

Draft Recommendation

Subject To Confirmation

Hovis Ltd

The Lord Rank Centre Lincoln Road, High Wycombe, Buckinghamshire HP12 3QS

Media: Social media (own site)
Agency: Initials Marketing Ltd
Complaint Ref: A23-1217043
Complaints: 1



AD DESCRIPTION

Three web pages and an Instagram post for Hovis:

a. The first web page, seen on 6 September 2023, for the Hovis Rustic White Bloomer included text that stated “This delicious rustic white bloomer has been created by our expert bakers using a traditional starter dough for more flavour and formed into an authentic and distinctive bloomer shape. Benefits No artificial preservatives Baked with a traditional starter dough for more flavour [...]”. The page included an ingredients list which included “Emulsifier: E472e, Flour Treatment Agent: Ascorbic Acid”.

b. The second web page, seen on 6 September 2023, for the Hovis Rustic Granary Bloomer included text that stated “This distinctive Granary bloomer has been created by our expert bakers using a traditional starter dough for more flavour. Baked and topped with cut wheat and rye for an authentic Granary finish”. The page included the same “Benefits” and ingredients as ad (a).

c. The third web page, seen on 6 September 2023, for the Hovis Rustic Seeded Bloomer included text that stated “This rustic seeded bloomer has been created by our expert bakers using a traditional starter dough for more flavour [...]”. The page included the same “Benefits” and ingredients as ad (a).

d. The Instagram post, posted on 26 September 2023, included a video of the influencer Sevda Cataltas making a sandwich using Hovis Rustic Seeded Bloomer bread. The video included product shots of the Hovis Rustic Granary Bloomer, Hovis Rustic Seeded Bloomer and Hovis Rustic White Bloomer. During the video, Ms Cataltas said “[...] So, Hovis has launched a new artisanal-inspired bread which includes a rustic granary bloomer, a rustic seeded bloomer and a rustic white bloomer. They are made from a traditional starter dough for more flavour, and they are formed into an authentic bloomer shape, which reminds me of a bloomer you would get from a bakery, not your local supermarket.



ISSUE

The Real Bread Campaign (Sustain), who understood the bread was produced using automated industrial techniques, and that it included artificial preservatives, challenged whether the following claims were misleading and could be substantiated:

1. “rustic”, “authentic” and “traditional”;
2. “artisanal-inspired bread” in ad (d); and
3. “no artificial preservatives”.



RESPONSE

1. Hovis Ltd did not believe that the terms “rustic”, “authentic” or “traditional” were misleading.

They used the term “rustic” to refer to the presentation of the whole bloomer loaf as part of the description of the three products. According to the Cambridge Online Dictionary, rustic was defined as “simple and often rough in appearance; typical of the countryside”. Hovis’ bloomer products were more irregular in their size, shape and crumb when compared to other products, for example their Soft White.

Neither the rustic white bloomer, rustic granary bloomer or rustic seeded bloomer were made using the Chorleywood process (a high-speed mixing process combined with dough conditioners). Neither the labelling nor the ads suggested that the manufacturing took place in the countryside to a simple recipe of natural ingredients by traditional, craft baking methods. All the products included full and legally compliant ingredient lists and none of the packaging or associated ads denoted the countryside, artisan or craft bakers making the product or any such similar themes. They did not believe that artisan bakers could only be found in the countryside making bread products by hand.

They used the term “authentic” in a limited context only when referring to the bloomer shape, and not the product more generally. The products were true to the traditional bloomer shape and were therefore authentic. The loaves were baked in shallow trays, which allowed the dough to rise and expand naturally into the bloomer shape. The product’s packaging made the bloomer shape obvious to consumers.

They also used the term “authentic” specifically in the context of their rustic granary bloomer and stated “Baked and topped with cut wheat and rye for an authentic Granary finish”. “Granary” was a Hovis Limited registered trademark which they had held since 1972. Therefore, they felt comfortable saying that the product was authentic.

They used the term “traditional” in a limited context when referring to the starter dough used in the product. They referred to the Food Standard Agency’s 2008 guidance on ‘Criteria for the use of the terms fresh, pure, natural etc. in food labelling’ and said that, whilst the guidance had been withdrawn, it had stated that “the term ‘traditional’ should demonstrably be used to describe a recipe, fundamental formulation or processing method for a product that has existed for a significant period. The ingredients and process used should have been available substantially unchanged, for that same period. It is within consumer expectations for the product to have been made in a factory”.

