ask for government help. It also protects the local economy. Then, the traded/marketed and guarantees to consumers follows. Consumers need sufficient security to know that this cheese is produced in Parma. So first it is producers, then immediately follows the guarantee to consumers” (Personal interview, February 27, 2013).

The consumer confusion rationale thus emerges as myth, which acts as a guise for employing protectionist means in a world that increasingly condemns such practices. Global institutions such as the WTO are based on an economic model which holds that consumers benefit from the liberalization of trade through lower prices and greater choice and are penalized by any form of protectionism and the implementation of trade barriers (Gaisford and Kerr 2001). But here an inversion of that logic is evident through the assertion that consumers stand to gain directly from the protection of producers even if they are required to pay a premium for the ‘real’ product as they can be assured that what they are buying is not counterfeit.

It is also interesting to consider that the folk devil in operation seems to be unilaterally the producers and manufacturers of imitation products rather than those who choose to consume them. The political legitimation for the disproportionality, or the exclusive protection of Parmesan, revolves around targeting the improper behavior of producers rather than consumers in the same way that GI policy was designed to first and foremost protect producers and not consumers. A distinction arises between them where producers are targeted as deliberate counterfeiters and consumers as innocent victims who are being knowingly duped to purchase ‘fake’ products.

This is perhaps not surprising within the Italian and European context where the food and agricultural sector has long been distinguished as ‘exceptional’ in relation to other economic sectors and is “dominated by a restricted policy community in which producer interests are given precedence over those of consumers...” (Grant 1995: 156). While this discourse is being eroded in favor of more market liberal models, the protection of farmers and producers continues to be politically, economically, and socially important particularly as the EU is increasingly pressured to reform its Common Agricultural Policy (CAP) and liberalize its market while at the same time appeasing vested interests and ensuring international competitiveness for European producers (Potter and Tilzey 2005; Tilzey and Potter 2007). In order to balance these conflicting imperatives, EU policy has been guided by an “‘Embedded’ neo-liberalism” that has made the CAP increasingly more market-oriented (Tilzey 2006: 16) while also developing a number of policy instruments designed to increase competitiveness, strengthen rural communities, and encourage the shift from commodities to value-added products (Clemens 2004).

EGIs are one among a variety of food quality initiatives that each Member State can choose from to suit their specific needs and as a result have been unevenly embraced by different countries (Becker 2009). Italy is part of a group of mainly Mediterranean countries with agricultural sectors consisting of many labor-intensive small-scale family farms and companies. Their approach to agricultural policy is characterized by a *terroirism* that emphasizes “territorial, social, and cultural embeddedness” (Parrott, Wilson, and Murdoch 2002: 256). These countries have taken up origin labelling as a means of increasing producer incomes and base a large part of their agricultural strategies around them. Dickie (2007: 333) states that EGIs

“are particularly well suited to Italy’s diverse and specialised agriculture” and the country is currently leading in the number of registered food products [see Appendix C]. The GI for Parmesan thus serves as a powerful security tool designed to maintain marginal producers on the land and give small-scale producers the upper-hand in a more competitive market environment where they might not otherwise be able to compete. With regard to the former, they help:

“maintain the lifestyle and livelihood of communities and avoid people having no chance but to go somewhere else. Those who remain are not lost in empty space. They have something to do and offer something to the urban communities. They are stewards of cultural history and the traditional way of life” (Personal interview, February 25, 2013).

Origin-protection schemes have become central to rural development strategies both within Italy and the EU and are actively promoted abroad.

#### **4.4.3. (Re)affirming Security**

Although the protection of Parmesan has a long history, it can be argued that the gastro-panic surrounding its use has arisen within the international debate in recent years as producers seek to restore a sense of security amidst socio-economic struggles and increased global competition through securing exclusive rights to the name. Parmigiano-Reggiano cheese is not being ‘re-invented’ or ‘re-valorized’ to meet market demands as has been the case with many other traditional cheeses (Bromberger 2006; West and Domingos 2012). It is considered a “mature system” with an established reputation that is appreciated by consumers (de Roest and Menghi 2000: 440) and a highly regulated production process that does not allow for much internal differentiation. Thus, in Barthesian terms this mythical discourse has occurred because the meaning of Parmesan as generic has become inadequate to serve the needs of the established Italian producer community.



A possible explanation for this could come from a conversation I had with an Italian professor (Personal interview, February 25, 2013) who explained that a certain amount of ‘counterfeiting’ through unrestricted production can be beneficial to the original product in order to increase its popularity as imitations are part of the brand-building process. However, over time as a market becomes more developed this becomes unnecessary and can actually begin to have negative effects, thereby prompting the original producers to take action to stop it. This appears to be the case with Parmesan in saturated European and NW markets where the product is widely produced and consumed and the myth of *terroirism*, which uncritically defines the authenticity of products and rights to the use of their names as linked to production within the region of origin, has been employed in an attempt to discontinue use of the name outside the region of origin. But interestingly, he also stated that imitations continue to play this role in less-developed markets. Yet, Parmigiano-Reggiano producers are seeking exclusive protection all over the world even in emerging markets where Parmesan is not widely known. This begs the question if such actions could actually be counterproductive to enhancing consumer recognition of the cheese.

But the idea surrounding the move towards global protection is that if consumers throughout the world always purchased the ‘real’ Parmesan it would reaffirm a sense of security for producers through a boost in sales and increased revenue (D’Emilio 2008) and would also mitigate future abuse as the product becomes more famous (Personal interview, February 19, 2013). According to Raustiala and Munzer (2007: 352), “actors tend to demand new property rights” such as GIs “when underlying costs and benefits shift in fundamental ways” and the defense of so-called ‘genuine’ products both at home and abroad is supported in Italy

as a possible “way out of the crisis” (Newton Media 2013) and a means of meeting the “challenge of globalization” (PRC 2006) that has placed immense pressure on the livelihoods of producers. For Parmigiano-Reggiano cheese-makers, imports and exports are a major threat that forces them to compete directly with companies and products from all over the world. This has created a climate of insecurity that is evident when considering references to producers being at ‘risk’ and ‘vulnerable’ as well as appeals to their ‘safety’ in offering assurances that their names are protected.

Furthermore, the referent objects illustrated in Table 4.5 are indicative of this insecurity because they represent particular economic, political, social, and cultural elements of the food system perceived to be endangered by international imitation and counterfeiting and have prompted producers to fight the generic use of Parmesan at the global level in order to preserve its exclusive use. This would potentially extend the market premium worldwide where strong protection for GI rights and the legal power to restrict the use of the word to certain products and producers would confer a sense of security through an economic advantage over competitors.

**Table 4.5: Referent Objects Perceived to be Endangered by Counterfeiting**

<b>Sector</b>	<b>Referent Object (s)</b>
Economic	Traditional production system, producer livelihoods, consumer assurance, businesses, jobs, profits, trade, market share, resources (Parmesan)
Societal	Gastronomic heritage, traditions, culture
Political	Principles and legitimacy of GI norms, rules, and institutions, food sovereignty

*Terroirist* attempts to redefine and relocalize the meaning of the translation Parmesan may thus be understood paradoxically as both a reaction against the perceived threats of globalization *and* accommodation to it through its perceived advantages. While claims-makers might legitimately fear the homogenizing advance of global competition and consider it to be exacerbating the production and trade of

generic products, they at the same time seek security and profit from it through strengthening the international protection of GIs and increasing exports. Decreased trade barriers and rising wealth continue to create global market opportunities where none existed previously and the proportion of cheeses traded internationally is rising, aided in part by the increasing liberalization of dairy industries negotiated through trade agreements. The PRC celebrates improvements in its exports and makes explicit its goal to increase them (PRC 2013b, 2013c). The global has now become a battleground upon which to fight in order to preserve the local and actors are able to mask what are essentially local business interests as global concerns through gastro-panic discourse, forcing issues to the top of governmental policy agendas to legitimate the installation of exceptional measures through GI protection.

Economic incentives are not the only motive driving defenders of Italian foods such as Parmesan. The effort to secure its exclusive protection around the world is also related to issues of heritage, history, and culture. To assert the necessity of protection for Parmesan is partly to assert the importance of preserving cultural systems of production in the face of ever-encroaching globalization. One Parmigiano-Reggiano representative emphasized that the issue is not whether a name is 'generic or not' or that production will be able to satisfy demand but that the importance reaches beyond the product's economic value (Personal interview, February 27, 2013). To lose the Parmigiano-Reggiano production tradition would essentially be to lose "something unique in the world" and also "a way of life" (Personal interview, February 28, 2013).

The protection of Parmesan therefore gains legitimacy for the multifunctional character of Parmigiano-Reggiano production, which does more than produce a cheese for consumption and has many functions and positive externalities that

potentially contribute to the public good. Focusing on the non-economic externalities associated with Parmigiano-Reggiano production as referent objects to be protected allows producers to justify the controversial conferral of exclusive rights to Parmesan under its banner and serves as a means of defense when these actions come under attack. The gastro-panic myth surrounding Parmesan therefore seeks to ground political and historical situations, and ideological alignments, in the realm of the natural. It is composed of beliefs and representations that sustain and legitimate current European agri-food policy and power relationships and promotes the values and interests of dominant food producing groups in society.

The Parmesan issue represents an attempt to claim specificity for European producers that differentiates it from a form of mass-production executed by its competitors, for example by emphasizing the recognized natural and cultural qualities which characterize the cheese, the benefits afforded to consumers and culture, and the threatening effects of generic use. It is guided by the myth of *terroirism* that acts as a legitimating strategy and a political tool to ensure the conferral of exclusive property rights to some producers over others. *Terroirism* obscures this ideological purpose and legitimates government action in formulating and extending economic patriotic agricultural policies that seek to privilege certain groups based on their production within a particular region of origin.

For some critics, however, this is little more than a thinly disguised protectionism and an attempt to justify aid to inefficient production sectors on the grounds of legitimate rights. According to Chen (1996: 36), “a transformation of the farmer as an economically weak supplier into a captain of agribusiness requires governments to suspend the ordinary rules of free enterprise.” The GI acts as a security tool to protect both marginal areas and the market advantages derived from

it but carries with it negative consequences for producers and manufacturers in other countries, which has contributed to Parmesan becoming a majorly contested topic of international discussion. While Italian and EU advocacy to restrict the usage rights of Parmesan can be interpreted as an attempt at producer assistance to one of Italy's most important sources of economic, cultural, and gastronomic output, there is little evidence that GIs have been effective in halting cultural change (Broude 2005). Such protectionist measures also create tensions in a global climate increasingly framed by a discourse of neoliberalism and have in turn become a threat to the dominant paradigm, which will be further discussed in the sixth course.

#### **4.5. Conclusion**

In this course I used Parmesan as a lens to demonstrate how something as taken-for-granted as a cheese name represents an internationally negotiated and contested domain. Parmigiano-Reggiano (Parmesan) is a product that is not only important for its quality, taste, and other consumer attributes but for its role as an iconic cultural symbol and, on a socio-economic level, a culture of production that is able to maintain the employment and livelihoods of hundreds of small producers in the region. As a result, numerous attempts have been made throughout history to restrict its use to producers within the designated geographical region as a means of maintaining a sense of security for producers and consumers. But it is clear that attempts to revoke rights to the use of translations and generic terms such as Parmesan are highly controversial.

In examining cases at European and global levels it became evident that actors have participated in parallel processes of meaning construction – that of genericism and *terroirism* – in order to demarcate and fix particular meanings to

secure exclusive protection for or open use of Parmesan. Attempts to institutionalize the term's genericity are considered by claims-makers to have serious consequences and the concern surrounding such actions has been manifested through the language of gastro-panic. Here, a perceived political-economic problem – that of the uncontrollable generic use of Parmesan around the world – is portrayed as a serious threat that nurtures a view of folk angel ('real' authentic producers) versus folk devil ('fake' generic producers) and has serious implications. As myth, the gastro-panic provides an interpretative framework through which Italian and EU actors convey their own perspectives and evaluations of the current situation and also seek to ground a political situation and particular ideological alignment in the realm of the natural. This reflects and at the same time reinforces a particular way of understanding the actions and policies restricting the use of Parmesan in terms of legitimate rights. It also acts to infuse the debate with a sense of urgency through an invocation of security whereby exceptional measures such as the conferral of asymmetric rights taken to deter the threat appear as reasonable.

At a time of rapid change and competition where cheeses are increasingly standardized and traded around the globe, the GI helps Parmigiano-Reggiano producers define, protect, and profit from authenticity by distinguishing 'real' Parmesan from its competitors. But while the enhanced protection for Parmesan would safeguard it against homogenization and industrial production, the transnational nature of globalization has simultaneously led to increased demand and market opportunities. Advocacy for the protection of Parmesan can thus be understood as a way to capture the exclusive right to market a cheese in an increasingly global economy and a desire to protect struggling European producer, rather than consumer, interests and dominance in the global cheese market at a time

of increasing threats from non-EU producers. In the next chapter I investigate the uncontested case of Cheddar, a name that is widely considered to be generic. Cheddar offers an interesting contrast to Parmesan as no gastro-panic has arisen surrounding its use and it enables a closer look at the social construction of genericism within GI politics.

## *Fifth Course*

### **5. Not Much Ado about Cheddar? Demythologizing Genericism**

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#### **5.1. Introduction**

Cheddar is one of the, if not the most consumed and produced cheeses in the world (British Cheese Board 2012a; Personal interview, September 25, 2014). It is the most popular cheese-type in the UK and Australia, where it makes up half of the latter's cheese exports (Dairy Australia 2014), and the second most consumed (IDFA 2014) and produced in the US (USDA 2012). At the same time, it is one of the world's least-contested cheese names. While the use of many European-derived names such as Parmesan have been the subject of lengthy legal and political disputes, Cheddar has for the most part been uncritically accepted as the generic name for a type of cheese manufactured all over the world – its meaning dislocated from the original area of origin in the UK.

Because of the ubiquity and heavy commoditization of Cheddar-type cheeses, the name has been saddled with a poor reputation as a perversion of industrial production whereby bland orangey plastic-like blocks are aged for less than 3 months and sold in mass quantities, often used to designate the flavor of any number of processed products from crackers to squeeze cheese. But despite its apparent lack of differentiation, when it comes to Cheddars one size does not fit all. The production of traditional handmade Cheddars is experiencing a renaissance and revival of appreciation in the UK and there is currently more being done to celebrate



the cheese's history. After all, it can plausibly be argued that Cheddar's origins are every bit as English as Parmigiano-Reggiano's are Italian.

The distinction between generic and non-generic terms has emerged as a key issue in international negotiations and the growing political and economic salience of GGIs makes it especially important to interrogate the meanings and assumptions that underlie notions of genericism. Genericism is important in the GI context and differs in important ways from how it is approached in the field of trademarks (Phone interview, April 20, 2013), which was discussed in the third course. However, although generics constitute an important exception within the GI regulatory framework, there is no systematic discussion within the literature of terms that are considered to be generic and why. Thus, the focus on a 'generic' term like Cheddar enables me to further address the second and third research questions by generating a better understanding of the meaning and practice of genericism within the context of GIs. In many ways, focusing on an uncontested case is every bit as important as focusing on a contested one because the lack of contestation may point to the mythologization of assumptions that need to be questioned. In addition, the methodological importance of juxtaposing an uncontested case with a contested one lies in exploring the relationship between two unlike conditions or things, such as protected Parmesan versus generic Cheddar, to understand the connections between them and discern critical differentiating features that might otherwise be overlooked.

The purpose of this chapter is to critically deconstruct the uncontested genericity of the name as a form of myth and to consider why there has been an international struggle to protect Parmesan but not Cheddar. I argue that the taken-for-granted nature of the name stems from the mythologization of its genericity as indisputable fact or common sense, a socially constructed reality which is passed off

as ‘natural.’ I make this assertion partly on the basis that my attempts to question the naturalization and universalization of Cheddar as generic were dismissed for lacking sense and therefore excluded from serious consideration by two UK interviewees who simply stated that the reason Cheddar is not protected is “because it is generic” (Personal interviews, May 25 and September 25, 2013). But as I will demonstrate, pinpointing solid evidence to verify the genericity of the term is not as straightforward as it may seem. The definition of genericism, how it is measured, where, and in what context are still a matter of debate both within the EU and at the multilateral level. Genericism is therefore a dynamic and socially-constructed concept rather than a static condition that is determined with a confident degree of finality, and this means that Cheddar’s generic status could conceivably transform in the future. What is more, I contend that there are 3 key differences in the approach to Cheddar that help explain the absence of gastro-panic surrounding its protection: (1) lack of historical attempts to protect the name, (2) differing ideological perspectives and level of UK government involvement, and (3) fragmented organization, cohesion, and approach of producer consortiums to GI protection.

I begin by providing evidence pointing to the widespread agreement that Cheddar has succumbed to genericide, followed by an exploration of further cases of contested cheese names that exemplify its uncontested status. Then, by drawing attention to various ambiguities and inconsistencies within the EU and internationally I focus on deconstructing Cheddar’s genericity as a mythical social construction in order to expose the dynamic and complicated nature of genericism. Finally, I interrogate the relative absence of gastro-panic by comparing Cheddar to Parmesan and expanding on the abovementioned differences in the approach to the

two names. This enables me to explain the variation in their protection and better understand potential factors that lead to some names being protected over others.

## **5.2. The Unquestionable Genericity of Cheddar**

Unlike Parmesan, there is considerable agreement that Cheddar is widely understood both in the UK and abroad to be a generic term (Eagles 2003; Smale 2006; Bromberger 2006: 96; Correa and Yusuf 2008; Linford 2008: 114; Rajan 2009; Fernandez 2009; Mount 2011; Gangjee 2012: 10; Barnard 2013: 187; British Cheese Board 2014a; The British Cheese Centre of Switzerland n.d.). A GGI is a sign used on goods that once served an indicative function – for example to specify the geographical origin and production of a cheese – and was gradually subject to a process of de-localization through which its meaning became generalized, losing its distinguishing function and instead designating a type or category of cheese. Through the process of genericization or “genericity drift” (Hughes 2006-2007: 353) the geographical distinctiveness is lost and as a result use of the name is not restricted to production activities located within the region of origin. This is assumed to have affected other cheese names that were originally associated with regions in particular European countries such as Brie (France), Camembert (France), Edam (Netherlands), Gouda (Netherlands), Mozzarella (Italy), and Emmental (Switzerland).

To further demonstrate the general perception of Cheddar’s genericity, even the ‘West Country Farmhouse Cheddar’ (WCFC) cheese-makers that submitted an application for a PDO within the cheese’s territory of origin described Cheddar as a “variety” of cheese that today “is made throughout the world and...now describes the method of manufacture and the unique process of stacking and turning the curds

designed to speed up the draining of the whey” (FCL 1996). Cheddar is thus a noun – a cheese type – and a verb that specifies a stage in the production process. In addition, when asked if UK consumers connect Cheddar to its area of origin, one UK cheese association representative expressed:

“I think it’s been lost in the mists of time simply because, as far as UK legislation is concerned, cheddar is a recipe...and it is regarded by Government and by ourselves and by the EU as a generic name. So there is no dispute about that...because it is made all over the world it can be made all over the country, the association with its place of origin has been lost.”

He continued:

“we lost the plot when the recipe went over with the Pilgrim fathers to America. I mean, that’s it, it’s become a worldwide recipe and it is recognized as a generic. End of story, and there’s no desire in this country to try and protect the name Cheddar. That doesn’t mean to say that people won’t want to go out and do Scottish Cheddar or Irish Cheddar or Welsh Cheddar or any other prefix for that. And that is permitted under the regulations. And that is simply saying to people, this product comes from this area, this region, this country, whatever. There’s no way that we will be able to get one for the UK as a whole or for England because the geographical area is too large” (Personal interview, September 25, 2013).

By virtue of being ‘lost’ this representative is suggesting that the Cheddar name is something that was once possessed but that was unable to be retained and, having succumbed to genericide, cannot be recovered. He also refers to the generic status of Cheddar as indisputable common sense, thereby enforcing its incontestability and mythical position. His statements convey a sense of inevitability and powerlessness – that there was essentially no way to stop the evolution of Cheddar’s meaning as it travelled with immigrants to new lands, which over time severed its link to the original area of origin. But he also mentions that there is no ambition in the UK to try and protect Cheddar, which suggests that a strategic mobilization of political action to do so, through such discursive strategies as gastro-panic, is required to overturn a declaration of genericity. He also remarks that it would be impossible to acquire protection even if there was, as it was already mentioned that generic names

are prohibited from being registered as GIs. ‘Cheddar’ itself is in fact not protected under any European legislation but has thus far only been granted a GI when accompanied by geographical qualifiers to form compound terms such as ‘WEST COUNTRY FARMHOUSE Cheddar’ or ‘ORKNEY SCOTTISH ISLAND Cheddar.’ And one cheese award show representative exclaimed, “Let’s be honest, no one can re-claim Cheddar” (Personal discussion, November 28, 2013).

Next, there is further evidence that Cheddar epitomizes genericness under GI legislation around the world. In an interview with an Italian professor (Personal interview, February 25, 2013), Cheddar was casually referred to as an example of a homogeneous good – a good produced in bulk, large quantities as a commodity as opposed to a heterogeneous good, such as a GI product, that is differentiated. This has the effect of stripping the name of any uniqueness to emphasize its uniformity of composition and character. Finally, Cheddar is the only example provided on the WTO TRIPS website of a name that has become generic and falls under the exception in Article 24, referring to a *type* of cheese rather than one produced in a particular area of the UK (WTO 2008) and giving the impression that Cheddar is a global generic term.

Once geographical names become genericized they eventually “form part of the general cultural and gastronomic stock and may, in principle, be used by any producer” (Canadane v Hellenic Republic 1997: para 28). This is important because it means that cheese-makers all over the world are entitled to use the term Cheddar despite the fact that production techniques vary. Many countries including Canada, the US, Australia, and New Zealand have adopted national legislation mandating conditions of production under the generic name Cheddar and standards differ from one place to another. In the US for example there is surprisingly no requirement that

‘cheddaring’ – a practice where the curd is cut, stacked, and turned to drain the whey and is assumed to distinguish Cheddar from other cheeses – be an integral part of the production process or that the cheese be aged for any specific amount of time. In many cases it is produced using a faster method called “curd stirring” (Thorpe 2009) and any cheese may be called Cheddar so long as it meets basic compositional criteria – specifically a milkfat content of 50% and a moisture content of 39% (FDA 2013).

A lack of concern and hostility towards those producing Cheddar around the world is evident in the abovementioned comments, and these are two crucial criteria for identifying a gastro-panic. Thus, their absence implies that no panic has arisen but rather that the meaning generated by the name, which indicates a generic *type* of cheese rather than a particularistic one exclusively produced in a designated area of the UK, has been naturalized to appear as indisputable fact or common sense. Consequently, in Barthesian terms the genericity of Cheddar has become myth and the name serves as a form that carries the concept of genericness, which deprives it of its history and transforms it into a mere categorical type. The myth does not hide the cheese’s origins but rather distorts them and makes them disappear (Barthes 2009: 145). By banishing its historical linkages the name on its own is subjected to a life of commodification. The signification of genericism prevents the registration of the name as a GI while bolstering the interests of global dairy industries by representing a widely recognizable kind of cheese. And because its generic connotation has become accepted as ‘normal’ it acts as a conceptual map of meaning through which to make sense of the name as well as legitimate the clause in EU and WTO legislation that ensures the un-protectability of generic terms. Hence, when a consumer enters the cheese section of a supermarket multiple Cheddars compete for

their attention and give an impression of similarity that must be differentiated with a further layer of meaning such as ‘West Country Farmhouse.’

