



Department  
for Environment  
Food & Rural Affairs

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## **Bread and Flour Regulations 1998**

### **A summary of responses to the consultation and Government Reply**

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## Introduction

This paper summarises the responses to the public consultation on the review of the Bread and Flour Regulations 1998(BFR). Defra made a commitment to review rules around fortification of flour as part of the Red Tape Challenge (RTC) exercise which aims to reduce regulatory burdens on business. The Bread and Flour Regulations 1998 are national rules which require all wheat flour (except wholemeal flour) to have added to it certain specified quantities of four nutrients, namely iron, calcium, thiamin and niacin. The rules date back to post war times when nutrient deficiency particularly for calcium and iron was of significant concern. Three of the nutrients, iron, niacin and thiamin are added back for restoration purposes to bring the levels of these nutrients back up to the amounts naturally present in the wheat before the milling process. Calcium is added for fortification purposes at levels higher than naturally present.

Food and health matters are devolved issues therefore the consultation was in relation to changes in England only. The consultation exercise ran for 12 weeks from 16 January to 13 March 2013. The consultation paper contained a number of questions relating to the options under discussion and sought information on the impacts on health, businesses and consumers. Given the number of questions posed during the consultation it has been impractical to report views on each question therefore a summary of the general themes and issues raised is provided as an alternative.

## The Options considered

The consultation process gathered further evidence and views in reaching a decision on the future of the BFR and the fortification of flour. Five options were initially considered as part of the exercise. These were as follows:

- **Baseline - Do nothing.**

Continue to require mandatory fortification of flour in England with calcium, iron, niacin and thiamin. The regulatory requirements will remain in line with the rest of the UK.

- **Option 1- Partial fortification**

Removal of the obligation to fortify flour with thiamin and niacin but continue to require mandatory fortification of flour with calcium and iron.

- **Option 2- No fortification**

Removal of mandatory fortification requirements for all four nutrients through repeal of the existing Bread and Flour regulations in England.

- **Option 3a - Continue with some fortification requirements but for bread flour only.**

Continue with fortification but for bread flour only which is the most commonly consumed source of flour and allows other users of flour to use unfortified flour if desired.

- **Option 3b - Exempt fortification of flour for ingredient use at < 10% level.**

Continue with existing mandatory fortification of flour but provide for production and use of unfortified flour in products where flour constitutes less than 10% of the total ingredients. The appropriateness of the threshold level was also under consideration.

## Responses to the Consultation

Forty seven responses were received from a wide variety of stakeholders including health professional and their representative bodies, business, food industry trade association's consumer bodies and individual consumers. The table below gives a breakdown by type.

Organisation type	No of Respondents
Consumer Organisation	3
Individual/Consumer	2
Charitable Body	4
Individual Business	6

Industry Trade Association	12
NGO	5
Public Health Body	7
Public Health Practitioner	6
Local Authority Body	2
<b>TOTAL</b>	<b>47</b>

Comments were received on a wide range of aspects of these regulations including the health aspects relating to fortification, applicability of any changes to England, labelling of the added fortificants, export issues, the terms wholemeal and wheat germ, and the national specification for calcium carbonate.

A breakdown summary of the general views of the 47 respondents in relation to the consultation options under consideration is given in the Figure 1 below.

