

TRADE MARKS ORDINANCE (Cap. 559)

APPLICATION NO. : 301538299

MARK : A B

無 無
添 添
加 加。

APPLICANT : FANTASTIC NATURAL COSMETICS LIMITED

CLASSES : 29, 30, 32

STATEMENT OF REASONS FOR DECISION

Background

1. On 5 February 2010, Fantastic Natural Cosmetics Limited (“the applicant”) filed an application (“the application”) pursuant to the provisions of the Trade Marks Ordinance (Cap.559) (“the Ordinance”) for the registration of the following two marks in series (“the subject marks”):

A B

無 無
添 添
加 加。

2. Registration of the subject marks is sought in respect of various goods and services in Classes 29, 30 and 32.
3. At the examination stage, objections were raised against the application under sections 11(1)(b) and (c) of the Ordinance on the grounds that the subject marks

consist exclusively of a sign which designates the characteristics of the goods applied for and that they are devoid of any distinctive character. Despite submissions made on behalf of the applicant, the objections were maintained by the Registrar.

4. The applicant requested a hearing on the registrability of the subject marks and this was held before me on 16 January 2013. Ms. Peggy Cheung of Messrs. Jones Day represented the applicant at the hearing. I reserved my decision at the conclusion of the hearing.
5. By a Form T5A filed by the applicant on the day of the hearing, the application was amended by restricting the specification to the goods set out in Appendix I hereto. That being the case, I need only to consider the registrability of the subject marks in respect of the goods set out in Appendix I hereto.
6. In support of the application, the applicant had filed the following statutory declarations with a view to showing that the subject marks had in fact acquired a distinctive character as a result of the use made of them for the purpose of section 11(2) of the Ordinance:-
 - (i) Statutory Declaration of Ma Mok Lan dated 4 August 2011 (“2011 Declaration”)
 - (ii) Statutory Declaration of Ma Mok Lan dated 9 January 2013 (“2013 Declaration”)

(collectively, the “Declarations”)

The Ordinance

7. The absolute grounds for refusal of an application for registration of a trade mark are set out in section 11 of the Ordinance. The relevant provisions of section 11 read as follows:

“(1) Subject to subsection (2), the following shall not be registered –

- (a) ...;

- (b) trade marks which are devoid of any distinctive character;
 - (c) trade marks which consist exclusively of signs which may serve, in trade or business, to designate the kind, quality, quantity, intended purpose, value, geographical origin, time of production of goods or rendering of services, or other characteristics of goods or services; and
 - (d) ...
- (2) A trade mark shall not be refused registration by virtue of subsection (1)(b), (c) or (d) if, before the date of application for registration, it has in fact acquired a distinctive character as a result of the use made of it.”

Decision

Inherent registrability

Section 11(1)(c) of the Ordinance

8. Section 11(1)(c) of the Ordinance excludes from registration trade marks which consist exclusively of signs which may serve, in trade or business, to designate the kind, quality, quantity, intended purpose, value, geographical origin, time of production of goods or rendering of services, or other characteristics of goods or services in respect of which registration is sought.
9. Section 11(1)(c) of the Ordinance is broadly similar to Article 7(1)(c) of the Council Regulation (EC) No. 40/94 of 20 December 1993 on the Community Trade Mark (“Regulation No. 40/94”). In *Wm. Wrigley Jr. Company v OHIM* (Case-191/01P) [2004] R.P.C. 18, the European Court of Justice (“ECJ”) discussed the approach to Article 7(1)(c) of Regulation No. 40/94 and stated the relevant principles as follows:

“29. Article 7(1)(c) of Regulation No 40/94 provides that trade marks which ‘consist exclusively of signs or indications which may serve, in trade, to designate the kind, quality, quantity, intended purpose, value, geographic origin, time of production of the goods or of rendering of the service, or other characteristics of the goods or service’ are not to be registered.

