



March 6, 2008

Dr. Barbara Ferrer  
Executive Director  
Boston Public Health Commission  
Attention: Julie Webster  
1010 Massachusetts Avenue  
6<sup>th</sup> Floor  
Boston, MA 02118

Dear Dr. Ferrer:

The Center for Science in the Public Interest (CSPI) is a nonprofit health advocacy organization based in Washington, D.C. Among other things, CSPI led the effort to win passage of the law requiring nutrition labeling on packaged foods, and we publish the Nutrition Action Healthletter, the nation's largest-circulation nutrition newsletter, to which many Bostonians subscribe.

I applaud the Boston Public Health Commission for introducing this regulation that would largely eliminate artificial trans fat from Boston restaurants. Harvard School of Public Health researchers has estimated that each year trans fat has been causing 72,000 to 228,000 heart attacks, including roughly 50,000 fatal ones. Fortunately, because of labeling, voluntary changes, local laws, and litigation, the toll is considerably smaller today. Still, many companies, like Burger King and thousands of smaller restaurants, continue to serve foods with substantial amounts of trans fat. **Getting trans out of restaurants could prevent thousands of heart attacks and hundreds of deaths in the coming years. Trans fat also appears to promote diabetes and obesity. Those illnesses and deaths are unnecessary, and many could be prevented by the regulation being considered today.**

CSPI, in 1993, first called on the U.S. Food and Drug Administration to require the trans-fat content to be listed on food labels. The FDA's labeling regulation ultimately went into effect in 2006, and that stimulated many manufacturers to begin using healthier oils. However, restaurants have been slower to act. Some major chains, and some smaller restaurants, have greatly reduced the amount of trans fat in their products. However, many restaurants, as well as cafeterias, delis, and other foodservice establishments, have not changed their oils, and their customers deserve protection.

The restaurant industry typically advocates voluntary programs instead of regulations, though the Massachusetts Restaurant Association has not, to our knowledge, opposed a phase-out of trans fat. Unfortunately, it appears that a voluntary program probably wouldn't work well. New York City tried that approach for a whole year, but concluded that few restaurants switched to healthier cooking oils.

Residents of Massachusetts strongly support phasing-out trans fat in restaurants. According to a recent 7 News/Suffolk University Poll that CSPI sponsored, two-thirds of Massachusetts voters are concerned about trans fat and favor a bill to phase it out of restaurants.

The industry's concern regarding the adequacy of the supply of alternative oils has really become a non-issue, especially considering that Boston's population is only 1/600 of the United States. And the cost differences between oils are minor. The only issue that is still relevant in this debate is how fast trans fat can be removed from our food supply. CSPI urges the Boston Public Health Commission to pass this regulation that will limit trans fat sooner rather than later. The bill gives the industry plenty of time to make the changes necessary.

Over the last several years, we've seen a great deal of movement on the trans fat issue. For example, last year, New York City and Philadelphia passed laws largely eliminating trans fat from restaurants. Montgomery County, Maryland, Brookline, Massachusetts, King County (Seattle), Washington, and Nassau County, New York also passed similar bans. Westchester County, NY, ordered a phase-out of trans fat from shortenings, oils, and margarines. In addition, Albany County, New York, and Louisville, Kentucky, have also taken action to begin ridding their restaurants of this deadly ingredient.

Both New York City and Philadelphia have already implemented phase one of their bans – getting trans fat out of their frying oils – without any glitches or outcry from restaurants or consumers. New York is even reporting close to a 100% compliance rate. We've heard of no concerns about supplies of alternative oils. We've heard no complaints about higher consumer prices. And McDonald's said it hadn't received a single complaint about the taste of the reformulated foods.

The Boston Public Health Commission should fulfill its responsibility to protect the public's health by passing this sensible regulation that would limit trans fat in restaurant foods. You could save hundreds of lives at virtually no cost to citizens, the city, or businesses.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Michael F. Jacobson". The signature is written in a cursive, flowing style.

Michael F. Jacobson, Ph.D.  
Executive Director

**Testimony of Julie Greenstein, Deputy Director of Health Promotion Policy  
Hearing on the Trans Fat Phase-Out Bill – Legislative File 08-0034  
Public Safety and Health Committee  
Baltimore City Council  
March 4, 2008**

Good Afternoon Chairman Young, Vice Chair Kraft and other Members of the Committee. I am Julie Greenstein, Deputy Director of Health Promotion Policy at the Center for Science in the Public Interest (CSPI), a nonprofit health advocacy organization based in Washington, D.C. Among other things, CSPI led the effort to win passage of the law requiring nutrition labeling on packaged foods, and we publish the Nutrition Action Healthletter, the nation's largest-circulation nutrition newsletter. 20,000 of our subscribers live in Maryland.

