

## The Fresh Debate

**Speaker: Les Bailey, Eric Mathys, Ian Paterson, Richard Vanbergen**  
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# The fresh debate

*Should a product sold as 'fresh' only be made in a continuous process?*

**M Roebuck (Chairman):** The word 'fresh' and how we define it is the key to the whole debate this afternoon. There are several ways in which a fresh or a freshly finished product may reach the consumer:

- A traditional craftsman prepares a 'straight through' product
- Frozen unbaked dough pieces are baked at point of sale
- A part-baked product, either frozen, gas flushed or distributed at ambient temperature, reaches the point of sale and baking is completed there.

How does the consumer measure freshness? There are many factors - crust texture, crumb texture, aroma, taste, even the warmth of the product. But is there a perceptible quality difference between a product baked directly from scratch ingredients and one which has been baked off? Do we let market forces dictate that - if a product smells nice and tastes good, presumably the customer will come back and buy it again - or is more information required at point of sale about the origins of the product and the processes it went through?

We have with us this afternoon a regulator, a craft baker, and two speakers with frozen dough interests to help us through this 'moral maze'. Each of our speakers will have 10 minutes or so to outline their case and at the end of the presentations we want to hear your comments and thoughts on this important subject. We will take a vote at the end of the afternoon, so you can make your feelings known - and you may have a chance to influence the final recommendations LACOTS is going to put shortly before local authorities and trading standards departments.

Our first speaker is Les Bailey, the senior executive officer for quality standards in the Local Authorities Coordinating Body on Food and Trading Standards. He is just finalising his advice on how the Food Labelling Regulations 1996 should be interpreted in respect of part-baked bread.

**L Bailey:** Normally I pride myself on being able to give a direct answer to a direct question. In this particular case I'm in a little difficulty since it depends on the circumstances involved. Before I explain the reason why, I should firstly tell you why LACOTS is involved with this issue and will briefly explain what legislation we are concerned with.

While food and trading standards legislation is increasingly European based, and is made by central Government including the Ministry of Agriculture Fisheries and Food and the Department of Trade, it is almost entirely enforced by local authorities either through their trading standards or environmental health officers or a combination of both.

Local authorities have two equally important aims in applying the legislation. The first is to ensure that consumers' public health, safety and economic interests are protected and the second is to ensure that there is an equal playing field and that companies compete on equal terms. With over 450 different local authorities involved in food legislation enforcement there is a need to ensure a uniform and consistent approach to its application. This should ensure that if a craft baker, a plant baker or supplier approaches an individual authority for advice on a particular subject, as far as possible that advice should be the same.

LACOTS was established in 1978 by the organisations representing the interests of local government at national level.

My remit is to cover all food matters. I don't claim to be an expert in bread or baking as I will go on to demonstrate in the next five or ten minutes!

The key LACOTS aims of direct relevance to today's debate are those dealing with the coordinated enforcement and the uniform application of legislation, the provision of advice and guidance to help interpret the legislation and our liaison with trade and industry.

How did we get involved 'with this particular issue? We were responding to requests from a number of individual local authorities and we were asked to look at the application of a number of different descriptions, for example' freshly baked here freshly baked today fresh from the oven and a host of similar claims

We were looking at that in relation to bread which was part-baked or had its origins in frozen dough or other types of processes. We were asked in particular to look at the situation in regard to supermarkets with in-store bakeries of one type or another. The impetus for this interestingly came not from consumer complaints - as far as I am aware there have been few or none - but rather from enquiries made by craft bakers.

How did we go about dealing with these requests? We invited views from a number of our technical advisers - senior and experienced trading standards officers, environmental health officers and public analysts, with expertise in interpreting food labelling legislation - who volunteered their services to LACOTS.

As part of the LACOTS secretariat it is then my role to try to distil those views and draft advice which in due course will be circulated to local authorities. The strength of this approach is that it should draw on the practical expertise of those involved in the day to day enforcement of this legislation.

The legislation we considered was the Food Labelling Regulations 1996. The Food Safety Act 1990 and the Trade Descriptions Act. Section 14 deals with nature, substance and quality and I will come on to that in a little while. Section 15 refers to false description or presentation.

