

Dear Geoff and Ian,

I coordinate [the Real Bread Campaign](#) for the food and farming charity Sustain. We define bread as made without the use of additives. From this simple, universally-accessible starting point, our mission is finding and sharing ways to make bread better for us, better for our communities and better for the planet.

A key element of the Campaign's work is calling for an [Honest Crust Act](#) of improved loaf labelling and marketing regulation to better protect shoppers and help to create a more level playing field on which small business owners and their employees stand a better chance of thriving. You might be aware of this from proceedings of the Bread and Technical Working Group convened by Defra.

Can shoppers and bakers in Scotland count on FSS's support in making this a reality?

What we are asking FSS to do

Key points of our proposals include:

- Mandatory full ingredient labelling (or display at point of sale) for all loaves, rolls, wraps etc. including those that are sold unwrapped / not prepacked.
- Mandatory declaration of all additives, including ones referred to as 'processing aids'.
Legal definition of the word wholegrain, ensuring that it is only used to name or market products in which at least 51% by weight of the dry ingredients are unrefined grains, flakes, meal or flour.
- Legal definition of 'fresh', 'freshly baked', 'baked today' and similar claims, limiting their use to products made from scratch in the past 12 hours and without the use of preservatives.
- Legal definition of sourdough bread as made without additives and leavened only using a live sourdough culture. (I have attached [evidence of need and benefit](#))
- Meaningful legal definitions for other words commonly used to name and market grains, flour, bread and industrial baked products, including: artisan, craft, ancient, heritage.

Will FSS take action to help make this happen, while endorsing these proposals and where the necessary work falls outside your remit? Will you back the Real Bread Campaign's long-standing calls to ministers for improved regulations and then help to ensure that they are properly enforced? Will FSS also take a leading role in research to build on (and establish clarity within) the compelling body of evidence that indicates there are health and nutritional benefits of selecting particular grains, ways of growing and milling them, then turning them into bread?

The need for legal definitions

With apologies for potentially re-stating what you know already, at present, a product can be:

- Made with highly-refined flour as the main ingredient, with a very small percentage of wholemeal flour, and yet marketed under the healthy halo of 'wholegrain'.
- Made, baked, frozen, transported a great distance (even from another country), then baked for a second time, and yet marketed as 'freshly baked', 'baked in store' or similar.
- Made using additives, with little to no live sourdough starter culture, and leavened using baker's yeast or baking powder, and yet marketed as 'sourdough bread'.
- Made in large quantities in a factory, using a computer-controlled, highly-mechanised process, using additives that no true artisan baker would use, and yet be marketed as 'artisan bread'.
- Made with highly-refined, modern wheat flour as the main ingredient, with a very small percentage of another grain, and yet marketed using terms such as 'heritage wheat' or 'ancient grains'.

None of these terms has a legal definition, giving companies more or less unfettered ability to use them prominently in product names, front of pack descriptions and other marketing designed to steer shoppers into make buying decisions.

A number of cases have demonstrated that The Food Information to Consumers Regulation is not specific enough to prevent this. The Advertising Standards Authority has rejected complaints made by the Real Bread Campaign about what we believe to be misleading use of such marketing terms, with the ASA citing the lack of a legal definition as a key factor in their decision.

Claims of freshness and place of production being used (notably by multiple retailers) to market products that were made elsewhere (sometimes in other countries) and merely re-baked in store can undermine the market for genuinely fresh bread from a nearby SME bakery. The latter supports highly-skilled and more

jobs per loaf for people from that local community and helps to keep more money circulating in it. There is also a negative environmental impact of re-baking, which uses around twice as much energy as baking a loaf once, and results in products that tend to stale very quickly, increases the likelihood of those products being wasted.

The need for full ingredient labelling

While a shopper should not have to turn to an ingredients list to verify what is claimed or implied by the use of terms such as those listed above, full ingredient labelling is still essential for whatever reason that person needs or wants this information.