I applaud Councilmember Welch for introducing this legislation that would largely eliminate artificial trans fat from Baltimore restaurants. I also applaud every member of the City Council for cosponsoring this important bill. Harvard School of Public Health researchers recently estimated that each year trans fat has been causing 72,000 to 228,000 heart attacks, including roughly 50,000 fatal ones. Fortunately, because of labeling, voluntary changes, local laws, and litigation, the toll is considerably smaller today. Still, many companies, like Burger King, continue to serve foods with substantial amounts of trans fat. **Getting trans out of restaurants could prevent thousands of heart attacks. Trans fat also appears to promote diabetes and obesity. Those illnesses and deaths are unnecessary, and many could be prevented by the legislation being considered today.**

CSPI, in 1993, first called on the U.S. Food and Drug Administration to require the trans-fat content to be listed on food labels. The FDA's labeling regulation ultimately went into effect in 2006, and that stimulated many manufacturers to begin using healthier oils. However, restaurants have been slower to act. Some major chains, and some smaller restaurants, have greatly reduced the amount of trans fat in their products. However, most restaurants have not changed their oils.

The restaurant trade association advocates voluntary programs instead of regulations. Unfortunately, a voluntary program probably wouldn't work well. New York City tried that approach for a whole year, but concluded that few restaurants switched to healthier cooking oils.

The industry's concern regarding the adequacy of the supply of alternative oils has really become a non-issue. And the cost differences between oils are minor. The only issue that is still relevant in this debate is how fast trans fat can be removed from our food supply. I urge this committee to pass legislation that will limit trans fat sooner rather than later.

Over the last several years, we've seen a great deal of movement on the trans fat issue. For example, last year, Montgomery County, Maryland became the first county in the country to phase-out trans fat from restaurants. New York City, Philadelphia, Brookline, Massachusetts, King County (Seattle), Washington, and Nassau County, New York also passed similar bans. Westchester County, NY, ordered a phase-out of trans fat from shortenings, oils, and margarines. In addition, Albany County, New York and Louisville, Kentucky have also taken action to begin ridding their restaurants of this deadly ingredient.

Also, both New York City and Philadelphia have already implemented phase one of their bans – getting trans fat out of their frying oils – without any glitches. New York is even reporting close to a 100% compliance rate. We've heard of no concerns about supply problems. We've heard no problems with finding alternatives. We've heard no complaints about higher consumer prices. And McDonald's said it hadn't received a single complaint about the taste of the reformulated foods.

And at the beginning of this year, the first phase of the Montgomery County ban went into effect – again with no glitches. Approximately 1/6 of the population of this state can now rest assure that the food they are eating in restaurants is a bit healthier. Shouldn't Baltimore residents be entitled to that too?

The Baltimore City Council should fulfill its responsibility to protect the public's health by passing legislation that would limit trans fat in restaurant foods. You could save hundreds of lives at virtually no cost to citizens and the city and only a temporary, modest cost and inconvenience to the restaurants. I hope the Public Health and Safety Committee will act on this opportunity and approve legislation that will begin phasing trans fat out of restaurants in a timely manner.

Thank you for your consideration.

**Testimony of Julie Greenstein, Deputy Director of Health Promotion Policy  
Hearing on the Task Force to Study the Regulation of Artificial Trans Fat, HB 81  
House Committee on Health and Government Operations  
January 22, 2008**

Good Afternoon Chairman Hammen, Vice Chair Pendergrass and other Members of the Committee. I am Julie Greenstein, Deputy Director of Health Promotion Policy at the Center for Science in the Public Interest (CSPI), a nonprofit health advocacy organization based in Washington, D.C. Among other things, CSPI led the effort to win passage of the law requiring nutrition labeling on packaged foods, and we publish the Nutrition Action Healthletter, the nation's largest-circulation nutrition newsletter. 20,000 of our subscribers live in Maryland.

Harvard School of Public Health researchers recently estimated that each year trans fat has been causing 72,000 to 228,000 heart attacks, including roughly 50,000 fatal ones. **This translates into about 1,400 to 4,600 heart attacks and about 1,000 deaths annually in Maryland. Getting trans out of restaurants could save roughly half those lives. Trans fat also appears to promote diabetes and obesity. Those illnesses and deaths are unnecessary, and many could be prevented by legislation that would phase-out trans fat.**

I applaud Delegate Hubbard for introducing a bill last year that would have phased-out artificial trans fat from food service facilities in Maryland. And I once again applaud Delegate Hubbard and Chairman Hammen for introducing HB 81 this year and moving this issue forward.

HB 81, however, is much weaker than the bill introduced by Delegate Hubbard last year. As it is written now, HB 81 would establish a Task Force that would be required to make recommendations on eliminating trans fat in the state. The Task Force, however, would have until December 9, 2009 (almost 2 years from now) to issue its recommendations to the General Assembly. The Assembly would then have to vote on final passage and presumably give time to restaurants to phase-in these requirements. At the earliest, the phasing out of trans fat would not even *begin* until late in 2010 and possibly not until 2011 or 2012.

CSPI would like to suggest some changes in the bill. We would recommend that the Task Force be given 6 months to make its recommendations to the Assembly. We also recommend that the bill should require the Assembly to take action within 6 months of receiving the recommendations from the Task Force and include fallback language that would require restaurants in Maryland to stop using trans fat soon thereafter, if the Assembly does not take action, (within 6 months for frying oils and 18 months for baked goods). This would move a possible implementation date to 2009 for oils and 2010 for baked goods. We believe this timeframe is very reasonable and very doable for restaurants.

