

## Response ID ANON-AAUX-D9XW-U

Submitted to Amending the Bread and Flour Regulations 1998 and the Bread and Flour Regulations (Northern Ireland) 1998  
Submitted on 2022-11-12 11:31:20

### Consultation Details

### Confidentiality and Data Protection Information

#### About you

1 Would you like your response to be confidential? (Select one option only)

No

If you answered yes, please give your reason::

2 Who are you responding as? (Select one option only)

Campaign group/NGO - In an official capacity as the representative of a non-governmental organisation / trade union / other organisation

If you answered other, please specify :

3 Which of the following best described the role or field you belong to? (If you have multiple roles, please select the one which best represents your interests in this consultation response) (select one option only)

Health care professional

If you answered other, please state:

3a If you are responding on behalf of a business, please indicate below the size of the business you are responding on behalf of?

Not Answered

4 What is the name of your organisation?

Enter here:

Institute of Health Visiting

5 Please select where you/your organisation is based (select all that apply)

England

### Overview of Relevant Food Regulations and National Differences

#### The Bread and Flour Regulations

#### Minimum Level of Nutrients Added to Flour

#### Calcium Carbonate Specification

#### Policy proposals summary

#### Questions

6 Does the summary above accurately represent the main costs for industry, consumers and government/enforcement authorities (please see section 4.5 of the accompanying Impact Assessment for a more detailed breakdown of the cost/benefit analysis and calculations p.34-37)?

cost and benefits interaction 15% NRV and Calcium Carbonate - The cost and benefits of the proposed policy changes to industry are accurately represented:

Don't Know or No Comment

cost and benefits interaction 15% NRV and Calcium Carbonate - The cost and benefits of the proposed policy changes to consumers are accurately represented:

Don't Know or No Comment

cost and benefits interaction 15% NRV and Calcium Carbonate - The cost and benefits of the proposed policy changes to government/enforcement authorities are accurately represented:

Don't Know or No Comment

Please detail which costs or benefits you feel have not been accurately represented and provide any evidence you have to support your views (Open text):

We have not completed our own cost / benefit modelling

7 Please indicate your views on the following options (please select one option per proposal)

Option preference nutrient levels and calcium - Do nothing:  
No, I don't support this

Option preference nutrient levels and calcium - Raise the minimum level of added nutrients to flour in line with wider rules on fortified foods:  
Yes, I support this

Option preference nutrient levels and calcium - Remove the calcium carbonate criteria from the Bread and Flour Regulations:  
Yes, I support this

If you do not support any element of the proposal (to raise the minimum level of added nutrients to flour in line with wider rules on fortified foods and remove the calcium carbonate criteria from the Bread and Flour Regulations), please explain why and provide any evidence you have in support of your views (Open text):

8 (For millers and premix suppliers to respond) We understand that precise distribution of added nutrients can be difficult. If the minimum level for calcium carbonate present in flour is increased, this would narrow the range in which it must be present in flour to 300mg-390mg per 100g. Provided that millers add calcium carbonate at 345mg per 100g of flour, this would allow for a variation of 15% higher or lower to be in compliant with the rules. To what extent do you agree/disagree that calcium carbonate levels are consistently within the proposed range per 100g of flour is realistic? (Select one answer)

Not Answered

9 Should the requirement for wholemeal flour to contain 1.65mg of iron, 1.60mg of niacin and 0.24mg of thiamine (per 100g) be revised?

Open Text:

10 If you would like to add any further comments on your responses to questions 1-9 above or any other comments relevant to the proposals discussed, please do so here.

Open Text:

Folic Acid

Policy proposal summary

Questions

11 Does the summary above accurately represent the main costs of implementing folic acid fortification at a level of 250mcg per 100g of flour for 1) industry, 2) consumers and 3) government/enforcement authorities (please see section 4.41 of the accompanying Impact Assessment for a more detailed breakdown of the costs of implementation p.30-33)?

