

Amending the Bread and Flour Regulations 1998 and the Bread and Flour Regulations (Northern Ireland) 1998

The Real Bread Campaign's responses are in blue text. Answers in *italics* are ones selected from a list of options, rather than our own wording.

In order to make an informed response, we encourage you to read the:

- consultation document, which includes the costs, summaries etc mentioned in the questions below: https://consult.defra.gov.uk/food-compositional-standards/bread-and-flour-consultation-2022/supporting_documents/Consultation%20Document.pdf
- impact assessment https://consult.defra.gov.uk/food-compositional-standards/bread-and-flour-consultation-2022/supporting_documents/Impact%20Assessment.pdf

Pages 1-8 provide information and include questions, which 1-5 ask for respondent details.

NB As we have submitted the Campaign's response, please select an option other than 'Campaign group/NGO' in answer to question 2 - unless you are responding on behalf of a different one.

Real Bread Campaign response

PAGE 9

[Proposal to raise the minimum level of the four 'token nutrients' currently added to flour]

6. Does the summary above accurately represent the main costs for industry, consumers and government/enforcement authorities (please see section 4.5 of the accompanying Impact Assessment for a more detailed breakdown of the cost/benefit analysis and calculations p.34-37)?

Don't Know or No Comment

Don't Know or No Comment

Don't Know or No Comment

Please detail which costs or benefits you feel have not been accurately represented and provide any evidence you have to support your views.

No comment

7. Please indicate your views on the following options (please select one option per proposal)

Do nothing

No, I don't support this

Raise the minimum level of added nutrients to flour in line with wider rules on fortified foods

No, I don't support this

Remove the calcium carbonate criteria from the Bread and Flour Regulations

I don't know or no opinion

If you do not support any element of the proposal (to raise the minimum level of added nutrients to flour in line with wider rules on fortified foods and remove the calcium carbonate criteria from the Bread and Flour Regulations), please explain why and provide any evidence you have in support of your views.

The Real Bread Campaign understands and agrees that there is a need for government to play a key role in helping to ensure that people in general have a healthy, nutritional diet, and in ensuring extra support for people who are at risk of 'slipping through the net' or who have done so already. We also appreciate the reasons for the proposals detailed in this consultation but maintain our belief that the mandatory addition of these so-called fortificants to the vast majority of flour produced and consumed in the UK is not the best solution. Whilst effectively removing almost the entire population's ability to choose additive-free food, adding a few 'token nutrients' (as official documents have referred to them) [1] still does nothing to address

the root causes of dietary deficiencies. For an outline of our reasoning and alternative proposals, please see our response to the 2013 consultation. [2]

Furthermore, the 2013 consultation noted that there is very low incidence of niacin deficiency across the population, raising the question of why the proposal now is to increase the amount that is added. As that consultation also noted the low bioavailability of iron in the form that it is currently added, we ask why the new proposal is to add more, rather than look at alternatives. It has also come to our attention that adding iron to flour is problematic for people with haemochromatosis. Estimates suggest this affects around 380,000 people in the UK, with potentially serious – in some cases life-threatening - complications. [3]

[1]

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/743803/Nutritional_Aspects_of_Bread_and_Flour__1981_.pdf

[2]

https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.sustainweb.org%2Fresources%2Ffiles%2Fother_docs%2Fbread_flour_reg_consultation_real_bread_response.doc&wdOrigin=BROWSELINK

[3] www.haemochromatosis.org.uk/rcn-section-overview

8. We understand that precise distribution of added nutrients can be difficult. If the minimum level for calcium carbonate present in flour is increased, this would narrow the range in which it must be present in flour to 300mg-390mg per 100g. Provided that millers add calcium carbonate at 345mg per 100g of flour, this would allow for a variation of 15% higher or lower to be in compliant with the rules. To what extent do you agree/disagree that calcium carbonate levels are consistently within the proposed range per 100g of flour is realistic?

[No comment from the Real Bread Campaign as the question is for millers and suppliers of the additions]

9. Should the requirement for wholemeal flour to contain 1.65mg of iron, 1.60mg of niacin and 0.24mg of thiamine (per 100g) be revised?

Please see our answer to question 7.

10. If you would like to add any further comments on your responses to questions 1-9 above or any other comments relevant to the proposals discussed, please do so here.