The concern regarding the adequacy of the supply of alternative oils has really become a non-issue. The only issue that is still relevant in this debate is that trans fat is a deadly substance and should be removed from our food supply as quickly as possible. I urge this committee to pass legislation that will limit trans fat sooner rather than later.

Approximately a year ago, this Committee held a hearing on banning trans fat in restaurants. Since that time, we've seen a great deal of movement on the trans fat issue. For example, with the lead of Montgomery County council members Duchy Trachtenberg and George Leventhal, Montgomery County, Maryland became the first county in the country to phase-out trans fat from restaurants. Brookline, Massachusetts, King County (Seattle), Washington, and Nassau County, New York also passed similar bans. Westchester County, NY, ordered a phase-out of trans fat from shortenings, oils, and margarines. In addition, Albany County, New York and Louisville, Kentucky have also taken action to begin ridding their restaurants of this deadly ingredient.

Also, both New York City and Philadelphia have already implemented phase one of their bans, without any glitches. New York is even reporting close to a 100% compliance rate. We've heard of no concerns about supply problems. We've heard no problems with finding alternatives. We've heard no complaints about higher consumer prices.

And at the beginning of this month, the first phase of the Montgomery County ban went into effect – again with no glitches. Approximately 1/6 of the population of this state can now rest assure that the food they are eating in restaurants is a bit healthier. Shouldn't all of Maryland's residents be entitled to that? Should people have to travel from Howard or Frederick County to eat healthier French fries?

That's why Maryland—and every other city and state—should fulfill their responsibility to protect the public's health by passing legislation that would limit trans fat in restaurant foods. You could save hundreds of lives at virtually no cost to citizens and the state and only a temporary, modest cost and inconvenience to the restaurants. Maryland has an opportunity to become the first state to ban trans fat in restaurants. I hope that the Health and Government Operations Committee and the Maryland General Assembly will act on this opportunity and approve legislation that will begin phasing trans fat out of restaurants in a timely manner.

Thank you for your consideration.



March 28, 2007

Assemblymember Mark Leno, Chair  
Assemblymember Mimi Walters, Vice Chair  
Committee on Appropriations  
California State Assembly  
Sacramento, CA 95814

**In Support of Assembly Bill 97 – An Act Prohibiting the Use of Trans Fat in California Food Facilities**

Dear Assemblymembers Leno and Walters:

I am the executive director of the Center for Science in the Public Interest (CSPI), a nonprofit health advocacy organization based in Washington, D.C. Among other things, CSPI led the effort to win passage of the law requiring nutrition labeling on packaged foods, and we publish the Nutrition Action Health newsletter, the nation's largest-circulation nutrition newsletter. About 100,000 of our 800,000 U.S. subscriber/members live in California.

I applaud Assemblymember Mendoza for introducing Assembly bill 97 which would ban most trans fat in California food facilities. This legislation would help protect California citizens from a very significant cause of heart disease, though, of course, not the only cause.

Partially hydrogenated oils—think stick margarine and solid shortening—have been the source of most of the trans fat in our diet and have had a dramatic recent history. Twenty years ago, the FDA and academic scientists (and CSPI) thought they were safe. But that all changed in 1990, when research began demonstrating that trans fat, on a gram-for-gram basis, is the single most harmful type of fat—even worse than the saturated fat in meat and dairy products—in terms of promoting heart disease. There is now a consensus among scientists that people should consume as little trans fat from partially hydrogenated oils as possible.

In 1993 CSPI first called on the U.S. Food and Drug Administration (FDA) to require the trans-fat content of packaged foods to be listed on labels. The FDA finalized its labeling regulation in 2003, and numerous large food manufacturers, including Kraft, Frito-Lay, and ConAgra, responded by switching to healthier trans-free oils.

While CSPI began calling for the labeling of trans fat in 1993, the medical research conducted over the next dozen years indicated that trans fat was far more harmful than anyone originally suspected. CSPI called on the FDA not just to require labeling of artificial trans fat but to get it out of the food supply. It was only a few months earlier that Denmark became the first nation to virtually ban partially hydrogenated oils and largely eliminate artificial trans fat.

It is important to note that FDA's labeling regulation did not cover restaurants, and the FDA has not taken any further actions to reduce the consumption of trans fat from packaged or restaurant foods. Meanwhile, the American Heart Association and the federal government's Dietary Guidelines Advisory Committee have recommended that Americans get less than 1 percent of their calories from trans fat, or about 2 grams per day. Many restaurant foods contain far more than that. A large order of McDonald's fries provides 8 grams of trans fat, or about 4 days' worth. At Burger King, a mom could start the day with 8 grams of trans fat in her hash browns while her child consumed 4.5 grams in the French Toast Kid's Meal. At Krispy Kreme, most doughnuts contain at least 5 grams of trans fat. And KFC's chicken pot pie contains 14 grams of trans, a whole week's worth.