Costs Folic Acid - The cost to industry of the proposed implementation of flour fortification with folic acid are accurately represented:  
Don't know or no comment

Costs Folic Acid - The cost to consumers of the proposed implementation of flour fortification with folic acid are accurately represented:  
Disagree

Costs Folic Acid - The cost to government/ enforcement authorities of the proposed implementation of flour fortification with folic acid are accurately represented:  
Disagree

Please detail which costs you feel have not been accurately represented and provide any evidence you have to support your views (Open text):

The Institute of Health Visiting is part of a coalition of organisations 'Healthier Pregnancies, Better Lives' who are working to improve pregnancy outcomes and address avoidable harms. According to new research analyses (see references in Q12), the level proposed here is substantially suboptimal in terms of preventing NTDs and unnecessarily low in safety terms. Data are presented in a misleading way that overstates unproven and disproven risks from higher levels of folic acid while understating (in fact, disregarding) the proven risks of fortification at an artificially low level.

While mentioning birth defects caused by NTDs, it omits any reference to the much more common adversities attributable to NTDs; namely, miscarriages, therapeutic terminations (after pregnancy screening reveals an NTD), stillbirths and neonatal deaths. All of these come not only with high human costs, but also major costs to the NHS and other public & voluntary services dealing with the occurrence and aftermath of preventable NTDs that were not prevented.

This section of folic acid is a misrepresentation of the realities and opportunities for fully effective fortification. It is skewed toward encouraging

acquiescence with the UK Government's proposals, rather than also presenting the case for achieving up to 80% prevention of NTDs just as easily, inexpensively and safely as settling for only 15-22% prevention. For instance, Q12 here asks respondents to agree or disagree with only two alternatives – both of which are much too low to prevent most NTDs. The options are not based on the evidence and there is no option to select a significantly higher, safe level of folic acid fortification.

The consultation information omits the price of 'doing nothing' and thereby addressing avoidable inequalities (which is difficult to calculate but nonetheless significant in terms of 'human' cost to the individual, alongside the financial cost to the Treasury of disability-related health and care costs, as well as their wider impacts on education, employment and multiple government department's priorities across the life-course). There is already an inequitable gap between those who voluntarily take an adequate level of folic acid supplements well before pregnancy and those who do not (usually in the lower half of the socioeconomic spectrum and members of racial/ethnic minorities). Fully effective fortification could close that gap. The UK Government's proposed policy (by its own calculations) will not and cannot reduce these inequalities. The gap will shift to one between those who regularly consume enough of one type of flour and those (the majority) who have other dietary restrictions, practices and preferences. Health inequalities are very costly, but completely ignored in this consultation. See:

<https://www.qnis.org.uk/wp-content/uploads/2022/10/HPBL-Key-Points-About-Folic-Acid-Fortification-and-Prevention-of-Neural-Tube-Defects-NTDs.pdf>

12 There are two options for how the Bread and Flour regulations could be drafted. We propose that they should specify how much folic acid must be added to flour, not how much folic acid must be present in flour (except where there are explicit exemptions for example for wholemeal). Do you agree or disagree with this proposal? (Select one answer)

Don't know or no comment

13 Do you have any further comments or supporting evidence on the proposed implementation of mandatory fortification of flour with folic acid?

Open Text:

Again, Q12 asks respondents to agree or disagree with only two alternatives – both of which are much too low to prevent most NTDs. It does not even offer the choice of a significantly higher, safe level of folic acid fortification.

See:

<https://journals.sagepub.com/doi/full/10.1177/09691413221102321> [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(21\)02447-8/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(21)02447-8/fulltext)

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5809909/>

<https://www.rcpch.ac.uk/news-events/news/experts-urge-government-fortify-flour-folic-acid>

Fully effective fortification - that is, at a much higher level of folic acid and of wider range of foods than one type of wheat flour - is the wisest, safest, least costly and most beneficial public health measure.

## Scope of Mandatory Fortification

### Policy proposal summary

### Questions

14 Does the summary above accurately represent the main costs for industry, consumers and government/enforcement authorities (please see section 4.6 of the accompanying Impact Assessment for a more detailed breakdown of the cost/benefit analysis and assumptions p.36-39)?