#### **5.4. Demythologizing Genericism**

However clear it may seem, aside from relying on general agreement as to the status of Cheddar, in reality proving that a name has become generic is no easy task. A main problem in defining genericness lies in where the measurement would apply; for example, is the name considered generic at the national, EU, or global level? This becomes ever more important as dairy industries increase trade across borders. Barthes argues that it is crucial to deconstruct myth because it can be used to serve particular ideological positions and interests. In the following sections I critically demythologize the supposed genericity of Cheddar to further reveal that the generic status of a name, even one as taken-for-granted as Cheddar, is a constant site of discursive construction. From this analysis genericism emerges as an ambiguous, complex, and unstable concept.

##### **5.4.1. Uncontested in a world of contestation**

I have asserted that Cheddar is, for the most part, one of the world’s least contested cheese names. This is an assertion I base on the apparent naturalization of its genericity and the fact that producers in the UK have never attempted to secure exclusive use of ‘Cheddar’ as a singular term. I have also provided evidence pointing to widespread agreement that the name is definitively generic. And because the security of the term and those who produce it is not deemed threatened, no gastro-panic has manifested surrounding its use and generic production has not been securitized.

However, I must briefly explain my inclusion of the qualifier ‘for the most part.’ Some NW cheese producers have recently expressed concern over the security of the Cheddar term and its open use. Such discourse has the makings of a security issue where the use of Cheddar, as an endangered referent object that needs to be protected, is perceived to be at risk from the existential threat of European GI protection. An objection was raised by three non-EU organizations to the registration of ‘Orkney Scottish Island Cheddar’ based on concern over the protection of the component term ‘Cheddar.’ Similar concerns have emanated from the ambiguous protection of compound terms in bilateral agreements that will be discussed in the sixth course, such as the agreement with China where ‘West Country Farmhouse Cheddar’ is protected, and has left some actors fearing for the continued use of the single term ‘Cheddar’ in the Chinese market (Morris 2011: 2). Finally, a US magazine blog suggests that there exists “growing pressure within the U.K. to expand the legal protection of cheddar” (McDonough 2013) and American author of *Cheese and Culture* Paul Kindstedt (2012: 216) expresses worry that the European reinterpretation of certain names including Cheddar could someday require “Vermont Cheddar” to be renamed despite its “long and proud history.”

Regardless of these concerns, I still maintain that Cheddar may be currently viewed as an uncontested term that is not the subject of international negotiation and contestation or competing gastro-panics. This may be evidenced through the Scottish government response to the aforementioned objection. The objectors were assured that protection was only sought for the whole name and not Cheddar on its own (Email interview, September 26, 2013). Additionally, a clause in the response document states that the name ‘Cheddar’ may still be used within the EU (Commission Implementing Regulation (EU) No 1186/2013). The European



Commission also issued a statement following perceived misunderstandings of the Consortium for Common Food Names (CCFN), a lobby group based in the US that has made active attempts to preserve the right to use GGIs in global commerce. The Commission stated that, “The suggestion made by the Consortium, that names that have long been generic such as “mozzarella”, “brie”, “gouda”, “edam” or “cheddar” could be used anymore is incorrect. Those names are not protected as geographical indications in the European Union” (European Commission 2012). And although there is a contemporary movement to re-connect the quality of certain Cheddars to their origin in the region of Somerset and its surroundings, this is occurring more as a mode of product differentiation in a competitive market context than an attempt to secure legal protection for the name through *terroirism*. Whether or not this changes in the future is another matter and something that will be addressed in the final section of this course.

At any rate, as an uncontested name Cheddar is unique in the world of cheese because it has not been subject to lengthy and complicated legal and political disputes that have plagued the use of many others. I demonstrated Parmesan to be one of the most prominent examples of a contested cheese name in the previous course. But there have been other cases where producers have sought to register names that other countries around the world consider to be generic. The purpose of this section is to discuss additional cases of contested cheeses in order to exemplify and question the uncontestedness of Cheddar and further expose the unstable and socially constructed nature of the myth of genericism.

## 1. Feta and intra-EU contestation

To begin, the controversial case of Feta was the first instance under European regulations to confront the issue of genericism and illustrates the dynamic and fluctuating nature of generic status. Problems at the European level initially began in 1994 when Greece requested that Feta be protected as a PDO within the EU. This was accepted in 1996 to the dismay of Feta-makers in Denmark, Germany, and France. In order to secure a degree of protection for their producers, these countries challenged the decision on the basis that Feta was produced in large quantities outside of the country and had become the generic indicator for a type of white cheese in brine, and that this was the case even within Greece where cheese was imported under the name. A lengthy court battle that ensued whereby the PDO was revoked and then reinstated, culminating in the final 2005 decision to award exclusive rights to producers within the territory of Greece. A summary of events is illustrated in Table 5.1 (Canadane v Hellenic Republic 1997; Federal Republic of Germany v Commission 2005a).

Like Parmesan, this case pitted claims-makers employing competing discursive strategies against one another. The Greeks used *terroirism* to demarcate Feta as a uniquely Greek product in order to secure exclusive rights to the use of the name while their opponents were guided by an oppositional position of genericism in order to maintain their use of it. The final decision resulted in a disproportionality whereby it became legitimate to withdraw rights from producers and manufacturers in other EU countries and to assign extra rights exclusively to Greek cheese-makers. This strategy of social division was built upon the Greeks' ability to successfully define what counted as the 'proper' production of 'authentic' Feta and 'improper' production of its 'inauthentic' counterpart.

Regardless of the final ruling, the decision over Feta has not been easily digested both within and outside the EU and its legitimacy is still in question (Stærk Ekstrand 2006; Gangjee 2007). Critics have drawn attention to the fact that Feta itself is not a geographic area of Greece but an Italian-derived name that means ‘slice’, ‘slab’ or ‘chunk’ that is used widely throughout the Balkan region. Additionally, they pointed out the absurdity of the entire country of Greece being the designated area of production. One informant called the case “an absolute disgrace” and “a political stitch-up,” baffled that the European court could have ruled in favor of its protection despite so much evidence pointing to its genericity and the fact that it had long been produced in other countries throughout the EU (Personal interview, September 25, 2013).

**Table 5.1: Timeline of the Feta Case**

<b>Year</b>	<b>Event</b>
1987	Greece begins to enact legislation to protect the name ‘Feta’ as a geographical name
1988	Development of production and marketing regulations for Feta in Greece begins
1991	Feta from Denmark seized at Greek border
1994	Greece applies for Feta PDO
1996	Feta is registered as PDO
1999 (March)	Feta registration annulled following objections
1999 (October)	Member States given questionnaire to determine connotations of Feta in minds of consumers
2001	Scientific Committee declares Feta <i>not</i> to be generic based on consumer associations with Greece and use of Greek symbols in marketing
2002 (October)	Feta is re-registered as PDO
2002 (December)	Germany, Denmark, and France apply for annulment of decision
2005	Request dismissed, Feta remains registered PDO

The UK cheese association representative I quoted in section 2 stated that it would be impossible to secure a GI for Cheddar designating the whole of the country as the geographical production area because it was too large. However, this did not

prevent Feta from being registered as a PDO and is allowed under the regulations in exceptional circumstances. A case like this makes it seem less inconceivable that a name like Cheddar, which is actually derived from a town in an area of the UK where the cheese was historically produced, might become protected if its meaning is actively re-constructed. This possibility was reiterated following the Feta ruling by the head of the Danish Dairy Federation in Brussels who was quoted as stating, “The door is now open for other cheeses such as cheddar or camembert to apply for PDO status” (Jones 2005). And in actuality, one European lawyer I spoke with commented on how, “It is much easier to overcome a problem based on genericness in the EU than to overcome a problem based on genericness for trademarks...Feta as a trademark would have never been approved. The standard of distinctiveness was not sufficient” (Phone interview, April 20, 2013). Nevertheless, it is possible to imagine the outcry that would ensue if producers of Cheddar were to seek protection.

## 2. Emmental and bilateral contestation

Feta is one instance where a cheese name has been the subject of much legal and political wrangling but another case is that of Emmental. Emmental highlights the negotiated position of generic names when dealing with bilateral relations when a non-EU country attempts to protect a name that those in the EU consider to be generic. In 2004 cheese-makers in Germany, Denmark, France, Austria, and within Switzerland contested a Swiss decision to award protected status to Emmentaler cheese. A food system security issue arose as the EU and Switzerland were undergoing discussions to formulate a FTA, which non-Swiss producers feared could threaten their use of the name. Emmental is unprotected in the EU and like Cheddar is incorporated into protected compound designations including Allgäuer

Emmentaler (PDO) in Germany and Emmental de Savoie and Emmental français est-central (PGIs) in France. Opponents argued that the majority of cheese by the name Emmental is produced in non-Swiss countries. In fact, France is the largest producer of the cheese (Bulman 2004) and it is also one of the most popular cheeses in Germany, having been produced there since the early 1800's. But as was indicated in the case of Parmesan, greater production levels outside the region of origin are sometimes not enough to solidify the genericity of a term.

**Table 5.2: Status of Emmental in Bilateral Agreements**

<b>Bilateral Treaty</b>	<b>Year</b>	<b>Name Status</b>
Swiss Confederation – Federal Republic of Germany	1967	Use allowed indicating country of manufacture
Swiss Confederation – Socialist Republic of Czechoslovakia	1973	Protected, use restricted
Swiss Confederation – Republic of France	1974	Use allowed indicating country of manufacture
Swiss Confederation – Spain	1974	Use allowed indicating country of manufacture
Swiss Confederation – Republic of Portugal	1977	Protected, use restricted
Swiss Confederation – People's Republic of Hungary	1979	Protected, use allowed indicating country of manufacture for limited period
Swiss Confederation – Russian Confederation	1994	Protected, use restricted
Swiss Confederation – European Union	2011	Unprotected

Opponents to the registration of Emmental also contended that the name was the victim of genericide on the basis that it had been standardized in an agreement between Switzerland and Germany and within the CAC (Dairy Industries International 2004). But as is shown in Table 5.2 above (Swiss Federal Institute of Intellectual Property 2014), the genericity of Emmental varies depending on the bilateral agreement and its status was most probably the result of trade negotiations

rather than objective empirical assessment in each national context. Interestingly, protection for Emmental is absent in the text of the recent EU-Switzerland agreement on GIs (Council Decision 2011/738/EU). This implies that no decision was reached honoring Switzerland's protection of the name and is unsurprising considering the European Commission has previously claimed that Emmental had become a "generic expression" (Swissinfo 2004). Still, similarly to the case of Cheddar no court cases have substantiated such a claim. Thus, in many instances the status of terms appears to be decided through political negotiations rather than validated through the courts.

### 3. Gruyère and global contestation

Lastly, disagreement surrounding the registration of Gruyère as a protected GI illustrates the controversial nature of attempts to protect a name that those in non-EU countries consider to be generic. According to Dalby (2009: 26-7), Gruyère originated in Switzerland but has been imitated in France since the late 17<sup>th</sup> century. The composition of the cheeses differs and the body of the French Gruyère is indented by lots of small holes that do not appear in the Swiss variety. Both countries have sought protection for the name, which led to conflicts in the past. Gruyère from Switzerland was originally granted protection in the EU through a bilateral agreement that granted EU producers a 5-year transition period to phase out use of the name (Council Decision 2011/738/EU). As a result, French producers were denied their request for protection (RFI 2010). But in 2012 this decision was overturned and Gruyère from France was granted a PGI under one condition: that the name Gruyère is clearly accompanied by the country of production (France) so as not to mislead consumers. The avoidance of consumer confusion by simply indicating the country of origin on a product's packaging calls into question EU

arguments that a higher level of protection is required for agri-food product names around the world.

**Table 5.3: Contested Cheese Terms**

<b>Proposed Name Registration</b>	<b>Registering Country</b>	<b>Contested Component</b>	<b>Objectors</b>
Feta	Greece	Feta	Denmark, Germany, France
Gruyère	Switzerland	Gruyère	France
Gruyère	France	Gruyère	Australia, New Zealand, NMPF, USDEC
Gouda Holland	Netherlands	Gouda	Germany, Czech Republic, France, Austria, governments of Australia, New Zealand, and the US, Dairy Australia, Dairy Companies Association of New Zealand, NMPF, USDEC
Edam Holland	Netherlands	Edam	Czech Republic, Germany, Finland, Austria, Slovakia, governments of Australia, New Zealand, and the US, Dairy Australia, Dairy Companies Association of New Zealand, NMPF, USDEC
Emmental	Switzerland	Emmental	Germany, Denmark, France, Austria, producers in Switzerland (received total of 64 objections)
Orkney Scottish Island Cheddar	UK	Cheddar	Dairy Australia, Dairy Companies Association of New Zealand, CCFN

An interesting aspect of this case is also that a number of groups from the US, Australia, and New Zealand contested the registration on the basis that Gruyère is not the name of a region in France and also provided evidence to demonstrate its genericity (Commission Implementing Regulation (EU) No 110/2013). The objections of non-EU groups to the registration of cheese terms have become more numerous in recent years and third country governments and industry organizations have sent objections to the registration of ‘Edam Holland,’ ‘Gouda Holland,’ and ‘Orkney Scottish Island Cheddar,’ which along with the previously discussed

cheeses are displayed in Table 5.3 (Commission Regulation (EC) No 1829/2002; Bulman 2004; Swissinfo 2004; Commission Regulation (EU) No 1121/2010; Commission Regulation (EU) No 1122/2010; Commission Implementing Regulation (EU) No 110/2013; Commission Implementing Regulation (EU) No 1186/2013). This is because they view their security in the use of these terms to be threatened by GI protection.

Based on the aforementioned cases it becomes clearer that GGIs, as a security object, are a continuous site of negotiation and contestation within an international context and their meaning is the outcome of politics and plays of power. Barthes states that the meanings of concepts are rarely stable or unproblematic in practice because their meaning fluctuates. Therefore the sign, or in these cases the food names, are at the center of the struggle over their ownership. The signification attached to each name changes as social actors compete to fix their own meanings in international settings. It is also worth pointing out that in each case a disproportionality, or an imbalance in the conferral of rights to some producers over others, led to feelings of insecurity on the part of producers and governments who considered themselves to be ‘losing out.’ These cases point to genericism as a state of being that is not addressed unless faced with a *challenge* in the form of attempts made by producers or governments to register a term and ultimately offers one of the main tools and lines of defense against proposed GI registrations for cheese names. The generic nature of Cheddar has yet to be confronted as such.

#### **5.4.2. Ambiguity in the EU**

Under EU legislation, GGIs are not eligible to be registered as PDOs or PGIs and are specifically defined as:



“the names of products which, although relating to the place, region or country where the product was originally produced or marketed, have become the common name of a product in the Union” (Regulation (EU) No 1151/2012).

The clause is basically intended to prevent a widely-used term from becoming monopolized by a small number of producers. This means that even if they wanted to, under current perceptions of its genericity Cheddar producers in the UK would have a difficult time claiming exclusivity over the name. Its apparently fixed meaning has the concrete effect of preventing anyone from seeking to acquire protection. But one must then ask – has Cheddar in fact assumed common name status throughout the EU and if so, how do we know this and how was it determined?

In spite of the perceived clarity, since EGI regimes were first institutionalized in 1992 there exists no official definition of genericity or lists that might confirm the genericness of Cheddar. This is because defining the meaning of ‘generic’ or drawing up a list of agreed-upon names was described as “impossible” (Personal interviews, February 22 and 27, 2013) and extremely “difficult” by European informants (Personal interview, May 24, 2013b). Any decision to tackle the issue has been delayed in the EU mainly as a result of it being a very “sensitive” issue (Personal discussion, July 3, 2013; Personal interview, April 20, 2013). Consider, for example, that the original 1992 regulations stated that the European Commission would draft and publish an indicative list of generic names for agricultural products and foodstuffs in the *Official Journal of the European Communities* before the regulations came into force (Council Regulation (EEC) No 2081/92). An attempt was made to compile names the same year during which time the Commission gave each Member State the opportunity to establish their own lists. As the submissions it received were “varied and lacking in detail” the Commission used its own procedure

to adopt a potential list, which considered among other factors whether the name had been suggested by at least 8 Member States (European Court of Justice 1998: para 24). A non-exhaustive list was formulated in 1996 and included a mere 6 names – Cheddar, Brie, Camembert, Edam, Emmentaler, and Gouda – and lacked many others that individual Member States considered to be generic (Europolitics 1996). This aim has since disappeared from subsequent regulations because according to one EU official, although the Member States agreed on an initial list, there were too many further suggested names for which majority agreement was never reached. Thus, there was no further obligation to make the list and no names have ever been published (Personal interview, May 24, 2013a).

In addition, the genericity of Cheddar appears more as a taken-for-granted mythical assumption rather than an objective fact when considering the criteria for establishing the genericness of a name in the EU. There was a general agreement by the European representatives I interviewed that under all circumstances genericness is only legitimate when objectively determined by the courts on a case-by-case basis and substantiated by a large degree of concrete evidence (Personal interviews, February 22, 2013; March 13, 2013; April 9, 2013a; May 24, 2013b; Personal discussion, July 3, 2013). The results of these cases vary and there is no guarantee as to why something is generic or not considering there is no set methodology for determining the genericness of a name. This is surprising considering that genericity is one of the only exceptions where a name may not be registered as a GI and means the difference between the security and insecurity of producers being able to utilize it. Within the EU, certain criteria are considered when identifying genericity that include “(a) the existing situation in areas of consumption; (b) the relevant national or Union legal acts and any other actions deemed necessary” (Regulation (EU) No

1151/2012: Art. 41, para 2). Additionally, following the Feta case it was determined that a GI can be considered as having become generic “only when there is in the relevant territory no significant part of the public concerned that still considers the indication as a geographical indication...” (Commission Regulation (EC) No 1829/2002: para 23). This could be measured through opinion polls or surveys, levels of production and consumption, labelling and advertising, and dictionary use. Therefore, if generic terms are defined by consumer perceptions then the test for Cheddar should be empirical. However, the name has never been subject to court proceedings or empirical analyses gauging consumer perceptions either within the UK or in the EU as a whole.

Since it is deemed to be a matter for the courts there are also no instruments within the European Commission to distinguish genericity. This is surprising considering that in the Parmesan case the ECJ declared, “It is for the Commission to determine whether a name is generic or not under the Regulation...” (European Court of Justice v Bigi 2002: 6, para 39). In addition, the way in which the system works in the EU has been cause for concern (Personal interview, May 23, 2013). The first step in which the issue of genericity may be raised is at the Member State level where the application for a name is first received. If the genericity of a name is questioned it must initially be proven there. If no objections are raised the application is forwarded to the Commission for review. The Commission does consider the generic nature of a name in its initial review but once an application is deemed complete and acceptable it is subject to a contestation period of 3 months during which time other Member States and third countries are able to contest its registration based on assertions of genericness. This pits the country of origin – where a name is declared to be specific – against other countries who view it as

generic and unprotectable. According to one European representative, “Within the contestation period there is no ‘pressure’ to find an agreement and often times the registration is still pushed through. But then the probability is that it ends up in front of a court” (Personal interview, May 23, 2013). Genericism is then used as a defensive tool in order to block the registration of a proposed name.

Instead, names are declared to be “not protected” or “not protectable” because, “The moment you say something is generic, this is making a charge that needs to be substantiated” and the costs and time spent on extensive litigation are best left avoided (Personal interview, May 24, 2013a). For instance, there are a number of names listed in the initial 1996 registrations that include footnotes expressly specifying that applicants did not seek certain constituent parts of compound terms for protection. Here, ‘Cheddar’ was cited as a component of ‘West Country Farmhouse Cheddar’ that producers were not seeking protection for (Commission Regulation (EC) No 1107/96).<sup>25</sup> This has the effect of suggesting the genericity of the term. But unless there has been a court case to substantiate such a claim it still does not mean that the name is definitively generic. As well, the practice of indicating through a footnote the unprotected parts of compound GIs, which was the case in the West Country designation, ceased after 1998 when the ECJ ruled that compound terms would only be protected in their entirety and not as individual units even if they incorporated a generic term (Criminal proceedings 1998: para 34-9). The lack of such a footnote was a main factor in contributing to the insecurity of cheese-makers around the world and motivating the previously-mentioned objection to the registration of ‘Orkney Scottish Island Cheddar’ because it was unclear

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<sup>25</sup> Other components of compound cheese terms that were recorded as not being sought for protection included: Graviera, Chabichou, Crottin, Picodon, Sainte Maure, Tomme, Camembert, Emmental, Brie, Canestrato, Pecorino, Provolone, Caciotta, Mozzarella, Edammer, and Gouda (Commission Regulation (EC) No 1107/96).

whether or not protection was being sought for the term ‘Cheddar’ on its own. Cases like Parmesan, a translation of the compound term Parmigiano-Reggiano, have also contributed to increasing complexity in this area. And for example, the term ‘Grana’ in ‘Grana Padano’ is protected as a single term in a bilateral agreement between the EU and South Korea.

The terminology in the EU refers to terms with multiple components as ‘compound GIs’ whereas in other countries such as the US these might be classified as ‘semi-generics’ and are used to distinguish wine terms such as ‘California Champagne.’ According to Pager (2006: 6, original emphasis), such rules have been offered as a compromise to balance competing interests over the use of particular terms in the GI debate because they “recognize that many GIs have a *dual meaning*, describing *both* the specific *geographic origin* of a good as well as serving as a more general descriptor for a *type* of product, independent of its origin.” But referring to compounds as ‘semi-generics’ is highly controversial, which was indicated by one EU lawyer who stated that, “If you talk about semi-generics some people in the EU will kill you. Because that’s an expression, as you know, pretty much used in the US” (Phone interview, April 20, 2013). And according to a European agricultural official, the idea itself is contradictory because “either something is generic or it’s not” (Personal interview, May 24, 2013)

Next, genericism was declared to be something that cannot simply be *assumed* based on the use of a name outside the territory of origin. One Italian representative raised the issue of Asiago; a cheese name protected in the EU but considered to be generic in the US. He pointed out that the status of the name was not ruled by any judge and was therefore delegitimized as an “assumption” (Personal

interview, February 22, 2013). Though, presumptions as to the generic nature of certain names are also evident within the EU. One Member State official I spoke with who manages PDO and PGI registrations commented that “there are some things where you just think, oh of course that’s generic...” (Personal interview, March 13, 2013) and there is a clear absence of any official lists or court cases involving Cheddar. When asked why Cheddar was not protected one UK government official admitted that they did not know but offered a possible explanation that it was “because ‘cheddaring’ is a straightforward process compared to producing Parmesan. You don’t need to look after it like Parmesan and there are differences in the production process” (Personal interview, March 13, 2013). Yet, this runs contrary to the production of artisanal handmade Cheddars produced in the original region of origin that will be discussed in the final section. These cheeses require every bit as much care and attention as famous cheeses such as Parmigiano-Reggiano. Their production is considerably labor-intensive and vintage Cheddars are aged for over 2 years with some now being aged for 3 (Personal interview, September 25, 2013). Finally, because Cheddar is so widely produced this sometimes implies that the high levels of production outside the region of origin are enough to justify its genericity. One cheese-maker offered the suggestion that Cheddar might not be protected because the government considers that it “stops innovation to some extent” and that it “would be difficult to stop them making it everywhere else” (Phone interview, March 18, 2013). But as was demonstrated in the case of Parmesan, high production levels are not necessarily proof of genericness.