Fortunately, some restaurants are finally starting to get rid of trans fat voluntarily. Also, as you may know, last year the New York City Board of Health passed a trans-fat ban for city restaurants, and last month Philadelphia passed a similar law.

Recently a proposal was introduced in the Assembly that calls for a study of the effects of banning trans fat. The due date of this study is July, 2008. Postponing a ban on oils, margarines, and shortenings with trans fat would be totally inappropriate.

**For every year that California waits to ban trans fat, about 9,000 to 27,000 Californians would suffer heart attacks and about 6,000 Californians would die, judging from a recent publication by Harvard School of Public Health researchers. Those illnesses and deaths are unnecessary, and many could be prevented by the legislation offered today.**

You may hear today from organizations that oppose this legislation and call for a voluntary program instead. Unfortunately, voluntary programs don't work. Prior to passing its regulation, New York City tried to rid the city's restaurants of trans fats through a voluntary program, using nutrition education as a tool to convince restaurants to choose non-trans oils. After one year, the city concluded that that approach had failed -- few if any restaurants that had been using trans fat had switched to healthier cooking oils.

One question that is commonly asked about banning trans fat is, "are there alternatives and are these alternatives readily available?" The answer to both of these questions is yes. The supplies have vastly increased over the last several years and industry has the capability of meeting the needs as the demand increases. There are many healthy trans-fat-free alternatives for frying, such as soy (including low-linolenic soy), corn, and canola (including high-oleic canola) oils. Also, many companies offer trans fat-free (or 0g trans fat) margarines and shortenings for foods that require a solid fat. Though fairly rich in saturated fat, the substitutes are healthier than partially hydrogenated oils. Even Crisco is now trans-fat free.

Another question is, "are these 'replacement' oils more expensive?" Most of these oils should not affect the price of menu items. Some of the newly marketed trans-free oils are slightly more expensive, but because some of them have longer "fry lives," they will last longer, most likely making them cost-neutral or only slightly more expensive. At a hearing on trans fat last week at the New York City Council, spokesmen for several small and medium-sized restaurants said that switching to was easily accomplished and did not increase costs significantly. Some restaurateurs say that using the healthier oils actually improved their products' taste, and they were hoping that new customers would offset the small added costs.

The bill you are considering would limit the amount of trans fat in restaurant foods. Many restaurants, large and small, are demonstrating that such limits are practical. Consider:

- Such big chains as Arby's, KFC and Taco Bell recently joined Wendy's, Ruby Tuesday, Chili's Grill & Bar, Ruth's Chris, and Panera Bread in moving toward healthier oils. Wendy's said that the new oils don't cost any more than the old.
- Small restaurants around the country are switching including Ina's Kitchen in Chicago, Katz's Delicatessen in New York, Pete's Kitchen in Denver, Country Diner in Akron, Ohio, Faros Family Restaurant in Fond du Lac, Wisconsin, and many others have largely eliminated trans fat. Some have said that the switch was cost-neutral, while others say the extra expense was minimal. Legal Sea Foods and other's say that their fried foods taste better now that it is fried in liquid oil.
- Marriott International (with 2,300 hotels), Carnival Cruise Lines, Disney Theme Parks, and Universal Studio Theme Parks are all phasing all trans fats out of the foods they serve.
- McDonald's sells foods without trans-free oils in much of Europe, Israel, Australia, New Zealand, and certain other countries. It has announced that it is on the way to removing trans fat in the United States, including over 1,000 of its 13,000 U.S. restaurants. It's unclear whether they have switched oils in California.
- Denmark has essentially banned partially hydrogenated oil by setting a 2 percent limit on the trans fat content of the oils in food. McDonald's, KFC, and Burger King, as well as all Danish companies, have switched to trans-free oils, apparently without any problems or complaints.

If all those restaurants could switch and protect their customers' health, so could every restaurant in California. That's why the California legislature and the legislatures of other cities and states should fulfill their responsibility to protect the public's health by passing legislation such as the bill you are considering. You could save thousands of lives at virtually no cost to citizens and the state and only a temporary, modest cost and inconvenience to the restaurants and other food-service operators. California has a unique opportunity to become the first state to ban trans fat in restaurants. I hope that the Committee on Appropriations and the California state legislature will act on this opportunity and approve this legislation promptly.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Michael F. Jacobson". The signature is written in a cursive, flowing style.

Michael F. Jacobson, Ph.D.  
Executive Director



February 26, 2007

Senator Mary Ann Handley, Co-Chair  
Representative Peggy Sayers, Co-Chair  
Public Health Committee  
Room 3000  
Legislative Office Building  
Hartford, CT 06106

**In Support of Proposed Bill No. 258 – An Act Prohibiting the Use of Trans Fat in Connecticut Food Service Establishments**

Dear Senator Handley and Representative Sayers:

I am the executive director of the Center for Science in the Public Interest (CSPI), a nonprofit health advocacy organization based in Washington, D.C. Among other things, CSPI led the effort to win passage of the law requiring nutrition labeling on packaged foods, and we publish the Nutrition Action Health newsletter, the nation's largest-circulation nutrition newsletter.

