

The Regulation to Phase Out Artificial Trans Fat In King County Food Service Establishments

(Chapter 5.10 of the Code of the King County Board of Health)

How to Comply:

What Restaurants, Delis,
Bakeries, Grocery Stores,
Caterers, Mobile Food
Services, Temporary Food
Services and Others
Need to Know

SUMMARY OF THE REGULATION

The new regulation in King County phases out the use of artificial trans fat in all food service establishments required to hold a Public Health – Seattle & King County permit, including restaurants, delis, bakeries, grocery stores, caterers, mobile food services and temporary food services.

- **Beginning May 1, 2008:**

You may not use partially hydrogenated oils or shortenings 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. Margarine will be allowed for frying and as a spread until February 1, 2009. At that time, you must also be able to show that margarine contains less than 0.5 grams trans fat per serving.

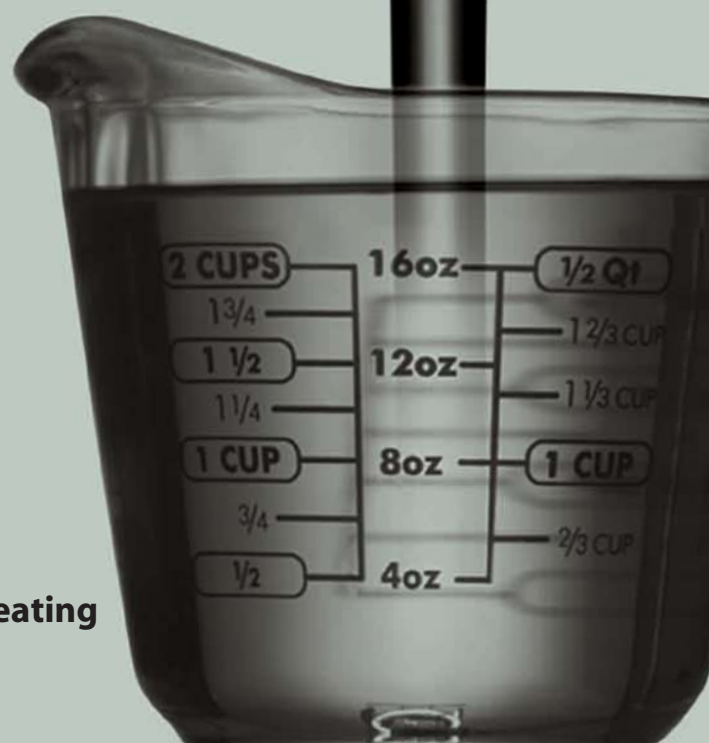
You may continue to use trans fat-containing oils and shortenings for deep frying cake batter and yeast dough until the regulation takes full effect on February 1, 2009.

- **Beginning February 1, 2009:**

No food containing partially hydrogenated oils, shortenings or margarines with 0.5 grams or more trans fat per serving may be stored, used, distributed 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.

To learn more about the regulation, visit our website at www.kingcounty.gov/health/healthyeating



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 oil. Foods that may 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 (Low Density Lipoprotein - LDL) cholesterol and lowers good (High Density Lipoprotein - HDL) cholesterol. Studies show that replacing trans fat with healthier fats and oils can prevent approximately 30,000 to 100,000 premature deaths in the United States per 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 Public Health – Seattle & King County. These include restaurants, delis, bakeries, grocery stores, caterers, mobile food services, temporary food services and other food establishments.

5. My establishment is not required to hold a permit from Public Health – Seattle & King County because I am licensed by Washington state. Do I still have to comply with Public Health's trans fat regulation?

If your establishment does not require a permit from Public Health – Seattle & King County, the regulation does not apply and you are not legally bound by it.

However, if you supply food establishments in King County that are covered by the regulation, those establishments will not be allowed to use, store, distribute or sell products that contain partially hydrogenated oils containing 0.5 grams or more trans fat per serving, unless the food is served in the manufacturer's original, sealed packaging, such as a package of crackers or a bag of potato chips.

Unless you supply products that keep your King County clients in compliance, you could lose their business.

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

Beginning May 1, 2008, you may not use partially hydrogenated oils 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. Margarine is still allowed for frying and as a spread until February 1, 2009. After that, you will need to switch to a margarine that contains less than 0.5 grams of trans fat per serving.

You may continue to use trans fat-containing products for deep frying cake batter and yeast dough until February 1, 2009, when the regulation takes full effect.

