

Comments sent by the trading standards department of Hertfordshire Country Council on 16 July 2024 in response to issues raised about Costco in a complaint by the Real Bread Campaign.

Real Bread Campaign: While it now appears from the Costco website that, following our complaint, the company might not currently be selling the original product, it does still profit from using the word sourdough to market products manufactured with baker's yeast. In the case of Meniszez Sourdough Baguettes, Costco charges a premium (50.32p per 100g) for them, compared to products marketed without the word sourdough (33.25p per 100g).

www.costco.co.uk/Grocery-Household/Grocery-Delivery/Meniszez-Sourdough-Baguettes-5-Pack/p/4165

www.costco.co.uk/Grocery-Household/Grocery-Delivery/Meniszez-Demi-Baguettes-4-x-2-Pack-4-x-300g/p/53635

Herts CC: As a business, Costco are will be focused on profit, but do strive to comply with all UK laws. I appreciate that you believe they are misusing the description 'with sourdough'. I would unfortunately find it very hard for an Enforcing Authority (in this case, not Hertfordshire TS as we are acting as an advisor body, and the Enforcing Body would be your Local Trading Standards, who will have a responsibility to investigate any criminal offences that may have been committed under TS legislation) to find any evidence of an offence when the business is compliant with an industry accepted code of practice.

Real Bread Campaign: Products the company markets using the word sourdough also include a 30-piece case of baguettes in its deli section. If Costco tries to defend this by saying they insert the qualifier 'with', please note that sourdough is a process. You can't have fortified wine 'with solera' or whisky 'with Scotch', and you can't have bread 'with sourdough'. It's either sourdough bread because it was made by the sourdough process, or it was made by a different process using additional leavening/raising agents and so is not sourdough bread. <https://services.costco.co.uk/deli/>

Herts CC: Unfortunately as discussed there is no legal definition for sourdough and the only way business can responsibly use the name would be to consult guidance documents from the profession. In this case they have used the UK Baking Industry Code of Practice for the Labelling of Bread and Rolls. I would find it very difficult for an Enforcing Authority to prove that following this guidance could lead to an offence as they are the industry leaders and more than likely deemed experts by the UK legal system.

Real Bread Campaign: The screenshot you sent refers to a company called Puratos, whose own 'knowledge base' makes clear the distinction between sourdough bread, and bread made using baker's yeast: www.puratos.com/knowledge-base/what-is-the-difference-between-yeast-based-bread-and-sourdough-bread

www.puratos.com/knowledge-base/in-what-types-of-bread-is-sourdough-used

Furthermore, dictionary definitions of sourdough do not include the use of baker's yeast:

- Oxford: 'dough (= a mixture of flour and water) that is left to ferment so that it has a sour taste, used for making bread; bread made with this dough' www.oxfordlearnersdictionaries.com/definition/english/sourdough
- Cambridge: 'a mixture of flour and water that is left to ferment (= change in a chemical process) and then used to make bread' <https://dictionary.cambridge.org/dictionary/english/sourdough>

Herts CC: Dictionary definitions can prove useful in law sometimes but when you highlight there are 2 different definitions this doesn't clarify the matter. These definitions can't be relied on in law when guidance and other specific documents produced by trade bodies or associations are available for business and consumer.

Real Bread Campaign: As you know, Regulation (EC) No 178/2002 states that 'it is a general principle of food law to provide a basis for consumers to make informed choices in relation to food they consume and to prevent any practices that may mislead the consumer.' Regulation (EU) No 1169/2011 requires that 'food information shall not be misleading, particularly: (a) as to the characteristics of the food and, in particular, as to its nature, identity, properties, composition, quantity, durability, country of origin or place of provenance, method of manufacture or production.' Using the word sourdough to market product made using baker's yeast is misleading and so breaches these regulations.

Herts CC: As discussed before this is not easy to prove especially when it is inconsistent with the Guidance. I would suggest any complaint on that basis is forward to your Local TS so they can discuss it with the Local Authority for the who wrote the guidance and ask them to review the guidance.

Real Bread Campaign: Your screenshot also refers to a so-called 'UK Baking Industry Code of Practice for the Labelling of Sourdough Bread and Rolls'. It was written by a group of organisations led by The Association of Bakery Ingredient Manufacturers (ie companies that manufacture and sell additives), The United Kingdom Association of Producers of Yeast, and the Federation of Bakers (the industry body for loaf manufacturers, most of which use the 'no-time' Chorleywood Process). Clearly, these organisations and their members have vested interests in profiting from the marketing value of word sourdough by applying it to products manufactured by a quicker, cheaper process using baker's yeast and additives. As the Puratos page notes: 'Unfortunately, the flavour development is less complex compared to traditional sourdough.'

Herts CC: Please see previous comments.

Real Bread Campaign: The input of artisan bakers (the custodians of the UK sourdough bread renaissance) was rejected by the proposed code's authors. The proposed code has not been adopted by the UK government or devolved administrations, and has been rejected by the majority of bakers who make sourdough bread. www.sustainweb.org/news/nov19_sourdough_code_malpractice