It is important to remember that the Trades Descriptions Act also relates to food. It might seem a little strange that you have The Food Labelling Regulation and the Food Safety Act and the Trades Descriptions Act, but this has always been seen as a 'long stop' over and above the controls of the Food Safety Act.

We tried to fit all the combinations of starting materials - everything from frozen dough to part-baked to baking from scratch - alongside all the descriptions and alongside the various retailing environments - a supermarket with an in-store bakery, a supermarket with a non-functional in-store bakery and other types of retailing premises.

In doing this we had to look at the intention of the legislation, but we also had to work within its strict wording. This can present a problem, because the legislation uses phrases such as 'false to a material degree', 'where a consumer could be misled' and 'misleads as to the nature, substance or quality'. 'Not of the nature' would include, for example, brown bread described as wholemeal, 'not of the substance' would include bread containing a foreign body and 'not of the quality' could be bread which lacked the statutory vitamin and mineral fortification. As you can see, there is a fair degree of subjective judgment that has to be made.

When you look at some of the examples we have had to consider in the past, you can see some of the difficulty we had in considering what is 'fresh'. There isn't any such thing as vegetable lard - lard is a rendered animal product - yet vegetable lard is sold on the market and was the subject of a challenge by a local authority. That went on appeal to the High Court and the decision there was that you could make an untruthful statement - 'vegetable lard' provided you qualified it with a truthful statement - sub-description 'made with vegetable oil' or whatever. If you look then at other examples such as 'canned draught beer', it is impossible to can something which is drawn draught from hulk hut 'canned draught beer' does exist. The decision there was you couldn't divorce the description from the physical nature of the product and the associated description that went with it.

Similar problems arise in trying to define 'fresh'. The Food Standards Committee tried to do this in 1986 and decided that they would fudge the issue. They were unable to define the word 'fresh' but said that it should be used sparingly - another view that we had to take into account

We invited views from those organisations with a direct interest in this subject - people like the National Association of Master Bakers, the Federation of Bakers and the British Retail Consortium and research bodies including the Campden and Chorleywood Food Research Association -

What stage have we reached in our deliberations? To a large extent we have stood aside from the issue of whether only bread baked from scratch can be described as 'fresh'. Taking these examples into account, looking at the technical advice we received from consultants about bread quality and trying to establish what the average consumer's perception of the words 'fresh' and 'baked' would be, we are likely to produce only limited pragmatic advice on this subject. But we are open to persuasion. Our advice isn't finalised and if you do have views, I would be pleased to hear them.

We are inclined to take the view that the process of baking physically and chemically transforms fresh or frozen dough or part-baked product into bread - effectively turning inedible dough into edible bread. We certainly wouldn't see crust browning or reheating as

coming with the definition of 'baking'. We are also likely to take the view that the provisions of the Trades Descriptions Act in relation to the descriptions applied are more appropriate in these circumstances than the Food Safety Act or the Food Labelling Regulations.

For products produced from frozen dough pieces where sufficient of the baking process is completed to make them edible, we are likely to consider the term 'freshly baked' to be acceptable. For products where only the crust is browned or are simply reheated, descriptions which include the term 'baked' would not be acceptable.

Much will depend on the individual circumstances and the physical environment in which products are sold. For example where a supermarket has a previously fully operational in-store bakery but now part-bakes or finishes bread, this could cause some consumer confusion. Similarly where a supermarket may bake from scratch but also brings in part-baked product then consumers could be confused. So care should be exercised in relation to the description 'freshly baked' and qualifying explanations should be provided where appropriate.

Depending on your own particular point of view, our proposed approach is likely to be either encouraging or disappointing. However, as a voluntary organisation our advice is not legally binding, so in the longer term legislation from Brussels **may** help to clarify matters. For some time the European Commission has been working on a draft directive on claims applied to foodstuffs. While this work is currently in its infancy many member states including the UK see its completion as attracting a high priority. While the current text only provides

criteria for claims such as 'high', 'low', 'reduced' and so on, it is also intended to cover other claims such as 'fresh', 'traditional', 'natural' and 'pure'. We look forward to seeing more detailed proposals in due course.