### 5.4.3. Conflicting nature of international Codex standards

As I mentioned in the first section of this course, the use of Cheddar as an example of a generic term within the WTO makes it appear as though it has global generic status. It might also be tempting to verify this by pointing to its standardization under the CAC, which Echols (2008: 182) states confirms a name's genericity and open use in international trade. However, when referring to the multilateral level it was regularly reiterated by both EU and non-EU interviewees that genericism is a territorial concept (Personal interviews, May 24, 2013a; April 11, 2013; April 9, 2013a). One informant stated that genericness "is not a static thing, it's not [something] that you can sort of define once and for all, and for everyone, in an extraterritorial manner..." (Personal interview, April 9, 2013). This is also supported within Article 24 of the TRIPS agreement which states that, "Nothing in this Section shall require a Member to apply its provisions in respect of a geographical indication of any other Member with respect to goods or services for which the relevant indication is identical with the term customary in common language as the common name for such goods or services *in the territory of that Member*" (WTO n.d., emphasis added). This clause stipulates that it is up to each national jurisdiction in individual countries to objectively assess whether a name is generic or not *within their borders*. If it is deemed to be the case then they are exempted from the obligation to grant GI protection to the term but has no bearing on its use in other Member countries. That being said, there have been attempts to overcome the territoriality of name protection through, for example, the institutionalization of clauses in trade agreements that ensure protected terms cannot be deemed to have become generic and cannot fall victim to genericide so long as they are protected as GIs in the country of origin (WIPO 2002).

Moreover, it is important to emphasize that the role of Codex and the implications of its international standards are understood in different ways. In two interviews that I conducted with European officials, Codex standards were described merely as *optional* guidelines, references, or *voluntary* standards deemed feasible at the global level rather than specifying the genericity of terms, the general belief being that a Codex term is not necessarily a generic term (Personal interviews, May 23, 2013 and May 24, 2013b). According to one EU trade official, “Third countries lay standards and make lists, then it is supposed to be generic, but we think it [Codex] is just a standard” (Personal interview, May 24, 2013b). This assertion contradicts the position taken with regard to the creation of a Parmesan standard in the previous course, which was perceived by actors as institutionalizing the genericity of the term. Codex has also been used strategically by EU actors to support genericity claims to other names such as Emmental:

“While it would appear appropriate to protect a designation such as ‘Emmentaler Switzerland’ as a registered designation of origin, it is unacceptable that ‘Emmental’ should become a protected designation of origin, as its generic character is recognised in Codex standard C-9” (Parliamentary Questions 2007).

Codex standards are not immune from being protected even within the EU itself where applications to grant GI protection to two standardized names – Danbo and Havarti – are being processed, resulting in a heated reaction from dairy industries in many non-EU countries who view Codex names as having “become generic because they list a specific type” of cheese (Personal interview, April 11, 2013). This oppositional viewpoint will be discussed in more detail in the sixth course but it is worth drawing attention to the contradictory position and use of Codex as both a means of verifying *and* resisting genericity. It also makes apparent the impossibility of referring to Cheddar as a definitively *global* generic term.



## **5.5. Gastro-silence**

Cheddar continues to be important in its country of origin and many consumers connect the name to the UK. The question thus remains as to why no gastro-panic has arisen surrounding its use and why there has been a complete absence of political will on the part of UK actors to galvanize the protection of Cheddar? The contested cheese cases I have discussed thus far indicate that genericide is not necessarily set in stone if there is deliberate political action, such as through a discourse of gastro-panic, designed to prevent or reverse it. There is some concern and hostility evident surrounding the use of Cheddar. However, without a wide enough consensus on the part of claims-makers that its outside use constitutes a threat, it cannot be said that a gastro-panic is afoot. Therefore, in the following sections I compare Cheddar to Parmesan in order to better understand why no discursive struggle has emerged surrounding the protection of Cheddar. I argue that there are 3 key differences in the approach to the two names that help explain the variations in their protection: (1) historical attempts or lack thereof to protect the name, (2) differing ideological perspectives and level of government involvement, and (3) characteristics of producer consortiums including organization, cohesion, and approaches to GI protection.

### **5.5.1. Cheddar: A cherished referent object in the UK?**

Cheddar has always been and continues to be an important cheese in the UK for both economic and cultural reasons. In a study performed by Sainsbury's supermarket based on data representing its 12 million customers, Cheddar holds the top spot as the country's most popular cheese (J Sainsbury plc 2011). And out of the over 700 cheese varieties produced in Britain, it comprises over half of all cheese purchased (British Cheese Board 2014b). In recent years more has been done in

Britain to celebrate the cheese's origins and place in British food history. In one news article Cheddar was referred to by Nigel White of the British Cheese Board as a "national treasure" (BBC News 2012a). His organization recently held a competition challenging the musically-inclined to write the best "National Anthem of Cheddar" in order to draw attention to its importance as a cultural icon (British Cheese Board 2012). Such events are intended to reinvigorate Cheddar's taken-for-granted status in the minds of the consuming public by raising awareness of the heritage and quality of Cheddars today. As one UK cheese association representative put it "there's no doubt in our mind, the best Cheddar is still made in this country, despite the fact that there are huge quantities made in the USA, Canada, Australia, New Zealand, and various countries across the world" (Personal interview, September 25, 2013).

There are also some who lament the lost connection of Cheddar to its home in the UK. Patrick Rance (1982: 6), author of *The Great British Cheese Book*, expresses this regret eloquently by exclaiming that, "There is a sad aspect...to England's casual way with names. The honourable name of Cheddar has been given away to all the world, and is now equated in its home country with mouse-trap fodder by those who only know it through eating cheese that should never have been borne its name." And though it is probably not widespread enough to constitute a consensus, discussions surrounding the cheese in online blog postings, comments, and news articles indicate that some have questioned the taken-for-granted status of Cheddar and view the outside use of the name with hostility as a misuse of the real thing. In one instance a blogger reacted angrily to the proposed registration of 'Orkney Scottish Island Cheddar' and its shameful misuse of the 'Cheddar' name. He exclaimed, "Rather than going for name protection, the makers of Orkney Island

Cheddar should be prosecuted under EU legislation for misappropriating the Cheddar name” (Chairman Bill 2011). Others have suggested that mass-produced Cheddar should be labelled as “Cheddar-style” since it is a distinctly different cheese from artisanal varieties (Anonymous n.d.; Gerrie 2012). Another blog post asked, “Is it really fair that Cheddar can be made anywhere?” (Pascal 2011). The author asserted that the deemed genericness of the name should not prevent its protection and points out that many around the world also viewed the protected name Champagne as generic and French producers were able to get it protected. They went on to state that, “It’s nonsense that Wales, Ireland and Canada can produce Cheddar. Can you imagine the uproar if Cheddar was in France?” In a poll at the bottom of the posting asking whether people thought that Cheddar should be given its own protected designation, out of 40 people 80% chose “Yes we should fight to protect our proud heritage, only Cheddar coming from the West Country should be allowed to be called Cheddar” while 20% selected “There are too many Cheddars now, it’s too late to legislate” (Pascal 2011).

From a consumer perspective, also consider that the importation from abroad of a large amount of the Cheddar purchased in Britain is unbeknownst to many. But there has been a backlash against foreign Cheddars parading around as if they wholly originated within the country, which is reflected in an increasing number of articles devoted to educating British consumers about how to choose a quality and locally-produced Cheddar amidst a sea of mass-produced foreign imports and at the same time enhancing consumer awareness of the difficulties facing domestic dairy producers (Fernandez 2009; Jackson 2011; Gerrie 2012; Gray 2012). Consumers are exhibiting shifting preferences to foods produced locally, which are often assumed to be of a “better” quality and perhaps even “safer” than “imported food” (Nygard and

Storstad 1998: 48). Notions of high quality are also being tied to local distinctiveness, traditionality, and artisanship. In addition, tastes for Cheddar in Britain have changed. Not too long ago the majority of Cheddars were aged for less time and characterized by a milder flavor. Shorter maturing periods fit the industrial model well because it meant that the cheese could be marketed sooner, thereby reducing aging costs. But today the most popular Cheddars fall into the mature, extra-mature, and vintage categories, assuring that the cheese was aged for a minimum 9 months (Personal interview, September 25, 2013).

The current treatment of Cheddar in the UK indicates that there is some concern over the image of Cheddar, hostility towards the open use of its name, and insecurity as to the source of its production. Yet, it cannot be said that Cheddar is a referent object because there is minimal discourse indicating that it is somehow endangered and in need of protection.

### **5.5.2. Tracing the de-localization of Cheddar**

As myth, Cheddar's perceived genericide is a product of history and did not simply evolve from the nature of things. In order to further deconstruct the myth it is important to take account of the history of the cheese to better understand how the meaning of Cheddar has evolved. The name itself claims a history as long as Parmigiano-Reggiano and was derived from the town of Cheddar around 800 years ago (British Cheese Board 2014a). In the past Cheddar cheeses were very much linked to their area of origin and though production was not restricted to the town itself, its use was only permitted to designate cheeses made within 30 miles of Wells Cathedral in the county of Somerset (The Cheddar Gorge Cheese Company 2013). It was here that the unique stage of the cheese-making process known as 'cheddaring'

was developed and the cheese was stored and matured in nearby caves. Early Cheddars from this region were extremely popular in the courts of Kings and in many cases demand outstripped supply, resulting in the cheeses being “sold before they were made” (Dalby 2009: 23). Cheese produced in Cheddar garnered an impressive reputation and in the early 18<sup>th</sup> century Daniel Defoe (1962: 278) proclaimed that “without all dispute, it is the best cheese that England affords, if not, that the whole world affords.”

The disconnection of Cheddar’s meaning from its place of origin could be attributed to the actions of imitators, scientific advances, the increased industrialization of dairy production, and the emigration of cheese-makers abroad. What happened to Cheddar is a familiar story in food production and is similar to what occurred in the history of Parmigiano-Reggiano – the reputation and historically high price commanded by the product spurred a significant number of copies outside the region of origin by imitators who sought to take advantage of the reputation and premium attached to the cheese, which before long began to cast a shadow over the original (Dalby 2009: 24). This use is not always the result of producers maliciously free-riding on the name to maximize their own financial gain but can also be done by immigrants who desired or were forced to continue their culinary traditions in other territories. For example, food was vital in shaping the identities of poor Italian immigrants to the US who re-created their traditional foods using locally-sourced ingredients due to the high cost of imports from Italy (Dickie 2007: 235-47). But the difference between the history of Cheddar and Parmigiano is that no one considered the outside use of the name to be compromising their security and took active steps to prevent it.

Furthermore, the production of Cheddar was affected over time by the Industrial Revolution in Britain and abroad. This period had a profound impact on dairy and traditional cheese-making practices, which were progressively mechanized in an attempt to maximize and profit from large-scale production (Linford 2008: 10). Amidst these broader societal changes, influential and experimental cheese-makers pursued scientific experimentation in order to improve the efficiency of cheese manufacturing. The most infamous personality as far as Cheddar history is concerned was Joseph Harding, otherwise known as the “Father” of modern Cheddar (Heeley and Vidal 1996: 15). In the 19<sup>th</sup> century he developed a number of new techniques and inventions that systematized the practices of Cheddar-making to enable more efficient production, thereby resulting in its standardization. He published widely and openly and was pivotal to the spread of Cheddar-making knowledge and methods around the world, having being consulted by cheese-makers in Scotland, Denmark, America, and elsewhere. His sons were also instrumental in establishing the system in Australia and New Zealand (Heeley and Vidal 1996). What is particularly interesting is that rather than attempting to *prevent* the open use of Cheddar as was the case with Parmigiano-Reggiano, “The process of imitation was actively encouraged by leading figures in English cheese-making” (Blundel and Lockett 2011: 373) and spread by British emigrants around the world. Rather than being securitized as a threat to the security of the cheese’s production methods, generic production was instead viewed as a source of pride and shared innovation.

Throughout the 20<sup>th</sup> century a combination of external factors continued to have a major impact on Cheddar’s territorial links. What happened to the cheese throughout the industrial phase of history fits into what Marsden and Sonnino (2005: 50-2) refer to as the “agro-industrial paradigm,” which was characterized by the

globalized manufacture of uniform, undifferentiated goods. It is within this paradigm that the relations of production within the food system were de-localized, becoming characterized by mass-production, placelessness, and standardization. In the UK the establishment of the heavily-regulated Milk Marketing Board monopolized the buying and selling of dairy products (Blundel 2002). Changes in the regulatory environment of Britain after the Second World War further centralized cheese-making systems and new compositional standards led to increasingly homogenized products. This was exacerbated by the rising power of supermarkets, which fostered a demand for low-cost, efficiently-produced, packed, and standardized cheeses (Linford 2008: 12). During this time the number of dairies producing Cheddar in the UK and particularly in the region of origin was seriously diminished and smaller producers were subsumed by their industrial counterparts. Slow Food UK (2014) states that today, “Barely 5% of the 400 producers who made Cheddar in the cheese's home territory—the county of Somerset in southwest England—a half-century ago remain in business.” There is currently only one cheese-maker within the town of Cheddar itself – the Cheddar Gorge Cheese Company – that not long ago resumed cheese-making operations.

The use of a name by producers outside a region of origin, which has evidently been the case with Cheddar, can eventually lead to genericide and the de-localization of its meaning (Federal Republic of Germany v Commission 2005: para 135) and is something that GI systems of protection were designed to prevent in various European countries; however such a system was not formerly in place in the UK. The lack of previous regulations along with consumer indifference and the inaction of officials in confronting misuse can intensify the genericization process (Federal Republic 2005: para 135), which proceeds over time and, “As the

geographical link weakens, producers continue in good faith, believing that the name in question refers only to a type of product having certain characteristics. The transformation is complete when the name refers to a category and is used freely” (Federal Republic 2005: para 134). The widespread use of Cheddar through the openness in spreading its production techniques, the emigration of cheese-makers to other countries, and the lack of political action to restrict use of the name may be considered as having contributed to its de-localization over time and the naturalization of its genericness.

### **5.5.3. Ideological divides and the state**

Cheddar is not the only cheese name to have experienced a historical de-localization. Many famous names, which Dalby (2009:15) calls “escaped cheese names,” have spread around the world through waves of immigration and widespread use (Kindstedt 2012) and some like Parmesan have acquired or are being sought for protection in the EU and Switzerland that others around the world view to be generic. Genericization is thus not an inevitable process that leads to a definitive and irreversible endpoint and is less straightforward than it may seem. The meaning attached to cheese names is not a static condition but rather something extremely malleable.

Cheddar is unique in that its accepted genericness has seemed to remain much more stable than others and has to do in part with the situation within the country of origin. No security issue has arisen surrounding its use as the name and those who produce it were never considered to be referent objects in need of protection. The UK is exceptional in its disregard to the protection of Cheddar even among countries such as the Netherlands who have similar “market-driven” cheese-



making histories (Kindstedt 2012: 180). At one point Holland was “arguably the most industrialized, technology-intensive, specialized, and successful (as measured in market penetration) cheese-producing country on the planet” (Kindstedt 2012: 184). Yet, even they at one point requested to have ‘Gouda’ protected as a GI within the EU. Their application was denied “due to the accepted pre-existing generic nature of the name” (Eucolait 2013) and “Gouda Holland” was protected instead. Nevertheless, there seems to be an absence of political will on the part of the UK Government to motivate the protection of Cheddar. This was evidenced in my abovementioned conversations with UK officials who admitted that they had no idea why no attempts had ever been made to protect Cheddar.

A reason for this could have to do with the fact that GI regimes and norms have powerful constitutive effects in some European countries but not others and historical, geographical, and ideological divides characterize European Member State approaches to their food cultures and agricultural systems, resulting in very different institutional arrangements and concerns. When compared to its Italian counterpart, the UK appears to be less concerned overall in preserving the identity of their food through the GI system. Although the number of registered products in the country has risen over the years to 57 and interest in the benefits of the schemes is growing (Personal interview, March 13, 2013), it pales in comparison to Italy where 264 products are registered. The protection schemes remain relatively unknown in the UK both to producers and consumers and because of lack of recognition by the latter, producers who opt for protection do so to protect their business interests and to stop others from using their terms as opposed to boosting advertising and profits. Producers also espouse differing conceptions of quality as linked to traditional skills, methods, and hygiene rather than territory (Ilbery and Kneafsey 2000b), and origin is

considered to be less important overall in the quality of products in the UK (Becker 2009).

The historical context could also help explain these differences. In the UK, food and agricultural production were profoundly affected by centralization, industrialization, and standardization and the country's food culture transformed significantly from pre to post-industrial eras (Tregear 2003). Rather than being something that should be preserved, "The continuation of producing traditional products was perceived as outmoded and a residue of a tradition that was exercising a disruptive influence on the modernization process" (Bertozzi 1995: 144) and was progressively phased out. The production and consumption of food was also affected by increased agricultural trade. Since the UK's "comparative advantage was in industry and not agriculture," in the past they exported manufactured products and imported more of their food than most other European countries (Simpson 2004: 85). This contributed to majorly severing territorial links between products and their places of origin, resulting in a food culture that is characterized by a 'placeless foodscape' (Ilbery and Kneafsey 2000b: 319).

To continue, according to Barthes the combination of the denotative word Cheddar and its connotative function as an indicator of a generic type of cheese is what produces ideology. This "third order of signification" (Fiske and Hartley 1978: 30) involves claims-makers' interpretation of reality and conceals the operation of socio-economic structures and modes of ownership. Within Europe ideological positions compete to define how community agricultural policies should be constituted, pitting agricultural exceptionalists against normalists. Italy and many other 'southern' countries tend towards the former, which is a main driving factor in their persistence and legitimation for protecting Parmesan. The link between

products and places tends to be more embedded there and GIs like Parmesan have been historically upheld by governments as important tools for protecting regional traditions and keeping marginal and less-competitive producers on the land. Conversely, along with other ‘northern’ European countries, UK food and agricultural policy is underpinned by a more agricultural normalist and “market-oriented” (Grant 2012: 421) approach where increased liberalization is promoted and interventionism condemned. And because the UK has historically lacked any type of GI protection system and the “revalorisation” of regional foodstuffs is a very recent phenomenon (Tregear 2003: 97), their view of the GI system has “often rested on an assumption that they are an unjustified market intervention, distorting trade and competition within the Community food market” (Parrott, Wilson, and Murdoch 2002: 248).

The state has traditionally played an important role in the protection of GIs. Although this has declined over time in favor of more producer-driven models in some countries such as France where designations of origin have long been institutionalized, the state remains quite active in promoting and even coordinating applications in many countries and particularly where the system is relatively new (Marie-Vivien 2009). Bowen (2010: 209) has indicated that a certain level of “state involvement, in order to level the playing field and empower small farmers, is a necessary, although not sufficient, precondition for successful and sustainable GIs.” Therefore, when comparing Cheddar with Parmesan and other cheese names the differentiated response to genericide could be understood in terms of the differential alignment of interests and state involvement, which are more noticeably inclined against genericism in countries such as Italy, Switzerland, and even the Netherlands where both governments and producers have acted against the genericide of

important terms. Officials within the British Government appear to be indifferent to it and have not made any attempts to forge Cheddar producers into a potentially powerful interest group. This could be the result of the aforementioned historical context and because government officials are guided by a normalist perspective of agricultural policy that does not view the outside use of terms to be a threat but rather a normal part of market functioning.

#### **5.5.4. Re-localization within a market context**

Despite the apparent de-localization of its meaning and production, what was once ‘lost’ is now being ‘found’ and there appears to be a contemporary movement to revitalize the meaning of Cheddar from a placeless generic industrial commodity to a cheese of highly-variable, original, and distinctive characteristics. In many ways this is resulting in a re-localization of the cheese’s quality and reputation to production within the UK. However, it does not currently constitute a *terroirist* attempt to secure disproportionate legal protection for the name and instead represents a process of differentiation within a competitive context where, “While more localistic or ecological conventions are present...they are embedded within an industrial and market context and gain their value *within* that context, not outside it” (Parrott, Wilson, and Murdoch 2002: 256, original emphasis). There have been several attempts to redefine the boundaries of Cheddar in the UK.

##### **1. Proper versus improper Cheddar**

In an article in *The Independent*, the chairman of the West Country Farmhouse Cheesemakers Association was quoted as saying that, "Most people don't understand what has happened with cheddar...You have this modern style of cheddar which is extremely popular and the traditionally made cheddars – two totally

different styles and flavours. Even experienced judges are saying you can't judge them both as cheddar” (Gerrie 2012). The first attempt to redefine the boundaries of Cheddar involved the registration of ‘West Country Farmhouse Cheddar’ as a PDO in 1996 and restricts use of the name to cheeses produced in the traditional area of origin. There are currently 12 dairies licensed to use the name within the 4 counties of Devon, Cornwall, Dorset, and Somerset. This appellation is a good example of a GI that is based more on the traditional skills and methods that give the cheeses their unique character rather than the qualities derived from the geographical area, which is composed of different types of climate and soil. One interviewee admitted that “to say...the *terroir* of the southwest of England gives the cheese its character is a bit far-fetched” (Personal interview, September 25, 2013). Instead, what unites them is the use of a similar recipe that leaves room for individualizing each dairy’s cheese according to a variety of factors such as the choice of starter cultures, rennet, and animal feed. This is noticeably different from Parmigiano-Reggiano where all aspects of the production process, including ingredients and animal feed, are relatively uniform and highly regulated.

The second attempt was built on a belief that the rules set for West Country Farmhouse Cheddar do not go far enough and defines the boundaries of Cheddar even further. A Slow Food UK (2014) ‘Artisan Somerset Cheddar’ presidium has been set up by three dairies, which are also licensed within the West Country designation, to protect the traditional cheese-making process. The difference between cheese produced by these dairies and the West Country designation is that the majority of the process is performed by hand with the use of raw, unpasteurized milk rather than mechanically using pasteurized milk. The production of handmade Cheddar is a highly labor-intensive process that involves the daily transformation of

milk into cheese. The three dairies use their own fresh milk derived from cows kept and fed on grass within their own pastures, therefore allowing them to monitor the quality of the cheese from start to finish. The curd is cheddared by hand while being adjusted to the daily condition of the milk. The cheeses are then aged for a minimum of 11 months and up to 2 years or more in large aging rooms where they are regularly turned by hand to ensure consistency. Some hold a view that these traditionally-produced Somerset cheeses are the only “proper” or “real” Cheddars (The Bath Chronicle 2011; BBC News 2012b; Farmers Weekly 2003; Fletcher 2006; Mason 2008; Good Food Channel 2014).

Discussion surrounding the cheese distinguishes between ‘proper’ versus ‘improper’ Cheddar, the characteristics of which are illustrated in Table 5.4 (FCL 2006; Fletcher 2006; Gerrie 2012; West Country Farmhouse Cheese-makers 2014; Slow Food UK 2014). The features of ‘properness’ listed here bear remarkably close resemblance to the binary of ‘real’ versus ‘fake’ that Parmesan producers use to justify the protected status of the name. In particular, the production of ‘proper’ Cheddars is also restricted to a particular area and they are produced without additives using traditional methods and are aged for a minimum amount of time. On the other side, ‘improper’ Cheddars are akin to ‘fake’ Parmesans that are mass-produced using industrial technologies and additives. But they differ in that rather than presenting a straightforward binary divide, debates surrounding Cheddar implicate a more complicated view of what constitutes the ‘real’ thing and is distinguished between the West Country Farmhouse and Artisan Somerset groups. There is no focus on the ‘healthiness’ of the cheese or presumptions of ‘high’ versus ‘low’ quality, which is left for the consumer to infer from individual marketing. There is also a clear lack of securitization of the generic ‘misuse’ of the Cheddar

name by folk devils outside the region of origin or a focus on the legitimacy of certain producer groups to be able to use it. Though one cheese-maker stated that they would “like to say that Cheddar can only be made in Somerset” he recognized that the name is un-protectable and that there is debate as to whether or not the cheese was even ever made in Cheddar (Phone interview, March 18, 2013).