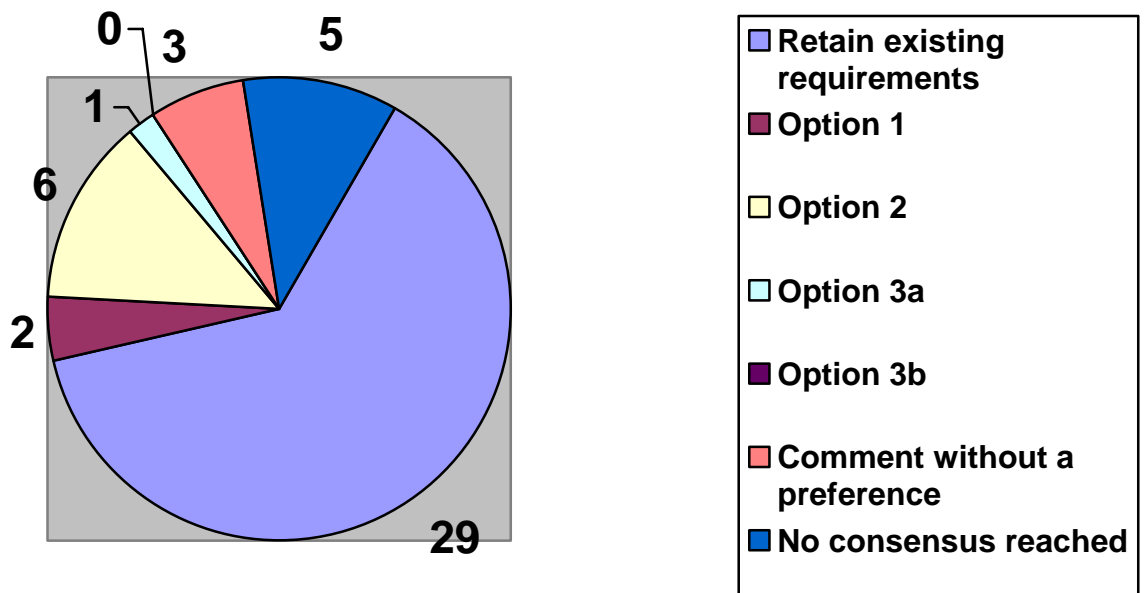


Figure 1 Distribution of respondents preferred options

Overall the majority of the respondents favoured retaining the BFR in some form with most of these preferring them to remain as they currently are. Of these 29 respondents, partial fortification with calcium and iron was seen as the next most favoured option if any changes were to be made to the BFR. A number of respondents commented that options 3a and 3b introduced more complexity to the system and were not favoured by many. Although no one preferred Option 3b some respondents did say they could accept this as a 2<sup>nd</sup> choice option. As a result of the comments received these options were then discounted as being impractical.

Of those who preferred the full deregulatory route some food manufacturers using flour as an ingredient indicated some support for the removal of mandatory fortification primarily to obviate the need to label the nutrients. Some niche organisations also supported deregulation in the context of their particular organisations aims about the kinds of bread which they manufacture or represent. A specific exemption from all fortification requirements was also requested by small scale millers of stone ground flours.

Some respondents did not explicitly state a preference and simply made comments on the issues under review. A number of trade associations did not reach a consensus view but also made a number of comments about issues relevant to the BFR particularly regarding the future labelling of the added nutrients an aspect which was outside the scope of the consultation.

## Discussion of Responses

### Health views

Most health professionals and their bodies were against any changes to the fortification requirements believing that the current legislation is effective in supporting delivery of calcium, iron, niacin and thiamine across the population. Respondents including the Royal College of General Practitioners (RCGP), the Royal College of Paediatrics and Child Health, The British Nutrition Foundation (BNF) and National Institute of Clinical Excellence (NICE), generally took the view that fortification should continue as a precaution, as the cost of fortification is so low. Many noted that while the aim of reducing red tape and bureaucracy is well-intentioned, in the case of bread and flour it would be counterproductive and a public health mistake to remove mandatory fortification.

There were a significant number of comments relating to the fact that the current system provides equal health benefits for all consumers and the impacts of removing mandatory fortification would be to widen health inequalities and increase the risk of dietary deficiency and disease. A number of specific comments focussed on those at risk groups particularly children, young girls and the elderly identified by SACN and that the cost to the NHS of poor bone health would be substantial. Health professionals generally supported the SACN conclusions but did acknowledge that if some form of deregulation was to take place they could accept a partial fortification option with only iron and calcium given that there is weaker evidence for niacin and thiamin. NICE provided some cost estimates that if

calcium fortification alone prevented 200 fractures this would save costs in excess of £1m per annum. In the case of niacin and thiamin while clinical deficiency is rare, a single averted case of deficiency could save more than the additional cost of fortification.

Although not strictly relevant to this consultation many health professionals also highlighted that the removal of rules on fortification could result in the loss of flour as vehicle for the delivery of other important nutrients in the future, especially folic acid.