A key principle that underpins the Real Bread Campaign's existence is that people should have the chance to choose Real Bread (by which we simply mean made without so-called processing aids or other additives) for whatever reason(s) they need or want to. From this simple and (what should be) universally-accessible starting point, we champion practices right along the grain chain from seed to sandwich that help to make bread better for us, better for our communities and better for the planet. Central to our aims and vision are independent, local micro and small bakeries. These businesses lead innovation (from the sourdough revival to the non-commodity grain revolution), create more, highly-skilled, jobs per loaf, boosting local economies [4] as they help to keep our high streets alive. Larger bakeries also have the opportunity to choose to play a role.

We very much advocate people eating more wholemeal Real Bread and continue to call for better food education on the curriculum, reinforced by government-funded initiatives outside the classroom. At the same time, we also support people's right to choose bread made from lower extraction flours that contain no additives, for whatever reason they need or want to. The 'element of consumer choice' that the consultation claims gluten-free or other flours offer is, in reality, extremely limited. These cannot always be used as direct replacements as they do not taste or perform like *Triticum aestivum* flour, are nowhere near as widely available and tend to cost more. The actual choice with which the proposals would effectively leave many (perhaps most) people who need or want to avoid one or more of these additives is, therefore: wholemeal flour/bread or none at all.

For clarity and in support of the package of good food education we outlined in our 2013 consultation response, we propose amendment of the current regulation of the word wholemeal thus:

There shall not be used in the labelling or advertising of bread, as part of the name of the bread, whether or not qualified by other words—

- (a) the word 'wholemeal' unless all of the flour (including any non-wheat flours, powdered gluten or other grain products) used in the preparation of the bread is wholemeal - 100% of the original kernel (all of the bran, germ and endosperm) is present

The Real Bread Campaign also proposes that:

- A legal definition of the word wholegrain and regulation of its use (distinct from the existing one for wholemeal) is added to the Bread and Flour Regulations and/or other legislation, as appropriate. The 'healthy halo of wholegrain' has been in varying degrees of common use in bread marketing since at least 2013, when our A Wholegrain of Truth? report noted the word's use in one product that contained a mere 6% wholemeal flour. [5] For flour, bread and other bakery products, we propose that the word wholegrain can only be used to name or market a product if the majority (ie at least 51% by weight) of the dry ingredients are unrefined grain, flour or meal. In addition to the wholegrain ingredient(s) QUID on the ingredients list, it should also be mandatory to display the percentage on front of pack labelling and wherever the word wholegrain is used to name or market the product.
- To prevent confusion, an alternative to a legal definition of the word wholegrain is to prohibit its use, as The Bread and Flour Regulations (1984) did to the word wheatmeal. [6]
- Full ingredient labelling be made mandatory for all bread, wraps, sandwiches etc. as we have been campaigning for since 2009. The legal requirement from December 2014 to list so-called fortificants in flour, and full ingredient labelling of food pre-packed for direct sale being made compulsory in October 2021, were steps in the right direction. We still call for mandatory, full ingredient listing (on packaging or point of sale display) of bread etc. that is sold unwrapped, and mandatory listing of so-called processing aids for all products in which they are used.

To encourage natural micronutritional value and bioavailability becoming key considerations in the selection of wheat varieties/populations; how wheat is milled into flour; and the process/method used to turn it into bread, we propose that:

- A mill of any size should be able to gain exemption from adding any micronutrient to a sifted/refined flour if they can prove that it is naturally present in that flour at a level that exceeds a set minimum.
- The government drives and helps to fund research into the potential benefits of lactic acid bacterial fermentation, as occurs in the sourdough process. Efforts should be focussed on those potential benefits that a growing body of evidence supports, including the possibility that that the sourdough process improves bioavailability of a range of micronutrients. [7]
- A legal definition of sourdough is added to the Bread and Flour Regulations and/or other legislation, as appropriate. The legislation would ensure that the use of the word sourdough could only be used to name or market bread and other bakery products that are made without any so-called processing aid or other additive; and leavened only by a live sourdough starter culture, without the use of baker's yeast or other raising agent.
- The amendment and introduction of legislation to facilitate the marketing of 'heritage' varieties, landraces and mixed populations of wheat and other grains. [8]

On a general note, we are disappointed that the scope of this public consultation is limited to so few aspects of the Bread and Flour Regulations, which encompass a range of composition, labelling and marketing standards and requirements. We still urge the adoption of all the Honest Crust Act proposals related to fundamentally important aspects of composition, labelling and marketing, which we have been making repeatedly since 2009. [9] These would help people to make better-informed choices about the food they buy and eat, supporting both healthy eating and businesses – particularly SMEs. We are frustrated that these proposals were not given adequate discussion in Bread and Flour Technical Working Group meetings and have been entirely excluded from this consultation, despite support from small bakery

owners. [10] We again ask: exactly when and through which channels people will have the opportunity to comment on these proposals?