I applaud Senators McKinney and Roraback for introducing Proposed Bill No. 258, which would ban trans fat in Connecticut restaurants. This legislation would help protect Connecticut citizens from a very significant cause of heart disease. Harvard School of Public Health researchers recently estimated that each year trans fat causes 72,000 to 228,000 heart attacks, including roughly 50,000 fatal ones. **Considering that Connecticut's population is about 1 percent of the U.S. population, these figures translate into about 700 to 2,300 heart attacks and about 500 deaths annually in Connecticut. Those illnesses and deaths are unnecessary, and many could be prevented by the legislation offered today.**

CSPI has long been concerned about trans fat. In 1993 we first called on the U.S. Food and Drug Administration to require the trans-fat content of packaged foods to be listed on labels. The FDA finalized its labeling regulation in 2003. We are finally starting to move in the right direction. As you may know, last year the New York City Board of Health passed a trans fat ban for city restaurants, and earlier this month Philadelphia passed a similar law.

Partially hydrogenated oils—think stick margarine and solid shortening—are the source of most of the trans fat in our diet and have had a dramatic recent history. Twenty years ago, the FDA and academic scientists (and CSPI) thought they were safe. But that all changed in 1990, when research began demonstrating that trans fat, on a gram-for-gram basis, is the single most harmful type of fat—even worse than the saturated fat in meat and dairy products—in terms of promoting heart disease. There is now virtual unanimity among scientists that people should consume as little trans fat as possible from partially hydrogenated oils.

While my organization began calling for the labeling of trans fat in 1993, the research conducted over the next dozen years indicated that trans fat was far more harmful than anyone originally suspected

Many food manufacturers, including Kraft, Frito-Lay, and ConAgra, responded to the FDA's labeling requirement by switching to healthier trans-free oils. However, restaurants don't provide labeling, and many restaurants have not switched to healthier oils.

The American Heart Association and the federal government's Dietary Guidelines Advisory Committee have recommended that Americans get less than 1 percent of their calories from trans fat, or about 2 grams per day. Many restaurant foods contain far more than that. A large order of McDonald's fries provides 8 grams of trans fat, or about 4 days' worth. At Burger King, a mom could start the day with 8 grams of trans fat in her hash browns while her child consumed 4.5 grams in the French Toast Kid's Meal. And over at Krispy Kreme, most doughnuts contain at least 5 grams of trans fat.

Because the FDA has refused to take national action, CSPI strongly supports city and state legislation that would get artificial trans fat out of all restaurants. The bill you are considering would limit the amount of trans fat in restaurant foods. Many restaurants, large and small, are demonstrating that such limits are practical. Consider:

- Such big chains as Arby's, KFC, and Taco Bell recently joined Wendy's, Ruby Tuesday, Chili's Grill & Bar, Ruth's Chris, and Panera Bread in moving toward healthier oils. Wendy's said that the new oils don't cost any more than the old.
- Small restaurants, too, such as Ina's Kitchen in Chicago, Katz's Delicatessen in New York, Pete's Kitchen in Denver, Country Diner in Akron, Ohio, Faros Family Restaurant in Fond du Lac, Wisconsin, and many others have largely eliminated trans fat. Some have said that the switch was cost-neutral, while others say the extra expense was minimal. Legal Sea Foods told me that their fish tastes better now that it is fried in liquid oil.
- Marriott International (with 2,300 hotels), Carnival Cruise Lines, Disney Theme Parks, and Universal Studio Theme Parks have announced they will be phasing out all trans fats in the food they serve.
- McDonald's sells foods without trans-free oils in much of Europe, Israel, Australia, New Zealand, and certain other countries. It has announced that it is on the way to removing trans fat in the United States, including over 1,000 of its 13,000 U.S. restaurants. It's unclear whether they have switched oils in Connecticut.
- Denmark has essentially banned partially hydrogenated oil by setting a 2 percent limit on the trans fat content of the oils in food. McDonald's, KFC, and Burger King, as well as all Danish companies, have switched to trans-free oils, apparently without any problems or complaints.

In sum, if all those restaurants could switch and protect their customers' health, so could every restaurant in Connecticut. It would be nice if every restaurant switched voluntarily, but they are not. That's why Connecticut—and every other city and state—should fulfill their responsibility to protect the public's health by passing legislation such as the bill you are considering. You could save hundreds of lives at virtually no cost to citizens and the city and only a temporary, modest cost and inconvenience to the restaurants. Connecticut has a unique opportunity to

become the first state to ban trans fat in restaurants. I hope that the Public Health Committee and the Connecticut state legislature will act on this opportunity and approve this legislation promptly.

Thank you for your consideration.