Breadmaking using a starter dough was one of the oldest forms of cooking in human history and as such the term “traditional” was fitting when referring to the starter dough itself. The use of the

descriptor also made clear that the starter dough ingredient was used to add flavour rather than for any other purpose.

To ensure that consumers were not confused as to the origin or nature of the products, they did not use the term “sourdough” in the name or descriptor of the product.

2. They did not believe that the term “artisanal-inspired bread” was misleading. Their product was not described as “artisanal” or “made by artisans” and the language used was clear that the product was simply influenced by artisans, it did not purport to be that product.

They believed that consumers readily understood the difference between an artisan product and an artisan-inspired product.

3. They did not believe that the statement “no artificial preservatives” was misleading. E472e, which the products contained, was the food additive number for DATEM, an abbreviation of diacetyl tartaric acid ester of mono- and diglycerides. This was the most commonly used emulsifier in bread products and was recognised as a dough conditioner. Its effects were to increase dough fermentation and dough capacity, improve dough stability and gas retention, enhance volume and improve bread crumb texture. It was not added to provide a preservation function in these products.

Food preservatives were defined in Annex (I) of Regulation (EC) No 1333/2008, an assimilated law, as “substances which prolong the shelf-life of foods by protecting them against deterioration caused by micro-organisms and/or which protect against growth of pathogenic micro-organisms”. E472e had no material preservative function in that context.

The products also contained ascorbic acid (more commonly known as vitamin C) which was classified by the Food Standards Agency (FSA) as an antioxidant, and not as a preservative. FSA guidance stated “A food additive is only approved if; it has been tested and proved to be safe for its intended use; there is justifiable technological need to use it; and its use does not mislead the consumer”. Hovis believed that the use of designated E numbers for any additives (including ascorbic acid and DATEM) in ingredient lists, could not, by definition, mislead a consumer if they were listed as set down by the FSA.



ASSESSMENT

1. Not upheld

The ads included the terms “rustic” when referring to the product names and “traditional” when referring to the starter dough that was used in the products for “more flavour”. Ads (a) and (d) also included the term “authentic” when describing the breads’ bloomer shape, and ad (b) used it when referring to the products’ granary finish. The ASA considered that because the Hovis brand was well known, the ads appeared on their own website and Instagram page, and the products were shown in plastic packaging, consumers would understand that the products had been produced on an industrial scale. As such, it was probable that they contained some additional ingredients and processes to those used in handmade breads.

We considered that the term “traditional” in the ads was used in a limited context when referring to the starter dough that was used in the breads. The ads made clear that this was used for its flavour. We noted Hovis’s comment that the term could be used to describe a recipe, fundamental formulation or processing method that had existed for a significant period, and included products that been made in a factory. We understood that mass-produced breads were usually made using yeast as a leavening agent, rather than a starter dough, but before commercially available yeast was introduced, bread was made using a starter dough to get it to rise. We therefore considered that starter doughs had been used in bread making for a significant period. The breads referenced

in the ads used both a starter dough and yeast. Therefore, because the claim “traditional” was in reference to the starter dough, and not a wider claim that the breads had been made using only traditional processes or ingredients, and because consumers would be aware that the breads had been mass-produced, we considered that the claim was not misleading.

We also considered that the term “authentic” was used in a limited context when referring to the bloomer shape of the bread. We understood that a bloomer was a loaf of bread that was allowed to rise without a bread tin holding it in place and had rounded edges and top with a flat bottom. We noted Hovis’s comment that the loaves were baked in shallow trays, which allowed the dough to rise and expand naturally into the bloomer shape. Therefore, because the claim “authentic” was in reference to the breads’ bloomer shape, and it had been baked in a shallow tin and not in a bread tin, and because consumers would be aware that the breads had been mass-produced, we considered that the claim was not misleading in that regard.