**Table 5.4: Characteristics of Proper versus Improper Cheddar**

Characteristics	Proper Cheddar		Improper Cheddar
	West Country Farmhouse PDO	Artisan Somerset Cheddar	
Type	West Country Farmhouse PDO	Artisan Somerset Cheddar	Mass-produced
Production Area	Devon, Cornwall, Dorset, Somerset	Somerset	Any
Production Methods	Traditional/artisanal/ industrial – some mechanized and some handmade	Traditional/artisanal – handmade	Industrial – mechanized
Milk treatment	Pasteurized and unpasteurized	Unpasteurized	Pasteurized
Milk origin	Sourced within designated regions, or from other areas of England to meet seasonal shortfalls	Sourced on farm	Any source
Additives	No	No	Yes
Form	Block, rounded and rinded	Rounded and rinded	Block, no rind
Maturation Methods	Plastic-wrapped or cloth-bound	Cloth-bound	Plastic-wrapped
Maturation period	Minimum 9 months	Minimum 11 months	No minimum

## 2. Local versus global Cheddar

The third attempt directs a focus on distinguishing between locally versus globally-produced Cheddar. The “locality” (Winter 2003) of foodstuffs has assumed increasing prominence in developed economies as the sustainability of industrial models of food production are called into question, industries come under threat from an inflow of cheap imported products spawned by a globalized food system,

and consumer concerns over food quality and safety grows. From a producer perspective, as dairy industries are further liberalized around the world UK-made Cheddars are forced to compete against rising imports. Many non-UK producers and supermarkets have exploited a legal ambiguity that allows the cheese to be produced outside of Britain and brought into the country to be packaged and labelled with 'British' and 'UK' and sold for lower prices. Industry and producer organizations argue that this misleads consumers into believing the cheese wholly originated in Britain and exacerbates the problems already facing the UK dairy industry that have contributed to the demise in the number of dairy farmers in the country (Rajan 2009; Craig 2010). These factors have led to a feeling of insecurity similar to the 'abuse' of the term Parmesan and the socio-economic difficulties facing producers.

In order to counter such trends, instead of campaigning for the restricted use of the name by other producers the Royal Association of British Dairy Farmers (RABDF) launched an 'Honest Dairy Labels' campaign in 2012 as a means of mitigating consumer confusion over the source of dairy products such as Cheddar through clearer country-of-origin labelling (RABDF 2012). This suggests that producers hope to capitalize on consumer preferences for Cheddar produced within its home country, thereby increasing the market share of British-made cheeses. Scholars have referred to this as the "country-of-origin effect" whereby consumer purchasing considerations are influenced by perceptions – positive or negative – associated with the country from which a product originates (Elliott and Cameron 1994; Al-Sulaiti and Baker 1998; Hingley and Lindgreen 2009).

The above discussion indicates that the increasing divisions between Cheddar-types serves a purpose of differentiation within a market liberal and competitive context rather than a *terroirist* attempt to delegitimize the use of the



Cheddar name by non-origin producers, which has been the case with Parmesan. At the same time, the lack of gastro-panic discourse is apparent as there has not been an outbreak of concern over the use of Cheddar by actors such as cheese-makers in the region of origin, hostility towards those who produce it, a consensus that something must be done about it, or an attempt to legitimate disproportionate ownership rights.

Both the West Country and Slow Food groups link the production of their Cheddars to a particular territory as well as the historic conditions of production that have evolved over time in the region. But whereas Parmigiano-Reggiano is characterized by a relatively standardized production process and a well-organized and unified producer grouping that strictly defines and defends use of the translated name around the world, this is not the case with Cheddar. In fact, there is tension within the PDO itself and some from the Artisan group have become disillusioned with the West Country PDO, which is said to have “only benefited the largest producers in the group, who profited from their cheeses’ association with the smaller, more traditional producers protected under the same legislation” (Bromberger 2006: 96). This was echoed in an interview I conducted with a cheese-maker who stated that he is “quite skeptical” of the scheme and has considered leaving it because it is “not specific enough. The regulations are drawn too widely and encompass everything. This includes pasteurized and block cheddars, modern and industrial as well” (Phone interview, March 18, 2013). When I asked him why the PDO is defined broadly and how the consortium was formed in the first place he remarked:

“Because if everyone didn’t agree with a specification you’d have companies complaining that they couldn’t do it how they wanted and it wouldn’t come together. It depends on how specific you want to be and what style you want. It’s [the PDO] drawn widely and not useful to small producers who want to be more specific in

what they produce. It's not actually an aid to us because it includes things like industrial Cheddar.”

He continues:

“It's not like when you have something like Parmesan and everyone is producing one type of cheese in the same way. Unless you want to market together, there is no use for it. It [the consortium] started as a co-op who were marketing jointly through a government marketing board. But the government closed it because it was uncompetitive. Many left the group because it didn't give them the freedom they wanted. Our marketing is much more diverse and varied and we all market under our own brand names. We each market separately. It's not as efficient, but we're all very proud of our own style” (Phone interview, March 18, 2013).

The cheese-maker's remarks illustrate a view that the PDO, in a sense, is perceived as actually *stifling* the innovation and ability of individual producers to market their cheeses freely according to their own specific practices. This also resulted in many producers actually leaving the group and points to the relative lack of collectivity within the consortium.

The overall re-emphasis on the cultural heritage and UK production of Cheddar could be considered a conscious response to the standardizing, industrializing, and de-localizing effects of globalization. These initiatives seek to counteract the homogenization and historic loss of Cheddar's diversity within global cheese systems by protecting traditional skills, production processes, and domestic producer interests. The values and meanings attached to 'proper' Cheddar are linked to particular practices in the form of skills, raw ingredients, and techniques that help differentiate them from 'improper' mass-produced ones and are an integral part of the identity of the traditional cheese. Through the promotion and protection of methods and know-how, traditional cheese-makers recapture and add value to something perceived to be lost – the unique quality of original Cheddar – and at the same time, help to “create, innovate, and accept change” (Bessièrè 1998: 29) within the broader generic Cheddar market. However, while the West Country Farmhouse

producers have utilized legal protection mechanisms to distinguish the quality of their products through protection of the name, the Slow Food group and other UK producers take this one step further outside of this institutionalization.

#### **5.5.5. Worlds of Cheddar**

The current differentiation of Cheddar-types within the market context could be seen as creating different ‘Worlds of Cheddar’ and is usefully demonstrated using Storper’s (1997) “Worlds of Production” model. This model sets out ideal types that govern production and consumption structures and are defined by two sets of opposing “dimensions” that include whether a product is “standardized or specialized” or whether it is “generic or dedicated” (Storper 1997: 109). In the first dimension, a standardized product “is made with a known, widely diffused production technology in which quality is so widely attainable that competition comes to be inevitably centered on price” (Storper 1997: 109). One example could be the mass production of Cheddars cited under the ‘improper’ heading in Figure 5.5. In contrast, specialized products are the result of “technology and know-how that are restricted to a community of specialists” that depend on “quality” as their main differentiating factor (Storper 1997: 109). It is here that ‘proper’ Cheddars, or those produced by the West Country consortium and Slow Food presidium, would fall. The higher cost for such cheeses is the result of a highly labor-intensive and time-consuming production process that depends on the knowledge of specialists versed in the art of traditional Cheddar-making, which fosters the character and unique qualities of the cheese.

With regard to the second dimension, generic products are targeted towards “undifferentiated markets” and characterized by “well known” or uniform qualities,

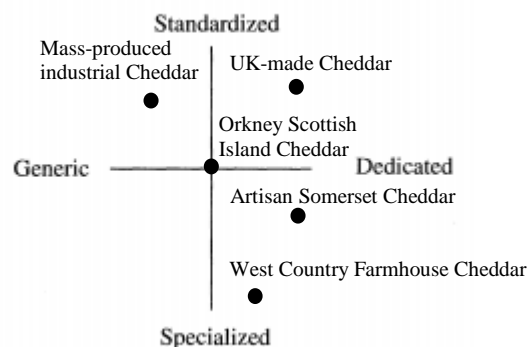
offering a sense of predictability that will “appeal to a large number of potential buyers at any given moment...” (Storper 1997: 109). This could refer to the standardized composition of mass-produced Cheddar that is manufactured using pasteurized blended milk from a variety of different sources thereby minimizing complex flavors, as well as the use of the name itself which conveys the qualities assumed to be inherent to that particular *type* of cheese. On the contrary, a dedicated product may be unpredictable and will have qualities that are adapted to meet a specific “demand” from consumers who seek “precision and personality” in their products (Storper 1997: 109). Here again it would be possible to place the West Country and Slow Food cheeses whose production and maturation processes results in more complex and variable flavors. They are characterized by a certain degree of unpredictability in that even the cheese-maker cannot be completely sure of the taste of the final product as the composition changes seasonally according to environmental conditions, the grass the cows ate, and the particular bacteria and enzymes present in each batch of milk. One artisan Cheddar producer was quoted in an article expressing that, “Cheeses are cunning beasts. They are a living environment so there’s always an element of chance” (BBC Countryfile 2010). These particular cheeses cater to a consumer niche that values uniqueness and dynamic flavors over price. It might also be possible to include here the UK-made Cheddars that focus on the positive connotations associated with country-of-origin labelling. Simply by being produced in the UK these cheeses might appeal to a specific consumer demand for locally-made products, which could be assumed to be of better and safer quality than those produced in other countries.

These dimensions enable me to map out the differentiating trends occurring within the broader generic Cheddar market, which are illustrated in Figure 5.1

(Model developed by Murdoch, Marsden, and Banks 2000: 120, based on Storper 1997). Though it is possible to locate a variety of Cheddars within this matrix, it must be remembered that these dimensions are ideal-types that serve as references rather than rigid divisions. For example, the production of ‘Orkney Scottish Island Cheddar’, which received PDO protection in 2013, is not clearly placed. The protected name differentiates the cheese by alluding to quality and specificity that is legitimized through the EGI system. However, the method of production cited in the original PDO application reveals that:

“The cheese milk is pasteurized and at this stage is also standardized by removing cream to maintain a given butterfat to protein ratio with a centrifugal separator. The process of standardizing the milk will maintain a consistency in the firmness of the body of the cheese, which would otherwise vary over the course of the year” (Orkney Cheese Company Limited 2012).

It is evident that Orkney cheese-makers are attempting to reduce the unpredictability of composition and flavor, which on the one hand appeals to consumers in search of quality assurance, traceability, and the perceived traditional properties embodied through the EGI certification and on the other hand offers a predictably uniform taste and consistency.



**Figure 5.1: Worlds of Cheddar**

With all the attempts to re-localize the image of Cheddar along with the inconsistencies in its genericity, the question remains as to whether someday the

name could be recaptured and protected. One EU trade official reiterated to me that simply because a name is in use somewhere and not protected does not necessarily mean it is generic. He stated that “some people see it in a very sort of simple binary way. Either something is a GI or it is generic” (Personal interview, April 9, 2013a). And as I have already demonstrated, the picture is more complicated than this because genericity is considered to be a separate state-of-being that requires a name to be subjected to concrete definition. If a name is not a GI it is more likely that it is simply not protected. Consequently, an unprotected name today can become a protected GI at any point in the future and “it is not a static thing that you can define once and for all” (Personal interview, April 9, 2013a). In the EU it is also easier to overcome charges of genericness for GIs than for trademarks in other countries around the world (Evans 2010: 17) and “generics don’t always remain generic” (Personal interview, April 9, 2013b). The socially constructed nature of genericism could therefore leave space for a shift of meaning in the future. Under this logic Cheddar could one day become a protected name if producers in the UK successfully demonized generic producers outside of the region of origin or were able to educate consumers as to the essential link between place of origin and quality. The latter is something that has already begun and would mirror what I discussed in the fourth course about how some Italian actors are attempting to re-educate consumers in non-EU countries about the true origin of Parmesan and other GIs, thereby legitimating its exclusive protection. It is therefore not inconceivable that such a thing could happen to Cheddar.

However, for the time being it is noticeable that no discursive struggle or gastro-panic has arisen surrounding the use of Cheddar. There has been a degree of demarcation within the market that sets PDO cheeses, such as West Country

Farmhouse Cheddar, apart from their generic counterparts through reconstructing the cultural, economic, and political boundaries surrounding their production by acquiring GI protection. But this has not been used to persuade an audience that the term Cheddar must be protected from the existential threat of generic use.

## **5.6. Conclusion**

In this course my primary objectives were to demythologize the uncontested genericity of Cheddar and question why no gastro-panic has arisen surrounding its use. I provided evidence pointing to the widespread agreement that Cheddar has succumbed to genericide, its status naturalized as indisputable fact or common sense. I also contrasted further cases of contested cheese names that exemplify its uncontested status. Then, I called attention to various ambiguities and inconsistencies within the EU and internationally through deconstructing Cheddar's genericity as a mythical social construction in order to address the third research question that seeks to better understand genericism in the context of GI politics. Genericism is highly complicated and its definition, how it is measured, where, and in what context is still a matter of debate both within the EU and at the multilateral level. It therefore emerges as a dynamic and socially-constructed concept that is a constant site of negotiation and contestation rather than a static condition that is determined with a confident degree of objective evidence and finality.

Finally, I addressed the second research question that aims to interrogate why a discursive struggle is manifested in the case of Parmesan but not of Cheddar. The case of Cheddar differs from that of Parmesan because there is a lack of concern over its widespread use and an absence of political mobilization on the part of producers and government officials to control it. By expanding on differences in the

approach to the two names I was able to isolate 3 key differences in the approach to Cheddar that help explain the absence of gastro-panic surrounding its protection: (1) a progressive de-localization over time that stemmed in part from the lack of historical attempts to protect the name, (2) a differing ideological perspective of agricultural normalism that minimizes UK government involvement in protecting producer interests, and (3) the producer consortium's fragmented organization, cohesion, and individualistic approaches to the production of the cheese and GI protection. In the next course I turn to examining the countering gastro-panic processes at play in the international competition over cheese names.



## *Sixth Course*

### **6. The Folk Devil Strikes Back: Countering Gastro-panic and ‘New World’ Defense of Generic Cheese Names**

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#### **6.1. Introduction**

In recent years, the EU has made attempts to reclaim the use of many widely-used cheese names through GIs that would prohibit cheese-makers around the world from using certain terms that originated in Europe. This situation constitutes a puzzle because many of the names they are looking to protect are considered generic, or open to public use, in other countries. Parmesan is just one important example, which among others includes Feta, Asiago, and Havarti. And according to the Global Dairy Alliance (GDA 2003) European-derived names are applied to approximately three-fourths of all cheeses produced in the EU, US, Australia, Canada, New Zealand, Argentina, and Switzerland. Cheese names are a valuable commercial resource for communicating product information, which is part of the reason the generic issue has become so important in trade negotiations. Major cheese-producing regions particularly from NW countries outside the EU and Switzerland are reluctant to give up names they consider to be generic and claims-makers including domestic and international dairy associations, lobby groups, cheese-makers, producers, manufacturers, governments, and trade officials have launched a global campaign to preserve their continued use.

In the fourth course I demonstrated how a gastro-panic manifested in the discourse of actors from the EU and Italy frames generic producers of Parmesan as counterfeiting folk devils who deserve to have their name-use rights revoked due to

the deleterious consequences it has for producers and consumers of the original cheese. But gastro-panics are not simply one-sided affairs and the current coordinated response to European actions indicates that folk devils are fighting back (McRobbie 1994). Numerous groups representing the oppositional viewpoint of genericism have emerged to defend their right to use generic cheese names in commerce, thereby challenging the EU folk devilling process likening their production activities to illegal counterfeiting. Countering gastro-panic politics inform national and international debates on the future of generic terms and are interwoven with demands for agricultural liberalization, market access, and open competition in a proposed global free trade regime.

The purpose of this course is to use cheese as a lens to understand the countering processes at play within the contested politics of food name protection. More specifically, the issue is presented in depth from the perspective of genericism and demonstrates how claims-makers from certain NW countries compete with the EU through a countering discursive process of gastro-panic as a strategy to secure the open use of terms. I argue that these actors appeal to a food system security discourse that counter-securitizes the EU's actions in order to block the conferral of exclusive rights to the use of cheese terms and attempts to institutionalize generic exceptions. A global defense of these terms has been mobilized in an attempt to restore an existential sense of security during a time of perceived insecurity brought about by the European pursuit of claw-back, which occurs within the context of the increased industrialization and globalization of cheese production.

I begin by introducing a brief overview of recent European actions at various scales of governance aimed at extending GI protection to certain cheeses. This

behavior has been interpreted as a threat to NW dairy interests and sparked a countering gastro-panic in defense of generic cheese names that is illustrated in the following section, which is characterized by heightened concern over the attempted GI protection of these terms, hostility towards the European aggressor, and a consensus that something must be done to combat the behavior. I illustrate how claims-makers from various NW countries have securitized these efforts as a threat projected to have serious consequences for global dairy industries as a means of providing a foundation for political action. I then demythologize the gastro-panic through discussing the motivations behind this response and addressing the various interests at play.

## **6.2. Pairing Cheese With Wine**

As was discussed in the second course, issues related to the use of generic names first arose in 1994 during the Uruguay Round of trade negotiations. At this time the EU's attempts to enshrine GI protection at the global level met with opposition. The resultant TRIPS agreement reflects a political compromise in the negotiating context in which a number of provisions institutionalized disparate levels of protection for wines and spirits and other agricultural products. According to one NW trade official, the higher protection for wines and spirits was a "compensation" (Personal interview, April 9, 2013b) to appease the EU and ensure a balance of benefits in other areas of agricultural negotiations. These were agreed upon because the TRIPS agreement also included certain exceptions, such as for the continued use of generic terms (Dudas 2003). This meant that producers and manufacturers around the world could continue to market and sell varieties of GI wines and other products that they considered generic within their territory, such as Champagne, Port, and Sherry.

Since the TRIPS agreement was signed the EU has successfully used bilateral trade agreements to recall the use of numerous wine terms previously used generically around the world. These terms are now forbidden for use outside the European regions of origin. In some cases these agreements were made as a compromise to ensure more access to the EU market (Personal interviews, April 9, 2013b and April 11, 2013). But although it may seem like a straightforward process, negotiating the revocation of these terms was highly controversial and viewed with disdain (Zahn 2012; Personal interview, May 30, 2013). This is reflected in a comment made by the CCFN (n.d., emphasis added) on their website where they state, “We have watched as the EC has *imposed* geographical indication protections on one trading partner after another to prevent those countries from using terms such as Champagne, which has long been in common usage around the world.” While the original agreements did not have an impact on food products such as cheese, over the years the EU has taken steps to better protect its agricultural GIs.

This is problematic from the NW standpoint because the issue of name use is approached from the perspective of genericism whereby the meaning of certain terms have been fixed as connoting *types* rather than specific products derived from certain areas of Europe. This is the case with both wines and cheeses and in this mythological context the meaning is not the result of the sign, or the name itself, but by how it has been naturalized by NW actors as taken-for-granted fact. As was evident in the case of Parmesan, cheese names have varied meanings in the international market that are at the root of the struggle over the ownership of the terms themselves. The EU’s actions are seen as an attempt to fix their own ideas inherent to the use of cheese names around the world and are therefore interpreted as an affront to the NW status quo. In the next sections I discuss the EU’s efforts at

three scales of governance – the multilateral, bilateral, and EU levels – that have caused considerable insecurity in the global cheese industry.

### **6.2.1. Multilateral Level**

First, the EU has consistently requested an extension of greater protection for agricultural products in tandem with wines and spirits in the WTO. This would constitute a literal pairing of wine and cheese protection that could have a significant effect on global cheese industries. Under current protection, non-EU companies are able to market cheese products domestically and abroad so long as consumers are not being misled as to their place of origin. Under extension WTO Members could only continue to market cheeses under EU-protected GI labels within their own markets if they fell under the exception for generic terms. But export markets are another story. Under current rules, the burden of proof rests on GI-holders in the country of origin to challenge the use of their protected names in non-EU markets and prove that consumers are being misled as to the true origin of the product. Under extension it would no longer be necessary to prove consumer confusion and the burden of proof would shift, thereby requiring each state to police its market regardless of whether or not consumers are being misled. As well, there would be no assurance that the generic exception would be available for exporters in other countries and market access could be diminished. The main worry is that “if PDO status receives global recognition under the WTO, Europe will control the exclusive rights to the names of almost all of the economically important cheeses of the world” (Kindstedt 2012: 216).

Furthermore, as mentioned previously the EU made the provocative ‘claw-back’ request at the multilateral level in 2003 to recapture the use of 13 widely-used

cheese names. In this context claw-back is a term with a negative connotation that refers to the “re-appropriation” (ADIC et. al. 2010) of names solely for the exclusive use of European producers that were previously used generically or incorporated into protected trademarks. Many of the terms on the EU’s list have been used outside the EU since the 19<sup>th</sup> century with some varieties being produced in much greater quantities. Such an action has therefore been viewed as conferring EU producers “monopoly rights over markets built by others” (GDA/NMPF/USDEC 2006) and also generated “a great deal of fear and resentment” (Monten 2006: 347).

### **6.2.2. Bilateral Level**

Second, as no substantive progress has been made to extend protection at the multilateral level the EU has taken to institutionalizing extra protection for agricultural products within various bilateral and ‘Stand Alone’ agreements (Personal interviews, February 22, 2013, April 11, and April 20, 2013, and April 9, 2013a). For example, they concluded a Free Trade Agreement (FTA) with South Korea (EUKOR) that went into force in 2011 and was the first bilateral of its kind to protect cheese and other agricultural GIs. They have also procured protection for cheeses in agreements with Colombia, Peru, Moldova, Singapore, China, and Canada [See appendix D for a list of protected names] and are in the process of negotiations with other countries such as Vietnam, Malaysia, Japan, and the US. The difficulty with incorporating GIs for food products into these agreements is that it has the potential to substantially affect the market access of third parties, calling into question whether non-EU dairy companies can continue to market many types of cheese in each country.<sup>26</sup> This approach is also viewed as “circumvent[ing] the

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<sup>26</sup> Regarding market access in South Korea, dairy industries in the US expressed concern over the continued use of Asiago, Brie, Camembert, Emmental, Feta, Fontina, Gorgonzola, Grana, Mozzarella, Parmesan, Provolone, Romano, and Taleggio (Umhoefer 2010; USDEC/NMPF/IDFA 2011).

normal processes of IP protection” thereby preventing countries who are not party to the agreement from disputing or contesting proposed name registrations (Personal interview, April 9, 2013b).

Additionally, the EU’s bilateral agreements obscure the status of three types of cheese names: single terms, compounds, and translations. Single terms include names such as Feta, Munster, and Fontina. But many of the names that have been protected through trade agreements form compounds such as Provolone Valpadana, Mozzarella di Bufala Campana, and West Country Farmhouse Cheddar that contain what others view to be generic components; in these cases ‘Provolone’, ‘Mozzarella’, and ‘Cheddar’ are considered to be generic. As discussed in the fifth course, in 2012 the EU issued a statement alluding to the generic nature of certain terms (European Commission 2012) but no list of generic names exists in the Union itself. Moreover, the EU generally holds that a compound term is protected only in its entirety (Personal interview, May 24, 2013a). However, this declaration has been complicated by global attempts to protect translations such as Parmesan, which forms one part of the compound term Parmigiano-Reggiano. Following this decision, in 2010 a number of NW dairy associations (ADIC et. al.) expressed feelings of insecurity that “although at this time the EU does not appear to be seeking to lay sole claim to the generic names Brie, Camembert, Cheddar, Edam, Gouda and Mozzarella, the relatively recent EU court ruling on the extent of protection for ‘Parmigiano Reggiano’ calls the safety of even these terms into doubt.”