Sincerely,

Michael F. Jacobson  
Executive Director

**Testimony of Julie Greenstein, Deputy Director of Health Promotion Policy  
Hearing on Food Service Facilities – Artificial Trans fat Prohibition, HB 91  
House Committee on Health and Government Operations  
February 27, 2007**

Good Afternoon Chairman Hammen, Vice Chair Goldwater and other Members of the Committee. I am Julie Greenstein, Deputy Director of Health Promotion Policy at the Center for Science in the Public Interest (CSPI), a nonprofit health advocacy organization based in Washington, D.C. Among other things, CSPI led the effort to win passage of the law requiring nutrition labeling on packaged foods, and we publish the Nutrition Action Healthletter, the nation's largest-circulation nutrition newsletter. 20,000 of our subscribers live in Maryland.

I applaud Delegate Hubbard for introducing HB 91 which would most ban trans fat in Maryland food service facilities. This legislation would help protect Maryland citizens from a very significant cause of heart disease, though of course, not the only cause.

CSPI has long been concerned about trans fat. In 1993 we first called on the U.S. Food and Drug Administration to require the trans-fat content of packaged foods to be listed on labels. The FDA finalized its labeling regulation in 2003. But that regulation did not cover restaurants. However, restaurants too are finally starting to move in the right direction. Some restaurants are getting rid of most trans-fat voluntarily. Also, as you may know, last year the New York City Board of Health passed a trans-fat ban for city restaurants, and earlier this month Philadelphia passed a similar law.

You may hear today from organizations that oppose this legislation and call for a voluntary program instead. Unfortunately, voluntary programs don't work. Prior to passing its regulation, New York City tried to rid the city's restaurants of trans fats through a voluntary program, using nutrition education as a tool to convince restaurants to choose non-trans oils. After one year, the city concluded that that approach had failed -- few if any restaurants that had been using trans fat in their cooking had switched to healthier cooking oils.

One question that is commonly asked about banning trans fat is, "are there alternatives and are these alternatives readily available?" The answer to both of these questions is yes. There are many healthy trans-fat free alternatives, such as soy, corn and canola oils. Also, many companies offer trans fat-free margarines and shortenings. Even Crisco is now trans-fat free.

Another question is, "are these 'replacement' oils more expensive?" Most of these oils should not affect the price of menu items. Some of the newly marketed trans-free oils are slightly more

expensive, but because some of them have longer “fry lives,” they will last longer, most likely making them cost-neutral or only slightly more expensive.

The cost of not banning trans fat is literally a fatal one. Harvard School of Public Health researchers recently estimated that each year trans fat causes 72,000 to 228,000 heart attacks, including roughly 50,000 fatal ones. **This translates into about 1400 to 4,600 heart attacks and about 1000 deaths annually in Maryland. Those illnesses and deaths are unnecessary, and many could be prevented by the legislation offered today.**

Partially hydrogenated oils—think stick margarine and solid shortening—have been the source of most of the trans fat in our diet and have had a dramatic recent history. Twenty years ago, the FDA and academic scientists (and CSPI) thought they were safe. But that all changed in 1990, when research began demonstrating that trans fat, on a gram-for-gram basis, is the single most harmful type of fat—even worse than the saturated fat in meat and dairy products—in terms of promoting heart disease. There is now a consensus among scientists that people should consume as little trans fat from partially hydrogenated oils as possible.

While CSPI began calling for the labeling of trans fat in 1993, the medical research conducted over the next dozen years indicated that trans fat was far more harmful than anyone originally suspected. CSPI called on the FDA not just to require labeling of trans fat but to get it out of the food supply. It was only a few months earlier that Denmark became the first nation to virtually ban partially hydrogenated oils and largely eliminate the presence of artificial trans fat.

Many food manufacturers, including Kraft, Frito-Lay, and ConAgra, responded to the FDA’s labeling requirement by switching to healthier trans-free oils. However, restaurants don’t provide labeling, and many restaurants have not switched to healthier oils.

The American Heart Association and the federal government’s Dietary Guidelines Advisory Committee have recommended that Americans get less than 1 percent of their calories from trans fat, or about 2 grams per day. Many restaurant foods contain far more than that. A large order of McDonald’s fries provides 8 grams of trans fat, or about 4 days’ worth. At Burger King, a mom could start the day with 8 grams of trans fat in her hash browns while her child consumed 4.5 grams in the French Toast Kid’s Meal. At Krispy Kreme, most doughnuts contain at least 5 grams of trans fat. And KFC’s chicken pot pie contains 14 grams of trans, a whole week’s worth.

Because the FDA has refused to take national action, CSPI strongly supports city and state legislation that would get artificial trans fat out of all restaurants. The bill you are considering would limit the amount of trans fat in restaurant foods. Many restaurants, large and small, are demonstrating that such limits are practical. Consider:

- Such big chains as Arby’s, KFC and Taco Bell recently joined Wendy’s, Ruby Tuesday, Chili’s Grill & Bar, Ruth’s Chris, and Panera Bread in moving toward healthier oils. Wendy’s said that the new oils don’t cost any more than the old.
- Small restaurants, too, such as Silver Diner in Maryland, Ina’s Kitchen in Chicago, Katz’s Delicatessen in New York, Pete’s Kitchen in Denver, Country Diner in Akron, Ohio, Faros Family Restaurant in Fond du Lac, Wisconsin, and many others have largely eliminated trans fat. Some have said that the switch was cost-neutral, while others say

the extra expense was minimal. Legal Sea Foods and other's say that their fried foods taste better now that it is fried in liquid oil.

