**Email from the ASA to the Real Bread Campaign**

**9 April 2021**

**Your complaint reference: A21-1104685 Warburtons Ltd**

I hope this email finds you well, and thank you for your patience whilst we ~~considered~~ assessed your complaint regarding a number of ads from Warburtons for the No Added Sugar Wholemeal loaf which you have seen on their social media feeds, website and outdoor sites.

I hope you will not mind if I summarise the main points of your complaint, and with each point I will also let you know my assessment of your concerns. Please do not hesitate to respond if you think I have missed or misinterpreted a particular point, or if you have any further comments regarding the issues you have raised.

You considered that the statement in the ad “guess what’s hiding in other wholemeal loaves” denigrates traditional wholemeal bread and the bakers who make it because the ad may lead consumers to assume that real bread makers add sugar to their loaves. Whilst we appreciate your concerns, we consider that consumers would understand that the ads feature a packaged wholemeal loaf from a widely available well-known brand and would consider that the “no added sugar” claims made in the ad, which are referenced with respect to “other” wholemeal loaves would be understood to be in relation to alternative commercially produced loaves from other well-known brands.

You also explained that the ads don’t highlight any additional ingredients that are present in the loaf, such as additives and preservatives. In our view, the ads are likely to be viewed in the context of the prominence of the claim “100% wholemeal no added sugar” and consumers would understand this as the focus of the ads; they are unlikely to assume that no other ingredients of additives were used in the production of a commercially produced loaf and therefore we do not consider that this claim is materially misleading.

You’re also concerned that the use of the term “100% wholemeal” as you understand that this is a legal requirement for marketing wholemeal bread, and not a particular attribute of this loaf, and that the advertiser has also used some additional ingredients with respect to this loaf which have the effect of diluting the wholemeal flour. It is our understanding, following a ruling in 2012 regarding an ad from ABF Grain Products, that this No Added sugar wholemeal loaf also contains soya flour and wheat gluten, but these are not flours for the purposes of the Bread and Flour Regulations of 1998, and that their inclusion would not invalidate the 100% wholemeal claim. In our view, whilst 100% wholemeal may be a requirement for this type of wholemeal loaf, we also view this claim as one to distinguish this loaf from any other commercial loaf made from a combination of wholemeal and wheat flours, or from wheat flour alone.

You explained that you consider the claims “truest tasting wholemeal is the tastiest” and “try the true taste of wholemeal” were misleading because the commercial nature of this loaf and its production processes are not like those used in the production of handmade real bread. We understand why you might raise the claims as part of your complaint, but given the subjectivity of these claims, together with earlier points about the context of this ad and the commerciality of the product, we don’t agree that they are likely to mislead.

Finally, you pointed out that the claim “no added sugar” is made in relation to this loaf, but that the loaf contains naturally occurring sugars and that this should be declared in the advertising. We will be contacting Warburtons with a view to seeking that the ad is amended in this regard. I wanted to check that as usual, you are happy to be named as part of this contact and that no legal action is planned or underway, and if you were able to confirm this to me I would appreciate it. I will write to you again once we have heard from Warburtons regarding this issue

**Email from the Real Bread Campaign to the ASA**

**12 April 2021**

Thank you for your prompt response.

This ad is clearly designed to cast doubt on the quality, particularly the healthiness, of other loaves named or marketed using the word wholemeal. We disagree with your assertion that consumers are likely to understand that the aspersions are being cast only upon rival industrial loaf products and their manufacturers, rather than bread and Real Bread bakers as well. As long as it remains legal to use the word bread to name and market such products, scope for misunderstanding and confusion will exist.

You say that you view the 100% claim 'as one to distinguish this loaf from any other commercial loaf made from a combination of wholemeal and wheat flours, or from wheat flour alone.' Again, the word wholemeal does that on its own. Adding the 100% qualifier could lead consumers, the vast majority of whom are unaware of the Bread and Flour Regulations, to infer that some other loaves are made with a lower unrefined grain content and that the advertised product is, therefore, better in this respect. It is like an advertiser adding 100% as a qualifier to any other reserved descriptions such as honey or butter.

More generally, how can you say that consumers 'are unlikely to assume that no other ingredients of additives were used in the production of a commercially produced loaf'? Teaching resources published by industrial food industry barely touch upon the material differences between bread making and industrial loaf fabrication: www.foodafactoflife.org.uk/14-16-years/activity-packs/bread-activity-pack/#making The Federation of Bakers, the trade body that represents Warburtons and other industrial loaf fabricators, even seems to us to try diverting attention away from them. For example, the 'how bread is made' page on its website lists only flour, water, yeast and salt, failing even to acknowledge the use of additives: www.fob.uk.com/about-the-bread-industry/how-bread-is-made/ With such powerful forces at work, it is not surprising that many people are unaware that not all loaves are created equal. This is exacerbated by advertisers failing to qualify claims and leave other omissions.

Please review your decision not to investigate fully.

I am happy to be named and confirm that no legal action is planned or underway.