Cost/benefit definition of wheat - The cost and benefits of the proposed policy changes to industry are accurately represented:

Cost/benefit definition of wheat - The cost and benefits of the proposed policy changes to consumers are accurately represented:

Cost/benefit definition of wheat - The cost and benefits of the proposed policy changes to government/ enforcement:

Please detail any costs or benefits you feel have not been accurately represented and provide any evidence you have to support your views (Open text):

The misrepresentation of the larger context and all the additional unacknowledged costs (and benefits, with fully effective fortification) are largely the same as in our responses to Q 11 and Q12. It is stated that the UK Government has assessed 'each of the possible options' - in our view the scope of the review is inadequate.

The review only covers a very limited option of two types of wheat flour. This does not reflect the breadth of options available that will be excluded by this narrow scope.

Such an artificially narrow range of options for folic acid fortification predictably (and inevitably) will not prevent neural tube defects at the rate that is needed to reduce this preventable harm to infants . By not addressing this known weakness in the policy at the outset, policymakers will be left disappointed when this policy fails to achieve its intended outcomes.

As noted in Q11 & Q12, there are very large human, governmental and other financial costs associated with NTD-attributable harm - and the failure to prevent them. None of these costs and adverse consequences are even mentioned in this consultation.

Other countries across the world have long fortified other staple foods/flours - e.g. rice and maize/corn - with folic acid. This consultation offer no

opportunity to favour such options, even though a significant percentage of people of childbearing potential throughout the UK prefer, and regularly consume, alternatives to 'common wheat'.

15 Please indicate your views on the following options (Please select one option per row)

Wheat definition policy options - Do nothing:  
I don't know or no opinion

Wheat definition policy options - Add clarification on the scope of the regulations limiting fortification requirements to flour derived from "common wheat" (proposed option):  
I don't know or no opinion

If you do not support any element of the proposal (to add clarification on the scope of the regulations limiting fortification requirements to flour derived from "common wheat"), please explain why and provide any evidence you have in support of your views (Open text):

16 (For millers) Are you aware of any millers adding nutrients to flour made from alternative grains of wheat to Triticum aestivum "common wheat"? (Select one option only)

Not Answered

17 Do you agree or disagree that limiting the fortification requirements to flour made from Triticum aestivum "common wheat" provides greater choice for consumers? (Select one option only)

Strongly agree

18 How likely is it that there will be decreased use of Triticum aestivum "common wheat" in the production of flour? (Select one option only)

Don't know

19 If you would like to add any further comments or supporting evidence to your responses to questions 14-18 above or any other comments relevant to the proposal to explicitly limit flour fortification requirements to flour derived from "common wheat", please do so here.

Open text:

See response to Q14

Exemptions

Policy proposals summary

Questions

20 Does the summary above accurately represent the main costs for 1) industry, 2) consumers and 3) government/enforcement authorities for the proposal to exempt mills producing less than 500 tonnes of flour (please see section 4.7 of the accompanying Impact Assessment for a more detailed breakdown of the cost/benefit analysis and calculations p.39-43)?

Cost/Benefit Exemptions - The costs and benefits to industry of the proposed exemption from fortification for mills producing less than 500 tonnes of flour are accurately represented:

Cost/Benefit Exemptions - The costs and benefits to consumers of the proposed exemption from fortification for mills producing less than 500 tonnes of flour are accurately represented:

Cost/Benefit Exemptions - The cost and benefits to government/ enforcement authorities of the proposed exemption from fortification for mills producing less than 500 tonnes of flour are accurately represented:

Please detail which costs or benefits you feel have not been accurately represented and provide any evidence you have to support your views (Open text):

21 Does the summary above accurately represent the main costs for 1) industry, 2) consumers and 3) government/enforcement authorities for the proposal to exempt flour to be used in a product as a minimal ingredient (please see section 4.7 of the accompanying Impact Assessment for a more detailed breakdown of the cost/benefit analysis and calculations p.39-43)?