The establishment of bilateral agreements has contributed to increasing complexity in the global arena where the genericity of terms must be established on a country-by-country basis. The South Korean Minister for Trade forwarded a letter to US trade representatives clarifying that the use of various generic cheese terms

would continue to be allowed in South Korea and that compound terms would only be protected in their entirety and original languages and would not pose any threat to existing trademarks that incorporate such terms (Kim 2011).<sup>27</sup> Nevertheless, dairy industries are unhappy about restrictions placed on the use of single terms such as Asiago, Feta, Fontina, and Gorgonzola and many companies have been required to “unwillingly” rebrand products long sold in the South Korean market (Email interview, May 31, 2013).

To illustrate the complexity of generic terms further, in the recent Comprehensive Economic and Trade Agreement (CETA) between the EU and Canada, Canada agreed to make certain changes to its protection of GIs. For one, it granted limited GI rights to single terms including Asiago, Feta, Fontina, Gorgonzola, and Munster. Canadian producers will still be able to use these terms, however they will here forth be required to be accompanied with a qualifier such as “kind”, “type”, “style”, or “imitation,” which will require non-EU imports to be re-labelled. The translation Parmesan, a term commonly employed in Canada, will have no restrictions placed on it. Similarly to South Korea, they also reserved the right to continue using components of composite terms such as ‘Gouda’ in “Gouda Holland” and ‘Brie’ in “Brie de Meaux” (Government of Canada 2013: 20).

### **6.2.3. EU Level**

Third, events within the EU itself have further complicated the status of particular terms. In 2005 exclusive rights were granted to Greek producers of Feta

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<sup>27</sup> Some compound terms to be protected in EUKOR included Brie de Meaux, Emmental de Savoie, Grana Padano, Mozzarella di Bufala Campana, Parmigiano Reggiano, Pecorino Romano, Provolone Valpadana but the individual units themselves such as Brie, Emmental, Grana, Mozzarella, Parmigiano, Romano, and Provolone would not be. Kim (2011) confirmed that the Korean government understood terms such as Camembert, Mozzarella, Brie, and Cheddar to be generic cheese types (non-exhaustive) and therefore not subject to protection under the agreement.



and in 2008 to Italian producers of Parmesan despite intra-EU contestation and assertions of generic status. The EU is also processing applications for two Codex names, Danbo and Havarti, which are widely manufactured by non-EU countries. The CCFN (2012a, 2012b) states that the former has been internationally standardized for 50 years and the latter for 30. Unlike in the fourth course where I demonstrated that Codex standards were perceived by the EU to be voluntary and non-determinate, non-EU actors consider them to be indicative of generic status (Dairy Australia 2013; CCFN n.d.). As a result, such a move is perceived as having greater implications in that it “calls into potential question the safety of all other international standardized cheeses, which include names as common place as mozzarella and cheddar” (CCFN n.d.). The protection of these terms at the EU-level is also of particular concern because it enables their protection to be sought in international agreements.

Ultimately, a main issue with the EU system is viewed to be its arbitrariness and ambiguity (NMPF 2012; Personal interview, April 9, 2013b). One dairy industry representative referred to this as “the ‘plastic’ nature of European claw-back policies, that is, the EU does not claim some name today, but it may well do it in a few years’ time, nobody knows for sure” (Email interview, July 30, 2013). This is evident in the EU’s various trade and association agreements where certain GIs have been protected over others, a result of the complicated interplay that characterizes European decision-making and involves trade negotiators, the Commission, Member States, and producers. Individual EU Member States choose particular terms they deem especially important for protection in specific markets so that the European Commission may avoid intimidating potential trading partners with a list of thousands of terms (O’Connor and Richardson 2012; Saez 2013). But at the same

time the EU has not made it immediately evident which names it considers as still open for general use (Suber 2013: 6). Dairy Australia (2013: 2) has asserted that, “It is becoming increasingly problematic for exporters to be certain that they will have continued use of generic or common dairy names” and CCFN Director Jaime Castaneda states that, “Unless the system designates a term as generic, we have to assume the scope of protection is extremely broad” (CCFN 2012a).

**Table 6.1: CCFN List of Endangered Cheese Names**

Use restricted	Use could be restricted in future	Use not currently restricted
asiago	brie	american
danbo	camembert	cacciocavallo/caccio
feta/fetta	canestrato	chevre
fontina	cheddar	colby
gorgonzola	edam	colonia
gruyere/gruyerito	emmental/emmenthal	coulommiers
mozzarella	gouda	criollo
munster/muenster	grana	fynbo
parmesan/parmesano/ parmesão	havarti	goya
romano	pecorino	limburger/limburgo
	provolone	mascarpone
	ricotta	monterey/monterey jack
	tilster/tilsit	neufchatel
		saint-paulin
		samsøe
		swiss
		tybo

The CCFN (CCFN n.d.) has published a non-exhaustive list of widely-used generic names displayed in Table 6.1, the continued use of which it considers to be endangered both now and in the future by the EU’s efforts. The restriction of use categories apply to different markets around the world.<sup>28</sup> The vagueness and

<sup>28</sup> I include the CCFN’s list because it is the most comprehensive. However, other dairy groups have specified concern for certain terms over others and most lists are non-exhaustive. For example, the ADIC (et. al. 2010) declared the international use of Asiago, Emmental, Feta, Fontina, Gorgonzola, Grana, Gruyere, Manchego, Munster, Neufchatel, Parmesan, Provolone, Ricotta, and Romano to be at risk. As well, the Australian dairy industry expressed its particular concern over the use of Feta,

uncertainty surrounding the status of terms has fostered a climate of insecurity within the international cheese market and resulted in the EU's behavior at the abovementioned three levels being currently securitized as a threat to the continued use of generic cheese names around the world, thereby sparking a countering gastro-panic designed to fix the meaning of these terms as generic in order to secure their open use in the global marketplace.

### **6.3. The European Aggressors Must Be Stopped**

In recent years, a countering gastro-panic discourse has arisen surrounding European efforts to globally reclaim the exclusive use of particular cheese names through GIs that others around the world consider to be generic. This may be evidenced through heightened concern emanating from various claims-makers including domestic and international dairy associations, lobbyists, cheese-makers, producers, manufacturers, governments, trade officials, and the media (Dudas 2003; Ridder 2003; Tundel 2003; House Committee on Agriculture 2004, 2004; Embassy Wellington 2005; The New Zealand Herald 2005; Wilson 2008; Beary 2012; Suber 2013: 6; CCFN n.d.) over EU efforts to limit the use of common cheese terms like Parmesan. For many NW producers and companies, countless widely-used cheese terms have become normalized as generic and thus their use outside the original region of origin is legitimate. Consequently, European attempts to recapture their exclusive use solely for producers within the region of origin are considered to be monopolization, claw-back, and trade protectionism. NW claims-makers counter-securitize the EU's actions as a threat projected to have serious political, economic, and social consequences and profess to represent and promote the needs,

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Camembert, Brie, Emmental, Provolone, Mozzarella, Grana, Pecorino, Romano, and Parmesan in Singapore (Dairy Australia 2013: 3).

preferences, and/or interests of producers and consumers in an attempt to influence global policy through the institutionalization of generic exceptions around the world.

### **6.3.1. Concern**

The appearance of a countering gastro-panic is indicated by concern exhibited through the securitization of behavior, in this case European efforts to claw back generic terms, deemed to be threatening or violating the status quo. A security issue has arisen as the use of cheese terms, which is a referent object perceived to be endangered and in need of protection, is demonstrated to be at risk from the existential threat of protectionism. According to one US official, in 1995 when the TRIPS agreement was signed dairy industries were not troubled about GIs because the regulations only affected wines and spirits (Personal interview, April 10, 2013). But as European protection attempts have “increased in the last 15 years” (Email interview, July 30, 2013) dairy industries around the world have become increasingly concerned that restrictions already enforced on wine in TRIPS and various bilateral trade agreements would be extended to other foods such as cheese. There was worry that if the EU were to be successful in achieving its aims that others around the world would be forced to abandon the use of generic cheese names long employed in export markets and even domestically (Houston 2003; Wilson 2008; Email interview, July 30, 2013), which would effectively “throw the dairy industry into turmoil” (Prairie Farmer 2005). One US company’s alarm over the EU’s actions is reflected in language surrounding the 2003 ‘claw-back’ proposal:

“Kraft is very concerned that it would be prohibited from using terms that are integral to the identity of brands we have been building for decades...We regard the threat to our businesses, and to those of other U.S. and other non-EU food processors and producers, as real, substantial, and immediate” (House Committee on Agriculture 2003).

Kraft, it should be noted, produces a significant amount of grated Parmesan cheese along with other products. This statement brings the perceived threat into objective existence by indicating its ‘realness’ while also stressing its seriousness, scale, and urgency.

Gastro-panic involves the perceived and expressed anxiety over a wide range of elements within the contemporary food system, how this concern is manifested in political and public discourse, and the concrete effects it has. In this case, the main referent objects – the cheese names – are perceived to be under threat of exclusive GI protection where they are restricted to producers within the designated region of origin. The actions of the EU compromise the safety of these terms and seriously threaten the continued right and ability to market cheeses using generic terms in domestic and international markets. But threats to cheese names are also seen as having important economic, social, and political implications for those who produce and consume them and these generic terms act as an umbrella encompassing a number of secondary objects within the food system feared to be threatened by European efforts. In prohibiting their use, the EU’s actions purportedly present a danger to milk producers and processors, manufacturers, retailers, restaurateurs, trademark owners, and consumers in both developed and developing countries (House Committee on Agriculture 2003; Dudas 2003; Australian National University 2004; GDA , 2003, 2005; Embassy Wellington 2005; Carper 2013). They also threaten cheese exports, commerce, and market share (Brink 2007: 5; USDEC/NMPF/IDFA 2011; Morris 2011: 2; Hagstrom 2012; NMPF 2012; CCFN n.d.).

In addition, European actions are considered as representing an affront to pre-established intellectual property institutions, national sovereignty, and territoriality (Dudas 2003; GDA 2005). The CCFN (2013a) states:

“The EU’s actions...are a direct threat to a country’s ability to make its own determinations about which terms warrant protection in its market based on a variety of factors, including existing local production and prior commitments to other trading partners. This has particularly harmful impacts on developing countries.”

Under the TRIPS agreement the principle of territoriality ensures the respect of particularistic national laws and regulations to determine the genericity of a term. Thus, it is up to national jurisdictions in individual countries to use evidence in order to decide whether a name is generic or not within their borders. But a successful EU proposal within the WTO “would supersede national rules” (House Committee on Agriculture 2003) and interfere with this right.

Actors opposed to the EU system have long argued that the TRIPS agreement negotiated in 1994 along with domestic trademark systems are more than sufficient to protect GIs (GDA/NMPF/USDEC 2006) and that an extension would “only impose new obligations on WTO members” (USDEC n.d.). The EU is thus perceived to be forcing its system on others merely as a means of providing “exclusivity over generic terms” (ADIC et. al. 2010), something that is inconceivable under a trademark system where generic terms may never become protected. Fear stems from the fact that not only would cheese-makers and companies have to give up the use of generic terms “in exchange for nothing” but would be forced to adopt the EU’s regulatory approach under a new *sui generis* regime that would “substantially restructure the standards for protecting intellectual property rights” through GIs (Dudas 2003). These new rules and regulations constitute a “direct

threat to trademarks and brands...essential to the future growth of the food industry” around the world (House Committee on Agriculture 2004: 322).

As progress at the multilateral level has stagnated, worries have extended to the EU’s bilateral approach. EUKOR was a tipping point, providing the spark that most recently ignited global dairy industry concerns and fired them into action. One US official informed me that dairy industries initially “woke up” to the danger to its interests because of this agreement (Personal interview, April 10, 2013) and the issue has since “been elevated in importance” (Email interview, May 31, 2013). EUKOR was considered to be the first sign that the EU had changed tactics by enshrining GIs into bilateral FTA’s in order to claw back terms for their exclusive commercial use. It was perceived as setting a “dangerous precedent” (Umhoefer 2010) that could be replicated in future FTA’s with an aim “to erode the use of common cheese names in wide-spread usage throughout the world” (ADIC et. al. 2010). Limitations set by this agreement were declared to be erecting a new “form of non-tariff barrier” (Suber 2013: 6) that would “be very damaging to future commerce” (NMPF 2012). Members of the US Congressional Dairy Farmers Caucus (2010) expressed their consternation surrounding this agreement in a letter:

“we write to share our concerns with the European Union’s (EU) aggressive escalation of its efforts to secure unfair market advantage through the misuse of Geographical Indicators (GI). We are particularly concerned with the EU’s current efforts with regard to the Free Trade Agreement (FTA) it has negotiated with South Korea.”

They continued:

“Specifically, we are very concerned that the impending regulations of the EU-South Korea FTA will contain GI provisions that will greatly diminish, if not foreclose, the market opportunities available to many U.S. cheeses and other agricultural products.”

The threatening actions of the EU are seen to be intensifying as well as actively harming the position of others through the use of deceptive or wrongful practices with respect to their ability to compete on equal and fair terms. In this instance, they point to a disproportionality or the asymmetric conferral of privileges to some over others would arise where an EU gain would result in losses for others within the South Korean market.

If South Korea was seen as setting a precedent, subsequent and ongoing bilateral negotiations are considered to be proof that the European “threat is very real and obviously escalating” (Castaneda 2014) and has led to an increase in the language of heightened concern. Dairy Australia (2013: 1) sent a letter to Singapore disputing the inclusion of cheese GIs in their recent trade agreement with the EU, afraid that it might “jeopardise and compromise” their “long standing trading relationship.” Furthermore, the EU only just entered into bilateral Transatlantic Trade and Investment Partnership (TTIP) talks with the US. The EU and US are the world’s largest cheese producers and exporters and have long conflicted over the GI issue within the WTO. One of Europe’s main goals in talks with the US is centered on the enforcement of GIs and has the potential to affect the use of cheese names within the country. The National Milk Producers Federation (NMPF 2012) has stated that “the U.S. cheese sector faces a very real threat if negotiators write any GI restrictions into a resulting agreement.”

### **6.3.2. Serious Consequences**

Gastro-panic is also indicated through the presence of disaster analogies that elicit fatalistic prophecies of doom, which are imaginative allusions as to what might ensue as a result of the securitized behavior. This language takes form through



predictions indicating the likelihood that the improper behavior will reoccur, become worse or spread like a virus through society and has the effect of highlighting its urgency and legitimating actions taken to control it. NW claims-makers in the generic debate have attempted to call more attention to the seriousness of the EU's actions and legitimate measures to contest them through emphasizing the negative consequences, such as exorbitant costs, that could ensue if not controlled. The CCFN (2013c, emphasis added) indicates the uncertain and uncontrollable nature of the problem, "The EC's intransigence on the issue of protected names has already affected trade in dozens of countries, and there's *no end in sight*." The EU is alleged to have a wide and hidden agenda to which trade agreements and proposals such as claw-back are only the start of worse to come. Other actors anticipate the extent of the EU's ambitions as, "No one knows how far it will go" (Personal interview, April 10, 2013). The EU may have listed only a select few names to be protected now but the future remains insecure and the possibilities are limitless, leaving all possible food terms at risk. Jaime Castaneda (2013a) states that, "Geographical Indication (GI) provisions in Europe and within the EU-South Korea FTA are a mere example of the intentions and the extent that the EU is prepared to go in the international arena" and names restricted by EUKOR "could be just the tip of the iceberg" (CCFN n.d.). As well, Shawna Morris (2011: 2), a representative of the US Dairy Export Council (USDEC), warns that:

"The even more dangerous question about the EU's GI push is where it will end. If the EU were willing to take on major manufacturers in its own backyard, such as German and Danish parmesan makers, who is to say that 10 years from now it won't go after provolone or mozzarella globally? Or aggressively try to prevent us from even using such names in the United States once it establishes a strong precedent in many other countries?"

Words such as 'dangerous' suggests the likelihood that the EU's behavior will cause serious harm while 'aggressively' points to an interpretation of their behavior as

forceful. The dominance of GIs is perceived as having gotten so out of control that even Member State countries within the EU cannot stop it, suggesting that the system has become a mercilessly destructive and unstoppable “juggernaut” (The New Zealand Herald 2002). The security of terms is questioned by Suber (2013: 6) who declares that, “Even terms for which there is an internationally recognized Codex standard such as cheddar or mozzarella are not safe at this stage...” and a letter written by the Congressional Dairy Farmers Caucus (2010) of the US proclaims that, “It is not inconceivable that the EU may ultimately decide to also seek sole use rights for common cheese descriptors such as cream or cottage cheese.” They could even threaten “widely used terms for common production processes or descriptive use, such as ‘aged’, ‘vintage’, or ‘washed rind’” (GDA 2005). Thus, some are left wondering, “Where does the effort end? Are brie, camembert, edam, gouda, provolone and even cheddar and mozzarella next?” (Castaneda 2013a).

And they also make it clear that the threat is not confined to the category of cheese as “the fight over cheese is just the beginning” (Tundel 2003) and “Some U.S. officials suspect the EU has an even more sweeping agenda” (Cox 2008). The EU’s out-of-control efforts could conceivably lead to a domino effect of restrictions in other product categories and affect the use of any former place-based names, for example prohibiting the use of ‘pizza’ outside of Italy (Geist 2010) and reserving ‘hamburgers and frankfurters’ for Germany. According to one article, “Left unchecked, the EU’s push could also come to cover an almost infinite array of manufactured goods, such as Capri pants, Bermuda shorts, cuckoo clocks or Panama hats” (The Editors 2013). Eventually however, the message is clear – that something must be done because, “Evidence is mounting that inaction would only cause GI restrictions to worsen with time” (Castaneda 2013a).

While there is considerable uncertainty and speculation over the possible extent of the EU's actions, there is stated certainty that success on the part of the EU would have serious consequences for dairy industries around the world. The Global Dairy Alliance (GDA 2003) emphasizes that the EU's activity "is very likely to significantly damage milk producers, milk processors and consumers around the world including in developing countries" who would have to devote huge sums to relabeling, repackaging, remarketing, and re-educating consumers (Australian National University 2004; Cox 2003; Said 2003; Eagles 2003; Brink 2007: 5). In doing so, they risk alienating consumers who can no longer find the products they are looking for, resulting in even greater financial losses (Tundel 2003). Companies both big and small would be affected (Tundel 2003) and some might "go broke because of it" (Personal interview, April 10, 2013). The CCFN (n.d.) states:

"Many of these products are made in significant volumes around the world, so between the prospect of re-labeling, plus the loss in sales when consumers don't recognize their favorite foods, the price tag for such changes could easily reach billions of dollars worldwide. In the United States alone, the U.S. Dairy Export Council has estimated that the top cheeses that could be impacted represent at least 14% of U.S. cheese production, valued at \$4.2 billion a year."

Restrictions on the use of cheese names would have serious implications for exporters who rely on recognizable names by impairing their competitiveness in established and emerging foreign markets, resulting in "potentially huge economic losses" (Email interview, July 30, 2013). One New Zealand company warned that half of their revenue could be impacted if the EU restricts the use of cheese names and that, "Such a move would require re-branding half of New Zealand's cheese exports, and leave it permanently handicapped in export markets" (The New Zealand Herald 2005). Costs would also be borne by consumers faced with higher-priced European cheeses, increased search costs, and reduced choice (Said 2003; Christian Science Monitor 2003; Castaneda 2013a) as popular products vanished from

supermarkets. Finally, regulatory costs would be imposed on governments saddled with the extra task of enforcement within their borders (Said 2003; Embassy Wellington 2005).

In the long run, actors declare that not taking action to counter the European threat could result in eroded and damaged sales, disadvantaged producers, and confused consumers. This would be “disastrous for the U.S. and the global cheese industry...U.S. cheese suppliers would see the promise of emerging markets shrink considerably and could even face business upheaval here at home” (Castaneda 2013a) and in Australia not taking action would “bring a short-term political cost. But the long-term cost will be borne by a diminished Australian dairy industry” (Wilson 2008). As well, the GDA (2005) emphasizes that their members have been producing and trading generic cheeses for over 100 years and that many of their members are developing countries, so “Restriction of their ability to produce and sell those cheeses, through enhanced GI protection for dairy products, carries potentially significant cost to their economies” (GDA 2005).

### **6.3.3. A War on Claw-Back**

“In the past several years, use of many common food names has come under greater attack, particularly by European producers of these products” (Suber 2013: 6).

In addition to prophecies of doom, a reoccurring rhetorical theme evident in the gastro-panic discourse presents the clash over generics through a language of war. The international dispute over GIs has been conceptualized by one scholar as a “War on Terroir” (Josling 2006). However, current events may more suitably be characterized as a “War on Claw-back” because the most recent tension is targeted specifically at the issue of generic use rather than GIs as a whole. Some of my respondents as well as the CCFN, for example, emphasized that they do not take

issue with GI protection as a whole but only when it threatens the use of common names (Personal interview, April 9, 2013b; April 10, 2013; Email Interview, May 31, 2013; CCFN n.d.). The generic issue has an emotive angle that has attracted media and public attention and the dispute is often likened to a high-stakes ‘battle’ (Chase 2003; Cox 2003; Quaife 2013; NMPF 2012; Barber 2014; 9NEWS 2014; CBS NEWS 2014) or international ‘food fight’ (Financial Times 2002; Tundel 2003; Said 2003; Cox 2003; Morris 2011: 2; Katz 2014) and the latest media articles covering transatlantic negotiations between the EU and US furthers this image with articles characterizing the debate as a “cheese war” (Bella 2014; Westcott 2014; Kass 2014) or a “War on American Cheese” (Sanburn 2014).

Clearly lacking the physical attributes of war, this dispute is rather a “war of words” (Beary 2012) – a verbal battle revealed in the structure of the discourse that has material implications for the use of food names. It contributes to enhancing the political salience of the issue through invoking a security language and also leads to the appearance of a division between the normal ‘us’ and deviant ‘them’ as claims-makers portray those allegedly responsible for the behavior, known as the folk devils, in a negative light. In a battle, opposing sides fight to win and meet a specific aim, which in this case involves the attainment a cherished object in common – the secure right to the use of particular cheese names in commerce. But this is a form of security that is desired disproportionately by the opposing sides. And as was discussed in the third course, security always results in winners and losers. Thus, in order to not become the loser NW claims-makers contend that the EU folk devil must be stopped.

In communicating the gastro-panic through a language of war, a perceived political-economic problem – that of European efforts to restrict the use of generic

cheese names – is securitized as a serious threat that nurtures a view of the attacking folk devil versus the defending folk angel and has important implications. The war metaphor provides an interpretative framework through which NW actors convey their own perspectives and evaluations of the current situation. This reflects and at the same time reinforces a particular way of understanding the actions and policies related to the protection of food names in terms of a breach of security. Actors invoke security by drawing attention to the threatening EU enemy perceived to endanger the use of cheese terms in order to raise the issue on the decision-making agenda and legitimate new policies that could potentially block unwanted GI protection.