30. Accordingly, signs and indications which may serve in trade to designate the characteristics of the goods or service in respect of which registration is sought are, by virtue of Regulation No 40/94, deemed incapable, by their very nature, of fulfilling the indication-of-origin function of the trade mark, without prejudice to the possibility of their acquiring distinctive character through use under Article 7(3) of Regulation No 40/94.¹
31. By prohibiting the registration as Community trade marks of such signs and indications, Article 7(1)(c) of Regulation No 40/94 pursues an aim which is in the public interest, namely that descriptive signs or indications relating to the characteristics of goods or services in respect of which registration is sought may be freely used by all. That provision accordingly prevents such signs and indications from being reserved to one undertaking alone because they have been registered as trade marks (see, inter alia, in relation to the identical provisions of Article 3(1)(c) of First Council Directive 89/104/EEC of 21 December 1988 to approximate the laws of Member States relating to trade marks (OJ 1989 L 40, p.1), *Windsurfing Chiemsee*, paragraph 25, and Joined Cases C-53/01 to C-55/01 *Linde and Others* [2003] ECR I-3161, paragraph 73).
32. In order for OHIM to refuse to register a trade mark under Article 7(1)(c) of Regulation No 40/94, it is not necessary that the signs and indications composing the mark that are referred to in that article actually be in use at the time of the application for registration in a way that is descriptive of goods or services such as those in relation to which the application is filed, or of characteristics of those goods or services. It is sufficient, as the wording of that provision itself indicates, that such signs and indications could be used for such purposes. A sign must therefore be refused registration under that provision if at least one of its possible meanings designates a characteristic of the goods or services concerned.”

10. In light of the legal principles above, a mark may be precluded from registration under section 11(1)(c) of the Ordinance even if it is not the normal way of describing the goods in question. It is sufficient that the mark could be used for such a purpose.

¹ Section 11(2) of the Ordinance is, in effect, similar to Article 7(3) of Regulation No 40/94. The latter provides that “paragraph 1(b), (c) and (d) [the equivalent of section 11(1)(b), (c) and (d) of the Ordinance] shall not apply if the trade mark has become distinctive in relation to the goods or services for which registration is requested in consequence of the use which has been made of it.”

11. Mark A consists of the Chinese characters “無添加”, and Mark B consists of the same Chinese characters “無添加”, but followed by a full stop “ ° ” in Chinese style which is in the form of a small circle. The Chinese characters and the small circle in Mark B are in bold. Apart from that, the subject marks have no other added element or stylisation.
12. The applied-for goods cover various dietary and nutritional supplements, food and beverages and preparations for making food and beverages in Classes 29, 30 and 32. They are general products which the public would purchase and consume almost on a daily basis. I therefore consider that the relevant consumers are ordinary members of the general public in Hong Kong. They are reasonably well-informed, observant and circumspect but they cannot be expected to exercise more than an average level of care and attention in their selection of such goods.
13. As indicated to the applicant at the examination stage, the Chinese characters “無” and “添加” can be taken to mean “not have” and “add; addition” respectively (漢英大辭典) and as a whole, the subject marks can be taken to mean “no additions”. When the subject marks are used in respect of the goods applied for, the direct and obvious meaning that would be conveyed to the relevant consumers is that the various dietary and nutritional supplements, food and beverages and preparations for making food and beverages contain no additional elements. This is also supported by the Internet references cited by the Registrar during the examination stage (see Appendix II). The small circle which appears after the Chinese characters in Mark B is of a very small size, and its positioning at the end of the Chinese characters is not significant either. It will immediately be perceived by the relevant consumers as an embellishment which does not add any distinctiveness to Mark B as a whole. As such, the overall impression that the relevant consumers would have is that the subject marks designate the characteristics of the applied-for goods, namely that the goods applied for contain no additives, be they in the form of preservatives, chemicals, food colouring or the like.
14. Based on the above findings, I consider that each of the subject marks consists exclusively of a sign that may serve to designate the characteristics of the goods

applied for. The subject marks are therefore debarred from registration under section 11(1)(c) of the Ordinance.