Cost/benefit 10% exemption - The costs and benefits to industry of the proposed exemption for flour to be used in a product as a minimal ingredient <10% are accurately represented:

Cost/benefit 10% exemption - The costs and benefits to consumers of the proposed exemption for flour to be used in a product as a minimal ingredient <10% are accurately represented:

Cost/benefit 10% exemption - The costs and benefits to government/ enforcement authorities of the proposed exemption for flour to be used in a product as a minimal ingredient <10% are accurately represented:

Please detail which costs or benefits you feel have not been accurately represented and provide any evidence you have to support your views. (Open text):

22 Please indicate your support for the following options (select one option per row):

Exemptions option preference - Do Nothing:

Exemptions option preference - Exempt small scale-mills producing less than 500 metric tonnes of flour per annum from fortification requirements:

Exemptions option preference - Exempt flour to be used in a product as a minimal ingredient <10%:

23 In your opinion, is setting a threshold for fortification requirements at an annual production of 500 metric tonnes (Select one option only).

Not Answered

24 Do you agree or disagree that the proposal to exempt small-scale mills would be unlikely to have significant impact on the nutrient intake levels of consumers? (Select one option only)

Not Answered

25 (For Enforcement Authorities) Do you have any major concerns around monitoring mills producing less than 500 metric tonnes per annum under the proposed exemption? (Select one option only)

Not Answered

25a. If you answered yes, which of the reasons below, if any, explain your answer? (Select all that apply)

Not Answered

Open text:

The following questions relate to the proposal to exempt flour to be used as a minor ingredient of a final product.

26 How far do you agree or disagree that the proposal to exempt flour that is less than 10% of a product, is reasonable? (Select one option only)

Not Answered

27 (For Industry Stakeholders) To what extent do you agree or disagree that this proposed exemption would support UK business to compete on a more equal footing with international competition in export markets? (Select one option only)

Not Answered

28 How far do you agree or disagree that the proposal to exempt flour that is less than 10% of a product would be unlikely to have a significant impact on nutrient intake levels of consumers? (Select one option only)

Not Answered

29 (For Enforcement Authorities) Do you have any major concerns around the enforcement of the regulations if the proposal to exempt flour in products where it makes up <10% of the final product were to go ahead? (Select one option only)

Not Answered

29a If you answered yes, which of the reasons below, if any, explain your answer? (Select all that apply)

Not Answered

Open text:

30 If you would like to add any further comments or supporting evidence to your responses to questions 20-29 above or any other comments relevant to the exemption proposals above, please do so here.

Open text:

Enforcement

Proposal

Questions

31 How far do you agree or disagree that introducing improvement notices to address non-compliance a more proportional approach to enforcement than the existing enforcement regime which only provides for criminal sanctions? (Select one option only).

Strongly agree

32 How far do you agree or disagree that using improvement notices would resolve issues with non-compliance efficiently? (Select one option only)

Strongly agree

33 Do you agree or disagree that enforcement of the regulations should extend to manufacturers of flour-based products where unfortified flour is purchased under the condition it is to be used in an exempt product or to be exported outside the UK?

Open text:

34 Do you have any further comments on the proposed change to the enforcement of the Bread and Flour Regulations?

Open text:

### General Questions on Implementation of Policy Changes

35 The proposal to add folic acid to non-wholemeal flour requires time for industry to adapt premixes and make subsequent labelling changes which will impact a wide range of products. A 24-month transition period before proposals brought forward come into force is proposed to accommodate for this. In your opinion, is the proposed transition period of 24 months for the new requirements to come into force (Select one option only).

Too long

If you disagree with the proposed transition period, please explain why (Open text)?:

The relevant people/companies in the relevant industries have known since 2021 that mandatory fortification with folic acid was finally going to happen. It will be 2023 (at least) until the fortification legislation is enacted - although what this legislation requires will be known well in advance. Waiting another 24 months after enactment (that is, well into 2025, at the earliest) seems excessive and will knowingly cause preventable harm to babies in the interim. The changes required are neither massive, expensive nor dependent upon factors that require such a long delay.

### Next Steps