Another crucial indicator of gastro-panic discourse is the manifestation of hostility directed towards those responsible for the perceived objectionable behavior. From the NW perspective within the generic debate, this is elaborated through the war metaphor where unfavorable pictures are painted of the EU and its producers who take form as a threatening enemy or folk devil. In the gastro-panic it is not only important that actors are concerned with the actions of the EU but with how these actions are negatively described through the use of adjectives and other forms of description. The most common descriptor refers to European behavior in its attempts to restrict the use of generic terms and expand its GI protection system as ‘aggressive’ (Suber 2012; NMPF 2012; Hough 2013; Congressional Dairy Farmers Caucus 2010; CCFN 2012a; Personal interview, April 9, 2013; Email interview, May 31, 2013). The EU is seen as using ‘force’ to pressure countries and their cheese-makers into abandoning the use of generic names and adopting its regulatory approach (Australian National University 2004; Carper 2013; CCFN 2013a; Email interview, May 31, 2013). It pursues these aims through the WTO and the insertion

of GI protection and claw-back into various free trade agreements intended to increase and impose dominance in the area of food name protection and block others from selling these products in important export markets. The behavior of the European aggressors is also described as ‘demanding’ (Tundel 2003; GDA/NMPF/USDEC 2006), ‘pushy’ (Sutton 2004; GDA 2005), ‘imposing’ (GDA 2005; The Editors 2013), ‘reckless’ (Castaneda 2013a), ‘fanatic’ (CCFN 2013c), ‘bullying’ (Carper 2013; CCFN 2013c), ‘abusive’ (Castaneda 2013b: 4), and even ‘extortionate’ (CCFN 2013a), implying that the EU is illegally using its power and negotiating position to coercively obtain the exclusive use of food terms.

Claims-makers also highlight the EU’s tactfulness by indicating that the war on cheese names was premeditated and strategically calculated. Over time, cunning European producers purposely allowed names to become popularized throughout the world to the point of losing their link to the place of origin in many countries, and then conveniently demanded them back (Eagles 2003). As such, it is “no coincidence” that they now demand the most valuable and extensively-used cheese names (GDA 2005). Additionally, they suggest that the EU became disgruntled and jealous of increased and often better quality competition that arose through the popularization of these names. Faced with pressures to further liberalize its dairy industry, they responded by implementing new protectionist measures through GIs (Morris 2011: 1) and continue to pursue this agenda strategically by “mounting an offensive” (Quaife 2013) on multiple international “fronts” (Sutton 2004; Quaife 2013) in order to “enlist the support of other countries” (Cox 2003) to become allies. Castaneda (2014) states that, “Each victory appears to embolden the leaders to a point where they are steadily expanding their crusade to an ever-wider list of cheese

names and ever-broader geography.” Here the Europeans are seen as using *enterprise* to publicize and spread their vigorous campaign indefinitely.

And within this strategy the EU’s motives are declared to be clear. One informant stated that, “Obviously, the EU is pursuing this initiative trying to improve the competitiveness of its dairy sector, by restricting the use of common names only to EU producers, and thus increasing their incomes in comparison with a situation in which those names were open to everybody...” (Email interview, July 30, 2013). It is no secret that the EU has made competitiveness in its agricultural industries, especially regarding value-added food items, a priority. But there is resentment as they are perceived as imposing an undesirable agenda on others purely for their own benefit. The GDA (2003) cites the EU’s moves as:

“an attempt to privilege particular producer groups at the expense of all other producers and consumers – and to privilege the EU at the expense of the rest of the world. Given the history of the development of the cheese industry, the overwhelming majority of cheese names happen to be European. Conferring special value on certain of these names through regulation would benefit European manufacturers only.”

The notion of ‘privilege’ emerges as the GDA again draws attention to the disproportionality of the EU’s actions whereby an imbalance between rights and benefits granted to EU producer groups occurs relative to their revocation from non-EU groups. This is further underlined by others who see the EU’s efforts as disadvantaging non-EU producers (Hagstrom 2012) while affording EU producers “an illegal and undeserved advantage” (Castaneda 2014) that shields them from free market forces. This aspect sets the countering gastro-panic apart from the initial gastro-panic discussed in the fourth course because claims-makers do not necessarily seek to gain extra rights. Rather, by highlighting this inequity actors delegitimize the EU’s behavior in order to block or reverse the conferral of exclusive rights to



European producers and essentially ‘undo’ the disproportionality. Finally, the Europeans appear as heartless and uncaring, indifferent to the damaging consequences that revocation would have on other producers and consumers around the world (Tundel 2003; Cox 2003; CCFN 2013a).

The war metaphor transforms the European folk angel discussed in the fourth course from legitimate right-holders into adversarial aggressive and conniving strategists bent on privileging their own producers and consumers at the expense of the rest of the world and recasts an abstract threat as a folk devil, thereby rallying the opposing side in solidarity. The response of NW actors is also pervaded by warlike metaphors that portray their motives not as intended for revenge or gain but in order to protect and defend the use of generic cheese names from a European ‘attack’ (Suber 2013: 6; Castaneda 2014). Defensive calls to ‘counter-attack’ (Eagles 2003) and ‘fight’ (Chase 2003; Eagles 2003; Wilson 2008; NMPF 2012; Astley 2013) the European threat is evident. A representative of the CCFN emphasizes their disadvantaged position as the underdogs as they are “currently bringing a switchblade to a blazing gun fight” but are formulating a plan “to upgrade our weapons in this global battle to defend our most important generic cheese names” (Morris 2011: 2). US groups have been particularly vocal in mobilizing and recruiting allies and rallying in defense of common names as to ‘surrender’ (Financial Times 2002) is not an option. Dairy groups advised a collective effort to ‘combat’ (ADIC et. al. 2010; State of Wisconsin 2014) the EU’s growing ‘offensive’ (ADIC et. al. 2010; Hagstrom 2012), which it seeks through aggressive protection of its GIs to occupy generic terms and achieve its strategic goal of global domination in the area of food name protection.

#### **6.3.4. Humanizing the Folk Devil**

While the initial gastro-panic language deployed in European discourse acted to demonize the generic-producing folk devil, countering gastro-panic discourse indicates attempts by actors to reverse this imagery by rallying in their defense as a means of humanizing them. This functions to simultaneously create a clear boundary marker between ‘us’ and ‘them’ and draws on deeply rooted cultural representations through which actors are able to represent their position and beliefs almost as a heroic task. Likewise, they are able to demonize the Europeans as the folk devil and depict unfavorable policy pursuits as improper behavior. The folk devil’s actions are demonized to such an extent that the prevention of exclusive protection appears acceptable and warranted.

Rather than being malicious counterfeiters, innocent producers and manufacturers are transformed into ‘victims’ (CCFN 2013c) and folk angels whose legitimate rights are being stifled by the European aggressor. Actors humanize the faceless counterfeiting folk devil by highlighting cases of victims whose businesses could be jeopardized by EU efforts, such as factory owners and small producers whose immigrant families started their businesses years before (Tundel 2003). A means of responding to the image of folk devils as large and industrial-scale productions is by accentuating the many small and medium-sized farms and firms from developed and developing countries that use generic terms for their quality products (Schumer and Toomey 2014; CCFN 2013d). Rather than seeking to capitalize on or erode the reputation of European cheeses, these innocent cheese-makers are portrayed as simply trying to do what they have always done in contributing fairly to the wide selection of cheeses from around the world (Suber

2013: 7). This image is also fostered on the CCFN website where such producers and manufacturers are characterized as “Un-common Heroes” (CCFN n.d.).

Following from this, actors emphasize that these names were legitimately acquired through a historical immigrant heritage whereby culinary traditions, processes, and names arrived in NW countries and subsequently became generic and indicative of product characteristics through years of use “in good faith” (Hough 2013). The GDA (2005) states:

“It is a fact of history that virtually all non-EU cheese-producing countries in the world were once colonies or part of EU Member States. Colonists carried traditional cheese-making methods and names with them to their new homes. In some cases (such as cheddar in British Commonwealth countries) use of the EU name was even obligatory under local law.”

They point out that it was these immigrant cheese-makers, not their European forebears, that invested significant resources and contributed substantially to the domestic and global popularization of many names, a success that could not have been achieved by GI right-holders alone (Ridder 2003; Said 2003; House Committee on Agriculture 2004: 147-48; NMPF 2012; Suber 2013: 6; Personal interview, April 10, 2013; Jalonick 2014; CCFN n.d.).

In addition, actors shatter the binary opposition between high and low quality, the latter of which characterized European perspectives of generic-produced cheeses. One dairy representative stated that this assertion “is based on the flawed belief that the EU product is – by the mere fact that it has a PGI or PDO – superior” (Email interview, May 31, 2013). Local and artisanal cheeses have been growing in popularity and actors defend the quality of their cheeses, citing for example the numerous non-EU cheeses that have won awards in international competitions that serve as proof that quality cheeses are produced that meet and even exceed European

versions regardless of where their production is based. This success is not the result of a place of origin but “the expertise and dedication to quality of the company producing the product” (Castaneda 2013b: 4) and the “pride” taken by cheesemakers in their products (CCFN n.d.). They also evoke the competitive and confident spirit, suggesting that the “effort by certain European GI-holders to block competition suggests that in fact they lack confidence in the quality of their products. In contrast, U.S. companies, as well as others around the world, are willing and eager to go toe to toe with European producers” (Castaneda 2013b: 4).

Since NW actors view their use of generic terms to be legitimate, this issue is ultimately one of fairness (Dudas 2003; GDA 2005) and interestingly was also an argument made by the EU with regard to its protection of GIs. The CCFN (n.d.) states that the preservation of generic names “is not just a question of dollars and cents, but of fairness and choice” for producers and consumers. And in an email interview with a dairy representative, he stated that it “is a question for dairy producers unable to use the same names we brought from Europe more than 100 years ago...Just think from our perspective. We have been using those names...and then, one year, the Europeans who remained in Europe decide we no longer can use those names. A little unfair, isn't it?” (Email interview, July 30, 2013). The language of fairness adds a normative angle to the gastro-panic and serves the purpose of enhancing the political influence of actors. The binary opposition of fair versus unfair is presented as a means of again calling attention to and discrediting the disproportionality of the EU's attempts. Here the revocation of rights for a small number of European producers epitomizes unfairness and actors advocate for a fair model that respects both GIs and common names. The EU, on the other hand, uses the fairness argument to justify its asymmetric conferral of rights to certain

producers, stating that the issue is “not about protectionism. It is about fairness” (European Commission 2003) to ensure that ‘real’ products are not driven out of markets by generic fakes, that legitimate producers are duly compensated, and that consumers are not misled.

The language of fairness is often used in international trade politics and acts to influence and shape negotiations and political-economic outcomes (Davidson, Matusz, and Nelson 2006; Kapstein 2006). According to the “Moderate Westphalian View” of fairness in trade, each state should be able to “determine the social costs of production” under the condition that they do “not harm other countries” or infringe on any “negative rights” (Risse 2006: 25). But notions of fairness depend on competing economic interests and differ within and between states, being further complicated by the transnational nature of trade. On the one hand, NW claim-makers hold a view that producers and manufacturers possess a negative right to market cheeses using inherited generic terms in commerce and consumers to be offered a wide range of low-priced and easily distinguishable cheeses, whereby the EU is required to refrain from restricting the use of generic terms. On the other hand, this conflicts with the negative right of EU producers and manufacturers to have their private GI rights respected in commerce and consumers to purchase counterfeit-free products, whereby NW actors would be obliged to withhold from marketing imitation cheeses using protected GI terms. Both sides consider the actions of the other – EU attempts to limit the use of cheese terms and NW attempts to continue marketing illegitimate copies – to be in violation of these rights and perceive themselves to be losing out, giving rise to claims of fairness to suspend or restrict the others’ rights in trade and for governments to intervene through international negotiations.

### **6.3.5. Consensus**

“A global response to a global threat” (Castaneda 2013a).

Consensus is an integral criterion of gastro-panic in that it indicates an agreement by claims-makers that a threat is real, serious, and caused by the behavior of a folk devil and that something must be done to control it. Here, the securitization of the EU’s actions as a threat projected to have serious consequences invigorates a sense of urgency that has generated a social and political consensus that something must be done about it. This is revealed through evidence of collective action, campaigns, and statements made by various actors that call attention to the deleterious consequences of the EU’s behavior and the move to protect generic terms and the necessity for a change in international policies to do so. For example, American dairy groups (USDEC, NMPF, and IDFA 2011) have expressed their commitment to “tackle” the “threat head-on...” and as it has crystallized over the years a number of NW governments and dairy interests have spoken out and joined forces against bids to extend GI protection to generic names (Chase 2003; Houston 2003; GDA 2003; House Committee on Agriculture 2003; Sutton 2004; Prairie Farmer 2005; Embassy Wellington 2005; Wilson 2008; ADIC et. al. 2010; USDEC/NMPF/IDFA 2011; Carper 2013; IDFA 2013; CCFN 2013c; USDEC n.d.). The consensus was made even clearer through the establishment of the US-based CCFN in 2012. A representative of the CCFN declares:

“The breadth of the problem and the resources allocated by the 27-member bloc demands a comprehensive, coordinated global response. To meet the challenge, U.S. Dairy Export Council pulled together an international coalition of concerned companies and organizations, including dairy companies and associations from Canada, Argentina and Central America, as well as U.S. companies and organizations such as National Milk Producers Federation and International Dairy Foods Association, to form the Consortium for Common Food Names, an independent international group focused on countering the GI threat” (Castaneda 2013a).

Their task is to raise awareness of the “far-ranging negative repercussions on the international cheese business unless it is strongly contested” (Castaneda 2013a). While the CCFN also focuses on a small number of non-dairy product names, the overwhelming dominance of cheese names on its “Names at Risk” list signals the vital importance of this issue for the dairy sector.

Similarly to the EU’s pursuit of support for its GIs in order to counter the generic threat, NW actors form alliances and gather support through enterprise to encourage interested parties to unite and take action against the EU. Morris (2011: 2) declares that, “We face a big and growing challenge – one that will require the entire industry to raise its collective voice to defend both our domestic and export market shares.” The lobbying effort at the political level in the US has been successful in making members of the US government aware of the issue and urging them to take action. This is evident in recent letters signed by 55 US Senators (Schumer and Toomey 2014) and 117 Congressmen (Congress of the United States 2014) as well as a resolution passed by the largest cheese-producing state in the US, Wisconsin (State of Wisconsin 2014), that were published urging government officials to take action against the EU’s efforts to harm cheese exports and restrict competition through protectionist FTA’s.

Actors involved in the consensus not only seek out allies but also take part in “a battle between cultural representations” (Cohen 2002: xxxiii) that characterizes the opposing gastro-panics. Competing actors make claims and counter-claims in an attempt to establish dominance over the other through a “discursive strategy of demarcation” that crystallizes boundaries between what constitutes admissible and inadmissible behavior (Watson 2009: 431). Through the use of legitimating values, or the enforcement of new rules and guidelines, actors demarcate what constitutes

legitimate and illegitimate geographical indicators and propose the development of a set of models to determine the generic status of commonly-used terms for open use across the globe. The perceived ‘correctness’ of their approach is advocated through the use of numerous adjectives specified in Table 6.2 (CCFN n.d.; Castaneda 2013a; Dairy Australia 2013: 2; Suber 2013: 7; NMPF 2012).

**Table 6.2: Oppositional Legitimacies and GIs**

<b>Legitimate GIs/system</b>	<b>Illegitimate GIs/system</b>
Proper	Improper
Just	Unjust
Reasonable	Unreasonable
Acceptable	Unacceptable
Appropriate	Inappropriate
Fair	Unfair

Legitimate GIs for cheeses would include “minor” (The New Zealand Herald 2005) and “well-designed” (Suber 2013: 7) GIs or “narrow and geographically-defined artisan cheeses” (Morris 2011: 2) such as Roquefort and compounds such as West Country Farmhouse Cheddar and Camembert de Normandie that are protected in whole. However, what they view to be illegitimate are names such as Camembert, Feta, Parmesan, Emmental, Cheddar, and others that they argue have long been recognized as generic around the world. But the elaboration of such a binary opposition indicates the presence of myth, which reduces reality to the comparison of two easily computable values that promotes the interests of NW dairy groups.

Ultimately, “The issue is not about coming up with a list of generic products but about a methodology for determining what is generic...” (Personal interview, April 10, 2013). At the global level there are currently no policy instruments for identifying what is and is not generic and genericism remains a constant site of discursive formation. From the point of view of NW actors the legitimate system is asserted to be one that justly ensures the right to the continued use of common food



names that have been used for many years, clearly specifies individual components of compound terms as generic and open for use, and allows the protection of terms only in their original language. It also takes into account, for example, references that include Codex Standards, worldwide production levels, longevity of name use, sales and trade volumes, and dictionary definitions (Personal interview, April 10, 2013; Email interview, May 31, 2013; CCFN n.d.) and promotes the construction of compounds (Personal interview, April 10, 2013) that partner generic terms with a country or region of production, for example Australian Feta or Wisconsin Parmesan.

NW efforts to construct new rules surrounding generic terms represents an attempt to identify European activities as deviant behavior through an active process of social delineation and construction. It is important to remember that the threat of a folk devil's behavior is not objectively apparent but takes form through the "*quality bestowed upon it*" (Young 2009: 7, original emphasis). As well, Howard Becker (1963: 9, original emphasis ) states that it is claims-makers who "*create deviance by making the rules whose infraction constitutes deviance...*" and assigns them to specific individuals or groups who are thereafter marked as "outsiders." The creation of rules surrounding generics would have the ultimate effect of sensitizing European actions as wrongful behavior.

#### **6.3.6. Gastro-panic**

When re-considering the various criteria illustrated in Table 6.3 on the following page it becomes evident that a countering gastro-panic is manifested in the discourse surrounding the global dispute over generic cheese names. By way of this discursive strategy of demarcation and legitimation, the cultural, economic, and

political boundaries surrounding the use of terms are diminished and new rules and models formulated to ensure that they may be used by all producers. Through this discourse a new and unquestioned social reality is created in which the EU's actions are constructed by claims-makers from the NW as posing a catastrophic threat to dairy industries around the world.

**Table 6.3: Gastro-panic Criteria**

<b>Gastro-panic Indicators</b>	<b>Description</b>
Concern	Heightened in relation to the EU's international efforts to secure exclusive protection for generic cheese names and its supposed consequences for businesses, producers, manufacturers, and consumers around the world.
Hostility	Toward the European 'aggressors.'
Consensus	Agreement by numerous NW actors that the threat is real, serious, and caused by the behavior of the EU, thus requiring a coordinated global response to stop it.
Disproportionality	Highlighted as the unfair conferral of rights to European producers at the expense of the rest of the world and attempts to reverse it.
Volatility	Contemporary campaign that peaked following the EUKOR agreement in response to the insecurity caused by the EU's actions on GIs. Operates to (re)affirm a sense of existential security through preserving the right to the use of generic terms in an increasingly globalized agri-food system.

In addition, a role-reversal is apparent as the European folk angel presented in the fourth course is demonized through the use of negative imagery that instead transforms them into the folk devil by painting their behavior as aggressive, ruthless, and strategic. At the same time a defensive strategy purifies the generic-producing folk devil of any wrongdoing and presents them as innocent victims or folk angels whose rights are in urgent need of protection. Actors appeal to the insecurity caused by the EU's actions in order to provide a foundation for political action to reverse the disproportionate conferral of rights to European producers and preserve the open use of terms.

The pervasiveness of the countering gastro-panic in NW political discourse surrounding the generic issue is powerful in that it is not only prevalent as a discursive strategy in the language of actors but also structures their practice. The issue is not only *talked* about in terms of the threatening effects of European efforts but partially structures much of the actions performed by actors both within the EU and in international negotiations where the right to use cheese terms still has the potential to be won or lost. Through the countering gastro-panic NW actors construct the Europeans as adversaries and folk devils. At the same time, as the innocent folk angels they defend their positions against an EU attack, enterprise to mobilize supporters against it, and employ legitimating values through organized proposals and the creation of new rules to influence policy and government action. Countering gastro-panic discourse also serves a clear political-economic purpose and the NW deployment of security logic acts as a persuasive device to convince policy-makers that action must be taken to deter the European threat of GI protection. By framing the dispute as a security issue, NW cheese-makers and manufacturers are able to rally supporters and generate a consensus to legitimate actions to preserve the right to the use of cheese names.

Global agricultural and food policy is a highly-differentiated multi-actor and multi-levelled terrain. The policy and practice of individual countries is influenced by interests at the domestic level, which has a profound impact on policy and decision-making (Putnam 1988). Generic terms are economically and culturally-important resources and dairy firms, trade associations, and lobbyists defend their use vigorously and attempt to influence the action taken by government officials to ensure that their interests are represented in international negotiations. This is particularly the case in countries such as the US who, much like the EU, has a long

history of agricultural interventionism (Cathie 1985). The sector has been historically characterized by a preponderance of ‘family farms’ (Tilzey 2006) and a persistence of ‘agrarian myths’ that resonate with public and government officials (Grant 1993: 251). As a result agri-food lobbies continue to possess significant political influence (Gawande 2006; Woll 2009). Threats to the use of generic terms, whether real or perceived, infuse the debate with a sense of urgency and purpose that enhances the political salience of the issue by defining it as a problem that justifies a governmental and policy response.

Thus, the countering gastro-panic represents a boundary-maintaining and creating mechanism used by NW claims-makers to legitimize their normative and material interests in attaining the open use of generic cheese terms. It is also a form of myth that simultaneously allows a focus on certain aspects of the situation, such as the conceptualization of GI protection as threatening, while shrouding others, such as the historical origins of particular types of cheese. The overall effect of the gastro-panic is to counter-securitize GI protection as a threat in order to enhance its political salience and secure its placement on the policy agenda with the ultimate aim to secure the open use of terms within the global market.

#### **6.4. Demythologizing the Countering Gastro-panic**

Countering gastro-panic language presents European producers as aggressive and protectionist folk devils. As well, an elaboration of genericism serves as a conceptual map of meaning by which NW claims-makers interpret the debate. But these significations have only recently become normalized and Barthes would argue that they conceal the operation of further orders and ideologies. In this final section I analyze the volatility of the countering gastro-panic and deconstruct it as myth to

further understand why the issue has arisen in recent years, what motivations underlie it, and what ideological alignments are being served. This is important because gastro-panic is a rational process that does not just occur naturally in society. Rather, its materialization and influence is dependent upon actors driven by specific motives, interests, and agendas. It is also contextual and often arises during difficult times of social, economic, and political change.

I intend to show how the generic issue reflects the concerns and preferences of different actors and institutions in NW countries and is linked to larger, politically-charged debates surrounding the liberalization of agricultural trade, appropriate assistance for farmers and rural communities, the need to preserve the use of generic terms around the world, and the roles of governments and the market. I argue that NW actors are competing over the status of cheese names not only to profit from economically significant terms but in an attempt to restore an existential sense of security during a time of perceived insecurity brought about by European efforts in the context of the increased industrialization and globalization of cheese production. Here, generic terms are seen as tools to accomplish various commercial, political, and socio-economic objectives.

#### **6.4.1. Economic Interests**

To understand contemporary pressures to preserve the right to use generic terms around the world also requires consideration of the value and importance of cheese industries. For many NW countries, dairy is a major contributor to domestic and international economies. Cheese is one of the most important products within the sector and constitutes an important source of economic output. And because of this its production and marketing assumes the role of an important referent object that is

worth protecting. This is the case for New Zealand (Sutton 2004; The New Zealand Herald 2005) and Australia where in the latter dairy is the third most valuable rural and export industry after beef and wheat. In 2012 Australians exported approximately 28% of production worth billions of dollars (Dairy Australia 2013: 1). In addition, dairy is an important contributor to the US economy in terms of revenue and employment (Suber 2013: 1) and in Canada is second only to meat in terms of value with products such as butter, cheese, yogurt and ice cream accounting for 63% of production or 15.1% of all processing sales in the food and beverage industry (Canadian Dairy Commission 2012).

Much opposition stems from threats to existing companies who have for some time built their businesses using generic names that originally came from Europe. This could apply to large-scale industrial factories but also affects small companies who have “built their livelihoods around artisan foods...” (Said 2003) and whose very survival depends on the use of widely-recognizable names. Some of these companies are an important part of the development of national economies and provide employment for hundreds of workers (CCFN n.d.). In the US for example, Suber (2013: 1) indicates that there are tens of thousands of dairy farms that contribute billions to the US economy and that, “The U.S. dairy industry is a key engine of growth and jobs, particularly in rural communities, and growing export sales have helped to strengthen it.” Therefore, the issue is not just about the names themselves but concerns “rural America and jobs” (Jalonick 2014). And it is these livelihoods and communities that European proposals and restrictions put at risk.