**Chairman:** Eric Mathys was working for Vandemoortele at the birth of frozen Danish pastries and croissants in 1973. He moved on to Grands Moulins de Paris, the parent company of Delifrance, in 1985 and helped to build up one of the biggest part-baked frozen operations in the world with several hundred retail outlets in Europe, North America and South East Asia. Earlier this year he took over at Cuisine de France, which markets a complete bake-off concept for French bread, Danish, muffins, scones and doughnuts.

**E Mathys:** The product we refer to when we are talking about part-baked bread is -and always will be - traditionally made French bread coming from a non-interrupted process and having a short life, to be consumed within, let us say, four hours of manufacture. When we are talking about the very short freshness or the quick staling of French bread, that is ultimately the very reason for the existence of the part-baked product which we find in different forms: frozen, ambient, and the gas flushed type which you all know.

The commercialisation of part-baked breads started in the second half of the Seventies in the

countries so-called 'north' of France - Benelux, Germany and the UK. Semi-automatic production lines were initially used which did not always give the right quality for the consumer or even from the bake-off operator's point of view. The product was made on racks, and you all know the differences that can occur between the product on top of the prover and those further down. The same thing would happen in the oven, giving differences in volume, in colour, in the crust.

In the last couple of years full automation has become more common and is giving complete quality satisfaction because of better process control.

From now on I would like to concentrate on part-baked frozen French breads. There are no secrets here; there is no need be the use of extra additives or chemicals. It is the traditional recipe. The mixing is carried out at low temperature - 23<sup>0</sup>C. Fermentation is a slow process - at least two hours at 27-28<sup>0</sup>C.

Baking, and here we come to the crucial point, is only partial. So after the coagulation of the proteins we have only the thinnest skin around the crumb and the products are quick frozen to -20<sup>0</sup>C in the centre of the product, and are packed and stored immediately at -25<sup>0</sup>C.

The difference against the fully baked product is in the water content, due to the shorter baking time, and the lack of crust. The crust formation takes place during the final bake. The excess of humidity will disappear and the crust will be formed in the well known Maillard reaction. The operator has quite a lot of possibilities in terms of the sort of crust he wants.

When the question is put as to whether a product sold as fresh should only be made in a non-interrupted process, I would ask: what if the interruption is improving the quality? What if the baker is using a retarder prover? Is this an interruption of the process and should he still be using the words 'fresh' or 'freshly baked'?

These all are questions which we need to consider in the debate afterwards.

Chairman: Ian Paterson is a second generation baker. He founded a retail and wholesale business in his own right 81/2 years ago, The French Stick Co at Dorwich near Solihull. Two years ago, motivated by the development of the Milton Keynes Process and subsequent articles in the trade press, he founded the KNEAD campaign to promote fresh bread. Ian, can you tell us something about that?

**I Paterson:** The KNEAD campaign has been fermenting now for the best part of two years. Hopefully in the next two years we will see more progress on its main aim, which is the need for a definition. What I would like to give you this afternoon is the KNEAD definition of what is fresh.

Firstly I would like to draw a comparison between other types of food that are very clearly labelled as to their nature and the process of manufacture. Secondly I would like to look at the technical aspects of how we bake bread.

We've already seen one illustration of peas. It's quite obvious that a pack of peas in a freezer counter is hard and cold to the touch. For those aren't sure it has the word frozen on it. They are frozen peas, they are not fresh. If you want something slightly more upmarket they might come out as petit pois. One thing they will never come out as is a fresh garden pea. It's not legal.

Let's look at a second product a fresh apple. We all know what is a fresh apple -it's obvious. Freshly squeezed apple juice again is clearly marked on the label as freshly squeezed. But now take a carton of long life product and again, clearly marked on the packet, it is made with concentrated apple juice, unsweetened. The consumer is left in no doubt. Thirdly, probably the second most important staple diet in this country, fresh milk. Again we know it's fresh, it says so. Take a carton of long life milk and it is clearly labelled UHT.

why then should bread be any different? Bread after all is the staff of life. I am sure there are many in this room who remember the bread strikes of the 1960s, and those in the craft sector worked day and night to meet the demand, and the wrath of the public who simply cannot live without bread.