Section 11(1)(b) of the Ordinance

15. Section 11(1)(b) of the Ordinance precludes registration of trade marks which are devoid of any distinctive character. The public interest underlying section 11(1)(b) of the Ordinance is indissociable from the essential function of a trade mark, which is to guarantee the identity of the origin of the marked product or service to the consumer or end-user by enabling him, without any possibility of confusion, to distinguish the product or service from others which have another origin (*Deutsche SiSi-Werke GmbH & Co. Betriebs KG v OHIM* (Case C-173/04P) [2006] E.T.M.R. 41 at paragraphs 60-61).

16. In *Host Hotels & Resorts, L.P. v Registrar of Trade Marks* (HCMP 554/2009), the Hon Sakhrani J cited with approval the following cases (paras 17-18):

“17. In *British Sugar Plc v James Robertson & Sons Ltd* [1996] RPC 281 Jacob J (as he then was) said at page 306:

“What does *devoid of distinctive character* mean? I think the phrase requires consideration of the mark on its own, assuming no use. Is it the sort of word (or other sign) which cannot do the job of distinguishing without first educating the public that it is a trade mark?”

18. In *Nestle SA’s Trade Mark Application (Have a Break)* [2004] FSR 2 Sir Andrew Morritt VC (as he then was) said at paragraph 23:

“The distinctiveness to be considered is that which identifies a product as originating from a particular undertaking. Such distinctiveness is to be considered by reference to goods of the class for which registration is sought and consumers of those goods. In relation to the consumers of those goods the court is required to consider the presumed expectations of reasonably well informed, and circumspect consumers. For my part I would particularly emphasise that the relevant distinctiveness is that which identifies a product as originating from a particular undertaking.....”

17. According to the above legal principles, I have to assess a mark's distinctiveness by reference to the goods applied for, and the perception of the relevant consumers, who are presumed to be reasonably well-informed, circumspect and observant. To determine whether each of the subject marks has any distinctive character for the purpose of section 11(1)(b) of the Ordinance, the relevant question is whether each of them, assuming no use, serves to identify the applicant's goods as originating from a particular undertaking, and thus distinguishing them from those of other undertakings. In other words, the question is whether the perception and recollection the subject marks would trigger in the mind of the average consumer of the applied-for goods would be origin specific or origin neutral ("*CYCLING IS...*" *Trade Mark Applications* [2002] R.P.C. 37 at paragraphs 66-69).
18. As explained in paragraph 13 above, the expression “無添加” simply means no additions. This is the direct and immediate message that is conveyed to the relevant consumers. The small circle which appears after the Chinese characters in Mark B serves as an embellishment which does not add any distinctiveness to Mark B as a whole. As such, the relevant consumers are likely to perceive each of the subject marks, on first impression, as an indication that the applied-for goods contain no additional elements or additives, be they in the form of preservatives, chemicals, food colouring or the like. In other words, none of the subject marks serves as a badge of trade origin in respect of the goods in question, and the message conveyed by each of them is origin neutral.
19. In view of the message conveyed by each of the subject marks in the context of the goods applied for, they fail to perform the essential function of a trade mark in guaranteeing the identity of the origin of those goods by enabling the relevant consumers to distinguish them from those of other traders. I conclude that each of the subject marks is devoid of any distinctive character and is thus precluded from registration under section 11(1)(b) of the Ordinance.

Acquired distinctiveness

20. Although I have found that each of the subject marks lacks inherent distinctive

character and is not registrable under sections 11(1)(b) and 11(1)(c), in light of section 11(2), if the subject marks have in fact acquired a distinctive character as a result of the use made of them, the application for registration should not be refused. I shall therefore proceed to consider whether the subject marks have in fact acquired a distinctive character with reference to the evidence of use filed by way of the Declarations.