Dairy industries in many NW countries are also increasingly active in global export markets; a main reason for this being the rise in incomes and cheese consumption particularly in Asia (Sutton 2004; Saez 2013; O’Connor 2013) and

issues at the domestic level. One EU trade official admitted that “we’re all trying to battle for market share” in Asia and “competing for getting our products into the emerging markets in China especially” (Personal interview, April 9, 2013a). Decreased trade barriers and rising wealth continue to create global market opportunities where none existed previously and the proportion of cheeses traded internationally is rising, aided in part by the increasing liberalization of dairy industries and export-growth strategies.

These changes are important for countries such as Australia who are a large exporter of dairy products sold under European names (Brink 2007: 1). They rely on “unsubsidised, highly productive agriculture – to win markets” (Dibden, Potter, and Cocklin 2009: 300). But for a country like the US, European activities are occurring against a backdrop of changes at the national level and international pressures to liberalize domestic markets. Like the Parmigiano-Reggiano industry, US dairy industries are struggling in the face of reform (Hagstrom 2012), low prices, and increasing costs and have turned to export markets as a “strategic growth opportunity” (Congressional Dairy Farmers Caucus 2010). Historically small in volume and value, US cheese exports have been growing in recent years and it was reported that in 2009 “20 cents out of every one dollar’s return that U.S. dairy farmers received from the export market was attributable to overseas cheese sales” (USDEC/NMPF 2010).

Many countries where the EU has been negotiating protection for cheese GIs happen to be important export markets for NW countries, which makes their actions seem to be even more of a threat. For example, in the past few years Singapore was the third most important market for Australia where cheese exports grew by 60% since 2005. And this was not confined to large-scale industrial cheeses but also

included niche products produced by small and medium-sized companies (Dairy Australia 2013: 2). South Korea is the second most important export market for US cheese (USDEC/NMPF/IDFA 2011) and US dairy industries had placed a priority on access for cheeses in the US-Korea FTA, expecting strong returns from expanded exports (Congressional Dairy Farmers Caucus 2010). Claims-makers therefore see European efforts as seriously threatening market access, current cheese exports and, perhaps even more importantly, future export potential (Embassy Wellington 2005; Morris 2011: 2; ADIC et. al. 2010). The emphasis on future rights is interesting because it is tied to potential growth and profits as countries continue to build and access extra-local markets as dairy industries are further globalized.

Preserving the right to worldwide use of generics is attractive to producers and business and it is no coincidence that they have become part of the international debate just as world trade in cheese is reaching record levels and economies become more integrated. There are strong commercial interests at play and generic names are seen as valuable tools to accomplish commercial objectives, which could be hampered by the European confiscation of product terms and directly impact the growth and profitability of dairy sectors. According to one interviewee “consumers in domestic and foreign markets will place a (potentially high) premium on those ‘names’...cheeses in particular are a mature market, so the room for innovation is rather small” (Email interview, July 20, 2013). President of the American Cheese Society Greg O’Neill states that, “Cheese is big business; it is the largest single category in specialty food” (USA Today 2014). And in the US, European attempts are reported to be “threatening a multi-billion dollar industry” (CBS NEWS 2014). The global has now become a battleground upon which to fight in order to secure market access and boost domestic profits and actors are able to mask what are



essentially vested dairy interests as security concerns, forcing the issue to the top of governmental negotiating agendas to legitimate generic exceptions in international markets.

#### **6.4.2. Protecting Whom? Preserving the Neoliberal Status Quo**

Like the Italian and European actors in the fourth course, NW claims-makers appear to approach the use of terms – in this case the open use – as a security measure for consumers *as well as* companies and producers both at domestic and international levels. As claims-makers they naturalize the generic status of terms through genericism. They also call attention to the troublesome actions of the EU and profess to promote the needs, preferences, and interests of consumers and producers in an attempt to influence policy-makers and negotiators to take action against it. For example, the disadvantages to consumers are emphasized as a taken-for-granted consequence of restricted competition. This reflects the widespread belief that open competition and the right to market a wide variety of cheeses under familiar names ultimately benefits the consumer through lower prices and greater choice and that they are penalized by any form of protectionism and the implementation of trade barriers (Gaisford and Kerr 2001).

Myth seeks to ground political and historical situations, and ideological alignments, in the realm of the natural. It is also composed of beliefs and representations that sustain and legitimate current power relationships and promote the values and interests of dominant groups in society. Through the myth of genericism NW actors are able to naturalize their approach to terms as common sense and obscure the influence of the policy paradigms that guide them. But when this is deconstructed it becomes apparent that discursive legitimation for political

action in the generic debate is sought by recourse to ‘neoliberal’ and ‘agricultural normalist’ (Daugbjerg and Swinbank 2009: 12) arguments.

Therefore, in this context European exceptionalist efforts threaten the status quo constructed through the dominant ideology currently shaping global agri-food system governance and restructuring (McMichael 1994), which promotes increased liberalization and reduced state intervention, free trade, and open markets and contends that agriculture should be treated as no different from other economic sectors. This ideology has been embraced and is promoted within governmental policy agendas and by dairy industries from a number of NW countries. For example, Australia, New Zealand, Argentina, and Canada are all members of the Cairns Group of agricultural exporters committed to reforming trade and eliminating market distortive policies and practices. Neoliberal political discourse is particularly acute in the farm and agricultural policy of Australia and New Zealand who have taken a lead in promoting free trade and criticized the EU’s construction of multifunctionality as a front for maintaining non-tariff trade barriers and disadvantaging other producers on world markets (Alston 2004; Pritchard 2005; Dibden and Cocklin 2009). New Zealand declared that it was committed to breaking down international barriers (Sutton 2004) and Australia’s dairy industry has already operated in a liberalized dairy market for over a decade (Dairy Australia 2013: 1).

Neoliberalism has emerged as a source of ideas and justifications for the maintained genericity of terms and as a means of discrediting European protectionist measures in a world that increasingly condemns such practices. The agricultural exceptionalism promoted through European efforts to protect “lots of teeny tiny people” (Personal interview, April 10, 2013) and “a bunch of small agricultural producers” (Personal interview, May 30, 2013) is dismissed for lacking commercial

and business credibility and efficiency. At the same time, attempts to regain the exclusive use of generic cheese terms under the GI façade have been cited as “market restrictive and anathema to the spirit and goal of trade liberalization...” (Hough 2013) and the US House Committee on Agriculture (2004: 147-48) referred to GIs as an unacceptable “interference with free trade” while Canada’s ambassador to the WTO was quoted in an article stating that, “We should be bringing down barriers...not creating new ones” (Chase 2003). GIs are seen as being incompatible with the ultimate goals of agricultural negotiations – specifically improved market access and the elimination of protectionist practices (House Committee on Agriculture 2003; Embassy Wellington 2005; Hough 2013). And within this context the claw-back of terms is dismissed as nothing more than an insidious ‘trade barrier’ (Suber 2012; Hagstrom 2012; IDFA 2013; Carper 2013; Hough 2013; Schumer and Toomey 2014; Castaneda 2014) and a new form of protectionism bent on stifling competition (Tundel 2003; House Committee on Agriculture 2004: 147-48; The Editors 2013). Castaneda states that (2013b: 4):

“It is one thing to establish a GI for a new name, one that is not already well entrenched in global markets. But seeking to monopolize names that have already entered into common usage is a defacto barrier to trade in international markets and would be a great hindrance to open competition in our own market. We must not encourage this type of anti-competitive behavior...”

Under neoliberalism, open and fair competition is what Busch (2010: 336) declares is “its central dogma, its DNA.” Claw-back therefore strikes at the very heart of the ideology and it becomes difficult for those who subscribe to the liberal logic of free trade, efficiency and open competition to be able to accept the special treatment of GIs and the state intervention that comes with it, especially when such protection threatens the use of valuable generic terms. The language used by actors is persuasive because it presents a vision of European efforts that appear as inconsistent

with the ideological underpinnings of food and agriculture in international society. The global market is an environment in which threats to dairy interests can assume a high profile for many and gastro-panic logic can be persuasively used to demonize an opponent whilst legitimating a neoliberal agenda that breaks down barriers between national and global agri-food economies.

But as myth the countering gastro-panic allows a focus on certain aspects of a situation – such as the battling aspects of the international dispute, its contrariness to the neoliberal agenda, or the threatening nature of European behavior – while shrouding others. In doing so it prevents us from paying attention to other aspects of the situation that might be inconsistent with it. A certain irony is present in the assertions made by NW actors and the contradictions within these stances deserve exposure. First, the argument that consumers all over the world would lose if producers and manufacturers are unable to market cheeses using generic terms is itself a taken-for-granted assumption. Many consumers do indeed purchase products based on their awareness of generic terms and this is especially the case in many NW markets where there is a high familiarity with types of cheeses. But if the EU were to be successful in expanding protection to food products, dairy industries in individual NW countries would still possess the right to market their cheeses to domestic consumers using familiar terms as mandated through the generic exception in Article 24 of the TRIPS agreement. The consumer-loses argument is thus questionable when considering that a large part of the dispute centers on access to emerging markets where there is a greater unfamiliarity with types of cheese. In many of these markets the connotations associated with cheese names in the minds of consumers are actively being constructed and there is no assurance that they would benefit from a wide variety of products being classified under as-of-yet unfamiliar generic terms.

Therefore, the consumer might not be penalized by the restriction of a cheese name to European producers if they learn to associate it as such.

Next, on the surface NW claims-makers promote a strong rhetoric extolling neoliberal principles and unilaterally demonizing the EU and its privilege-seeking producers for stepping outside the boundaries of this agenda. The political legitimation for the open use of terms thus revolves around targeting their improper and aggressive behavior through the gastro-panic. But behind the scenes these actors also seek to promote their own interests and instil their preferences within international agreements. While the EU has tended to differentiate its policy in favor of maintaining a degree of ‘exceptionalist’ support for agriculture, the market liberal model has taken hold in other countries such as the US (Skogstad 1998; Coleman 2011), Australia and others. But as mentioned previously, the US has a long history of agricultural interventionism and has also been pressured to reduce governmental support. The US government must therefore balance these conflicting imperatives through pursuing “a strategy of qualified neo-liberalism” in order to satisfy powerful domestic interest groups and commitments to international reform (Tilzey 2006: 15). Moreover, Australian government policy and industries might appear to be the poster child of unbending devotion to neoliberal ideology with its non-interventionist approach and heavy concentration on principally undifferentiated large-scale production and exports. Unlike in the US and the EU there exists little political pressure to retain protectionist policies in the country because Australian agricultural policies are geared almost entirely towards international competitiveness and offer little sympathy or support to the travails of smaller-scale enterprises (Tilzey 2006; Dibden, Potter, and Cocklin 2009). But such outward focus makes it vulnerable to pressures from agri-business interests and the Australian government “still

intervenes opportunistically in order to satisfy particular political agendas” (Pritchard 2005: 9).

Additionally, the EU is not the only one entering into FTAs to secure their interests, which have proliferated in recent years (Heydon and Woolcock 2009). It is no secret that in absence of a consensus on GIs in the WTO that the US has been pursuing a rigorous agenda to enshrine its ontological and legal viewpoints in various bilateral and regional FTAs. While the language of EU provisions emphasizes a *sui generis* GI system that in many cases prioritizes protected GIs over generic terms, US agreements focus on the protection of GIs specifically through a trademark system and preserves the right to the use of generic terms (Personal interview, May 24, 2013). The pursuit of two different modes of protection and focus on competing “systemic frameworks” (Smith 2006: 20) has resulted in many countries becoming party to agreements with contradictory obligations (O’Connor 2013; Viju, Yeung, and Kerr 2013). The US enshrined clauses into its agreement with South Korea (KORUS) in order to protect trademarks that incorporated generic terms and according to one informant their approach has been to block GIs through the ‘first in time, first in right’ principle – a standard rule of trademarks whereby the first to use and register a mark in commerce has priority over all others – but that they were forced to change tactics when the EU completed the EUKOR agreement first (Personal interview, May 24, 2013a).

Since then the Trans-Pacific Partnership (TPP) agreement has been seen as a strategic arena through which “more reasonable guidelines for the use of common food names” (Suber 2013: 7) could be institutionalized and has been structured so that it “allows a GI which is generic in the territory of a third member but not generic in the territory of the GI’s origin to be refused as a GI. Article 2.18 also says that a

trademark or GI may become generic even after their registration or recognition” (O’Connor 2013: 3). Some of the countries involved in TPP negotiations have already protected certain contested cheese terms through agreements with the EU – such as Canada, Peru, and Singapore, or are in the process of negotiations. This provision would therefore prevent a term such as Feta, considered generic in the US and Australia, from being protected as a GI in Peru or from being restricted in Canada where the recent CETA agreement requires the use of a qualifier such as ‘like’ in marketing the product. Additionally, it allows protected terms to become victims of genericide and erode over time, something that is impossible under the EU system. Such attempts call into question the preserved territoriality of genericism.

Ultimately, it must be remembered that the liberalization of food and agricultural sectors remains a highly contested policy agenda and neoliberalism has been referred to as “a dominant taken-for-granted set of practices...” (Busch 2010: 344) and “a negotiable discourse” (Dibden, Potter, and Cocklin 2009: 300). There is no one-size-fits-all approach to instituting the neoliberal agenda in food and agriculture and it has been adapted and opposed to differing degrees by different countries who seek to benefit from its “selective accumulation opportunities” while at the same time maintain “some level of agricultural and socio-environmental ‘exceptionalism’ in policy...” (Tilzey 2006: 1). I already discussed the diverging approaches of competitive agriculture and multifunctionality that have emerged in the market liberal context, the former being embraced by the US and Cairns Group and the latter by the EU. Therefore, the contemporary struggle over the use of particular cheese terms is also “essentially about the drive to establish, resist, or in some way modify neoliberalism as the dominant policy discourse” (Potter and Tilzey 2005: 586) to ensure the maximum level of security for domestic interests.

### 6.4.3. (Re)affirming Security

It can be argued that the countering gastro-panic surrounding European efforts is more than an attempt at instrumental profit maximization and has arisen within the international debate in recent years as claims-makers seek restore a sense of security in an increasingly fractured, competitive, and globalized marketplace. This becomes more evident when considering that what NW claims-makers seek is not any form of extra or enhanced rights but rather the preservation of *pre-existing* rights to the use of generic terms that are in danger of being restricted and greater certainty in their clarification. In Barthesian terms this mythical discourse has occurred because the taken-for-granted generic nature of cheese terms has been called into question, which threatens the interests of established dairy industries within the context of the increased industrialization and globalization of cheese production and the continuous construction of global norms and regulations surrounding GI protection.

For non-EU companies and cheese-makers, the restricted use of widely-recognized cheese terms is a major threat that would put them at a disadvantage in the marketplace. This has created a climate of insecurity that is evident when considering frequent references by claims-makers in their arguments against claw-back to ‘uncertainty’ in global dairy industries, the ‘safety’ of terms that are at ‘risk’, the idea of keeping producers and manufacturers ‘safe’ from the incursions of GI policy, and the ‘vulnerability’ of terms:

“Generics don’t always remain generic...The argument in the EU is that GIs are vulnerable because they can become generic, which in the EU is not possible. But in my view this is not true that GIs are imminently in threat of becoming generic...I think you could say that generics are more vulnerable to be eroded in third country markets than the other way around” (Personal interview, April 9, 2013b).



The status of generic names is perceived as being more fluid than their GI counterparts, the latter of which may *never* become generic once they are registered. Furthermore, the referent objects illustrated in Table 6.4 are indicative of this insecurity because they reflect different types of security concerns reflected in actors' discourse that are perceived to be endangered by the EU's efforts. This has prompted claims-makers to fight the exclusive protection of terms at the global level in order to safeguard their open use. The assurance of such rights and the power to prevent the exclusive linkage of names to certain products and producers is projected to create a climate of 'fairer' competition. Generic terms thus serve as powerful security tools that are vital to the well-being of companies and firms in order to maintain competitiveness in the global marketplace.

**Table 6.4: Referent Objects Perceived to be Endangered by EU Efforts**

Sector	Referent Objects
Economic	Resources (generic cheese names), businesses, profits, trade, market share (present and future), jobs and livelihoods
Societal	Immigrant heritage, knowledge, and traditions
Political	Use rights (present and future), intellectual property norms, rules, and institutions, national sovereignty

Attempts to define and maintain the delocalized meaning of terms may be understood as a reaction against the perceived threats of protectionism and an active defense that seeks to de-legitimize the European position. While NW claims-makers might legitimately view the EU's practices as protectionist and harmful, they have at the same time strategically sought to construct a version of the concept of 'genericism' that suits their own trade interests. To pursue this agenda, these actors have been strong advocates in demarcating what constitutes a 'generic' term and creating an international methodology for determining it. Fundamental to this agenda has been an attempt to gain widespread acceptance of such a methodology that in

some cases disregards the territorial rights of other countries to determine the genericness of product names, and producers and manufacturers to use them.

Economic incentives are not the only motive driving defenders of generic cheese terms. The effort to secure their open use around the world is also related to issues of immigrant heritage, history, and culture. Food cultures and products have transcended borders throughout history and serve as collective identity markers for immigrants in new lands who both reproduce and fuse cuisines to suit local ingredients and tastes (Fischler 1988; Koc and Welsh 2001). Thus, it is possible to “view foods not only as placed cultural artefacts but also as dis-placed, inhabiting many times and spaces which far from being neatly bounded, bleed into and indeed mutually constitute each other” (Cook and Crang 1996: 132-33). To assert the necessity of preserving the open use of generics is partly to assert the importance of respecting this cultural heritage. It also raises questions about the right of immigrants to continue reproducing their culinary traditions in new places and whether in a continuously globalized framework authenticity should necessarily be limited to the territorial and cultural contexts of the supposed country of origin.

The generic issue represents an attempt to claim equal opportunities for NW producers that places them on an even playing field with competitors, for example by emphasizing the long-term use, immigrant heritages, and quantity which characterizes production of the cheeses and the benefits afforded to consumers. For European opponents, however, this is little more than blatant counterfeiting, an abuse of legitimate producer rights, unfair competition, and a justification for free-riding on European reputations on the grounds of perceived generic use rights. The generic term acts as a security tool to protect both vested interests and the market advantages

derived from it. But it also carries with it negative consequences for the ‘original’ producers and manufacturers of certain European cheeses and has contributed to the issue becoming a majorly contested topic of international discussion. Such measures create tensions in a global climate increasingly framed by competing discourses of neoliberalism and have in turn become a threat to the European policy discourse of multifunctionality. At a time of rapid change and competition where cheeses are increasingly traded around the globe, the generic term helps companies and producers compete, define, and profit from genericism by characterizing a ‘type’ of cheese. Advocacy for the preservation of generic use can thus be understood as a desire to secure NW dairy interests and growing presence in the global cheese market at a time of increasing threats and insecurity caused by the EU.

## **6.5. Conclusion**

In this course I addressed the first and third research questions through using cheese as a lens to examine the countering processes at play within the contested cultural politics of food name protection and to better understand genericism in the context of global GI politics. I revealed how claims-makers from NW countries are competing with the EU through a countering discursive process of gastro-panic in which a perceived political-economic problem – that of the EU’s aggressive attempts to recapture ‘generic’ terms around the world – is securitized as a serious threat to global dairy industries and nurtures a view of folk angel (‘innocent’ NW producers and companies) versus folk devil (‘aggressive’ EU). This portrayal infuses the debate with a sense of urgency that justifies a coordinated global defense and the creation of a methodology for determining genericness in an attempt to restore an existential sense of security during a time of perceived insecurity within the context of the increased industrialization and globalization of cheese production. Here, generics

serve as important security tools for their commercial value and role as inherited cultural heritage in NW countries and genericism emerges as a constant site of discursive construction that is being negotiated within the international arena.

The countering gastro-panic is not simply a neutral or objective reflection of reality but an interpretative framework through which NW actors convey their own perspectives and evaluations of the current situation and agricultural policy in general, which reflects and at the same time reinforces a particular way of understanding the actions to preserve the use of generics in terms of legitimate rights. It is also a discursive tool designed to achieve a number of political goals that include naturalizing the current oppositional approach and recruiting allies through reifying a narrow conception of the debate that presents European attempts as wholly negative, threatening, and contrary to the neoliberal agenda. Claims-makers use the discourse of gastro-panic to persuade government and trade officials, companies, farmers, food producers, and consumers that action taken to mitigate the threat is necessary, desirable, and achievable. The countering gastro-panic is itself a form of myth in that it presents a simplified vision of a much more complex issue and shrouds underlying interests and motivations. It also works to enforce a particular interpretation and meaning in the form of the genericism of terms. Within this context language is deployed as a means of normalizing a global campaign against the EU's efforts on GIs and legitimizing a global methodology for the determination of generic status.

## *Seventh Course*

### **7. Conclusion**

This thesis used a food studies approach that employed the dispute over cheese, and specifically the cases of Parmesan and Cheddar, as a lens to understand the contested politics of GGIs. The main objective was to thoroughly explore the international conflict over GGIs, which has received little academic attention thus far, by investigating three research questions: First, how and why are European and NW actors competing over the status – protected or generic – of cheese names? Second, why has this struggle manifested in the case of Parmesan but not of Cheddar? And third, how can we better understand genericism within the context of GI policy?

The thesis was driven by three main arguments designed to investigate the research questions. First, I contended that actors on both sides of the debate compete to secure the use of terms through oppositional discursive strategies of ‘gastro-panic’ where they appeal to a language of security in order to persuade policy-makers to take action, through policy changes or other arrangements, against the perceived threatening actions of their opponents in order to secure the exclusive or open use of terms. In doing so they also frame their arguments in ways that are consistent with either the ‘Multifunctionality’ or ‘Competitive’ agricultural paradigms that shape how they identify problems in the agri-food sector and ways to address them. These international actors are not only motivated to secure access to the use of cheese names purely for profit-maximizing purposes but also in order to maintain a sense of security amidst the perceived insecurity brought about by the increasing globalization of dairy industries, trade, and international norms and regulations.

Next, I argued that the appearance of a gastro-panic is dependent upon the active endeavors of actors invested in its success who are guided by these differing worldviews that affect whether or not they perceive the outside use of a term to be a threat. Thus, no struggle emerged surrounding Cheddar because its widespread use has not been interpreted as a threat to the ‘original.’ This is a result of its genericity being naturalized by producers and governments as indisputable fact or common sense and occurs within a market liberal context that preserves the openly competitive use of the term where any protectionist attempts to restrict it might otherwise be viewed as a threat. And lastly, I asserted that within the GI context genericism may be understood as a highly complex, unstable, and socially-constructed concept as well as a strategic discursive device aimed at blocking the successful registration of proposed product names as GIs.

This research is important because genericism is an inherently contested concept despite the un-protectability of generic terms being enshrined in GI policy. As well, within the broader political-economy of GIs the generic use of geographical names is one of the most contentious issues. Moreover, the use of these names is of significant importance to producers, manufacturers, consumers, and policy-makers all over the world yet the rules and regulations governing their use remain vague and under-developed. The debate over cheese reveals the inherently political nature of the ways in which genuineness and genericness are constructed in an increasingly competitive market-place.