Let's look at the process of breadmaking. when dough goes into an oven it is basically a foam and it contains a living organism called yeast. At approximately 50°C the yeast activity dies, the yeast will stop, but that doesn't mean that the dough has become stable. To produce a stable dough, we need to go through the magic number of 92°C at which dough ceases to become dough and becomes bread. The starch is gelatinised and the protein coagulates. Those two things happen at exactly the same temperature. If you cool the product from 92°C, the staling process will start. The staling process is the result of those starches denaturing and becoming crystalline instead of gelatinous.

It doesn't matter how fast you cool the product. Staling will take place to a greater or lesser extent. The continuation of staling can only be stopped below freezing point and the fastest route to stale bread is 4°C. When you thaw that product out, it has to come back through 4°C. The staling process will continue and the only way to rejuvenate those starches is on a second application of heat. No one in this room needs proof of that. When you make a slice of toast in the morning from a loaf that may be five days old, you put it into a toaster, you caramelize the cut surface and the crumb between those two surfaces goes soft. But eat that slice of toast an hour later, the starches have reverted again to their crystalline form and that toast becomes inedible - it's tough and leathery

Since I started the KNEAD campaign I have been told that whatever I have to say, I should preface it 'in my opinion'. Assume every sentence this afternoon to have 'in my opinion' in front of it. So far it's kept me out of the courts.

Bear in mind the 92°C - the transfer of dough to bread. If a dough is taken through 92°C and is turned into bread, it is edible. It can be eaten and can be cut into slices. It is not partly baked. In my view there is no such thing as part-baked bread - it is a physical impossibility. You either bake bread or you don't

Raving gelatinised the starches, the degeneration process begins and staling takes place. By putting that product back

into the oven for a second time you are regenerating those starches.

If it is legal to reheat a pale baked product, then surely every craft baker in this country could take what bread he hasn't sold today, put it back in the oven and could clearly label it the next day as fresh bread. I am quite sure that if I did that in my business I would not be showing the percentage growth that I'm showing today.

As far as crust colour is concerned, there are several products in my shop this morning with little or no crust colour on them. I will show you a Scottish morning roll as an example. If this came out dark brown, my night shift would be in deep water.

In the few minutes available I hope I have been able to outline the case for fresh bread. To my mind there is no substitute for real fresh bread that has been made on a continuous process. If I could add one rider relating to a process used throughout the craft sector, that of retarding, let us bear in kind what the expression 'retarding' means. It is a slowing down of the process. Retarders may work at  $-4^{\circ}\text{C}$  over the weekend, but that will not freeze dough. You may freeze water, but you won't freeze dough. It is simply a slowing down.

With that thought, I hope I have given you some reason to ask plenty of questions and I look forward to a lively debate.

**Chairman:** Finally to Richard Vanbergen. He is a grocer by background. He built up a chain of supermarkets in the early 1980s, liked the idea of bake-off and introduced it in his stores.

Ten years ago he was let down by a supplier and decided to make the products for himself. Le Pain Croustillant now has five plants and is shortly due to open a sixth plant supplying part-baked bread to supermarkets, hotels and bake-off outlets including fellow bakers.

**R Vanbergen:** There are three things which I believe can only satisfactorily be achieved by the proper application of part-baked frozen bread technology.

The first two are variety and quality. I am not going to dwell on those, because the purpose of this debate is to address ourselves to the third issue, freshness. I suggest that the product is fresh *because* it is frozen. It is because the process is interrupted that the product can be delivered to the point of final bake-off in the best possible condition. Because it is frozen immediately that it has been part-baked, the staling process has been arrested and therefore frozen in this instance means fresh. Part-baked allows us to bake it off, to complete the baking process and therefore to present to the customer a product which has been baked the minimum amount of time as is possible before he or she buys it. You can bake it as the customer walks through the door. You don't have to bake off a great big dough which might be much more than you actually want to produce at a particular time. The customer can therefore get the product as fresh as it is possible to have it. Being able to freeze the product allows long production runs and the process in itself delays staling. You can buy the product in the morning, take it home in the evening, even pop it into the oven for a second time at  $200^{\circ}\text{C}$ , reheat it for a couple of minutes and it comes back to life again. It's effectively fresh. Please take home some of the product displayed outside and try me out.

