

**Office of the Director**

401 Fifth Avenue, Suite 1300  
Seattle, WA 98104-1818

**206-296-4600** Fax 206-296-0166  
TTY Relay: 711

[www.kingcounty.gov/health](http://www.kingcounty.gov/health)

## Nutrition menu labeling and artificial trans fat

### Update • January 2008

*This is a monthly update provided by Public Health - Seattle & King County about the implementation of new trans fat and menu labeling regulations. Visit: [www.metrokc.gov/health/healthyeating](http://www.metrokc.gov/health/healthyeating)*

#### Key dates

- **May 1, 2008:** The first phase to eliminate artificial trans fat in King County goes into effect, and it applies to fry oils and shortenings used for deep frying or in spreads.
- **August 1, 2008:** Food establishments will have conducted the nutritional analysis and put the information on menus and menu boards.
- **February 1, 2009:** Food establishments must eliminate artificial trans fat from other products served except if served in the original package, such as potato chips.

#### Policy update

**Olympia:** The Washington State legislative session opened this month, and there have been four bills introduced on nutrition labeling. The bills in the senate are scheduled to be heard Thursday, January 31 at 10 a.m.

- Sen. Tom (48<sup>th</sup> District – Bellevue) submitted SB 6505 that is nearly identical to the King County nutrition menu labeling regulation that was unanimously passed by King County in 2007.
- Two bills have been submitted that would preempt King County's legislation. SB 6659, with its companion HB 3160, would require all chain restaurants (25 or more nationwide) to make nutrition information (calories, fat, carbohydrates and sodium) available within the facility in one or more places. This can be accomplished by providing information on the menu, menu board, or by a poster, placemat, table tent, tray liner, brochure or electronic kiosk. Often these types of notices are seen after ordering. If nutrition information is not on the menu itself, there must be a sign at the point of sale stating that nutrition information is available upon request. If restaurants post their caloric information directly on menus or menu boards, they would not be required to provide any additional nutrition information. Information available upon request is status quo for industry and does not necessarily provide the nutrition information where consumers need it and at the point of ordering.
- SB 6786 establishes a legislative taskforce to study current efforts and their effectiveness in providing nutritional information at chain restaurants. Since King County and New York City are evaluating menu labeling and will have results within a year, this legislative task force would be duplicating their work. Currently there is no language in this bill that would preempt King County's menu labeling regulation.

The American Heart Association, American Diabetes Association and Washington Association of Local WIC Agencies are working closely as a coalition with other allies to organize testifying at the Senate Health and Long Term Care hearing on January 31st.

**King County:** Since the July 2007 passing of the King County Board of Health's artificial trans fat and nutrition menu labeling legislation, Public Health along with stakeholders have been working on operational development of the policies. These draft nutrition menu labeling and artificial trans fat policies and procedures were presented for final review to the King County Board of Health at its January 17, 2008 meeting.

### **Food establishments, food industry and stakeholders**

**Artificial trans fat elimination:** Food inspectors have been visiting establishments since January 2, 2008 to track the implementation of the first phase of trans fat elimination which goes into effect on May 1, 2008. Public Health is learning that industry will not have major problems with compliance (eliminating fry oils and shortenings used for deep frying or in spreads). About 44% of establishments that have been visited thus far are already in compliance with the first phase of the regulation.

**Stakeholder Groups:** The two stakeholder groups – one for artificial trans fat and another for nutrition menu labeling – met from October 2007 to January 2008. Among their accomplishments, the groups have:

- Finalized operationalizing the policies and procedures for trans fat and menu labeling
- Finalized the "Guidance for Nutritional Analysis of Standard Menu Item"  
[www.metrokc.gov/health/healthyeating/documents/Guidance-NutritionalAnalysis.pdf](http://www.metrokc.gov/health/healthyeating/documents/Guidance-NutritionalAnalysis.pdf)
- Made recommendations regarding technical assistance necessary for the food industry

The final stakeholder meeting was held on January 3, 2008. At the suggestion of the stakeholders, educational forums on menu labeling for the food industry will be conducted throughout King County in February and March. The forums are for all food industry members who would like more clarity or assistance in understanding the regulations. Some stakeholders have agreed to attend regional meetings and assist with the forums.

### **Education and communication**

**Restaurant and industry education:** Restaurant inspectors have begun conducting trans fat education visits to affected restaurants. Inspectors are also providing printed educational materials during these visits. Inspectors have been trained and educated regarding the trans fat regulation and enforcements.

A follow-up mailing was sent to schools in King County to let them know that, despite their kitchens being permitted by Public Health, they are exempt from the trans fat ruling since they are federally regulated.

**Public Education:** A Working Group of Public Health employees has been created to provide expert input into the development of the nutrition menu labeling education campaign. The 12 staff members include nutritionists, health educators, a food inspector, and coalition leaders; many are involved in Public Health programs and initiatives that address the chronic illnesses associated with overweight and obesity.

Additionally, Public Health is currently conducting interviews with key informants representing local partner and stakeholder organizations and parent groups. The goal of these surveys is to identify potential public education campaign messages, dissemination strategies, and partners for supporting and sustaining education and intervention activities. Surveys will be completed in early February.

**Evaluation:** Baseline data collection for the menu labeling evaluation has begun and will continue through July, 2008. Public Health has taken advantage of a state-wide population based telephone survey (Behavioral Risk Factor Surveillance Survey [BRFSS]) and added questions that will be administered to King County residents. The survey questions will assess:

1. frequency of recent patronage of prepared food establishment
2. awareness of menu nutrition labeling at food establishments
3. whether nutrition labeling influenced their recent food purchases
4. knowledge of daily caloric consumption recommendations.

A one-year follow-up survey is planned for the same timeframe post-regulation (January-July, 2009).

Additionally, the nutritional content of menu offerings before and after the regulation will be compared to address the question of whether menu labeling results in improved nutritional content of food offered at fast food establishments. Public Health has begun creating a baseline menu audit database that contains the nutritional information from menus on the web for restaurants expected to be covered by the regulation.