### **7.1. Summary of the thesis**

The various courses in the thesis, which is how I referred to the different chapters, were designed to shed light on the main research questions. The second

course provided the historical context and a broad overview of the multidisciplinary literature devoted to GIs. Its purpose was to expose the gap in the literature and lack of focus on the issue of GGIs. Following from that, the third course elaborated on an interdisciplinary explanatory framework derived from a synthesis of moral panic, securitization, and Barthesian myth, which I referred to as the gastro-panic. Gastro-panic is fundamental because it enabled me to call attention to how European and NW actors compete over cheese names by invoking a language of food system security as a means of providing a foundation for and justifying political action to deter perceived threats to the use of certain terms. Gastro-panic manifests itself in competing policy discourses, understood as discursive strategies employed to secure the exclusive or generic use of terms, and is key to understanding how different groups in this debate promote their interests. Gastro-panics represent attempts to create new competitors and platforms of action, in other words to demonize an 'other' as the folk devil as a means of legitimating action taken against them. Crucial in this respect has been the role of claims-makers including individuals, groups, and government actors who initiate the processes by professing to represent the interests of producers and consumers everywhere and also by re-defining what constitutes inadmissible behavior. Through the gastro-panic myth each side naturalizes what is essentially cultural and contextual and makes dominant cultural and historical values, attitudes, and beliefs in the approach to food terms seem 'self-evident', obvious, and common sense.

Next, in the fourth course I introduced the controversial case of Parmesan. This course was intended to support the argument that opposing actors are involved in competing processes of gastro-panic intended to secure the right to the use of a contested cheese name and also to shed light on the complicated and shifting nature

of genericism. It demonstrated how each side has attempted to fix the otherwise shifting meaning of Parmesan in order to secure the right to its use at the international level. In addition, it highlighted a gastro-panic strategy manifested in the language of European claims-makers. Here, Italian and EU claims-makers were shown to frame generic producers as counterfeiting folk devils who deserve to have their name-use rights revoked due to the deleterious consequences it has for producers and consumers of the original cheese. These actors pursue global protection for Parmesan using a justification of *terroirism* that links the name to its place of origin and is legitimated through agricultural exceptionalism and discourses of ‘multifunctionality.’ They do this in an attempt to restore an existential sense of security during a time of perceived insecurity brought about by socio-economic difficulties within the region of origin and the increased industrialization and globalization of cheese production. Considering that Parmigiano-Reggiano has co-existed with Parmesan for some time, this behavior has only recently been considered objectionable at the global level. Advocacy for the protection of Parmesan can thus be understood as a way to capture the exclusive right to market a cheese in an increasingly global economy and a desire to protect struggling European producer, rather than consumer, interests and dominance in the global cheese market at a time of increasing competition from non-EU producers.

Unfortunately however, these attempts appeared to conflict with those who hold a view that Parmesan is a generic term and should be open for use by everyone. Both *terroirism* and genericism emerged not as given characteristics of the name but as contested and complex processes of negotiation. The specific or generic nature of Parmesan therefore results from dynamic processes of meaning attribution through which social actors construct and defend the exclusive connection between its name



and a place and its improper use by outsiders on the one hand and the disconnection of its name from a place and the threat of its protection on the other, the linkages of which must be continuously defended and re-legitimized.

To continue, the fifth course presented the uncontested case of Cheddar as a contrast to the contested case of Parmesan and proved valuable to better understand genericism in the context of GI policy and consider why no discursive struggle has manifested surrounding its use. One of my main arguments held that the appearance of a gastro-panic is dependent upon the active endeavors of actors invested in its success who are guided by differing worldviews that affect whether or not they perceive the outside use of a term to be a threat. When compared to the case of Parmesan, the widespread use of Cheddar has not been similarly interpreted as a threat to the ‘original’ because its genericity has been naturalized by producers and governments as indisputable fact or common sense. This has occurred within a market liberal context that preserves the openly competitive use of the term where any protectionist or exceptionalist attempts to restrict it might otherwise be viewed as a threat. This was supported by evidence pointing to the widespread agreement that Cheddar has succumbed to genericide and various ambiguities and inconsistencies within the EU and internationally.

Finally, in the sixth course I revealed how gastro-panics are not simply one-sided affairs by analyzing the NW response to the EU’s actions in the area of GIs. I argued that the particular structure of language used in the debate and current coordinated attempts to preserve the right to use generic cheese terms in commerce is an indication that the folk devil is fighting back. This is done through a countering discursive strategy of gastro-panic that challenges the EU folk devilling process likening their production activities to illegal counterfeiting, thereby recasting the

EU's actions in a negative light. Rather than being legitimate folk angels, the EU's actions are constructed as posing a catastrophic threat to dairy industries around the world. A role-reversal is apparent as the European folk angel is demonized through the use of negative imagery that paints them as incredibly aggressive, ruthless, and strategic while at the same time a defensive strategy purifies the generic-producing folk devil of any wrongdoing and presents them as innocent victims whose rights are in urgent need of protection. Actors appeal to security through securitizing the EU's actions in order to provide a foundation for political action to reverse the disproportionate conferral of rights to European producers and preserve the open use of terms. By framing the dispute as a security issue, NW cheese-makers and manufacturers are able to rally supporters and generate a consensus to legitimate actions to preserve the right to the use of cheese names.

## **7.2. Key findings**

This research demonstrates a number of key findings. To begin, an important lesson to learn is that the protection or non-protection of food names emerges through a dynamic process of discursive construction. Barthes would say that as signs the connotations attached to food names are rarely stabilized or unproblematic in practice. Because their meaning fluctuates within and between territories they are also inherently contested and change as competing actors seek to fix their otherwise shifting meaning. This is important because it emphasizes that meaning is the outcome of politics and the connotations attached to cheese names emerge as a socio-cultural construction that industry participants and other actors have to constantly negotiate and re-define. Additionally, rather than being a stable and objectively-assessed state of being, genericism itself is a complex notion that has different and sometimes contradictory meanings. The production and maintenance of

genericism relies upon the consensus of actors working within the negotiated and contested terrain of international politics, some of whom are more powerful and well-organized than others.

Next, competing European and NW actors make claims and counter-claims in an attempt to establish dominance over the other through discursively demarcating what constitutes proper and improper use. As signs, cheese names are given meaning by how they are represented as place-specific or generic. These meanings are not merely abstract notions but also have real practical effects, being developed and deployed in concrete struggles over the power to demarcate and influence the right to the use of certain terms. But actors also compete over security where the construction of territorial and cultural boundaries surrounding the use of terms as well as the preservation of use rights is fundamental to its pursuit. However, both strategies of demarcation are a source of conflict as there are incompatible claims over the use of terms. This can be problematic because it creates strict divisions that may cause actors to lose sight of any cooperative potential within the dispute.

Furthermore, the pervasiveness of oppositional gastro-panic strategies in agri-food political discourse within the generic debate is powerful in that it is not only prevalent as a discursive strategy in the language of actors but also structures their practice. The issue is not only talked about in terms of the threatening effects of the others' efforts but partially structures much of the actions performed by actors in international negotiations where the right to use cheese terms still has the potential to be affected. Through the active demonization of a folk devil, claims-makers consider the other side to be adversaries and as the folk angels they defend their positions, enterprise to mobilize supporters against them, and employ legitimating values through organized proposals and the enforcement of new rules to influence policy

and government action. Thus, the discourse pervading the gastro-panics serves a political-economic purpose where the deployment of a language of security is used to securitize the opposing side as a perceived threat and can be a useful means of persuading policy-makers that action must be taken against them. By framing the dispute within this type of setting, claims-makers on both sides are able to rally supporters and generate a consensus to legitimate actions to preserve a particular right to the use of cheese names.

Additionally, the nature of the gastro-panic myth differs given the divergent geographical, historical, political, and institutional contexts in which it is being framed. Different forms of neoliberalism and ideas about the role that dairy plays in the economy and society underlie the competing sides and helps explain divergent European and NW approaches to the generic issue. In a discursive sense, the debate about the implications of generic use within the agricultural protectionist environment of the EU or the restriction of use in more market-oriented countries is similarly security-maximizing. Countering gastro-panic politics inform national and international debates on the future of food terms and are interwoven with demands for agricultural liberalization, market access, and open competition in a proposed global free trade regime. The progressive globalization of the world economy has contributed to a growing sense of insecurity amongst many and significantly affected agricultural policy. At the international level, rules, regulations and norms are constantly being shaped and the international agri-food market has become a battleground for groups with conflicting interests attempting to influence policy and its construction.

In short, this thesis demonstrates that genericism is not a given condition. Genericity, like genuineness, is not a quality of the name and product themselves but

is something which is ascribed to them by someone with authority. Food names become territorialized or disembedded through the mobilization of values and meanings that construct them as either ‘genuine’ and ‘specific’ or ‘ingenuine’ and ‘non-specific’. In the case of Parmesan, the localization process is about utilizing a *terroirist* discourse that roots the product in time and space and at the same time demonizes its outside use as counterfeiting. Exclusive rights to the name are legitimated through European claims-makers’ discourses as they emphasize the essential link between its authenticity and ‘realness’ and the Reggio-Emilia territory, traditional production methods, and history. At the same time, the de-localization process that seems to have affected Cheddar is about utilizing a discursive strategy that releases the name in time and space and legitimizes its outside use. In the narratives of opposing NW actors the product name loses its cultural specificity through emphasis on its generality. Within this oppositional process actors are unable to find a compromise to reconcile the diverging interests of different stakeholders and their desire to secure the rights to use.

At the same time, there is also something particularly interesting about the comparison between Parmesan and Cheddar. While I have done my best to pinpoint the ways in which the situations surrounding the two cheeses differ, in many ways they are actually quite similar. Take for example their historical prestige and long histories, the traditional production processes that are proudly upheld by artisan producers, and the desire of producer groups to demarcate and differentiate them from their industrial counterparts. They have also both become some of the most globalized and widely-produced cheeses around the world. This therefore blurs the distinction between the two cheeses by presenting them as similar but different, the main difference being that one is a protected foodstuff and the other is not.

### **7.3. Contribution**

This thesis sought to investigate and bring into focus the current controversies surrounding the genericity of cheese terms and broaden the literature on GIs where the issue has been largely neglected. It can also be used to inform current international policy debates surrounding generic terms. The thesis makes an original contribution by widening the understanding of and demythologizing the issue of genericism within GI politics, expanding the analysis beyond a transatlantic focus to encompass broader perspectives from NW actors, and by interrogating the issue through the lens of cheese – specifically the innovative comparison of the highly contested case of Parmesan and the uncontested case of Cheddar. This is important in contemporary global GI politics as the ownership of cheese names is an ongoing site of negotiation and contestation. As well, it is the request for an extension of stronger protection to foodstuffs and the claw-back of generic food terms that constitutes the most current area of contention within the GI debate.

This research also moved beyond the primarily legalistic focus on GGIs. Through deconstructing the complex rhetorical strategies and counter-claims processes employed by actors within the debate, it makes an original interdisciplinary contribution to the multidisciplinary literature on GIs. As was demonstrated throughout the thesis, the status of certain names is sometimes not the result of objective processes of definition and demarcation but rather the outcome of negotiations in which actors, driven by particular interests, compete over meanings and worldviews in order to secure the rights to their use. GIs and generics are social constructs and as signs their connotations differ from one region or territory to another. It is therefore important to problematize the taken-for-granted nature of opposing perspectives and analyze the processes of social and cultural construction

within political negotiations because the decisions made have concrete effects on the use cheese terms around the world and also affect the development of international regulations and markets.

#### **7.4. Policy recommendations and avenues for future research**

The international treatment of GGIs is likely to be controversial in the foreseeable future. Generics fall within conceptual and institutional ambiguities and their actual or potential value is what arouses controversies. The picture thus far is one of a disjuncture between entrenched political positions. The NW argues that generic use should be preserved and that EU actions are a protectionist device used to serve its own ends. On the other side, the EU argues that consumers need protection from lower quality counterfeit goods and legitimate producers need their rights upheld. And there are signs that such debates are heating up as the EU has recently entered transatlantic negotiations with the US, one of the main opponents to the protection of generic terms. Rising support and inflexibility on both sides is likely to lead to more deadlock and disagreement while opposing sides attempt to enshrine their own norms in the international arena. In practice it will depend on negotiations to arrive at compromise solutions for generics and GIs; however balancing competing interests will definitely be a challenge.

Within this dispute difficult questions exist as to who has the right to use certain terms and what the place of culture and protection is in an increasingly borderless world. This is an issue about spheres of interest, market share, barriers to entry, but also perceived heritage and tradition is very strong. For example, should producers be able to recapture names? And are food cultures destined to become immovable and fixed entities forever rooted to the place of origin? This is reflective

of the paradoxical effect of globalization which has over time expanded the material and symbolic reach of food cultures and at the same time triggered attempts to re-localize them. Paralleling this has been the dramatic rise of global dairy industries and the continued formation of intellectual property rights through GIs. Globalization and the expansion of world trade have also led to increased demands for international rules on generics as a means to protect and enhance market share in cheese.

Numerous actors have called for the creation of a methodology for determining genericity, clearer definitions, and lists. This will become increasingly important as global competitiveness and growing world market share are the primary goals of both sides. But such requests raise other tough questions. For example, in order to prove genericity at the global level would it be sufficient to show that the production and consumption of a product is larger than in the country of origin? Or would it be necessary to carry out consumer tests in each individual country? And if so, in how many member countries would it be necessary to come up with this evidence? Judging by the EU's failed attempts to generate a list and the stagnated situation of Parmesan, widespread agreement at the global level could prove much more difficult.

Nevertheless, it is high time to move beyond this inflexibility. In view of the highly controversial nature of a small number of terms and potential to anger trading partners the EU might do well to forgo their global pursuance through bilateral and other agreements. In doing so they might be able to secure better protection for other key agricultural GIs. At the same time, NW countries will need to recognize the specificity of many European names and not necessarily assume that their outside use constitutes genericity. Giving up the use of minor or minimally-used GIs might



make the EU more amenable to agreement on more important and widely-used generic terms. It may also become necessary to formulate a generic register, similar to the EU's request for a GI register, whereby countries agree that certain widely-used terms will remain unprotected.

Using case study, the goal of this research was to present a comprehensive portrayal of the relationships and processes constituting GGI politics rather than focusing on generalizability and causation in order to inform practice, establish the value, and generate better understanding of the issue. But while the use of cheese as a lens, and specifically the cases of Parmesan and Cheddar, are important for their own sake, they are at the same time not prevented from informing related concerns surrounding the genericity of other products. Thus, the topics covered in this thesis raise further interesting questions and offer opportunities for avenues of future research. Specific interrogations that could be explored might include how genericism goes beyond cheese and impacts other product categories. It is evident, for example, that conflicting terms and interests exist within the meat industry. Other questions to ask might be how does genericism in the wine sector differ from that of cheese? Also, is there such a thing as, if not a somewhat contradictory notion, varieties of 'genericisms' that impact differently across these product categories?

Furthermore, the gastro-panic framework discussed in the third course could potentially be applied to other empirical cases within the food system. Gastro-panic involves the perceived and expressed anxiety over a wide range of elements in the food system, how this concern is manifested in political and public discourse, and the concrete effects it has. As such, it might usefully be applied as a lens to better understand the issue of GMOs where public fear over potential risks has led to changes in policy, the rhetoric of the Slow Food movement that seeks to protect food

cultures from the existential threat of globalization, or the political debate over food security and safety in general.

Ultimately, it is important not to ignore the generic issue if further progress is to be made on the international regulation of GIs. Charles de Gaulle once pondered, “How do you govern a country that has 246 varieties of cheese?” (Ratcliffe 2011: 118). Although this quote is cliché in the world of cheese writing it makes an important point when considered on a larger scale. How do you govern a global world that has thousands of varieties of cheese and those who produce it? This is a tricky and sensitive issue to be sure. As far as generics are concerned, the answer remains to be seen. The difficulty lies in reconciling territorial concepts, in the form of cheese names, in an increasingly interdependent world.

## 8. Appendices

### Appendix A.

#### Cheeses registered in DOOR database

Country	Registered	Published	Applied
France	50	4	9
Italy	47	0	7
Spain	28	1	4
Greece	21	0	0
UK	15	0	1
Portugal	12	0	0
Germany	7	0	4
Austria	6	0	0
Netherlands	6	0	1
Slovakia	6	1	3
Poland	5	0	0
Slovenia	4	0	0
Czech Republic	3	0	0
Denmark	2	2	0
Belgium	1	0	0
Ireland	1	0	0
Lithuania	1	1	0
Sweden	1	0	0
Bulgaria	0	0	0
Cyprus	0	0	0
Estonia	0	0	0
Finland	0	0	0
Croatia	0	0	0
Hungary	0	0	0
Luxembourg	0	0	0
Latvia	0	0	0
Malta	0	0	0
Romania	0	0	1
SUB-TOTAL	216	9	30
TOTAL	255		

#### PDO, PGI, and TSG product breakdown

Product Type	Number Registered
Fruit, vegetables and cereals fresh or pressed	382 (PDO 155/PGI 227)
Cheese	255 (PDO 209/PGI 46)

Meat products (cooked, salted, smoked, etc.)	179 (PDO 44/PGI 135)
Fresh meat (and offal)	157 (PDO 38/PGI 119)
Oils and fats (butter, margarine, oil, etc.)	134 (PDO 118/PGI 16)
Bread, pastry, cakes, confectionary, biscuits and other baker's wares	75 (PDO 5/PGI 70)
Fresh fish, molluscs, and crustaceans and products derived therefrom	46 (PDO 14/PGI 32)
Other products of animal origin (eggs, honey, various dairy products except butter, etc.)	43 (PDO 32/11)
Beers	24 (PDO 0/PGI 24)
Pasta	7 (PDO 0/PGI 7)
Essential oils	4 (PDO 3/PGI 1)
Natural gums and resins	2 (PDO 2/PGI 0)
Mustard paste	2 (PDO 0/PGI 2)
Hay	1 (PDO 1/PGI 0)

## **Appendix B.**

### **Food Studies**

#### **1) University programs**

- School of Oriental and African Studies (SOAS) Food Studies Centre
- Erasmus Mundus Programs such as the European Master in Food Studies, Food Identity Master and EM Food of Life
- European Institute for the History and Culture of Food (IEHCA) at Université François Rabelais, Tours
- Food Systems, Culture and Society at the University of Catalonia
- Anthropology of Food at Indiana University
- Food Studies degrees or focuses at NYU Steinhardt, Chatham University, City University of New York, the New School, the University of Oregon, Marylhurst University, New Mexico State University, the University of Adelaide, Concordia University, The Umbra Institute
- Gastronomy at Boston University
- The University of Gastronomic Sciences

#### **2) Associations, societies and networks**

- British Sociological Association (BSA) Food Study Group
- The Oxford Martin Programme on the Future of Food
- Oxford Symposium on Food and Cookery
- Association for the Study of Food and Society (ASFS)
- Agriculture, Food and Human Values Society (AFHVS)
- Canadian Association for Food Studies (CAFN)
- Australian Food, Society and Culture Network
- The Food Studies Knowledge Community
- The Agrifood Research Network
- Gustolab

#### **3) Academic journals and texts**

- *Gastronomica: The Journal of Food and Culture*
- *Food, Culture and Society*
- *Food Studies: An Interdisciplinary Journal*
- British Library Food Studies collections
- *Encyclopedia of Food and Culture* (2003) by Solomon H. Katz and William Woys Weaver
- *The Cambridge World History of Food* (2000) by Kenneth F. Kiple and Kriemhild Coneè Ornelas
- *Routledge International Handbook of Food Studies* (2013) edited by Ken Albala

- *Food Studies: An Introduction to Research Methods* (2010) by Jeff Miller and Jonathon Deutsch
- *Critical Perspectives in Food Studies* (2012) by Mustafa Koç, Jennifer Sumner, Anthony Winson, and Tony Winson
- *Food: The Key Concepts* (2008) by Warren Belasco

## Appendix C.

### Total foodstuffs by country

Country	Registered, Published, or Applied
Italy	298
France	239
Spain	201
Portugal	137
Greece	106
Germany	97
UK	61
Czech Republic	29
Poland	28
Slovenia	23
Austria	16
Belgium	15
Croatia	14
Hungary	13
Slovakia	13
Netherlands	11
Denmark	9
Finland	7
Ireland	5
Lithuania	5
Sweden	5
Luxembourg	4
Bulgaria	3
Romania	3
Cyprus	2
Latvia	2
Estonia	0
Malta	0
TOTAL	1375 (PDO 576/PGI 605)

Source: European Commission (2014) DOOR database

## Appendix D.

### Cheeses protected in international trade agreements\*

EU Claw-back Proposal (2003)	EU-Korea Free Trade Agreement (2011)	EU-China Geographical Indications (2012)	Trade Agreement Between the EU and Colombia and Peru (2012)	EU-Moldova Association Agreement (2013)	EU-Singapore Free Trade Agreement (2013)
Asiago	Asiago	Comté	Brie de Meaux	Allgäuer Emmentaler	Asiago
Comté	Brie de Meaux	Grana Padano	Camembert de Normandie	Asiago	Brie de Meaux
Feta	Camembert de Normandie	Roquefort	Comté	Brie de Meaux	Camembert de Normandie
Fontina	Comté	West Country Farmhouse Cheddar	Danablu	Brie de Melun	Comté
Gorgonzola	Emmental de Savoie	White Stilton Cheese/Blue Stilton Cheese	Emmental de Savoie	Caciocavallo Silano	Danablu
Grana Padano	Feta		Feta	Camembert de Normandie	Emmental de Savoie
Manchego	Fontina		Gorgonzola	Comté	Feta
Mozzarella di Bufala Campana	Grana Padano		Grana Padano	Danablu	Fontina
Parmigiano Reggiano	Gorgonzola		Idiazábal	Emmental de Savoie	Gorgonzola
Pecorino Romano	Mahón-Menorca		Parmigiano Reggiano	Emmental français est – central Époisses	Grana Padano
Queijo São Jorge	Mozzarella di Bufala Campana		Provolone Valpadana	Feta	Mahón-Menorca
Reblochon	Parmigiano Reggiano		Queijo Serra da Estrela	Fontina	Mozzarella di Bufala Campana
Roquefort	Pecorino Romano		Reblochon	Gorgonzola	Parmigiano Reggiano
	Provolone Valpadana		Roquefort	Mahón – Menorca	Pecorino Romano
	Queijo de São Jorge		Taleggio	Mozzarella di Bufala Campana	Pecorino Sardo
	Queso Manchego			Munster; Munster - Géromé	Pecorino Toscano
	Reblochon			Neufchâtel	Provolone Valpadana
	Roquefort			Noord - Hollandse Edammer	Queijo S. Jorge
	Taleggio			Noord - Hollandse Gouda	Queso Manchego
				Parmigiano Reggiano	Reblochon / Reblochon de



					Savoie
				Pecorino di Filiano	Roquefort
				Pecorino Romano	Taleggio
				Pecorino Sardo	
				Pecorino Siciliano	
				Pecorino Toscano	
				Provolone Valpadana	
				Provolone del Monaco	
				Queijo S. Jorge	
				Queijo Serpa	
				Queso Manchego	
				Reblochon; Reblochon de Savoie	
				Roquefort	
				Ricotta Romana	
				Taleggio	
				West Country Farmhouse Cheddar	
				White Stilton Cheese; Blue Stilton Cheese	

Sources: Council Decision 2011/265/EU, Council Decision of 3 December 2012, European Commission 2013, European Commission 2012c, European Commission 2012d

\* All cheese names protected are listed except for in the EU-Moldova Association Agreement due to the large number of terms.

#### Number of cheeses protected by country

Member State	EU-Korea	EU-Colombia and Peru	EU-Singapore	Total
Italy	9	5	11	25
France	6	6	6	18
Spain	2	1	2	5
Portugal	1	1	1	3
Greece	1	1	1	3
Denmark	0	1	1	2

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