Ian Paterson has suggested that a product is not fresh because it is frozen and he has used the example of frozen peas. But frozen peas are not bread and we're talking about bread. Bread, I suggest to you, is fresh if it is not stale. If by whatever means, interrupted process or otherwise, you can prevent the staling of the bread then you have fresh bread - and you can certainly do that with part-bake.

Part-baked bread does exist, last, and it exists as the middle point between the first stage of the process, which is to gelatinise the crumb, and the second stage which is to caramelize the crust, Part-baked bread is real, not a figment of everybody's imagination.

Eric has eloquently extolled the virtues of part-baked bread and I can add no words to what he has said. But I felt it would be useful to look at what the proposer of the motion approves of and what his KNEAD campaign would deny to the market. Let us see in practice whether it is reasonable or not.

I have a number of exhibits. Here is an artisanal baked product, a 400g French stick. It was made in a continuous process but to my eye it doesn't look very good and I would perhaps give it three or four marks out of 10. Not a very interesting product, doesn't taste very good, stales very quickly. Not therefore very fresh.

Here is another type of 400g baguette which is produced by a craft baker, delivered into a supermarket full baked and sold as fresh. But actually it's very stale, because he produced it at 2 am and clearly that is not a fresh product. Thirdly I have this specimen - a French baguette, according to a supermarket which will remain anonymous because it is one of my customers! This is produced in an in-store bakery, again in a continuous process.

These three products then the proposer of the motion would approve of and would allow the market to sell.

I now have two products which are produced by a non-continuous process. This one is a part-baked ambient product, and because it was not frozen it is stale. It was probably part-baked two days before it was stale before it had a chance to be baked off a second time. I just show you that because I am playing fair and I am not suggesting that everything which is produced by a non-continuous process is acceptable to the market.

And finally I have a product here which to my eye looks a bit more the part. I won't tell you who made this. It is a frozen, part-baked French baguette. Fresh, shelf life initially five, six, seven hours - much longer than anything else and in this case it can be baked off a second time and therefore is a much fresher product than these others in my opinion. These last two are the products which the proposer of the motion would deny all of us.

We are asked to have some sympathy for the artisanal baker. The suggestion is that in some way part-baked bread and its manufacturers are threatening their livelihoods and that therefore the product should be denied to the market in order to allow the artisanal baker and his way of life to survive into the 21<sup>st</sup> century. Wrong target: the artisanal baker is going to decline anyway for a number of reasons. First, he has depreciated the product that he is making, because he doesn't get up at midnight any more and he doesn't make long fermentation doughs. Therefore he is not selling a high quality product in my opinion, and the demand is not there for it. But his business will also decline because of the 1952 Landlords



and Tenant Act which allows rents to increase at an artificial rate. He is also at the mercy of the supermarket in-stores and nothing and nobody is going to do anything to stop them.

It is not as if we in the part-bake industry have taken his job. What we have done is to grow the market place For 150 years the bread market in this country was steadily declining to the point in 1992 where 730g per head were consumed per week That figures is now actually up, so that now the figure is about 780g per person per week That growth is entirely made up of part-baked bread - 50g of part-baked bread per person per week is now consumed in this country. I do not believe it is sensible to attack that part of the industry which is growing, which is profitable and which is capable of generating jobs in the future. We should think very carefully about that when we vote on this motion.

The way forward is to deliver quality and variety to the customer by whatever means, continuous process or not, to deliver that quality and variety where the customer wants it, when the customer wants it and at the price the customer is prepared to pay for it. That is the way forward and I think we should explore that rather than try to live in the past.

Finally we have heard from Les Bailey that provided that there is no overt mis-description of the product there is nothing wrong with a non-continuous process. I would urge you all for the sake of our industry to vote against this motion.

