



Best Practice: Restriction of Trans Fat in Restaurant Food

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CITY: NEW YORK

POLICY AREAS: PUBLIC HEALTH

BEST PRACTICE

The New York City Department of Health and Mental Hygiene amended the NYC Health Code to restrict the use of artificial trans fat in all NYC restaurants and other food service establishments.

ISSUE

Trans fat consumption increases the risk of coronary heart disease by raising LDL and lowering HDL cholesterol. Leading health organizations – including the American Heart Association, the National Academy of Sciences, and the Institute of Medicine – recommend that people strictly limit consumption of trans fat. Although small amounts of trans fats naturally occur in foods, most of the trans fat we eat (~80%) is industrially produced by hydrogenating vegetable oil.

GOALS AND OBJECTIVES

The trans fat initiative aims to restrict artificial trans fat use in all foods in NYC restaurants.

IMPLEMENTATION

In 2005, the Health Department conducted a baseline survey to assess levels of artificial trans fat use in NYC restaurants. The Department then launched an educational campaign to reduce restaurant artificial trans fat use. The campaign provided information to the 30,000 licensed food outlets in the city, 15,000 suppliers and supermarkets, and hundreds of thousands of consumers. Mailings urged restaurants to remove artificial trans fat from food, suppliers to promote 0 grams trans fat products, and patrons to inquire about the oils used in food. More than 7,800 restaurant operators were trained in the topic during a mandatory food protection course. Despite the educational campaign, artificial trans fat use remained virtually unchanged at 50% in locations where it could be assessed.

Given the absence of a change in use of trans fat, the Health Department drafted a proposal to restrict artificial trans fat use in foods served in NYC. For the regulation to be clear and enforceable, the Department adopted the FDA threshold used for labeling of up to 0.5 grams of trans fat per serving for products containing any trans fat. The regulation was written to apply to all licensed food establishments, including restaurants, school cafeterias, caterers, senior centers, and street-food vendors. It intentionally did not affect products that contained only natural trans fat. The Department designed enforcement to rely on existing infrastructure. Food Safety inspectors check product labels--which restaurants now must maintain--during their regular annual inspections.

The regulation was proposed as an amendment to the city's Health Code, for approval by the Board of Health. Nearly 2,300 public comments were received, with supporters outnumbering opponents 31 to 1. Local, regional, and national organizations and professional medical associations offered statements of support. Opposition came primarily from industry associations, including the National Restaurant Association and its NY state affiliate, and the Grocery Manufacturers Association.

The Board of Health approved the modified Health Code amendment in December 2006, thereby instituting the first legal restriction of artificial trans fat in the United States. This restriction was implemented in two stages. First, beginning July 1, 2007, NYC food service establishments were prohibited from using artificial trans fats containing oils, shortening or margarine with 0.5 grams or more of trans fat per serving for frying or as a spread. By the second and final deadline, July 1,



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2008, all products used must have less than 0.5 grams of trans fat per serving if they have any artificial trans fat. Foods served in the manufacturer's original, sealed packaging are exempt.

The Health Department created a range of resources to help restaurants comply with the regulation and switch to the healthiest alternatives, including the Trans Fat Help Center, a website and resource center for restaurants and suppliers. As of March 2009, more than 93% of restaurants in the city had achieved full compliance.

COST

Approximately \$240,000 was spent in the first two years to develop the Trans Fat Education Campaign and the development and dissemination of stakeholder educational materials. In the third year of implementation, \$75,000 was spent communicating the new regulations to NYC food service establishments. An American Heart Association grant of \$250,000 combined with \$270,000 from the Health Department funded the development and implementation of the Trans Fat Help Center from 2007-2008. There are no additional ongoing costs for implementation of the regulation because Food Safety inspectors perform the trans fat inspection during their regular annual inspections.

RESULTS AND EVALUATION

Food safety inspectors conducted surveys to assess compliance with the trans fat regulation and found that the percentage of restaurants using products with artificial trans fat for frying, baking, cooking, or in spreads dropped from 50% in 2005 to 1.6% in 2008. Success is measured through the level of compliance found during annual health inspections by the Department.

In addition, 16 jurisdictions including Philadelphia, Seattle and California have passed similar regulations to restrict trans fat in restaurant food. The restaurant industry has also followed suit, with nearly 40 restaurant chains, airline food providers and theme parks implementing similar reductions in trans fat use.

TIMELINE

2005:

- Baseline trans fat survey conducted
- Education campaign conducted

2006:

- Follow up trans fat survey conducted
- December: Health Code amendment passes

2007:

- April 5: Trans Fat Help Center launched
- July 1: Fry oils must be in compliance with the trans fat restriction

2008:

- July 1: All other food must be in compliance with the trans fat restriction

LEGISLATION

The Health Code of New York City (Section 81.08) was amended by the Board of Health to restrict the use of artificial trans fat in all NYC restaurants and other food service establishments.



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LESSONS LEARNED

As noted above, the Health Department initially tried to reduce the use of artificial trans fat through a voluntary campaign. Because trans fat is both harmful at any level and fully replaceable, regulation rather than voluntary action is the most appropriate and effective strategy. In addition, the trans fat restriction capitalized on the existing restaurant inspection system to enforce the new regulation.

TRANSFERABILITY

As more effective alternatives to oils with trans fat were developed and brought to market, regulations that restricted trans fat in restaurant food helped to accelerate the adoption of these alternative oils. In fact, trans fat regulations have now been passed by 16 jurisdictions across the United States.

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