

The Reduction of Trans Fat in the Toronto Food Supply - Update

Date:	September 4, 2007
To:	Board of Health
From:	Medical Officer of Health
Wards:	All
Reference Number:	

SUMMARY

The purpose of this report is to summarize progress in reducing trans fat in the Toronto food supply since the March 29, 2007 Board of Health report, *The Regulation of Trans Fat in the Canadian Food Supply*. That report identified the public health implications of “artificially produced trans fat” in the food supply, which include an increased risk of heart disease.

Since the March 2007 report, the Federal government has announced the adoption of the recommendations of the Trans Fat Task Force (TFTF). For vegetable oils and soft spreadable margarines sold at retail, trans fat should be limited to 2 percent of the total fat content. For all other foods sold at retail, and ingredients sold to restaurants, the trans fat content should not exceed 5 percent of the total fat content. A two-year voluntary phase-in period was announced by Health Canada, with a proposed regulatory option if industry fails to make significant progress.

This report highlights the progress that Toronto Public Health (TPH) has made in acting on the recommendations following the March 29 report. In particular, this report provides a summary of the progress made in City-operated Agencies, Boards, Commissions and Divisions (ABCDs) to voluntarily reduce trans fat in foods they are providing. This report also outlines the regulatory options available in the City of Toronto government to reduce trans fat in Toronto restaurants and other foodservice premises. It is recommended that Toronto Public Health assist the food industry and foodservice industry to shift away from the use of trans fat to healthier alternatives through education and monitoring with public reporting on trans fat levels in the food supply. Local regulation should be deferred pending the results of monitoring, and the availability of resources for development and implementation.

RECOMMENDATIONS

The Medical Officer of Health recommends that:

1. Toronto Public Health promote the adoption of alternatives to trans fat in Toronto foodservice establishments during the two-year voluntary phase of Health Canada's implementation of the Trans Fat Task Force's recommendations. This will include the addition of trans fat education into the mandatory Food Handler Certification Program provided to Toronto foodservice owners and operators.
2. Toronto Public Health collaborate with Health Canada and the Heart and Stroke Foundation of Canada to monitor and report publicly on trans fat levels in food sold and served in Toronto and provide public education on the health risks and sources of trans fats.
3. The Board of Health urge Health Canada to include low cost food items and ethnic foods in its trans fat monitoring program to ensure that low-income populations and immigrants benefit equally from the reduction in trans fat in the Canadian food supply and are not at greater risk from consumption of imported or specialized products.
4. The Board of Health urge Health Canada and the Government of Canada to immediately regulate trans fat in the Canadian food supply if at the end of the two year voluntary period, 100% of products from food categories targeted by the Trans Fat Task Force as being sources of industrially-produced trans fats have not met the recommended limits.
5. The Board of Health direct the Medical Officer of Health to communicate with the Chief Executive Officers of the five Local Health Integration Networks (LHINs) serving Toronto to request that the trans fat content of food that is served in hospitals and other health care institutions is reduced to meet the targets of the Trans Fat Task Force.
6. The Board of Health direct the Medical Officer of Health to urge Health Canada to implement an educational campaign to inform the food industry and foodservice operators about how they can reduce artificial trans fat. This campaign should include clear language resources in multiple languages in order to reach Toronto's diverse foodservice operators; and
7. The Medical Officer of Health report to the Board of Health on the progress achieved in voluntary trans fat reductions in September 2008.

Financial Impact

There are no direct financial implications arising from this report.

DECISION HISTORY

At its meeting of April 19, 2007, the Board of Health considered a report, *The Regulation of Trans Fat in the Canadian Food Supply*. The report contained background information on the health effects of trans fat, a summary of the Federal Trans Fat Task Force's recommendations and information on the approach that other jurisdictions have taken to the regulation of trans fat. This report provides an update as requested (see Attachment 1) on the progress made with respect to voluntary trans fat reduction in the City of Toronto and on regulatory options for phasing out of trans fat in Toronto restaurants and other foodservice establishments. Information on local regulatory options was prepared in consultation with the City Solicitor.