**Chairman:** We have talked quite a bit about the quality of the products and how they are arrived at, and not so much about the labelling or how they should be portrayed at point of sale, which I think is where LACOTS will be trying to put the attention in it's forthcoming document. Have we any comments, questions or criticisms from the floor please?

**Q:** I've seen more changes over the last 30 years than I would have imagined possible. In Leicester our Association is a fraction of what it was in my grandfather's day. Much as I feel distressed to see the decline of the small baker, we must accept that we are all members of the same industry. All industries change, all ways of life change and we've got to work together.

As much as I admire Mr Paterson's real bread campaign, I believe small bakers have to accept the frozen product as a means of broadening their range of products. It is impossible for the small baker to make everything. He has not the capacity or the time to make everything himself and he can improve the range by buying in some part-baked products. If the small baker is going to survive at all, he has got to innovate and take the best of the technology available to him.

**Chairman:** Ian Paterson, it the market has grown over the last five years, albeit only by 50 grams per week, perhaps there is room for everyone to work alongside each other and we let the consumer vote with her feet.

I Paterson: That, to an extent, is missing the point. How do we inform the consumer about what site's eating? it has been put to me many times that 'the consumer will decide,' but you

can't have judge and jury deciding unless you are going to put quite clearly the case for the prosecution and the case for the defence. If the pre baked ambient and pre baked frozen is such a wonderful product, what is the harm in labelling the product as such in the same way as milk or apple juice or garden peas? Let's inform the consumer as to exactly what they're getting. If starches are regenerated, in my book, then that product is not fresh.

**Q:** Mr Vanbergen mentioned marketplace access being denied. This isn't about access, it's about freshness and I hope people don't lose sight of that.

**R Vanbergen:** The point about access is that if you are going in any way to label the product in a prejudicial way you will seek to deny access to the marketplace, whether by denying it physically or by prejudicial description which might put off customers who might otherwise choose to eat the product.

**Q:** I clearly understand that the market will decide in the end but I worry about why you're so concerned about the description of your product. If people want something badly enough they will buy it. A packet of cigarettes is clearly labelled as harmful to health, but people still buy them and smoke them. If your product is so good, why are you so concerned? However, we can't get away from the fact that there are many things labelled as fresh which were not produced that day. Many hundreds of thousands of packets of sandwiches - and that is where the extra consumption of bread has come from - which are labelled as fresh but which are made three or four days before they are consumed. And that has been one of the great points of growth in the industry.

**Chairman:** Eric Mathys, can you bring us up to date on the situation in in-store bakeries in France and Italy, where I think there was some move by the craft bakery lobby to have separate labelling?

**L Mathys:** In France, traditional bread making has been protected against what was happening in the supermarket via frozen dough.

It's almost two years since the legislation came up but not too many things have really changed in the industry. My main experience has been in the Benelux and Scandinavian countries where you see craft bakers using part-baked bread heavily.

The French bread we are talking about is an exotic product. It is not the bread of daily consumption in the countries north of France, it's a niche. It was the supermarkets which were initially promoting the product, but we see the master baker follow the same road and he's making quite a good profit out of that situation.

Another question which has been raised today is why not communicate that the product comes from an interrupted process. Why not indeed? On Cuisine de France packaging you will find it stated that the process has been interrupted. I wonder how many consumers really find it an interesting message? I think the most interesting thing is to deliver quality and freshness. I still believe freshness comes with part-baked for that kind of bread -I'm not talking about other breads. It is by far the best way of bringing the French baguette to the final consumer.

**Q:** None of us could argue in today's world about the need for consumers to be able to make an informed choice - and if you don't inform them then it begins to look as though you are hiding something. Would Ian Paterson therefore support the idea that bread made by a continuous process should be labelled with either date or time of production, so we could really say how fresh it was?

**I Paterson;** I've got no problem with that.

AI don't see why bread shouldn't be labelled with time and date of production. We have a notice in our shop which clearly states that all bread for sale has been made from quality ingredients and offered for sale within 24 hours of manufacture. I don't see any problem getting rid of the 'best before' date and having a 'manufactured on' and a time on the label and selling that product within 12 hours The Trades Description Act simply requires that we are honest and that's all the KNEAD campaign has ever suggested. If we are reheating bread and those starches have gone stale, can we honestly call that fresh bread?

