

July 2, 2013

Margaret Hamburg, M.D., Commissioner  
U.S. Food and Drug Administration  
10903 New Hampshire Ave.  
Silver Spring, MD 20993

Dear Dr. Hamburg:

The Food and Drug Administration (“FDA”) considers partially hydrogenated vegetable oil (“PHO”), the source of artificial trans fat, to be Generally Recognized As Safe (“GRAS”) and permits companies to use any amount in preparing their foods. In contrast, the American Heart Association advises people to consume under about 2 grams of trans fat daily (including naturally occurring trans fat), and the federal government’s Dietary Guidelines for Americans advises people to consume “as little as possible” trans fat. The FDA itself, which requires trans fat content to be included on Nutrition Facts labels, has recognized that trans fat has been causing thousands of deaths due to heart disease annually.

Many companies, spurred by the FDA’s labeling requirement, massive negative publicity about trans fat, local and state bans on trans fat in restaurant and bakery foods, and lawsuits against companies that didn’t disclose the presence of trans fat in their products, have reduced or eliminated their use of PHO. Overall, it appears that over the past decade the amount of artificial trans fat in the food supply has decreased by at least two-thirds.<sup>1</sup> However, progress in eliminating trans fat from packaged foods has slowed in recent years.<sup>2</sup>

Long John Silver’s is a major restaurant chain that has more than 1,000 outlets and annual sales of some \$700 million. It features fish, hushpuppies, onion rings, and French fries that are fried, at least in the Washington, DC, area, in PHO. CSPI commissioned tests of Long John Silver’s Big Catch meal and discovered horrendous amounts of trans fat. That meal served with fish, onion rings, and hushpuppies contains 33 grams of trans fat, or 16 times as much as the American Heart Association recommends.<sup>3</sup> (Other meals with smaller pieces of fish would have trans-fat contents in the range of 20 to 30 grams.)

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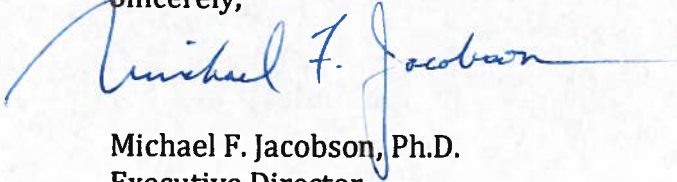
<sup>1</sup> Dietz WH, Scanlon, KS. JAMA. 2012;308:143-4.

<sup>2</sup> Otite FO, Jacobson MF, Dahmubed A, Mozaffarian D. Prev Chronic Dis. 2013 May 23;10:E85. doi: 10.5888/pcd10.120198.

<sup>3</sup> That meal also contains two to three days’ worth (3,700 mg) of sodium, another matter on which the FDA has not acted, and more than a day’s worth (19 grams) of saturated fat.

The behavior of Long John Silver's—and other restaurants and packaged-food manufacturers—demonstrates that some irresponsible companies won't change their frying oils unless forced to by government. Thus, that company fries its foods in healthier canola oil in California and other locales where governments have limited the presence of trans fat. The FDA also has been irresponsible by failing to ban PHO years ago, as CSPI's petition of 2004 called for and on which the FDA has not acted.<sup>4</sup> It is extremely important to understand that the PHO in Long John Silver's meals, other restaurant foods, and packaged foods are contributing to *thousands of premature deaths annually*. Those deaths may occur months or years after the foods are eaten and not appear as tragic as deaths caused by pathogens or allergens, but the harm is severe nevertheless. I urge the FDA to get partially hydrogenated oil, with its harmful trans fat, out of the American food supply promptly and permanently.

Sincerely,

A handwritten signature in blue ink that reads "Michael F. Jacobson". The signature is fluid and cursive, with a long horizontal line extending to the right.

Michael F. Jacobson, Ph.D.  
Executive Director

cc: Michael Taylor, Michael Landa, Jessica Leighton

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<sup>4</sup> Prominent disclosure of trans fat content at restaurants would be a second-best solution, but the FDA quickly rejected a petition on that issue that CSPI filed in 2004.