A baked product can be made using any number and type of ingredient and food additive, yet if the product is sold unwrapped, it is not mandatory for the retailer to declare all of these on labelling or point of sale display. It has been suggested that retailers could provide this information by other means - verbally or by digital media, for example. This argument, however, is undermined by the facts that not every shopper owns a smartphone, or has the time to wait in the hope that a member of staff will return with the requested ingredients list. As food allergen requirements clearly demonstrate, declaration of ingredients and additives at point of sale is possible.

In the case of so-called processing aids, current regulation allows manufacturers to hide the use of these additives-by-another-name from buyers of even prepacked food. This is despite the possibility (as is permitted by current regulation) that their residues or by-products might remain in the finished product.

Evidence and scale of impact

Our Honest Crust Act proposals are driven not only by a need to underpin everyone's ability to make better-informed choice for whatever reasons they want to make them, but also evidence of specific need and benefit.

According to industry statistics, something like 99.8% of UK households buy products marketed as bread, and around 12 million loaves are sold each day. The figures indicate that perhaps 17% of these loaves (ie more than 2 million every day) are bought from in-store bakery sections, which typically use claims of freshness and/or place of production.

In January 2017, the YouGov Everyday Health Tracker found that [75% of more than 2000 respondents believe the term 'wholegrain' to be a healthy food claim](#).

Around 1000 micro and other SME bakeries have listed their additive-free loaves on the Real Bread Map, representing just a fraction of the SMEs in this sector. They are facing ever-increasing competition from companies with enormous marketing budgets that are leaving or leading shoppers to understand that the nature, identity, properties, composition, place of provenance and method of production are other than they are. Existing legislation is not adequate for the current market or to meet shoppers' rights and other needs.

A large body of evidence around the potential benefits of sourdough fermentation is summarised in [Thirty years of knowledge on sourdough fermentation: A systematic review](#). This is based on an examination of 1230 peer reviewed research articles published between 1990 and 2020. Its authors stated: "The most recent literature showed how the sourdough fermentation mainly increased mineral bioavailability, enabled fortification with dietary fibers, lowered glycemic index, improved protein digestibility and decreased the content of anti-nutritional factors." Researchers have also found how sourdough fermentation can modify and reduce the proteins that trigger the coeliac response.

[A new study](#), published just today, found that the majority of 2000 respondents were not totally confident of what goes into most supermarket loaves, would prefer as few preservatives and other additives as possible, and would like to see more natural options in the supermarket. Our proposals would help them to make these buying choices.

Guidance and regulation

We recognise the value of official guidance in helping consumer protection bodies to prevent shoppers from being misled. An example was [Pret a Manger being banned](#) by the Advertising Standards Authority and the trading standards department of the company's Primary Authority from using the word 'natural' to market sandwiches and other food made using a range of additives.

This case, however, also demonstrates one of our concerns about non-binding guidance. From our initial complaint, it took around a year and a half for the decision to be made. We believe that the issue would have been resolved more quickly (and perhaps not even arisen) had a simple and unambiguous, legal definition been in place.

More directly related to our Honest Crust Act proposals, despite [existing FSA guidance](#), 'freshly baked', 'baked in store' and similar claims are still commonly made to market loaves that have been re-baked (rather than made fresh from scratch) in store. Clearly, the industry is not adequately self-regulating on this issue, and evidently consumer protection bodies are not preventing the practice from being widespread.

We would, therefore, welcome guidance *in addition* (and perhaps as a precursor) to our proposed legal definitions and mandatory ingredient listing, rather than instead of these.

We are wary, however, of the suggestion of industry self-regulation for the reasons we outlined in [our response](#) to a proposed code of practice sent to Defra in 2019.

Invitation

I hope that I have been able to demonstrate clearly that improved regulatory intervention is necessary to help shoppers in Scotland (and across the UK) make better-informed choices (for whatever reason they want or need to) and to help consumer protection bodies prevent them from being misled.

To help FSS get a better understanding of how these issues affect SME bakery business owners (and, potentially, their customers) we are happy to help arrange visits to bakeries in the Real Bread Campaign network.

If you need further information, clarification of any of these points, or have any questions, please let me know.

Yours sincerely,

Chris Young
Real Bread Campaign coordinator