

When is Swiss chocolate Swiss enough? Toblerone Chocolate Recently Found Out, and it Didn't Make the Cut.

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by Lindsey Sadler

The crinkle sound of the gold foil. The rich smell of honey and almond. The unique design of peaks and valleys. And the delicious taste of Swiss chocolate. There is little doubt that since its creation in 1908, Toblerone-branded chocolate has made a name for itself in the chocolate world. But one of its original and defining characteristics has recently been cast into doubt—its “Swissness.”

In 1868, Jean Tobler opened a confectionery shop in Bern, Switzerland that was an immediate success and grew into a chocolate factory by 1899. A decade later, Jean's son, Theodor Tobler and his cousin, Emil Baumann, invented a unique and innovative chocolate bar, a special recipe of milk chocolate, almond-based nougat, and honey formed into a distinct triangular shape. Theodor named this new confection “Toblerone,” a combination of his last name, “Tobler,” and “Torrone,” the Italian word for honey and almond nougat. The chocolate bar's popularity and international recognition only grew from there, including a feature at the 1964 World's Fair in New York City and the Expo in Montreal in 1967. In 1969, different varieties of the chocolate were introduced, and in 1970, the now infamous packaging was changed to add a depiction of the Matterhorn in the Swiss Alps, Switzerland's highest and most famous mountain. Since this time, packages of Toblerone have included various indicators that the chocolate bars were manufactured in Switzerland, including the Matterhorn icon and statements like “of Switzerland,” and “Swiss milk chocolate.”

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Until recently, Toblerone was undoubtedly “Swiss,” as every chocolate bar bearing the Toblerone name since 1908 has come from Switzerland. But in late 2022, Mondelez International, the now owner of Toblerone, announced that some—but not all—of the chocolate bar’s production would be moved from its location in Bern, Switzerland to Bratislava, Slovakia in July 2023.

And this decision has cost it its “Swissness.”

Effective January 1, 2017, the Swiss government enacted legislation to protect the “Swissness” of the goods and services emanating from the country, with the goal of protecting the “excellent reputation” Swiss indicators of source enjoy both domestically and abroad. The legislation regulates the “Made in Switzerland” statement, the Swiss cross designations, and images of the iconic Matterhorn mountain, all of which the Swiss government views as part of the overarching Swiss brand. The Swiss government notes that “Swiss products and services are associated with exclusivity, tradition and quality, with their goods reputation inspiring confidence in the product or service in question and ultimately influencing the consumer’s buying decision.” As an added benefit, strict regulation surrounding these Swiss designations provide a clear competitive advantage for manufacturers and service providers who are able to demand a higher price for their “Swiss”-branded fares.

This law stems from an intellectual property principal recognized in Europe and elsewhere in the world, but not in the United States, known as “geographic indicators.” Geographic indicators, which we have previously written about, are used to label products that directly specify a product’s particular geographic origin, like “champagne” from France or “parmigiano reggiano” from Italy. Technically speaking, sparkling wine from California cannot bear the “champagne,” “prosecco,” or “cava” labels, nor can cheese from Wisconsin be called “gouda” or “feta.” Certain geographic indicators can be registered under the European Community regulations, which in turn confers certain exclusive rights to the registered owner and protects the association of certain food and beverage characteristics within that particular geographic region. The 2017 “Swissness” law falls under this geographic indicator of intellectual property protection. Anyone wishing to use a “Swiss” designation on products or in connection with rendered services must meet strict criteria in proving they are “Swiss” enough.

As is relevant to Toblerone’s confections, to qualify as “Swiss,” at least 80% of the raw materials used to create foodstuffs must originate in Switzerland. However, for milk and dairy products in particular—under which chocolate falls—the weight of milk as the raw material must equal 100%. Further, essential processing for milk products must be done inside the country, with few exceptions. In short, milk products must be made *exclusively* in Switzerland in order to use Swiss designations. Mondelez International’s decision to move its production of Toblerone chocolate to Slovakia defies this exclusivity, and therefore, is no longer deemed “Swiss.”

Although some Toblerone chocolate will still emanate from the Bern factory, in order to comply with this “Swissness” law, Mondelez International announced plans to replace the Matterhorn with a more generic mountain-shaped icon, and will instead state that the chocolate was “established in Switzerland 1908,” instead of being “of Switzerland.”

Some may view this Swissness law as overly strict, but others, including the Swiss government, see it as necessary to protect the strength and reputation of its brand. Citing consumer surveys, the Swiss government has justified this legislation by claiming the value Swiss branding adds to goods is as much as 20% of the sales price, and nearly 50% for luxury goods. While the benefit to companies and goods manufacturers is clear, it is equally as strong for consumers, who can rest assured that products bearing the Swiss cross or “made in Switzerland” statements are, in fact, Swiss.

Despite the fact its product packaging is changing and it may not be “Swiss” anymore, Mondelez has reassured Toblerone fans and chocolate connoisseurs alike that the recipe, taste, and distinctive product shape of the famous chocolate bars will stay the same.