

Complying with the Philadelphia Trans Fat Ban

A Guide for Restaurants, Caterers, Mobile Food-Vending Units and Other Food Service Establishments



The Philadelphia City Council passed legislation in February 2007 that added Section 6-307 to the Philadelphia Code (the Code), which prohibits the use of artificial trans fats in food service establishments in the city. This section falls within Chapter 6 of the Code, known as the Health Code, and will be enforced by the Department of Public Health. The ban on trans fats becomes effective in two stages, as follows:

Effective September 1, 2007:

Partially hydrogenated vegetable oils, shortenings, or margarines are prohibited for use in frying, sautéing, grilling, or as a spread unless establishment operators have product labels or other documentation from the manufacturer showing that these ingredients contain less than 0.5 grams of trans fat per serving.

Effective September 1, 2008:

Partially hydrogenated vegetable oils, shortenings, or margarines with 0.5 grams or more of artificial trans fats per serving are prohibited entirely from food service establishments covered by this ordinance.

Notes:

- The ban does not apply to foods served in the manufacturer's original, sealed packaging such as packages of crackers or bags of potato chips.
- Bakery products from establishments engaged in both preparation and retail sale of these products on premises are also exempt from this ban.

QUESTIONS AND ANSWERS ON THE BAN ON TRANS FATS IN PHILADELPHIA'S FOOD SERVICE ESTABLISHMENTS

TRANS FATS AND HEALTH

- **What are trans fats and how do they relate to health?**

Artificial trans fats are partially hydrogenated fats that are formed through a chemical process used to transform liquid oils into solid fats. This process is used to create products that include many vegetable oils, margarines, shortenings and frying oils. Artificial trans fats are found in many baked food products, food mixes and prepackaged foods.

Small amounts of trans fats also occur naturally in some foods such as meats and dairy products. Naturally occurring trans fats, however, are not suspected of having a negative impact on human health, and are not regulated by this legislation.

- **Why are trans fats bad for your health?**

Artificial trans fats are of particular concern to health because they affect the human cardiovascular system. Unlike other dietary fats, trans fats are neither required nor beneficial for good health. Instead, trans fats raise bad cholesterol (LDL) levels and lower good cholesterol (HDL) levels, which can lead to heart disease and stroke.

COMPLYING WITH THE PHILADELPHIA TRANS FAT BAN

- **Does the trans fat ban apply to my food establishment?**

With the exception of bakeries, the trans fat ban applies to all food service establishments that are required to have a Philadelphia food service license. This includes, but is not limited to restaurants, bars, cafeterias in schools and businesses, caterers, senior center meal programs, mobile food vending carts and commissaries that supply them, childcare centers, hospitals, soup kitchens, park concessions, street fair food booths, and other establishments.

Note that any establishment engaged both in the preparation and retail sale of bakery products on the premises is exempt from the restrictions on the use of trans fats *with respect to the sale of bakery products only*. In addition, such an establishment is exempt from the restrictions on the use of trans fats with respect to the sale of bakery products at any other location operated by such establishment, provided it operates no more than three (3) such retail sales locations within the City. Bakery products can be baked or non-baked goods typically sold at a bakery include, but not limited to cakes, cookies, donuts, pies, pastries, breads and rolls.

- **When does the ban take effect and what food items are covered?**

The restriction applying to the use of fats, oils and spreads became effective on **September 1, 2007**. This portion of the law applies to partially hydrogenated vegetable oils, shortenings, or margarines for frying, sautéing, grilling, or as a spread unless product labels or other documentation from the manufacturer is presented to show that these ingredients contain less than 0.5 grams of trans fats per serving. Operators may continue to use their current supply of products containing trans fat through **December 31, 2007**. In 2008, violations of the ban will be cited as part of the health department's food establishment inspection program.

The ban does not apply to foods served in the manufacturer's original, sealed packaging such as packages of crackers or bags of potato chips.

Beginning **September 1, 2008**, the use of trans fats will be prohibited in all foods except those served in the manufacturer's original, sealed packaging, such as a package of crackers or a bag of potato chips.

- **How can I tell if a particular product is allowed under the new ordinance?**

Step 1: Look for the words *partially hydrogenated, shortening and/or margarine* on the product label. If none of these words is listed, you may use the product. If any of these words are listed, read Step 2 to determine the trans fat content amount.

Step 2: Read the Nutrition Facts panel to identify the trans fat content of the product. If the panel says the product has *0.5 grams or more of trans fats per serving*, you may not use the product. If the Nutrition Facts panel says the product has less than 0.5 grams (including 0 grams) of trans fats per serving, you may use the product. If the product does not contain a Nutrition Facts panel, 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, and/or margarine*, the letter must also include information on the amount of trans fats per serving. If the product has 0 grams of trans fats, or less than 0.5 grams of trans fats per serving, you may use that product.

The letter must be on the manufacturer's letterhead and show the manufacturer's name and address. You must keep the letter at your food service establishment available for review by Department of Public Health inspectors.

- **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. You must 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 must be available for review by Department of Public Health inspectors.

- **Which labels should I save and how long should I keep them?**

Beginning *September 1, 2007*, you must save the label for any oils, shortenings, or margarines used for frying, sautéing (pan-frying), 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 *September 1, 2008*, when the ban 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.