## Business views

Overall industry appeared content with the current fortification requirements which date back over 50 years primarily because it is not overly burdensome on them. The two Premix manufacturers who supply the fortificants highlighted concerns if fortification was discontinued with a significant loss of business, redundancies and closure of a calcium carbonate quarry. NABIM, who represent the millers, were also in favour of maintaining mandatory fortification and highlighted that in the absence of legislation they would not continue to fortify flour on a voluntary basis. They recognised however that there may be some customer demands to do so and this would result in increased complexity and costs for them. The premix manufacturers also made the point that the cost of adding the premix (nutrients plus excipient) is probably cheaper than its equivalent weight in flour at current prices making it marginally more expensive not to fortify.

The trade association representing the mainstream bakers universally supported mandatory fortification. Warburton's, the UK's largest bread supplier, pointed out that white flour products continues to be the preferred option for consumers, so it is essential to maintain the restoration of nutrients lost in milling and it not be left to voluntary schemes. Any changes to the status quo will lead to increased costs, increased prices and greater involvement of enforcement authorities, thereby increasing 'Red Tape', not reducing it.

The Food and Drink Federation (FDF) representing the main users of flour as an ingredient could not reach a consensus but some of their commodity sub groups did favour deregulation. FDF highlighted their primary concerns lay with the new labelling requirements which will see the current labelling exemption fall and a requirement to label the fortificants by the end of 2014. Niche bread makers using traditional stone ground milling processes said they found it difficult to accurately dose the vitamins due to the smaller scale production; as a result they would also support removal of mandatory fortification or an exemption.

A number of comments highlighted the difficulties of having different rules applying in the four nations of the UK. They highlighted increased logistical problems and a potential for increased costs. Most felt that it would not make sense to enact changes in England only as the nature of flour distribution and labelling would create a barrier to implementation.

Some comments particularly, main stream bakers, Premix suppliers and Federation of Bakers made reference to the importance of retaining the BFR and its unique specification for calcium carbonate also known as Creta. Calcium carbonate is naturally quarried in the UK but due to its geology has a slightly different specification to that approved as an

additive. However as the BFR contains a separate specification for flour fortification purposes industry need only meet these requirements. Many have highlighted that the effect of repealing the BFR would mean that the addition of Creta would no longer be permitted according to its current specification and any voluntary addition would mean calcium carbonate would need to comply with EU additives rules forcing it to be imported at 3 times the cost as there are no commercially viable deposits in the UK meeting this European additives standard. The additional cost to industry was estimated in excess of £1.75m per annum if the overall consumption of calcium carbonate were to remain unchanged. The calcium supplier indicated one of its quarries would be forced to close and significant job losses and a subsequent knock on effect to the local and wider economy through loss of business. This was recognised as a significant issue is acknowledged that repeal of the BFR would see the calcium specification fall too.

## Consumer views

All consumer organisations who responded felt there to be a significant public health benefit in maintaining the mandatory fortification with all four nutrients. Many felt that the removal of calcium and iron in particular would result in certain sections of the population not meeting their RNI for these nutrients with specific concerns around those who have limited meat/ dairy consumption such as vegetarians and vegans, ethnic groups and of those sectors of the population who have reduced their meat/dairy consumption due to saturated fat levels. The issue of regional differences because consumption of bread is higher in for example West Midlands compared to London was also highlighted. Consumer groups also felt the Regulations were important in keeping control of the definition of 'wholemeal' and 'wheat germ' a comment also made by some industry bodies including the Federation of Bakers. Consumer groups also noted their satisfaction that in the future any added nutrients would be required to be labelled thereby providing consumers with full information on added ingredients.

## Local Authority views

Local authorities and environmental health bodies who responded generally supported retention of some rules on fortification but considered that partial deregulation would be preferable. However they acknowledged that while the enforcement costs of the current Regulations are minimal as they are well understood and an accepted requirement within a relatively stable and discrete industry, costs would be likely to rise the more complex the supply chain became.

