

**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 • March / April 2008**

*This is a regular 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 through December 31, 2008:** Chain restaurants will conduct nutritional analysis and have required nutrition information posted in approved locations by Jan. 1, 2009.
- **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.

### Menu labeling policy update

The Washington State legislative session came to a close in mid-March. Numerous pieces of legislation addressing menu labeling were introduced, but only one remained in play until the end of the session. Initially this bill, HB 3160, would have pre-empted King County's regulation that was unanimously adopted by the Board of Health last year as part of an effort to halt the obesity epidemic and allow consumers to make informed decisions at the point of ordering. The Senate Committee on Government Operations & Elections removed the moratorium section of the bill, and passed the bill to the Rules Committee containing the portion which appointed a task force to study statewide menu labeling. The possibility remained that the moratorium would be added back into the bill and passed by the Senate.

At the request of state legislators, King County entered into negotiations with the Washington Restaurant Association (WRA) to reach a compromise on the regulation and to allow King County to move forward with its policies. After four weeks, an agreement was reached between the two parties requiring the King County Board of Health to amend its original regulation; these amendments were adopted at an emergency meeting on March 12. The amended regulation will be reviewed, discussed and a final vote taken at the regularly scheduled Board of Health meeting on April 17.

Throughout the negotiations, Public Health adhered to the principles that nutrition information would be routinely available to consumers at or before the point of ordering, without having to request it or interrupting normal traffic flow. The Memorandum of Understanding signed by the Board of Health, Public Health and the Restaurant Association resulted in changes that provide more flexibility to the restaurant industry in the placement of the nutrition information for consumers and incorporated details from the policy and procedures into the regulation. Also, the Restaurant Association agreed not to be a party to any lawsuit against the Board of Health regulation or to take action related to state bills (HB 3160/SB6659).

For details about the regulation, visit the menu labeling web pages at:  
[www.metrokc.gov/health/healthyeating](http://www.metrokc.gov/health/healthyeating).

## **Menu labeling public education**

A total of 29 key informant surveys have been conducted with local partner and stakeholder organizations and parent groups to identify public education campaign messages, dissemination strategies, and partners for supporting and sustaining education and intervention activities. The Working Group on Menu Labeling Education, which consists of Public Health nutritionists, health educators, a food inspector and coalition leaders, is using these results to develop campaign concepts and messages. Plans are underway for testing these concepts and messages with community members.

## **Evaluation**

The recent changes that were made to the menu labeling regulation require changes to the menu labeling evaluation plan. Public Health is revising the Behavioral Risk Factor Surveillance Survey (BRFSS) menu labeling questions in several ways to be consistent with the changes to the regulation. The changes include:

- asking only about full service and quick service chain or fast-food restaurants and excluding convenience stores and grocery store delis (which are now exempt from nutrition labeling)
- asking whether calorie information was seen at or before the point of purchase (rather than nutrition information)
- asking how the calorie information was provided (e.g., menu, menu appendix, menu board, adjacent wall sign).

Public Health will be submitting a proposal by May 15 (rather than April 1) to the Robert Wood Johnson Foundation (RWJF) under their new rapid response funding mechanism to fund the baseline Point of Purchase survey. If approved, funding would begin by August. Baseline data collection for the point of purchase survey will continue through December (rather than through July since the amended regulation now goes into effect in January 2009) at restaurants without nutrition information. Public Health will submit a proposal to RWJF for follow-up data collection after implementing the regulation for their next funding cycle (February 2009).

Public Health has been working on developing the sampling frame for the point of purchase survey. The survey will be conducted at a random sample of quick-service restaurants in King County, as well as by oversampling quick-service restaurants near high schools and in neighborhoods with a higher proportion of low-income and minority residents. The evaluation team is developing the point of purchase exit survey and plans to begin pilot testing the survey and procedures in April.

## **Trans fat implementation**

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. Inspectors are providing printed educational materials during these visits. 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 51% of establishments that have been visited thus far are already in compliance with the first phase of the regulation.