- Marriott International (with 2,300 hotels), Carnival Cruise Lines, Disney Theme Parks, and Universal Studio Theme Parks are all phasing all trans fats out of the foods they serve.
- McDonald's sells foods without trans-free oils in much of Europe, Israel, Australia, New Zealand, and certain other countries. It has announced that it is on the way to removing trans fat in the United States, including over 1,000 of its 13,000 U.S. restaurants. It's unclear whether they have switched oils in Maryland.
- Denmark has essentially banned partially hydrogenated oil by setting a 2 percent limit on the trans fat content of the oils in food. McDonald's, KFC, and Burger King, as well as all Danish companies, have switched to trans-free oils, apparently without any problems or complaints.

If all those restaurants could switch and protect their customers' health, so could every restaurant in Maryland. It would be nice if every restaurant switched voluntarily, but they are not. That's why Maryland—and every other city and state—should fulfill their responsibility to protect the public's health by passing legislation such as the bill you are considering. You could save hundreds of lives at virtually no cost to citizens and the state and only a temporary, modest cost and inconvenience to the restaurants. Maryland has a unique opportunity to become the first state to ban trans fat in restaurants. I hope that the Health and Government Operations Committee and the Maryland state legislature will act on this opportunity and approve this legislation promptly.

Thank you for your consideration.

**Testimony of Michael F. Jacobson, Executive Director  
Center for Science in the Public Interest  
Hearing on Artificial Trans Fat  
Montgomery County Council  
April 24, 2007**

Good Afternoon. My name is Michael Jacobson and I am the Executive Director of the Center for Science in the Public Interest. CSPI is a nonprofit health advocacy organization based in Washington. Among other things, CSPI led the effort to win passage of the law requiring nutrition labeling on packaged foods.

I applaud Councilmember Trachtenberg for introducing a regulation that would largely eliminate artificial trans fat from County restaurants. This important regulation would help protect diners from a very significant cause of heart disease. Harvard School of Public Health researchers estimate that trans fat has been causing about 50,000 fatal heart attacks across the nation each year. Some of those deaths could be prevented by the measure being considered today.

CSPI, in 1993, first called on the U.S. Food and Drug Administration to require the trans-fat content to be listed on food labels. The FDA's labeling regulation went into effect in 2003, and that stimulated many manufacturers to begin using healthier oils. However, restaurants have been slower to act. Still, some major chains, and some smaller restaurants, have greatly reduced the amount of trans fat in their products. Those include Marriott, Silver Diner, and Black's right here in Montgomery County. However, most restaurants have not changed their oils.

The restaurant trade association advocates voluntary programs instead of regulations. Unfortunately, a voluntary program probably wouldn't work well. New York City tried that approach for a whole year, but concluded that few restaurants switched to healthier cooking oils.

The restaurant association contends that there isn't enough trans fat-free oil for the county's restaurants. But, in fact, the marketplace is working. The "pull" of consumer demand has spurred companies to spur oil processors to spur seed developers to spur farmers to grow more crops whose oils could replace partially hydrogenated soybean oil. We've seen skyrocketing acreages of low-linolenic soybean oil, high-oleic canola oil, and sunflower oil.

While the whole restaurant industry could not change oils overnight, parts of the industry and parts of the country can easily change. If New York and Philadelphia restaurants are changing oils within 18 months, and the entire Wendy's and KFC chains could switch oils, certainly so could restaurants in Montgomery

County. After all, county restaurants use only one-sixth of one percent of the nation's shortenings and oils. Supplies of those ingredients will be entirely sufficient to meet the restaurants' needs.

In conclusion, I urge the Council to fulfill its responsibility to protect the public's health by promptly getting artificial trans fat out of county restaurants.

Thank you.



March 14, 2007

Senator Rusty Crowe, Chair  
Senator Rosalind Kurita, Vice-Chair  
General Welfare, Health and Human Resources Committee  
Tennessee General Assembly  
Nashville, TN 37243

### **In Support of SB 40 – Trans Fat Disclosure and Warning in Food Service Establishments**

Dear Senators Crowe and Kurita:

I am the executive director of the Center for Science in the Public Interest (CSPI), a nonprofit health advocacy organization based in Washington, D.C. Among other things, CSPI led the effort to win passage of the law requiring nutrition labeling on packaged foods, and we publish the Nutrition Action Healthletter, the nation's largest-circulation nutrition newsletter. We have 10,000 subscriber/members in Tennessee.

I applaud Senator Jackson and Representative Shepard for introducing SB 40/HB 22 which would require food service establishments in Tennessee to indicate on their menus which foods contain artificial trans fat and to provide a statement informing patrons of the health risks associated with trans fat. A statement could say, "Some foods served here contain trans fat. Trans fat can increase your risk of stroke and heart attack." This legislation would help discourage consumers from eating restaurant foods high in trans fat and could help protect Tennessee citizens from a major (though, of course, not the only) cause of heart disease. I also commend Senator Jackson for introducing SB 154 which would ban trans fat in restaurants and hope the Committee will also hold a hearing on that bill as well.