## Other issues

### Food labelling

A large number of industry comments, particularly flour ingredient users, focussed on the knock on effect of the new Food Information Regulations which will require the mandatory fortificants required by the BFR to be labelled in the future. Currently industry has a



national derogation in existing food labelling rules which will fall once the new FIR comes into force. There is no scope for any derogation to the EU rules and industry expressed concerns that consumers might be confused at the sudden appearance of these nutrients as ingredients and that they may think they are getting more than they actually are. These concerns are not well founded and the Government is committed to ensuring consumers are provided with full and honest information about what is in the foods they are buying. Consumer organisations are also fully supportive of the labelling of these added nutrients on bread and flour.

Industry were also concerned about communicating the labelling changes on flour and flour containing products, as consumers are likely to be unaware of the current flour fortification requirements. They believe consumers should not be misled into thinking there are additional nutritional benefits from flour-containing products, simply due to any necessary labelling changes. Existing guidance on the BFR will be revised and will include a new section dealing with the labelling of the added nutrients.

## **Export**

Linked to some of the labelling concerns by industry are potential exports issues which industry says could affect their ability to export products containing flour as many EU countries don't fortify flour or are actively against fortification. If the added nutrients are clearly indicated customers may choose alternative products. In addition industry said they may need to source more unfortified flour and some felt it may put them at a disadvantage against their EU competitors, who all use unfortified flour. The option to exempt flour destined for minor ingredient use was not an option that found favour with many respondents. Current estimates suggest that only 3-5% of flour is used as a minor ingredient. We are aware industry can and do already import unfortified flour for use in the UK but this is not of significant volume. The labelling of added nutrients is an important consumer information aspect which consumers indicate they are in favour of.

## **Wholemeal and Wheatgerm**

A number of respondents felt the regulations were important in controlling the use of the terms wholemeal and wheat germ. Particularly consumer organisations but a number of industry organisations also made this point that loss of these terms would be detrimental for consumers.

## **Next Steps**

The results of the consultation have now been fully analysed. Following the review of the Bread and Flour Regulations, Defra in conjunction with the Department of Health, has decided to retain the BFR in their existing format. Ministers concluded that mandatory fortification should continue in England and all wheat flour except wholemeal should continue to have restored to it the nutrients calcium, iron, niacin and thiamin. This decision fully takes into account an assessment of the health impacts, the impact on industry and

on other parts of the UK, and the interests of consumers. This conclusion was endorsed by the Government's Home Affairs Committee and its Reducing Regulation Committee.

## List of respondents

Association of Bakery Ingredient Manufacturers (ABIM), FDF

American Society for Nutrition

Bakers, Food and Allied Workers Union

Biscuit Cake Chocolate Confectionery (BCCC) sector Group, FDF

British Nutrition Foundation

British Sandwich Association

Cereal Ingredients Manufacturers' Association

Children's Food Trust

Chilled Food Association

Coeliac UK

Cornmillers Guild

Professor John H Cummings Emeritus Professor of Experimental Gastroenterology  
Division of Cancer Research Medical Research Institute

East of England TSA

Dr David Edwards Specialty Registrar (StR) Public Health

Federation of Bakers

First Steps Nutrition

Flour Fortification Initiative (USA)

Food and Drink Federation (FDF)

Global Alliance for Improved Nutrition (GAIN)

Diana Hawden, Dietician and Nutritionist (Public Health)

Heage Windmill Society

LFI (UK)Ltd

McCarrison Society for Nutrition & Health,  
MRC Human Nutrition Research  
National Association of British and Irish Millers (NABIM)  
National Consumer Federation Food Policy Co-ordinator  
National Institute of Health and Clinical Excellence  
National Osteoporosis Society  
Nestle  
NHS Norfolk and Waveney Public Health Directorate  
Dr John Nichols Health Practitioner  
Mr Robert Nook  
Omya UK Limited  
Premier Foods  
Royal College of General Practitioners  
Royal College of Paediatrics and Child Health  
Royal Borough of Greenwich  
SEAFISH  
Soil Association  
Soja John Thaikattil, Sydney Medical School – School of Public Health  
The Real Bread Campaign  
The Society for the Protection of Ancient Buildings (SPAB) Mills Section  
Turners Soham  
Warburtons  
WHICH  
Hans Verhoef, London School of Hygiene and Tropical Medicine,  
Wolfson Institute of Preventive Medicine