21. To assess the acquired distinctiveness of a mark, the ECJ stated in *Windsurfing Chiemsee Produktions-und Vertriebs GmbH v. Boots-und Segelzubehör Walter Huber and Another* (Joined Cases C-108 and 109/97), [2000] Ch. 523:

“51. In assessing the distinctive character of a mark in respect of which registration has been applied for, the following may also be taken into account: the market share held by the mark; how intensive, geographically widespread and long-standing use of the mark has been; the amount invested by the undertaking in promoting the mark; the proportion of the relevant class of persons who, because of the mark, identify goods as originating from a particular undertaking; and statements from chambers of commerce and industry or other trade and professional associations.

52. If, on the basis of those factors, the competent authority finds that the relevant class of persons, or at least a significant proportion thereof, identify goods as originating from a particular undertaking because of the trade mark, it must hold that the requirement for registering the mark laid down in Article 3(3) of the Directive is satisfied...

54. ... a trade mark acquires distinctive character following the use which has been made of it where the mark has come to identify the product in respect of which registration is applied for as originating from a particular undertaking and thus to distinguish that product from goods of other undertakings.”

22. Although the above case is concerned with the interpretation of Article 3(3) of the First Council Directive 89/104/EEC,² the provisions of the article are broadly similar to section 11(2) of the Ordinance and I find that the relevant principle is applicable to the subject application. According to the principle

² That Directive has now been replaced by Directive EEC/95/2008, but the relevant provisions remain essentially the same.

above, the competent authority must make an overall assessment of the evidence in determining the question. The crucial question to ask is whether the relevant consumers referred to in paragraph 12 above have been educated to recognise the subject marks as a badge of origin of the applied-for goods. If I consider that a significant proportion of the relevant class of consumers identifies those goods as originating from a particular undertaking because of the use made of the subject marks before the application date, the objections raised against the subject marks under sections 11(1)(b) and 11(1)(c) of the Ordinance would be overcome.

23. The relevant date in determining whether the subject marks have in fact acquired a distinctive character is 5 February 2010, the filing date of the application. The overall picture presented by the Declarations can be summarised as follows – the applicant started to act as the sales agent of the Japanese company, FANCL Corporation, in October 1996, and to launch sales of cosmetics and nutritional supplements in Hong Kong which bear the subject marks. As at May 2011, the applicant had 35 stores in Hong Kong selling such products. Although the applicant claims to have created the subject marks, nothing in support has been produced to substantiate the claim.
24. Exhibit “MML-1” of the 2011 Declaration contains copy of the Statutory Declaration of Ma Mok Lan dated 24 November 2008 which had been submitted in respect of an earlier application for the registration of the subject marks that was filed by the applicant (“2008 Declaration”). The deponent sets out in the 2008 Declaration the sales and advertising figures of goods sold under the subject marks from 1996 to 2008. The deponent further sets out in the 2011 Declaration the sales and advertising figures of goods sold under the subject marks from 2009 to 2010. However, the figures are not confined to the applied-for goods only. At the hearing, Ms. Cheung admitted that the figures related to a variety of goods sold by the applicant, not limiting to the applied-for goods.
25. In fact, I notice that the evidence submitted includes copies of a lot of materials featuring the applicant’s cosmetics and skincare products, for instance, the welcome gifts offered at its grand opening, the packaging and promotional materials of, to name but a few, its cleansing oil, washing powder, moist charge pack, lotion, masks, and other cosmetics products such as cheek, eye and lip

colours, video clips of TV commercial featuring its skincare products, as well as sample invoices relating to such products (Exhibits “MML-1”, “MML-3”, “MML-4”, “MML-9”, “MML-10” and “MML-12”, 2008 Declaration; Exhibits “MML-3”, “MML-4”, “MML-5”, “MML-6” and “MML-7”, 2011 Declaration; Exhibit “MML-3”, 2013 Declaration). I will have to bear this in mind when assessing whether the subject marks have acquired distinctiveness in respect of the applied-for goods as a result of the use made of them.

