

The Regulation to Phase Out Artificial Trans Fat In New York City Food Service Establishments

(Section 81.08 of the New York City Health Code)

How to Comply:
What Restaurants,
Caterers, Mobile
Food-Vending Units
and Others
Need to Know



THE NEW YORK CITY
DEPARTMENT OF HEALTH
and MENTAL HYGIENE



SUMMARY OF THE REGULATION

New York City's Health Code amendment phases out the use of artificial trans fat in all food service establishments required to hold a New York City Health Department permit, including restaurants, caterers, mobile food-vending units, and mobile food commissaries:

- **Beginning July 1, 2007:**

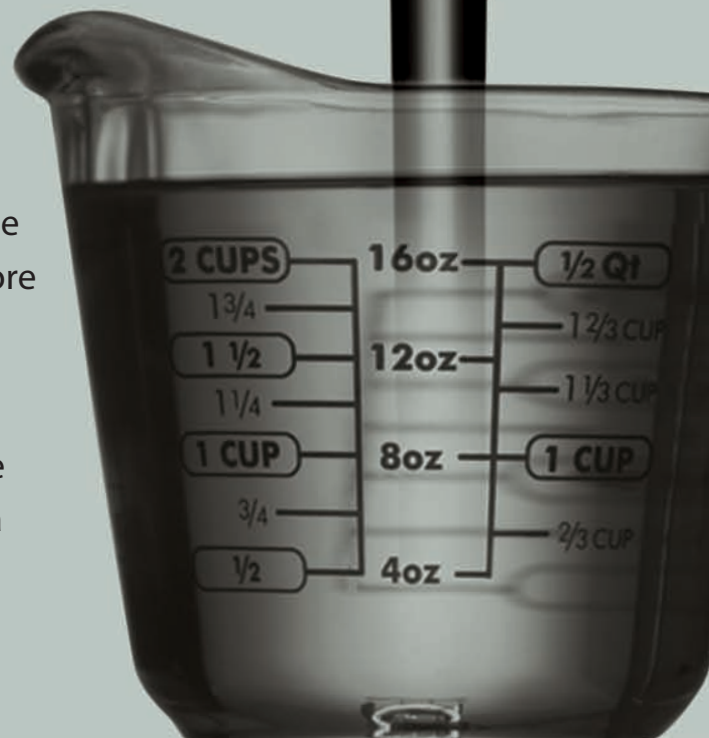
You may not use partially hydrogenated vegetable oils, shortenings, or margarines for frying, pan-frying (sautéing), grilling, or as a spread *unless* you have product labels or other documents from the manufacturer showing that these ingredients contain less than 0.5 grams of trans fat per serving.

You may continue to use trans fat-containing oils and shortenings for deep frying cake batter and yeast dough until the regulation takes full effect on July 1, 2008.

- **Beginning July 1, 2008:**

No food containing partially hydrogenated vegetable oils, shortenings, or margarines with 0.5 grams or more trans fat per serving may be stored, used, or served by food service establishments.

- The regulation does not apply to food served in the manufacturer's original, sealed packaging, such as a package of crackers or a bag of potato chips.



BASIC FACTS ON TRANS FAT

1. What is trans fat?

It is a type of fat that raises the risk of heart disease. While some trans fat occurs naturally, most is artificial. The regulation addresses only artificial trans fat, which is the main dietary source of trans fat.

2. What is artificial trans fat?

Artificial trans fat is manufactured through a chemical process. It is found in partially hydrogenated vegetable oil. Foods that contain artificial trans fat include margarines, shortenings, and fry oils, as well as many baked goods, mixes, and packaged foods.

3. Why is trans fat so bad?

Trans fat is the most dangerous type of dietary fat. It increases bad (LDL) cholesterol and lowers good (HDL) cholesterol. Conservative estimates suggest that trans fat is responsible for at least 500 deaths from heart disease in New York City each year.

Trans fat has no known health benefits, and there is no harmless level of artificial trans fat consumption.

COMPLYING WITH THE REGULATION

4. How do I know if the trans fat regulation applies to my establishment?

The regulation applies to all food service establishments that are required to hold a permit from the New York City Health Department. These include restaurants, cafeterias in schools and businesses, caterers, senior-center meal programs, mobile food-vending units and commissaries that supply them, bakeries, children's institutions, soup kitchens, park concessions, street-fair food booths, and other establishments.

5. My establishment is not required to hold a permit from the New York City Health Department because I am licensed by New York State. Do I still have to comply with the City's trans fat regulation?

If your establishment does not require a permit from the New York City Health Department, the regulation does not apply and you are not legally bound by it.

Even so, using healthier oils may be good business!

For example, if you supply food service establishments that are covered by the regulation, those establishments will not be allowed to use, store, or sell products that contain partially hydrogenated vegetable oils, shortenings, or margarines containing 0.5 grams or more trans fat per serving.

Unless you supply products that keep your New York City clients in compliance, you could lose their business.