Partially hydrogenated oils—think stick margarine and solid shortening—have been the source of most of the trans fat in our diet and have had a dramatic recent history. Twenty years ago, the FDA and academic scientists (and CSPI) thought they were safe. But that all changed in 1990, when research began demonstrating that trans fat, on a gram-for-gram basis, is the single most harmful type of fat—even worse than the saturated fat in meat and dairy products—in terms of promoting heart disease. There is now a consensus among scientists that people should consume as little trans fat from partially hydrogenated oils as possible.

In 1993 CSPI first called on the U.S. Food and Drug Administration (FDA) to require the trans-fat content of packaged foods to be listed on labels. The FDA finalized its labeling regulation in 2003, and numerous large food manufacturers, including Kraft, Frito-Lay, and ConAgra, responded by switching to healthier trans-free oils.

While CSPI began calling for the labeling of trans fat in 1993, the medical research conducted over the next dozen years indicated that trans fat was far more harmful than anyone originally suspected. Thus, in 2004 CSPI called on the FDA not just to require labeling of artificial trans fat but to get it out of the food supply. It was only a few months earlier that Denmark became the first nation to virtually ban partially hydrogenated oils and largely eliminate artificial trans fat from the diet.

It is important to note that FDA's labeling regulation did not cover restaurants, and the FDA has not taken any further actions to reduce the consumption of trans fat from packaged or restaurant foods. Meanwhile, the American Heart Association and the federal government's Dietary Guidelines Advisory Committee have recommended that Americans get less than 1 percent of their calories from trans fat, or about 2 grams per day. Many restaurant foods contain far more than that. A large order of McDonald's fries provides 8 grams of trans fat, or about 4 days' worth. At Burger King, a mom could start the day with 8 grams of trans fat in her hash browns while her child consumed 4.5 grams in the French Toast Kid's Meal. At Krispy Kreme, most doughnuts contain at least 5 grams of trans fat—and many people eat more than one at a time. And KFC's chicken pot pie contains 14 grams of trans, a whole week's worth.

Fortunately, some restaurants are starting to get rid of trans fat voluntarily. Also, last year the New York City Board of Health passed a trans-fat ban for city restaurants, and last month Philadelphia passed a similar law.

Harvard School of Public Health researchers recently estimated that each year trans fat causes 72,000 to 228,000 heart attacks, including roughly 50,000 fatal ones. **This translates into about 1400 to 4,600 heart attacks and about 1000 deaths annually in Tennessee. These illnesses and deaths are unnecessary, and many could be prevented by the legislation offered today.**

Because the FDA has refused to take national action, CSPI strongly supports city and state legislation that would get artificial trans fat out of all restaurants. While an all-out ban of trans fat in restaurants would be preferable, the bill you are considering today will educate consumers about the dangers of trans fat and hopefully reduce consumption.

Many restaurants, large and small, have already eliminated trans fat from their cooking. Consider:

- Such big chains as Arby's, KFC, and Taco Bell recently joined Wendy's, Ruby Tuesday, Chili's Grill & Bar, Ruth's Chris, and Panera Bread in moving toward healthier oils. Wendy's said that the new oils don't cost any more than the old.
- Small restaurants too, such as Silver Diner in Maryland, Ina's Kitchen in Chicago, Katz's Delicatessen in New York, Pete's Kitchen in Denver, Country Diner in Akron, Ohio, Faros Family Restaurant in Fond du Lac, Wisconsin, and many others have largely eliminated trans fat. Some have said that the switch was cost-neutral, while others say the extra expense was minimal. Legal Sea Foods and other's say that their fried foods taste better now that it is fried in liquid oil.
- Marriott International (with 2,300 hotels), Carnival Cruise Lines, Disney Theme Parks, and Universal Studio Theme Parks are all phasing all trans fats out of the foods they serve.

- McDonald's sells foods without trans-free oils in much of Europe, Israel, Australia, New Zealand, and certain other countries. It has announced that it is on the way to removing trans fat in the United States, including in over 1,000 of its 13,000 U.S. restaurants. It's unclear whether McDonald's has switched oils in Tennessee.
- Denmark has essentially banned partially hydrogenated oil by setting a 2 percent limit on the trans fat content of the oils in food. McDonald's, KFC, and Burger King, as well as all Danish companies, have switched to trans-free oils, apparently without any problems or complaints.

Tennessee and every other city and state should fulfill their responsibility to protect the public's health by strictly limiting the presence of artificial trans fat in restaurant foods and by passing legislation such as the bill you are considering. You could save hundreds of lives annually at virtually no cost to citizens and the state. I hope that the General Welfare, Health and Human Resources Committee and the Tennessee state legislature will act on this opportunity and approve this legislation promptly.

Thank you for your consideration.

Sincerely,

Michael F. Jacobson  
Executive Director