26. The applicant has provided in its 2013 Declaration the sales turnover of the applied-for goods bearing the subject marks from 2003 to 2010 in respect of “Drink” and “Non-drink” items. Whilst Ms. Cheung explained at the hearing that the “Non-drink” items referred to food products, such explanation was not provided for in the Declarations and hence did not form part of the Declarations. Besides, whether in the case of “Drink” or “Non-Drink” items, the goods applied for cover a fairly extensive range. Since the applicant has provided no breakdown of the sales figures in respect of each item of the applied-for goods, I cannot ascertain the extent of use of the subject marks on each individual item.
27. Copies of audited accounts of the applicant were exhibited in support of its sales figures (Exhibit “MML-2”, 2013 Declaration), but their relevance has not been established. I note from the audited accounts that the principal business of the applicant is the retail of both food supplements and cosmetics and/or skin care products. However, there is no indication in the audited accounts that the applicant deals solely with goods bearing the subject marks, nor any indication about the proportion of the revenue that should be attributed to the retail of food supplements.
28. The applicant’s emphasis that it ran 35 stores in Hong Kong would not assist either. I note from the evidence filed that the majority of the applicant’s shops have the prominent “FANCL”, “FANCL HOUSE” or “F&H BY FANCL” signs displayed, and the subject marks are not as prominently displayed as shop names but only appear on the advertisements displayed at the shops (Exhibit “MML-2”, 2008 Declaration; Exhibit “MML-2”, 2011 Declaration). This is also the case with many of the exhibitions conducted by the applicant (Exhibit “MML-11”, 2008 Declaration). Those signs, being highly distinctive and more prominently displayed, would be relied on by members of the public as the

source identifier rather than the subject marks.

29. As regards the membership programme of the applicant, as the applicant did not provide the total number of its members in Hong Kong, the information submitted is of little help as the extent of circulation of the members' correspondences to the general public in Hong Kong is unknown (Exhibit "MML-13", 2008 Declaration).
30. Some of the materials provided are posterior to the date of the filing of the application, such as copies of the packaging and promotional materials of the applied-for goods (Exhibit "MML-4", 2011 Declaration), advertisements placed in various magazines from March to November 2010, the wall banners and outdoor billboards displayed from April to June 2010 and January to May 2011 (Exhibits "MML-3" and "MML-5", 2011 Declaration), certain video clips of TV commercials in March 2010 (Exhibit "MML-6", 2011 Declaration), as well as samples of sales invoices (Exhibit "MML-3", 2013 Declaration). They cannot be considered for the purpose of assessing whether distinctiveness has been acquired through use before the date of application.
31. Even if I were to overlook the above concerns relating to the user evidence, there is one fundamental issue that casts a major blow to the applicant's claim of acquired distinctiveness. According to ECJ's judgment of *Société des Produits Nestlé SA v Mars UK Ltd.* [2006] F.S.R. 2 (Case C-353/03), when assessing the acquisition of distinctive character through use, the identification, by the relevant class of persons, of the product or service as originating from a given undertaking must be as a result of the use of the mark as a trade mark. From the evidence filed, I note that the subject marks have not been used as a trade mark in respect of the applied-for goods in Hong Kong prior to the date of the filing of the application. What I have observed from the Declarations, which I will explain in the following, is that the expression "無添加" has been used on the applied-for goods descriptively.
32. In the 2008 Declaration, the applicant has exhibited copy of a letter from Professor Fu Jie of the Department of Chinese Language and Literature of Fudan University regarding the definition of the expression "無添加". Professor Fu considers that the expression can only be taken to mean "no additions" ("沒有

(不) 增加”) but not “no additives” (“無添加劑”) (Exhibit “MML-5”, 2008 Declaration). Even if this may be the case when the expression “無添加” is used in the abstract, when the expression is applied to the goods in question, the message that the goods in question contain no additives has in fact a contextual significance.