6. When does the regulation take effect? Does it cover all food items?

Beginning July 1, 2007, you may not use partially hydrogenated vegetable oils, shortenings, or margarines for frying, pan-frying (sautéing), or grilling, or as a spread, *unless* you have product labels or other documents from the manufacturer showing that these ingredients contain less than 0.5 grams of trans fat per serving.

You may continue to use trans fat-containing oils and shortenings for deep frying cake batter and yeast dough until July 1, 2008, when the regulation takes full effect.

Beginning July 1, 2008, if you store, use, or serve any food item containing partially hydrogenated vegetable oil, shortening or margarine, it must contain less than 0.5 grams of trans fat per serving. This rule applies even to oils or shortenings used to deep fry cake batter and yeast dough.

The regulation does not apply to food served in the manufacturer's original, sealed packaging, such as a package of crackers or a bag of potato chips.

7. How can I tell if a particular product is allowed under the regulation?

Step 1. Look at the package label or ingredients list to see if "partially hydrogenated," "shortening," or "margarine" are listed. If none of these terms appear, you may use the product.

If any of these terms are listed, go to Step 2 to see if the product contains too much trans fat.

Step 2. Check the Nutrition Facts panel for trans fat content. If the panel says the product has 0 grams of trans fat, or less than 0.5 grams of trans fat per serving, you may use the product.

If the Nutrition Facts panel says the product has 0.5 grams or more trans fat, you may *not* use the product.

If there is no Nutrition Facts panel on the product, go to Step 3.

Step 3. If there is no Nutrition Facts panel, ask your supplier to provide a letter from the manufacturer listing the product's ingredients. If the ingredients list contains the words "partially hydrogenated," "shortening," or "margarine," the letter must also include information on the amount of trans fat in each serving.

As in Step 2, if the product has 0 grams of trans fat, or less than 0.5 grams of trans fat per serving, you may use it.

The letter should be on the manufacturer's letterhead and show the manufacturer's name and address. Keep the letter at your food service establishment, available for review by a Health Department inspector.

Step 1

INGREDIENTS: Enriched Flour (Bleached and Unbleached Wheat Flour, Niacin, Reduced Iron, Thiamin Mononitrate, Riboflavin, Folic Acid), Sugar, Vegetable Shortening (Partially Hydrogenated Soybean and/or Cottonseed Oil), Nonfat Milk, High Fructose Corn Syrup, Eggs, Corn Starch, Whole Wheat Flour, Rice Flour, Baking Powder, Baking Soda, Salt, and Natural Flavors.

This product contains shortening.

Go to Step 2.

Step 2

| Nutrition Facts | |
|-------------------------------|-----------------------|
| Serving Size 1 cup (228g) | |
| Servings Per Container 2 | |
| Amount Per Serving | |
| Calories 260 | Calories from Fat 120 |
| % Daily Value* | |
| Total Fat 13g | 20% |
| Saturated Fat 5g | 25% |
| Trans Fat 0g | |
| Cholesterol 30mg | 10% |
| Sodium 660mg | 28% |
| Total Carbohydrate 31g | 10% |
| Dietary Fiber 0g | 0% |
| Sugars 5g | |
| Protein 5g | |
| Vitamin A 4% | Vitamin C 2% |
| Calcium 15% | |

This product has 0 grams trans fat.

You may use it.

8. I buy containers of oil that are shipped in a box. The containers do not have labels but the box does. Do I need to save the labels on the box?

Yes. Save the ingredients label and the Nutrition Facts panel, along with the product's brand name and common name, until the product has been completely used. These labels should be available for review by a Health Department inspector.

9. Which labels should I save, and how long should I keep them?

Beginning July 1, 2007, you will need to save the label for any oils, shortenings, or margarines used for frying, pan-frying (sautéing), or grilling, or as a spread, until the product is completely used. Labels may be kept on the product container, photocopied, or kept separately.

Beginning July 1, 2008, when the regulation takes full effect, you will need to save the label for any food containing oils, shortenings, or margarines, *regardless of how you use the product*. For instance, if you are frying frozen French fries, you should save the label for both the frying oil and the French fries until both have been completely used.

10. What should I do with products that contain artificial trans fat if they are still in my pantry on July 1, 2008?

If a product containing partially hydrogenated oil has 0.5 grams or more trans fat per serving, you will not be able to store, use, or serve it after July 1, 2008. The regulation gives food service establishments time to use their remaining supplies and restock.

11. What if I use margarine both as a spread and for baking? Will I have different deadlines for changing these practices?

Yes, there are different deadlines.

Beginning July 1, 2007, margarines containing 0.5 grams or more trans fat per serving may *not* be used for frying or as a spread, but they may be used in baked goods until July 1, 2008.

12. What if a supplier sells me cakes that contain no artificial trans fat, but each serving contains more than 0.5 grams of trans fat per serving from natural sources?

If the product label or ingredients list does not mention partially hydrogenated vegetable oil, shortening, or margarine, then the trans fat in the product comes from natural sources and is not covered by the regulation. In that case, you may use it.