[5] www.sustainweb.org/news/feb13_real_bread_wholegrain_truth

[6] www.legislation.gov.uk/ukxi/1984/1304/pdfs/ukxi_19841304_en.pdf

[7] Some of the potential benefits of sourdough fermentation are summarised in Thirty years of knowledge on sourdough fermentation: A systematic review, which is based on an examination of 1230 peer reviewed research articles published between 1990 and 2020.

<https://www.sciencedirect.com/science/article/pii/S0924224420307202?via=ihub>

[8] [www.liveseed.eu/wp-](http://www.liveseed.eu/wp-content/uploads/2020/07/Session_3__Heterogenous_Material_MatteoPetitti_compressed.pdf)

[content/uploads/2020/07/Session_3__Heterogenous_Material_MatteoPetitti_compressed.pdf](http://www.liveseed.eu/wp-content/uploads/2020/07/Session_3__Heterogenous_Material_MatteoPetitti_compressed.pdf)

[9] www.sustainweb.org/news/sep21-defra-bread-flour-technical-working-group-submission/

[10] www.sustainweb.org/assets/real-bread-bakers-letter-to-g-eustice-16aug22-Aug22.pdf

PAGE 10

[Implementation of the mandatory addition of folic acid to flour, announced in 2021

www.sustainweb.org/news/sep21-folic-acid-to-be-added-to-uk-flour/]

PAGE 12

11. Does the summary above accurately represent the main costs of implementing folic acid fortification at a level of 250mcg per 100g of flour for 1) industry, 2) consumers and 3) government/enforcement authorities (please see section 4.41 of the accompanying Impact Assessment for a more detailed breakdown of the costs of implementation p.30-33)?

The cost to industry of the proposed implementation of flour fortification with folic acid are accurately represented *Don't know or no comment*

The cost to consumers of the proposed implementation of flour fortification with folic acid are accurately represented *Don't know or no comment*

The cost to government/ enforcement authorities of the proposed implementation of flour fortification with folic acid are accurately represented *Don't know or no comment*

Please detail which costs you feel have not been accurately represented and provide any evidence you have to support your views.

[No comment from the Real Bread Campaign.]

12. There are two options for how the Bread and Flour regulations could be drafted. We propose that they should specify how much folic acid must be added to flour, not how much folic acid must be present in flour (except where there are explicit exemptions for example for wholemeal). Do you agree or disagree with this proposal? (Select one answer)

I agree, the regulation should require that folic acid must be added at 250mcg per100g wheat flour

I disagree, the regulations should require that "folic acid must be present at 187.5mcg per 100g wheat flour" (accounting for the anticipated 25% production loss in the fortification process).

Don't know or no comment

13. Do you have any further comments or supporting evidence on the proposed implementation of mandatory fortification of flour with folic acid?

As noted above, and outlined in our responses to previous consultations, we believe that a wider raft of measures should be implemented and funded to help prevent, and to counteract, health inequalities and a range of dietary deficiencies. The Real Bread Campaign doesn't have a position on folic acid specifically.

PAGE 15

[Proposal to clarify that the mandatory addition of substances only applies to flour milled from *Triticum aestivum*]

14. Does the summary above accurately represent the main costs for industry, consumers and government/enforcement authorities (please see section 4.6 of the accompanying Impact Assessment for a more detailed breakdown of the cost/benefit analysis and assumptions p.36-39)?

Agree Neither agree nor disagree Disagree Don't know or no comment

The cost and benefits of the proposed policy changes to industry are accurately represented

Don't know or no comment

The cost and benefits of the proposed policy changes to consumers are accurately represented

Agree

The cost and benefits of the proposed policy changes to government/ enforcement

Don't know or no comment

Please detail any costs or benefits you feel have not been accurately represented and provide any evidence you have to support your views.

