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9 October 2018

Dear Mr. Gove,

Thank you for your letter to Caroline Lucas MP (ref PO2018/17465/SPC), which responds to calls from constituents* for improved loaf labelling and marketing legislation in order to better protect shoppers and the small, independent, local Real Bread bakery owners who help to keep our high streets alive.

We realise that you wrote your response before the cause of Natasha Ednan-Laperouse's death (that full ingredient labelling might well have prevented) became public. It is appalling that it has taken headlines of that family's tragedy to highlight how clearly inadequate current food labelling laws and practices are, and trust that you are no longer satisfied with them and will now take immediate action.

We feel that your letter falls short on a number of points and so repeat our almost decade-old call on the government to introduce an Honest Crust Act. The provisions of this would include:

- The requirement of full ingredient labelling and listing (including any so-called 'processing aids' and other artificial additives used) to be made mandatory for *all* loaves sold by *all* retailers.
- In light of recent news, we want to highlight that this should include the requirement for full allergen declarations on labels, wrapping and/or at point of sale, including for those products currently exempt from such requirements. This is vital for consumer information and food safety.
- Legal definitions of bakery terms including (but not limited to) freshly-baked, wholegrain, sourdough, artisan, craft and ancient grains; and criteria for use of such claims and those that are similar.

What burden is honesty and transparency?

In your letter, you state that the full ingredient listing requirement exemption for certain loaves 'is made for the sole purpose of reducing unnecessary regulatory burden on small businesses and bakeries, while retaining essential, relevant information for the consumer.' If that is the 'sole purpose', why continue to offer this exemption to larger and multiple retailers?

As you point out 'consumers have the right to be informed about the products they buy.' To uphold this right, surely shoppers should be presented with all of this information in print on packaging or signage, rather than having to find a member of staff and rely on her/his memory of it, or wait until a product information sheet can be found. In the case of online shopping, this information should be included in the product listing.

More generally, what 'burden' is it for a food retailer of *any* size to be open, honest and fully transparent to shoppers about everything they use to make a loaf? Many Real Bread bakers take pride in writing or printing 'flour, water, yeast and salt' on a label, shelf sign or chalkboard. Any manufacturer or retailer having to display a much longer list that includes a number of artificial additives will allow shoppers to see that not all loaves are created equal, and not be left (or even led) to make like-for-like comparisons with other loaves on the basis of visual appearance alone.

Please change the law to require *all* loaf and sandwich retailers to display at point of sale *all* ingredients (highlighting allergens), and any artificial additives (including so-called processing aids) they use.

No definition = no protection

Without clear and adequately-enforced legal definitions for sourdough, artisan bread, wholegrain, heritage/ancient grain, freshly-baked etc. what is and isn't considered to be a misleading use of each word is left to interpretation by the bodies (or even individuals within a body) that work to protect us from being misled.

For example, despite current Food Standards Agency (FSA) guidance, the Advertising Standards Authority (ASA) has more than once rejected complaints about claims of freshness, such as 'baked in store', being used to market 'bake-off' loaves. These products are manufactured in a factory (outside the UK in some cases), chilled or frozen, and rebaked in supermarkets and other retail outlets, perhaps up to a year after manufacture. Such claims might instead lead to shoppers understanding that the loaves have been made from basic ingredients on site that day, supporting local skilled jobs and economy.

We are officially encouraged to eat more 'wholegrain' foods. This is sound, evidence-based advice for those who wish to reduce their risk of heart disease, improve their digestion and address other diet-related conditions. There is nothing. However, to prevent a company from manufacturing a loaf from highly-refined white flour, adding a small percentage of whole grains or wholemeal flour, and marketing it under the health halo of 'wholegrain'.

The Advertising Standards Authority (ASA) has also rejected complaints about factory loaves being marketed using the word 'artisan', and products made with artificial additives and added baker's yeast as 'sourdough', on the grounds that there is not even official guidance, let alone a legal definition, for the use of either word.

What restriction?

We do not understand what you mean in your letter by 'a restricted number of additives are permitted in sourdough breads.' Because this term is not protected, there are no differences between the types, number or quantities of artificial additives, or indeed of ingredients, a manufacturer is permitted to use to make a loaf they name or market using the word 'sourdough' and any other type of loaf. We are again asking you to protect this term, the shoppers seeking the genuine article, and the bakers who make it.

A self-regulated playing field is not a level one

The industry self-regulation you suggest, even if based on official guidance, is not the answer. The widespread lack of information about potentially allergenic ingredients, particularly in baked goods, fresh foods, sandwich shops and other food outlets, is now a prominent example of this.

It is also illustrated by the case of Pret a Manger using the word 'natural' to market products made with artificial additives. Even though Food Standards Agency (FSA) guidance exists, without a clear legal definition in place, it took 16 months of investigation by the ASA before ruling Pret's claims were misleading and banning their use in advertisements. Challenges via Westminster Council (Pret's Primary Authority) to similar claims made in-store remain unresolved 21 months later.

You suggested that instead of gaining the proper protection of legal definitions and statutory guidance, the baking industry should agree a code of practice on how a loaf named/marked as 'sourdough'. We see no prospect of this working, especially given that some of the larger manufacturers and multiple retailers are already benefiting from hijacking the term to market what we call sourfaux - loaves manufactured using methods and additives not used to craft genuine sourdough. Your suggestion of establishing an EU Protected Name is also broadly rejected by SME bakeries in the Real Bread Campaign network on the grounds of the unnecessary burden this would create for small businesses. A voluntary, self-regulated industry code of practice would be open to different interpretations, restricted opt-in and, we feel, fail to prevent ambiguity or confusion amongst shoppers.

Misleading by omission

You did not address in your letter the matter of undeclared additives. The Minister of State at the Department for Environment, Food and Rural Affairs did, however, respond to this elsewhere. He stated that 'pre-packaged loaves display a full ingredients list.' This is not entirely correct as, if deemed to be 'processing aids', rather than artificial additives, substances used in loaf (and other food) manufacture do not have to be declared, regardless of whether residues or by-products remain in the finished loaf.

There are questions over whether some of these may be allergenic (e.g. microbial alpha amylase), while research has pointed to another, microbial transglutaminase, potentially triggering coeliac response in some people. Notwithstanding any effects of ingesting any given additive, surely people have the right to

know what was used to make their food? We believe that not displaying all ingredients and artificial additives – including so-called processing aids – on packaging and/or point of sale is misleading by omission.

We don't believe that you should wait until after Britain leaves the EU for the regulatory changes called for by the constituents of all MPs who wrote to you and other supporters of the Real Bread Campaign. We are writing to you again for assurance from you that you will now start the process to expedite better protection for shoppers, to help prevent dangerous allergic reactions; to stop people being misled or inadequately-informed; to create a more level playing field on which small business can thrive; and further boost the reputation of the nation's bakeries and loaves, at home and internationally.

Yours sincerely,

Chris Young

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*and more than 280 other people who asked their MPs to write to you (as well as 1500 who have emailed you directly) since late 2017.