**Q:** I was interested that the drive for this definition has come largely from the trade and not from consumers, which may in itself be evidence that the consumer may be unaware of how the product is treated in the chain before it reaches them. Les Bailey went on to say that he would be looking for a definition that would not allow retailers to overtly present bread as fresh if it has just been reheated or the crust coloured up. Isn't that a bit of a fudge? It's going to be terribly difficult to police that accurately, and really it should be an all or nothing recommendation.

**L Bailey:** We are not trying to define fresh. The Food Standards Committee tried some years ago, and if that august body failed to define it when the marketplace was much simpler than it is now, then I don't think we're in a position to produce something across the board. All we are trying to do is to produce pragmatic advice. We are trying to take account of the fact that technology in some ways has outstripped the legislation, and that's true of a lot of products including bread.

Certainly in the longer term we would be looking towards the EC directive on food claims. It's part of a wider package. We have the Food Labelling Directive and shortly we will have the quantitative ingredient declarations brought into that. From the enforcement side we would see it as a top priority to look at claims as well. We would advocate that trade associations should put their weight behind that and lobby our government to give that a high

priority. Our advice will look at tidying up the margins rather than being an across the board, definitive piece of advice that covers every situation.

**Q:** We have heard a lot about part-baked bread, but I would describe it as under-baked. Any piece of bread, even left for two or three days, if it is reheated correctly becomes fresh again. I would agree that if you're selling into a supermarket something which is under-baked, frozen or not frozen, you should be saying that this is under-baked bread which the consumer can take away and reheat. If you only need to put a loaf into an oven for two minutes, then it has been baked before.

My observation on the increase in bread consumption is that, first, we've got a huge sandwich industry. Second, as any society becomes more prosperous it throws more food away.

**Q:** I have great respect for Ian Paterson's feelings on this matter but surely if the housewife buys bread, enjoys it and goes back and buys it again I can't see a difference whether it has been baked on a continuous or an interrupted process. The nature of the product isn't any different, the ingredients aren't different. She is not buying something which has an additive that is not permitted by legislation

If the housewife bought some of the bread which was demonstrated as part-baked by one of the speakers, she probably wouldn't buy it again. If she bought some of the fresh bread that was demonstrated, she probably wouldn't buy that again either. It really is down to the nature and quality of the final product. There isn't any con about this.

**I Paterson:** If it were acceptable to label pre-baked reheated bread as fresh, every craft baker in this room would rub his hands with glee. Our last bake of the morning will be a pale bake and tomorrow morning we'll put that back in the oven, reheat it and put it out as fresh bread. I think that is immoral.

**R Vanbergen:** Of course, but the difference is that by the time you bake it again in the morning it's now stale because you haven't frozen it in the meanwhile. The staling process has taken place. If you freeze the product after the first part of the baking process has taken place and you then bake it off just before the customer buys it, the staling process has not begun and the product is fresh.

In the common sense of it, fresh means not stale, and the way to get freshness to the customer is to part-bake the product and bake it off little and often as and when the customer wants to buy it.

**Q:** I'm an independent baker and proud to be a member of the National Association and this organisation. I think British bakers are great innovators and it's something we should all be proud of. There is room for all types of baking in this country. There may be room for part-baked products, some of them can be excellent and some fresh products, as we have been shown today. Some can be dodgy. However, if I go into a supermarket and buy some soup, I don't expect it to be fresh soup that I am reheating. It is soup. If I buy some frozen bread, or re-cooked bread, it is reheated and I don't see how anyone could call that fresh. It might be very good bread and may be something that we can be proud of in its own sector, but I can't agree that it is fresh.

**E Mathys:** We are coming back to the real meaning of baking. Is it only the Maillard reaction, is it the formation of the crust. Is the gelatinisation of the starch and the coagulation of the proteins in a part-baked product part of the baking? You will have your own views, but I think that if you see the part-baked product and work with it, you will agree that it is the best way to present it to the consumer. Surely you can call it freshly baked, although freshly made would clearly be misleading the consumer.