[No additional comment from the Real Bread Campaign.]

15. Please indicate your views on the following options (Please select one option per row)

Do nothing

No, I don't support this

Add clarification on the scope of the regulations limiting fortification requirements to flour derived from "common wheat" (proposed option)

Yes, I support this

If you do not support any element of the proposal (to add clarification on the scope of the regulations limiting fortification requirements to flour derived from "common wheat"), please explain why and provide any evidence you have in support of your views.

[n/a]

16. Are you aware of any millers adding nutrients to flour made from alternative grains of wheat to Triticum aestivum "common wheat"? (Select one option only)

[No comment from the Real Bread Campaign as the question is for millers]

17. Do you agree or disagree that limiting the fortification requirements to flour made from Triticum aestivum "common wheat" provides greater choice for consumers? (Select one option only)

Agree

18. How likely is it that there will be decreased use of Triticum aestivum "common wheat" in the production of flour? (Select one option only)

Unlikely

19. If you would like to add any further comments or supporting evidence to your responses to questions 14-18 above or any other comments relevant to the proposal to explicitly limit flour fortification requirements to flour derived from "common wheat", please do so here.

The Real Bread Campaign welcomes this useful clarification. In the short term, it could make a small contribution to increasing people's opportunity to choose additive-free flour, for whatever reason(s) they need or want to do so.

Even so, we believe it won't significantly affect the market for *T. aestivum flour* as 'other' wheat flours taste and perform differently and so cannot always be used as direct replacements.

In the longer term, the proposed exemption might help to increase the market for these flours. In turn, this would make a contribution to supporting the government's ambition to "conserve agricultural genetic diversity". [11]

[11]
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/69446/pb13583-biodiversity-strategy-2020-111111.pdf

PAGE 18

[Proposal to exempt mills producing less than 500 tonnes of flour p/a from the requirement to add substances to flour]

20. Does the summary above accurately represent the main costs for 1) industry, 2) consumers and 3) government/enforcement authorities for the proposal to exempt mills producing less than 500 tonnes of flour (please see section 4.7 of the accompanying Impact Assessment for a more detailed breakdown of the cost/benefit analysis and calculations p.39-43)?

The costs and benefits to industry of the proposed exemption from fortification for mills producing less than 500 tonnes of flour are accurately represented

Don't know or no comment

The costs and benefits to consumers of the proposed exemption from fortification for mills producing less than 500 tonnes of flour are accurately represented

Agree

The cost and benefits to government/ enforcement authorities of the proposed exemption from fortification for mills producing less than 500 tonnes of flour are accurately represented

Don't know or no comment

Please detail which costs or benefits you feel have not been accurately represented and provide any evidence you have to support your views.

With regard to costs and benefits to industry, we mainly defer to the response that will be given by Traditional Cornmillers Guild (TCMG) and Mills Section of the Society for the Protection of Ancient Buildings (SPAB Mills). In addition, we consulted a sample of four owners of mills of different sizes in our network - all supported the proposed exemption to enable them to give their customers the choice of additive-free flour.

[Proposal to exempt flour used as a 'minimal ingredient' from the requirement to add substances]

21. Does the summary above accurately represent the main costs for 1) industry, 2) consumers and 3) government/enforcement authorities for the proposal to exempt flour to be used in a product as a minimal ingredient (please see section 4.7 of the accompanying Impact Assessment for a more detailed breakdown of the cost/benefit analysis and calculations p.39-43)?

The costs and benefits to industry of the proposed exemption for flour to be used in a product as a minimal ingredient <10% are accurately represented

Don't know/no comment

The costs and benefits to consumers of the proposed exemption for flour to be used in a product as a minimal ingredient <10% are accurately represented

Agree

The costs and benefits to government/ enforcement authorities of the proposed exemption for flour to be used in a product as a minimal ingredient <10% are accurately represented

Don't know/no comment

Please detail which costs or benefits you feel have not been accurately represented and provide any evidence you have to support your views.

[no additional comment]

22. Please indicate your support for the following options (select one option per row):

Do Nothing

No, I don't support this

Exempt small scale-mills producing less than 500 metric tonnes of flour per annum from fortification requirements

Yes, I support this

Exempt flour to be used in a product as a minimal ingredient <10%

Yes, I support this

23. In your opinion, is setting a threshold for fortification requirements at an annual production of 500 metric tonnes (Select one option only).