33. It is clear from copies of the various promotional materials on the applicant’s website and in various editions of its magazines that the expression “無添加” is used to bring out a message that the applicant’s products do not contain chemical substances, whether in the form of preservatives, fragrance or mineral oil etc., which would leave traces on the skin (Exhibits “MML-10”³ and “MML-12”,⁴ 2008 Declaration). Besides, the applicant often highlights in its promotional materials that the expression “無添加” just means no preservatives, no fragrance, no artificial colouring and no mineral oil (Exhibit “MML-10”, 2008 Declaration),⁵ and the same has been categorised as the “無添加配方” (formula of no additives).⁶ It is also evident from the packaging of some of the applicant’s products that the expression “無添加” is intended to indicate that the products contain no additives (Exhibit “MML-4”, 2008 Declaration).⁷ Furthermore, I note that in the promotional materials featuring the applicant’s “Tense Up” and “Squalene” products, “「無添加」工場” (factory with no additives), “「無添加」產品” (products with no additives) and “「無添加」潮流” (trend of no additives) have been used to illustrate the additive-free environment, products and trend as advocated by the applicant (Exhibit “MML-10”, 2008 Declaration). Although some of the materials relate to cosmetics and/or skincare products of the applicant, the same message as brought about by the expression “無添加” applies and is equally relevant to the goods

³ On the applicant’s website, where the applied-for goods are sold, the expression “無添加” was said to possess certain characteristics (“無添加特點”), including “完全不含防腐劑、殺菌劑、起泡劑、香料、礦物油、避免化學殘渣長留肌膚上...” . In one of the promotional materials dated November 1998, the applicant also highlighted that “「無添加」*意即* (emphasis added) 絕不含防腐劑和化學添加劑等容易殘留在肌膚表面的化學物質。”

⁴ Examples of the message that the applicant’s products do not contain chemical substances can be found in numbers 8, 10, 12 and 24 of the FANCL Communication Magazine.

⁵ For example, in Number 12 of the FANCL Communication Magazine, the message “「無添加」就是。無防腐劑。無香料。無人造色素。無礦物油” is communicated.

⁶ “貫徹無添加配方，不含防腐劑、色素、香料...” in one of its promotional materials dated April 2001.

⁷ The packaging of the applied-for goods, such as the “Slim Up” and “Tense Up” drinks, provides that such products do not contain additives, preservatives, and are sealed completely (“無添加、無防腐劑、完全密封”).

covered by the subject application. I am of the view that such descriptive use of the expression “無添加” by the applicant only serves to reinforce the descriptive meaning of the expression, and that members of the public have not been educated of the function of the subject marks as a source identifier.

34. It can also be seen from the evidence filed that the subject marks have been used as a description of the characteristic of the applied-for goods, such as the expression “無添加 · 絕不含防腐劑” (no additives, definitely no preservatives) which appears frequently on the packaging of, for instance, congee, “Extra Slim Up”, “Calorie Limit”, “Deluxe Tense Up”, promotional materials and product leaflets in relation to the applied-for goods such as “Slim Up”, “Anti-Flu Support”, “Shape Design Supplement”, “Vision Support”, “DHA”, “Vitamin E”, “Vitamin C with Acerola” and “Chitosan” and also in various editions of the magazines (Exhibits “MML-3” and “MML-10”, 2008 Declaration; Exhibit “MML-3”, 2011 Declaration). Such descriptive expression is similar to the expression “新鮮 · 絕不含防腐劑” (freshly made, definitely no preservatives) which has been used by the applicant and printed in a similar fashion on the packaging and promotional materials relating to the applied-for goods to describe one of the other characteristics of the applied-for goods, i.e. that they are freshly made. Hence, the message brought out by the expression “無添加” is that of a description of the characteristic of the goods applied for rather than as an indicator of commercial origin.
35. In light of the manner in which the subject marks have been used, their primary signification has not been displaced. Contrary to what the applicant has suggested, the relevant consumers will not be educated of the trade mark significance by the use of the subject marks made of them.
36. The applicant also refers to its previous registrations of the subject marks in support of the application (MML-8, 2008 Declaration). However, I note that the previous registrations were registered in respect of other goods and services and, except for Class 16, accepted because of distinctiveness acquired through use. There has been no assertion from the applicant that the materials filed in those applications were exactly the same as those filed in this application. Nor is it appropriate for me to make a direct comparison between different registrations on the register on this basis. In any event, it is well established by