Beginning February 1, 2009, if you store, use, distribute or serve any food item containing partially hydrogenated oil, it must contain less than 0.5 grams of trans fat per serving. This rule applies even to products 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 a "partially hydrogenated" oil is listed. If this term appears, 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 per serving, 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 or ingredient list, ask your supplier to provide a letter from the manufacturer listing the product's ingredients. If the ingredients list contains the words "partially hydrogenated" 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.

After February 1, 2009, these steps must also be taken for ingredient lists containing "margarine."

The letter should be dated and on the manufacturer's letterhead and show the manufacturer's name and address. This letter must be kept at your food service establishment, available for review by a Public Health inspector. The letter may be kept electronically; however, it must be available during inspection if requested.

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 Eggs, Salt

This product contains partially hydrogenated oil

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 may be kept electronically but must be available for review by a Public Health inspector if requested.

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

Beginning May 1, 2008, you will need to save the label for any products 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 electronically.

Beginning February 1, 2009, 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 May 1, 2008?

The regulation gives food service establishments time to use their remaining supplies and restock before the deadline. However, Public Health will provide guidance on disposing of any remaining oils. Please refer to the Web site or ask your inspector for details as the May 1, 2008 deadline approaches.

11. What if a supplier sells me cakes or pastries 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 oil, 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 label or ingredients list for oils and shortening used for frying, pan frying (sautéing) or grilling, or as a spread mentions partially hydrogenated oil, its trans fat content must be less than 0.5 grams per serving, effective May 1, 2008. Margarine and partially hydrogenated vegetable oils used for baked goods may be used until Feb. 1, 2009 at which time these must also be reduced to less than 0.5 grams per serving.

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

Yes, any product you sell must contain less than 0.5 grams of trans fat per serving, unless it is sold in its original, manufacturer's packaging with a Nutrition Facts panel. It does not matter where you buy the products.

Beginning February 1, 2009, all foods and ingredients stored, used, distributed or served in King County food service establishments that contain partially hydrogenated oils must have less than 0.5 grams of trans fat per serving.

ENFORCEMENT

13. When the trans fat regulation takes effect, will Public Health issue violations?

Yes. Public Health will issue violations for all food establishments still using products containing partially hydrogenated oils for frying, sautéing or grilling, or as a spread beginning May 1, 2008.

Beginning February 1, 2009, Public Health will issue violations to all food establishments who store, use, distribute or serve any food item containing partially hydrogenated oil, that contains 0.5 grams or more of trans fat per serving.

14. Will violations be counted as 'red' or 'blue'?

Those not found in compliance with the regulation will be given a five point "blue" (non-critical) violation counting toward your food service establishment inspection score.

15. Will Public Health follow up on trans fat violations?

A trans fat violation will not be the sole reason for a return inspection, but may be discussed during a return inspection to check on compliance with red critical violations, such as an inoperable handsink or hot foods held below 140° F.

16. Will trans fat violations be posted on Public Health's Restaurant Inspection Web site?

Yes. Trans fat violations will be posted beginning May 1, 2008.

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

Yes. **Beginning May 1, 2008**, you will need to have documentation available to the Public Health inspectors for any products 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 February 1, 2009, when the regulation takes full effect, you will need to have labels or other documentation available for all products that contain partially hydrogenated oil, regardless of how they are used.

Beginning February 1, 2009, if you buy unlabeled baked goods or other food products that contain oils, shortenings or margarine, 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 7) showing the trans fat content per serving.

18. 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, Public Health will issue violations for all restricted products that are found in the establishment – regardless of whether they are used, served, distributed or stored.

SUBSTITUTING FOR TRANS FAT

19. May I use a product that claims to have “0 grams trans fat” if the ingredients list includes partially hydrogenated oil?

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.

20. 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 ask about prices, and start switching over to products with 0 grams trans fat as soon as possible.

21. 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 with long fry lives made from specific varieties of soybeans, sunflowers and other grains and seeds. Your supplier should have a range of options available.

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

There is currently a wide variety of products that can meet your baking needs and more are becoming available each day. Since it may take time to find the right product for your recipes, Public Health recommends testing replacement oils and shortenings for baking well in advance of the February 1, 2009 deadline.

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

Frying:

Beginning May 1, 2009 most frying must be done with oils that contain less than 0.5 grams of trans fat per serving. You may continue to use trans fat-containing oils for deep frying cake batter and yeast dough until February 1, 2009.

Baking:

Products containing 0.5 grams or more of trans fat per serving may not be used after February 1, 2009.

24. 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.

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

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

MORE INFORMATION

To learn more about the trans fat regulation in King County or leave a question or comment, visit our website:
www.kingcounty.gov/healthservices/health/nutrition/healthyeating/transfat