- **What should I do with products that contain trans fats if they are still in my food establishment on September 1, 2008?**

If a product containing partially hydrogenated oil has 0.5 grams or more trans fats per serving, you will not be able to store, use, or serve it after *September 1, 2008*. Delayed enforcement of the ban gives food service establishments time to use their remaining supplies.

- **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 *September 1, 2007*, margarines containing 0.5 grams or more trans fats per serving may not be used for frying or as a spread, but they may be used in as ingredients in other foods goods until *September 1, 2008*.

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

If the product label or ingredients list does not list 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 the product. If the product label or ingredients list mentions any of these ingredients, its trans fat content must be less than 0.5 grams per serving.

- **If I purchase ingredients from outside of Philadelphia for products I serve in my establishment, do those ingredients have to contain less than 0.5 grams of trans fats per serving?**

Yes. The ban applies to ingredients used in food service establishments in Philadelphia, regardless of where the operators of those establishments purchase the ingredients.

ENFORCEMENT OF THE BAN ON TRANS FATS

- **When will the trans fat ban take effect?**

The ban went into effect on *September 1, 2007*. During the period between *September 1, 2007*, and *December 31, 2007*, Department of Public Health food establishment inspectors are providing verbal warnings and offering operator education when trans fats are found.

- **Will the Department of Public Health inspectors issue violations when food products containing trans fats are found?**
 Yes. As of *January 1, 2008*, during routine inspections, inspectors will note violations on the food establishment inspection report, as they would any other violation of the City’s food establishment requirements.
- **Will violations of the trans fats ban be considered “critical” or “general” (non-critical)?**
 There are two categories of food establishment violations, “critical” and “general” (non-critical). Violations of the trans fat ban will be considered “general,” which means that the violation is not considered an immediate health threat and will not require a re-inspection. However, the establishment is still required to comply with the ban.
- **Will the Department of Public Health impose a fine if a trans fat ban violation is found?**
 No, a fine will not be assessed for trans fat ban violations because they are general violations. However, general violations are always noted on the establishment’s inspection report.
- **Will I be fined for violations if an inspector finds oils, shortenings, or margarines that contain trans fats in my establishment?**
 No fines are assessed for general (non-critical) violations, but violations of the trans fat ban will be noted on the inspection report.
- **Can I receive a violation for food I purchase in bulk if it comes without a label?**
 Yes. The code requires that you maintain on site, either the original labels identifying the trans fat content or approved alternate documentation from the manufacturer for all food products you receive indicating whether the food product contains trans fats.
- **If I have a food item containing trans fat but I don’t cook with it, may I keep it in my kitchen pantry?**
 No. The code states that you cannot store, distribute, hold for service, use in preparation of any menu item or serve any foods containing trans fats.
- **Will an establishment’s trans fat ban violation be included in postings on the Department’s Restaurant Inspection Web site?**
 Yes. As part of our adoption of a Risk-Based Inspection system, critical violations found during inspections are currently posted on the department’s website, www.phila.gov/health. When the Risk-Based Inspection system is fully implemented, the postings will list *all* violations found during inspections.

ALTERNATIVES TO TRANS FATS

- **May I use a product that claims to have 0 grams, or less than 0.5 grams of 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 fats per serving to be labeled 0 grams trans fats, even if they contain small amounts of trans fats. Any product labeled 0 grams, or less than 0.5 grams of trans fats per serving is in compliance with the Code.

- **Are products without trans fats 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 without trans fats as soon as possible.

- **What can I use for frying instead of oils that contain trans fats?**

Ask your suppliers for oils that have less than 0.5 grams of trans fats 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.

- **What can I use for baking instead of shortenings with trans fats?**

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

- **What if I use vegetable shortening both for frying and for baking?**

Beginning *September 1, 2007*, frying must be done with oils, shortenings, and margarines that contain less than 0.5 grams of trans fats per serving. Products with higher levels of artificial trans fats may be used for most other purposes (but not as spreads) until *September 1, 2008*.

- **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 fats.

- **Where can I get advice about using healthier fats?**

While the Code does not dictate your choice of replacement fats, the Department of Public Health encourages you to the healthiest substitution choices possible. The references listed below will be helpful in making choices about healthy replacements for products that contain trans fats.

DEPARTMENT OF PUBLIC HEALTH CONTACT INFORMATION

For nutrition related questions, contact:

**The Philadelphia Department of Public Health
Division of Chronic Disease Prevention
1101 Market Street, 9th floor
Philadelphia, PA 19107
215-685-5288**

For enforcement related questions, contact:

**The Philadelphia Department of Public Health
Environmental Health Services
321 University Avenue
Philadelphia, PA 19104
215-685-7495**

ADDITIONAL RESOURCES ON TRANS FATS AND HEALTH AND TRANS FAT-FREE COOKING

Other sources of information on trans fats and substitution products may be found on the following websites:

- **Ban Trans Fats: www.bantransfats.com**
- **American Heart Association: <http://www.americanheart.org/presenter.jhtml?identifier=3046074>**
- **U.S. Food & Drug Administration: <http://www.cfsan.fda.gov/~dms/transfat.html>**

Adapted from: The Regulation to Phase Out Artificial Trans Fat in New York City Food Service Establishments: How to Comply. New York City Department of Health and Mental Hygiene, 2006.
<http://www.nyc.gov/html/doh/downloads/pdf/cardio/cardio-transfat-bro.pdf>.