case law that each case has to be assessed on its own merits and comparison with other marks on the register is in principle irrelevant when considering a particular mark tendered for registration (*British Sugar Plc* (supra), at page 305). As there are valid grounds for refusal in the application, I am not persuaded that the registrations of the subject marks in respect of other goods and services in Hong Kong are of assistance to the applicant in overcoming the objections.

37. On the whole, in view of the descriptive use of the subject marks and the absence of breakdown of sales figures in respect of each item of the applied-for goods, the applicant has failed to demonstrate that the subject marks have acquired a distinctive character in respect of the applied-for goods as a result of the use made of them. I am therefore not satisfied that the subject marks have come to be identified by the relevant consumers as an indication of trade origin distinguishing the goods of the applicant from those of others for the purpose of section 11(2) of the Ordinance. It follows that the objections raised under sections 11(1)(b) and 11(1)(c) of the Ordinance against the application cannot be overcome pursuant to section 11(2).

Conclusion

38. In this decision, I have carefully considered all the documents filed by the applicant in respect of the application. For the reasons stated above, I find that the subject marks are precluded from registration by sections 11(1)(b) and 11(1)(c) of the Ordinance. The application is accordingly refused under section 42(4)(b) of the Ordinance.

Karine LAI
for Registrar of Trade Marks
11 June 2013

Appendix I

Class 29

Dietary supplements, other than for medical use; nutritional supplements other than for medical use; dietary preparations for slimming purposes [cosmetic]; foodstuffs for use as aids to slimming [depending on ingredients]; slimming preparations and products, other than for medical use; nutritionally balanced low-calorie prepared meals; vitamin enriched foods; food preparations containing soya; preparations made from soya; soya bean milk; food supplements containing dietary fiber; soups; protein for human consumption; jams; all included in Class 29.

Class 30

Nutritional drinks and powders not for medical purposes; royal jelly for human consumption [not for medical purposes]; dietary supplements principally of royal jelly [other than for medical use]; beverages containing soya; foodstuffs made from soybean; congee; rice, foodstuffs made of rice; food products consisting of cereals; snack foods; tea; tea-based beverages; all included in Class 30.

Class 32

Fruit drinks and fruit juices; vegetable juices; preparations for making beverages; aloe vera drinks and juices; beverages for use as aids to slimming [not for medical purposes]; beverages containing added vitamins, minerals or dietary fiber; non-alcoholic low calorie content beverages; non-medicated beverages for use as part of a calorie controlled diet; powdered protein, amino acids, vitamins, minerals and herbs for making beverages; all included in Class 32.

Appendix II

1. **無添加**安保柿餅（11月-3月底期間限定）
請放入冰箱冷藏保存。為保持風味請儘早食用完畢。
本商品無使用防腐劑、色素、化學調味料等合成添加物。
<http://eshop.gloje.com/goods.php?id=56>
2. 本罐裝無糖**無添加**明日茶（30瓶裝）
產品冷藏或者加熱後飲用都非常爽口！產品無糖、不含色素

<http://www.jchere.com/productdetail/1143.html>
3. 米香坊®純正【杏仁粉】！100%天然南杏！保證**無添加**！即沖即飲！40年老舖！接單現磨！

<http://goods.ruten.com.tw/item/show?11070801948504>