



Product liability for ornamental plant products: The whys and wherefores in practice.

For a short time now strict liability has applied to losses incurred as a result of defective products. This means that ornamental plant growers need to inform their consumers on the correct use of ornamental plant products in order to limit liability and to minimize the risk of harmful consequences through the use or handling of the product. Why product liability for ornamental plant products? What does it mean in practice for growers and traders? And how can growers and traders cover their risks? This folder provides answers to these questions.

Product liability: why?

Consumers are paying more and more attention to quality, sustainability and ethical aspects of production. They expect growers to accept responsibility in the care of man and the environment. In short, ethical business practices are expected of ornamental plant growers as well.

The government has imposed rules and regulations in this respect, e.g. environmental, but the sector itself is also actively anticipating consumer desires.

One of these consumer desires is to be fully and accurately informed about the correct use of ornamental plant products. This includes not only product care, but above all what you can and cannot do with the product. Take the eating of flowers, for example. As a grower or trader you may think it no more than logical that you don't eat flowers, but consumers think otherwise. Edible flowers are almost a trend at present. Women's and culinary magazines regularly publish recipes containing edible flowers. It is only logical, then, that consumers will want to know which flowers they can and which they cannot eat.

However, it is not just a question of satisfying the desire for or expectation of information among consumers, it is also the responsibility of the sector. After all, the law says the supplier is liable for any losses if the consumer has not been warned. Suppliers need to properly inform their customers about the correct use of ornamental plant products in order to safeguard them from any harmful consequences. If they do not, and losses are suffered, these losses can be recovered from the supplier. So, it is also in a business's own interests.

Product information

By including product information with plants and flowers, we as a sector can satisfy consumer wishes. Also, businesses can cover themselves against the risk of being held liable for any harmful consequences of the use of ornamental plant products, as various ornamental plants are known to have - to a greater or lesser degree - a negative or harmful impact on people and animals. Consumers expect growers to state this kind of information with the product.

That is why the Dutch flower auctions are advising their suppliers and customers to use the following text with their products:

'This product is exclusively intended for decorative purposes and not for consumption. Incorrect use or consumption of, contact with and/or hypersensitivity to the product may have harmful consequences for humans and/or animals.'

This text has been examined against the law and is being incorporated in the auction rules and product specifications. For traders it is advisable to include the text in their terms and conditions of delivery. The text can be printed on the packaging (container or sleeve) or on a stake label or hang-on label. Only if there is not enough room for the full text is use of a short text possible:

'Intended for decorative purposes, not for consumption'

If there are even more risks, the supplier should also state these.

Product information: how and where?

It is easier, though, to provide consumers with information on plant products than on flower products. Information a plant grower puts on the pot or a stake label usually ends up with the consumer. Cut flowers, however, are in most cases traded via the auction and are not consumer-ready. Consumer-ready products are often not made until later in the chain. In these cases, responsibility rests with the following link in the chain (in this case the trade) to inform customers about the correct use of ornamental plant products.

Growers

As a plant or cut-flower grower you are advised to place the above text on your pots, sleeves or stake labels. If you use printed sleeves, pots or stake labels, you can ask your supplier to add the text.

If you supply your products in returnable containers without sleeves, you can have the text printed on your information cards.

If you don't yet use printed sleeves, pots or stake labels, you can make a virtue of necessity by not only pointing out the correct use of the product, but also adding tips for its care, for example.

For products supplied in boxes, the auctions are looking at the possibility of putting the text on the auction boxes.

Putting the text on pots, sleeves or stake labels means an investment which will enable you to limit any liability claims and provide you with the possibility of offering a modern, full-fledged product complete with information on its use.

Traders

The above text may be missing, or may disappear while the product is being processed, because you as a trader repackage the flowers, for example, or produce bouquets. In that case, we advise you still to add the text to the products.

Collaboration essential

It is very important that all the links in the chain join hands and that we do this together as the ornamental plant chain. It starts with production. Initial responsibility rests with the growers, but being the first link, production is totally dependent on the following links. If, for example, the trade fails to cooperate, the information will not reach consumers. So, it is a question of wanting together, working together and being able to rely on each other.

Information

- You can add the product information to your stake labels.
- If you supply pot plants in sleeves, place the product information on the sleeve.
- If you supply pot plants without a sleeve or stake label, place the product information in that case on the pot.
- If you supply cut flowers in sleeves, place the product information on the sleeve.
- If you supply cut flower in plastic containers, place the product information in that case on your grower's card.

Questions

If you have any questions about product liability or the content of this folder and you are a grower, you can contact your auction.

If you are a trader, contact the Association of Wholesalers in Nursery Products (VGB).