I think what we're asking is for Les Bailey to make sure that the baking industry, of which I am a proud member, does not allow any misrepresentation. Richard's proud of his product, and it is without doubt very good, but once we've gone through 92°C we don't stop staling even by freezing. In fact it is speeded up once you go through 4°C and back again. We want the baking industry to be treated fairly and properly, and for LACOTS to come up with something that there can be no doubt about. I'm quite happy to make bulk fermented bread and sell it in our business. That's the best way. But we also do part-baked product in some instances. What's good for the consumer is good for the industry.

**Chairman:** Les, can you remind us of some of the descriptions you have found at point of sale, and will they still be acceptable under the new guidelines?

L Bailey: What we will try to do is to separate out the individual elements of descriptions such as freshly baked today, freshly baked here, oven fresh, fresh bread and look at those against the legislation. We are not trying to disadvantage any sector of the industry. It's not our role to protect any individual sector. We want to treat every trader in a particular sector equally. We also want to make sure that we don't treat bread differently from any other type of foodstuff so that we don't set up any precedents in relation to bread that are either disadvantageous or advantageous to other food sectors.

The difficulty we've got is that it is incredibly difficult to define what 'fresh' means. We've struggled in meetings to try to produce some guidance. It does depend on the individual nature of the product, its background, its process and the descriptions that apply at the retail level. One of the difficulties we've got is in using a word like 'fresh' to describe treatment or process, and there are tremendous problems with other foodstuffs in trying to explain sometimes quite complicated processes in simple terms that the consumer would understand.

Our aim would be to produce something that's workable. We have to be a little bit general rather than detailed, but our view is that it's better to come out with some advice rather than to spend years trying to fine tune it and cover every individual element.

**Q:** I can see both sides of this argument and everyone in good faith is trying to give their customers what they want. But in legal terms, coming back to the frozen peas, if I go to a hotel and they serve up 'fresh garden peas' but they were actually frozen, am I being conned? What's going on there, because that's probably analogous to what we're talking about.

**L Bailey:** If you look at the indication of treatment or process in the Food Labelling Regulations, the requirement to declare that is where the consumer would be misled by the omission of that statement. If you take bacon to slice, most companies will what they call 'temper' it. They almost freeze it down to enable it to be sliced. There is case law there which says there is absolutely no difference between bacon which has been frozen and sliced and that which has not been frozen and sliced. What the law says is that if there is no difference in the quality or the characteristics of the product, then the treatment or process provision doesn't kick in.

There are strange differences though. If you take soft drinks, you can either take the ingredients and add carbonated water, and you would have to declare the list of ingredients and the carbonated water separately, or you put all the ingredients together in the water and you carbonate that. You've got two different sets of requirements in terms of the labelling, but if you look at it afterwards you have entirely the same product. There are all these technical computations which make it difficult to apply that very simple provision. I'm sure Ian looks at the Food Labelling Regulations and asks himself how on earth we cannot take action when we find all these articles out there. Well, I appear in court far more often than I would like - and it is incredibly difficult to try and persuade people to take a particular point of view. The basis we work on is that there's no point taking a particular view on a legal statement if there is no way in which it can be substantiated. We would be dishonest if we said 'This is our advice' and in practical terms it can-not be substantiated.

**Q:** As far as I'm concerned fresh is fresh and that is made today and sold today, and surely that's the simplest answer. Les Bailey can look at whether it's meat, peas or whatever. fresh is fresh, and I get up at 6 or 7 0' clock in the morning, look at what the staff have done in the night and pass it. If it's not sold by teatime, that's it. I've had 30 years in the industry and I've not poisoned anybody yet!

**L Bailey:** I hope that remains the case! In the absence of a legal definition, our caveat with all our advice is that at the end is that at the end of the day only the courts can decide. But that is something we always try to avoid - it's the last possible route. If you take it to court, one

word of caution - it may be the same court which has told us that vegetable lard exists. You can't stop the clock. The law moves on, and looks at practice in the market at the moment.

A vote was taken on the motion: *Should a product sold as 'fresh' only be made in a continuous process?*

Delegates voted 29 for the motion and 29 against it with approximately 20 abstentions.