Too low

24. Do you agree or disagree that the proposal to exempt small-scale mills would be unlikely to have significant impact on the nutrient intake levels of consumers? (Select one option only)

I agree - it is unlikely to have a significant impact on nutrient intake levels.

25. (For Enforcement Authorities) Do you have any major concerns around monitoring mills producing less than 500 metric tonnes per annum under the proposed exemption? (Select one option only)

[n/a]

25a.. If you answered yes, which of the reasons below, if any, explain your answer? (Select all that apply)

[n/a]

26. How far do you agree or disagree that the proposal to exempt flour that is less than 10% of a product, is reasonable? (Select one option only)

Agree

27. (For Industry Stakeholders) To what extent do you agree or disagree that this proposed exemption would support UK business to compete on a more equal footing with international competition in export markets? (Select one option only)

[n/a]

28. How far do you agree or disagree that the proposal to exempt flour that is less than 10% of a product would be unlikely to have a significant impact on nutrient intake levels of consumers? (Select one option only)

Agree

29. (For Enforcement Authorities) Do you have any major concerns around the enforcement of the regulations if the proposal to exempt flour in products where it makes up <10% of the final product were to go ahead? (Select one option only)

[n/a]

29a. If you answered yes, which of the reasons below, if any, explain your answer? (Select all that apply)

[n/a]

30. If you would like to add any further comments or supporting evidence to your responses to questions 20-29 above or any other comments relevant to the exemption proposals above, please do so here.

As the proposed 500 tonnes p/a threshold excludes a number of small mills, and might have a negative impact on the potential for modest expansion of others, we suggest that this be raised to 1000 tonnes p/a, in line with the case presented in 2019 by the TCMG and SPAB Mills [12] See our answer to question 10 for a further proposed case for exemption.

[12] <https://tcmgtradmillers.files.wordpress.com/2019/07/folic-acid-consultation-response-document-release-july-2019.pdf>

31. How far do you agree or disagree that introducing improvement notices to address non-compliance a more proportional approach to enforcement than the existing enforcement regime which only provides for criminal sanctions? (Select one option only).

Neither agree nor disagree

32. How far do you agree or disagree that using improvement notices would resolve issues with non-compliance efficiently? (Select one option only)

Neither agree nor disagree

33. Do you agree or disagree that enforcement of the regulations should extend to manufacturers of flour-based products where unfortified flour is purchased under the condition it is to be used in an exempt product or to be exported outside the UK?

[no comment]

34. Do you have any further comments on the proposed change to the enforcement of the Bread and Flour Regulations?

We would hope that the proposed system would result in more cases of non-compliance being resolved. We are concerned, however, that trading standards departments might not always have the resources to follow up a case of continued non-compliance following issuance of an improvement notice. We are also concerned about a potential lack of transparency in the improvement notice system - we have experienced difficulty in getting updates of progress and resolution of these in some cases we have presented to trading standards departments. [13] The Real Bread Campaign continues to call for increased investment in consumer protection, particularly better funding for trading standards and the Food Standards Agency.

At this point, we must re-state our insistence of the necessity of legal definitions to assist relevant bodies and officers in providing consumer protection, and in preventing unfair competition. This is exemplified by the case of Pret a Manger's use of 'natural'. We believe this could have been resolved more quickly (and might not have arisen at all) had a legal definition of the word been in place as well as / instead of the FSA's non-binding guidance on its usage. [14]

[13] See www.sustainweb.org/news/nov21-not-from-norfolk-only-watermill/ and www.sustainweb.org/news/dec16_is_pret_making_a_prat_of_you/#updates

[14] See www.sustainweb.org/news/dec16_is_pret_making_a_prat_of_you/#updates

PAGE 22

[Proposal for a 24 month transition period before enforcement of mandatory addition of folic acid]

35. The proposal to add folic acid to non-wholemeal flour requires time for industry to adapt premixes and make subsequent labelling changes which will impact a wide range of products. A 24-month transition period before proposals brought forward come into force is proposed to accommodate for this. In your opinion, is the proposed transition period of 24 months for the new requirements to come into force (Select one option only).

Don't know/no comment

If you disagree with the proposed transition period, please explain why (Open text)?

[n/a]