If the product label or ingredients list *does* mention any of these ingredients, its trans fat content must be less than 0.5 grams per serving.

13. If I purchase ingredients from outside of New York City for products I serve in my establishment, do those ingredients have to contain less than 0.5 grams of trans fat per serving?

It does not matter where you buy the products.

Beginning July 1, 2008, all foods and ingredients stored, used, or served in New York City food service establishments that contain partially hydrogenated vegetable oils, shortenings, or margarines must have less than 0.5 grams of trans fat per serving.

ENFORCEMENT

14. When the trans fat regulation takes effect, will the Health Department issue violations?

Yes. The Department will issue violations beginning July 1, 2007.

15. Will violations be counted as 'critical' or 'general'?

Violations will not be counted as critical or general, nor will they count toward your food service establishment inspection score.

16. Will the Health Department follow up on trans fat violations?

Yes. Any food service establishment violating the restriction on artificial trans fat will receive a follow-up inspection to determine compliance.

17. Will trans fat violations be posted on the Health Department's Restaurant Inspection Web site?

Yes. Trans fat violations will be posted beginning July 1, 2007.

18. How much will I be fined if an inspector finds oils, shortenings, or margarines that contain trans fat?

Administrative Tribunal hearing officers may assess fines between \$200 and \$2,000. Penalty amounts will increase for repeated violations.

19. Will I be fined for violations as soon as the regulation takes effect?

No. There is a 3-month grace period. No fines will be assessed between July 1 and October 1, 2007.

20. Can I receive a violation for food I purchase in bulk if it comes without a label?

Yes. **Beginning July 1, 2007**, you will need to have documentation available to the Department's inspectors for any oil, shortening, or margarine you use for frying, pan-frying (sautéing), or grilling, or as a spread, *unless* these ingredients are being used only for deep frying cake batter or yeast dough.

Beginning July 1, 2008, when the regulation takes full effect, you will need to have labels or other documentation available for all products that contain oil, shortening, or margarine, regardless of how they are used.

Beginning July 1, 2008, if you buy unlabeled baked goods or other food products that contain oils or shortenings, you need to ask your supplier for an ingredients list and a Nutrition Facts panel or a letter from the manufacturer (as described in Question 8) showing trans fat content per serving.

21. If I have a food item containing artificial trans fat but I don't cook with it, may I keep it in my kitchen pantry?

No. After the regulation takes effect, the Health Department will issue violations for all restricted products that are found in the establishment – regardless of whether they are used, served, or stored.

SUBSTITUTING FOR TRANS FAT

22. May I use a product that claims to have '0 grams trans fat' if the ingredients list includes partially hydrogenated vegetable oil, shortening, or margarine?

Yes. The U.S. Food and Drug Administration allows products with less than 0.5 grams of trans fat per serving to be labeled 0 grams trans fat, even if they contain small amounts. Any product labeled 0 grams trans fat per serving is in compliance with the regulation.

23. Are products with 0 grams trans fat more expensive?

Establishments that make the change usually find that the costs are similar. Contact your supplier to inquire about prices, and start switching over to products with 0 grams trans fat as soon as possible.

24. What can I use for frying instead of oils that contain trans fat?

Ask your suppliers for oils that have 0 grams of trans fat per serving. These include traditional vegetable oils such as soybean, corn, or canola oil, as well as new oils made from specific varieties of soybeans, sunflowers, and other grains and seeds with long fry lives. Your supplier should have a range of options available.

25. What can I use for baking instead of shortenings with trans fat?

There is a wide variety of products that can meet your baking needs. Since it may take time to find the right product for your recipes, the Health Department recommends testing replacement oils and shortenings well in advance of the July 1, 2008 deadline.

26. What if I use vegetable shortening both for frying and for baking?

Beginning July 1, 2007, most frying (see Question 7) must be done with oils, shortenings, and margarines that contain less than 0.5 grams of trans fat per serving.

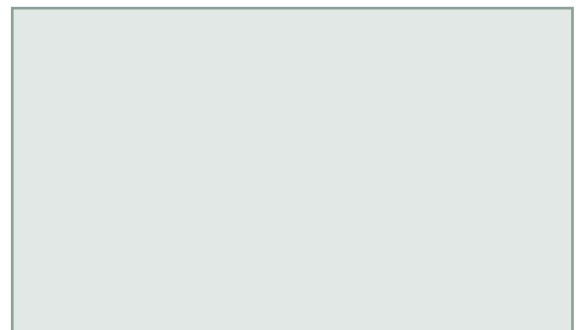
Products with higher levels of artificial trans fat may be used for most other purposes (but not as spreads) until July 1, 2008.

27. What about butter, beef tallow, suet, and lard?

These highly saturated fats are not covered by the regulation because they contain only naturally occurring (not artificial) trans fat. See the next question on healthier fats.

28. How can I get advice about using healthier fats?

While your choice of replacement fats is not covered by Health Code regulations, the Health Department encourages you to make healthier substitutions whenever you can.





THE NEW YORK CITY DEPARTMENT
of HEALTH and MENTAL HYGIENE

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