ISSUE BACKGROUND

Trans fat occurs naturally and is found in low levels (2-5% of fat) in foods such as dairy products, beef and lamb. However, most of the trans fat in the food supply is artificial, created when an unsaturated fat that is liquid at room temperature is processed or hydrogenated to make it a solid or semi-solid at room temperature. Trans fat is listed on food labels as "partially hydrogenated" or "vegetable oil shortening". Trans fat is commonly found in margarines, baked goods like cookies and crackers, and deep fried foods from fast food outlets. Food manufacturers use trans fat because it extends the shelf-life of foods and provides textural properties that are perceived as desirable.

Metabolic and observational epidemiological studies have consistently found that trans fat increases the risk of heart disease. Studies show that trans fat increases blood levels of "bad" (LDL) cholesterol and decreases levels of "good" (HDL) cholesterol. Both effects are associated with increased risk of coronary heart disease.

In early 2005, the Federal Trans Fat Task Force was formed in response to the passage of an opposition motion introduced in the House of Commons calling for Health Canada and the Heart and Stroke Foundation of Canada to co-chair a multi-stakeholder task force. The Task Force had a mandate to develop recommendations to "effectively eliminate or reduce processed trans fat in Canadian foods to the lowest level possible".

The Task Force was comprised of individuals from the food manufacturing and food service industries, the federal government, non-governmental health organizations, academia, consumer groups and oilseed producers and processors. In June 2006, the Trans Fat Task Force submitted their final report, *TRANSforming the Food Supply*¹, to the Minister of Health. The recommendations of the Task Force are:

- a) Foods purchased by retailers or food service establishments from a manufacturer for direct sale to consumers be regulated on a finished product or **output** basis and foods prepared on site by retailers or food service establishments be regulated on an ingredient or **input** basis.
- b) For all vegetable oils and soft, spreadable (tub-type) margarines sold to consumers or for use as an ingredient in the preparation of foods on site by

retailers or food service establishments, the total trans fat content be limited by regulation to 2% of the total fat content.

- c) For all other foods purchased by a retail or food service establishment for sale to consumers or for use as an ingredient in the preparation of foods on site, the total trans fat content be limited by regulation to 5% of the total fat content. This limit does not apply to food products for which the fat originates exclusively from ruminant meat or dairy products.

Based on modeling, it is estimated that the average trans fat intake of Canadians would be reduced by at least 55% if these recommendations are implemented. This would decrease average trans fat intakes from 4.9 g/day to 2.4 g/day. At this level, the average daily intake of trans fat for all age groups would represent less than 1% of total energy intake, consistent with the World Health Organization's recommendation for trans fat intake. This would significantly improve the heart health of Canadians and save lives. It is estimated by Health Canada that this would reduce coronary heart disease-related deaths by 5% or more per year.

The recently released Canada's Food Guide, *Eating Well with Canada's Food Guide*, contains a strong message to Canadians to "Limit trans fat". This is based on the Dietary Reference Intakes (DRI's) "a common set of reference values for Canada and the United States that are based on scientifically grounded relationships between nutrients and indicators of adequacy, as well as the prevention of chronic diseases, in apparently healthy populations"². These values were developed by the Food and Nutrition Board of the National Academies' Institute of Medicine with support from the Canadian and American governments and others. The DRI's replace the U.S. Recommended Dietary Allowances (RDAs) and the Canadian Recommended Nutrient Intakes (RNIs) which served as the foundation of nutrition policy in each country. The DRI's recommend that trans fat be kept as low as possible in the diet because any increase in trans fatty acid intake increases the risk of coronary heart disease³.

COMMENTS

Update on Federal Action on Trans Fat

When the Federal Trans Fat Task Force submitted its final report to the Minister of Health in June 2006, the Minister promised to respond to the report. On June 20, 2007, The Honourable Minister Tony Clement, Minister of Health, announced that Health Canada would adopt the limits proposed by the Trans Fat Task Force. The Minister stated that these limits will be used to assess industry's performance over the next two years, and that three Health Canada laboratories will measure the trans fat content in certain foods and publish the results. Should the industry fail to reduce the levels of trans fat significantly, the Minister announced that Health Canada will regulate their use.

With the announcement, Minister Clement committed Health Canada to monitoring and reporting publicly on the trans fat content of the Canadian food supply. Samples have

been taken from a range of products, based on historical reliance on trans fats and consumer purchasing data, and were analysed in laboratories in Winnipeg, Montreal and Toronto. Health Canada is planning to release the results in the fall, and has plans to make the data available to consumers via their website. In addition to testing already done, Health Canada is eager to partner with stakeholders to identify further foods to be tested. Toronto Public Health has been invited to provide input on sampling strategies which could enhance local efforts to create a baseline, monitor progress and set locally-relevant targets.