We also considered that when the term “authentic” was made in relation to the Rustic Granary Bloomer, it was made in a specific context about the finish of the bread. We understood that granary bread contained malted barley and wheat. The Rustic Granary Bloomer had been made using granary malted wheat flakes and malted barley flour, and had added grains on top of the product. Therefore, for that reason, and because consumers would understand that the bread had been mass-produced, we considered that the claim was not misleading in that regard.

Regarding the term “rustic”, we noted Hovis’s comment that it could be defined as meaning simple and often rough in appearance, and typical of the countryside. We understood that the breads in the ads were not made using the Chorleywood high speed mixing process, contained fewer additives and as referenced above, included a starter dough in addition to yeast, and were not baked in bread tins. We therefore considered that the processes and ingredients used to make the breads were simpler than other mass-produced bread products and would result in loaves of bread that had a less uniformed appearance. Therefore, for those reasons and because consumers would understand that the breads had been mass-produced, we considered that the claim was not misleading.

We therefore concluded that the claims “rustic”, “traditional” and “authentic” were not misleading.

On this point, we investigated ads (a), (b), (c) and (d) under CAP Code (Edition 12) rules 3.1 (Misleading advertising) and 3.7 (Substantiation), but did not find them in breach.

2. Not upheld

Ad (d) included the claim “Hovis has launched a new artisanal-inspired bread which includes a rustic granary bloomer, a rustic seeded bloomer and a rustic white bloomer. They are made from a traditional starter dough for more flavour, and they are formed into an authentic bloomer shape, which reminds me of a bloomer you would get from a bakery, not your local supermarket”. As referenced above at point one, we considered that consumers would understand that the products had been produced on an industrial scale and, as such, it was probable that they contained some additional ingredients and processes to those used in handmade breads. Therefore, consumers would understand the reference to “artisanal-inspired bread”, to mean that the breads were premium products that were in the style of an artisan bread, in part because of its taste and shape, rather than having been made using the same ingredients and processes as a handmade bread.

As referenced above at point one, we understood that the bread was not made using the Chorleywood high speed mixing process, it contained fewer additives and included a starter dough in addition to yeast. We therefore considered that the processes and ingredients used to make the breads were different than other mass-produced bread products and that consumers would interpret the description of the bread as being artisanal-inspired in that context.

We therefore concluded that that the claim “artisanal-inspired bread” was not misleading.

On this point, we investigated ad (d) under CAP Code (Edition 12) rules 3.1 (Misleading advertising) and 3.7 (Substantiation), but did not find it in breach.

3. Not upheld

Ads (a), (b) and (c) included the claim “no artificial preservatives”. We considered that consumers would understand that claim to mean that the advertised products did not contain any artificial preservatives.

We understood that preservatives were a type of additive and were defined in the Annex of Regulation (EC) No 1333/2008, as a substance which prolonged the shelf-life of foods by protecting them against deterioration caused by micro-organisms and/or which protected against growth of pathogenic micro-organisms. Neither E472e nor E300 (ascorbic acid) were classified as a preservative under that legislation.

The ingredient lists for all three products listed E472e and E300 and stated that these were an emulsifier and flour treatment agent, respectively. Emulsifiers were defined in the same legislation as referenced above as substances which made it possible to form or maintain a homogenous mixture of two or more immiscible phases such as oil and water in a foodstuff. Flour treatment agents were substances, other than emulsifiers, which were added to flour or dough to improve its baking quality. Therefore, whilst E472e and E300 were additives, they were not preservatives.

Furthermore, as referenced above at point one, we considered that consumers would understand that the products had been produced on an industrial scale and therefore probably contained some additional ingredients other than the basic ingredients required to make bread. Where the claim appeared in the ads, the full ingredient lists which stated “Emulsifier: E472e, Flour Treatment Agent: Ascorbic Acid” were clearly visible. Therefore, consumers could clearly see all the ingredients in the products, including that there were additives, but that these had designations other than ‘preservative’.

Therefore, because the breads did not contain any preservatives and the ingredients lists were presented clearly alongside the claim which made clear that they contained other additives, we concluded that the claim “no artificial preservatives” was not misleading.

On this point, we investigated ads (a), (b) and (c) under CAP Code (Edition 12) rules 3.1 (Misleading advertising) and 3.7 (Substantiation), but did not find them in breach.



ACTION

No further action required.