A regulatory approach at the Federal level would have many advantages in effectively reducing trans fat in the Canadian food supply. Most importantly, it would promote the development of alternative supplies of more healthful alternatives to trans fats at the national level. It would also level the playing field for all players in the food industry and would ensure that all Canadians, particularly those at the highest consumption levels, benefit from the virtual elimination of artificial trans fats.

Although Health Canada's plan to assess the industry's progress in voluntarily reducing trans fat over the next two years does not adopt the TFTF recommendation for regulation, it is broadly consistent with the Task Force's implementation strategy. The TFTF had recommended a "2+2" approach to implementation, with regulations to be finalized by June 2008 (i.e., two years from June 2006, the date the final report of the TFTF was submitted to the Minister), and a basic one-year phase-in period from the time of regulations being developed (i.e., most of industry would have to comply by June 2009). The TFTF recommended an extended phase-in period in certain circumstances, such as the baking industry and for small and medium-sized firms, recognizing that in most cases the transition could be made within two years of the date of entry into force of the final regulations. This would mean that the entire industry would be in compliance by June 2010.

At its meeting on April 19, 2007 the Board of Health urged the federal government to implement the recommendations of the TFTF and asked the federal Minister of Health to meet with the Medical Officer of Health and Chair of the Board of Health. A formal meeting has been requested but the Minister has not been available to meet. The Medical Officer of Health had a brief informal meeting with Minister Clement on July 9, 2007 and met with staff of Health Canada on August 14, 2007. The Board's position was conveyed at both meetings.

Update on Other Jurisdictions

US States

Ten states have pending bills to restrict or prohibit trans fats in restaurants: Connecticut, California, Hawaii, Massachusetts, Maryland, Michigan, New Hampshire, New York, Rhode Island and New Jersey. Trans fat bans for public school cafeterias have been proposed in California, New Hampshire, Texas, Mississippi, Florida and Virginia. A dozen states are considering labelling requirements. Los Angeles has taken a different

approach, announcing it will partner with the California Restaurant Association to voluntarily phase out trans fats.

New York City

On July 1, 2007, New York City's amendment to its Health Code regulating food containing artificial trans fat came into effect for oils, shortenings and margarines used for frying and in spreads. The amendment phases out the use of artificial trans fat in all foodservice establishments required to hold a New York City Health Department permit, including restaurants, caterers, mobile food-vending units, and mobile food commissaries. As of July 1, 2007, the use of partially hydrogenated vegetable oils, shortenings and margarines used for frying, pan-frying, grilling or as a spread is prohibited unless the product label, or other documents supplied by the manufacturer, show these ingredients contain less than 0.5 grams of trans fat per serving.

Beginning July 1, 2008, no food containing partially hydrogenated vegetable oils, shortenings, or margarines with 0.5 grams or more of trans fat per serving may be stored, used, or served by foodservice establishments. The regulation does not apply to food served in the manufacturer's original sealed packaging, such as crackers or a bag of potato chips.

The New York City Department of Health and Mental Hygiene (NYC Health) web site provides information for foodservice operators on how to replace trans fat in a menu, and advertises free classes about trans fat and the new regulations. In addition, free assistance is being offered to all New York Centre food professionals through the Trans Fat Help Center www.notransfatnyc.org or a "Trans Fat Helpline" telephone service which offers assistance in more than 150 languages. NYC Health is offering monthly classes on trans fat replacement. The Help Centre is housed in the New York City College of Technology, home of a culinary professional school, and funded through NYC Health and a grant from the American Heart Association. The amount of funding provided for the web site, telephone line and classes is not public.

In their promotional materials, NYC Health states that the Health Department will issue violations on the trans fat regulation beginning July 1, 2007. Violations are currently being posted on the web site. However, there will be a 3-month grace period (to October 1, 2007) in which violations will not result in the issuing of a fine. Fines may range from \$200 to \$2,000.

In a press release dated June 29, 2007, NYC Health reported that 83% of New York City restaurants were not using artificial trans fat for frying as of June 1 (prior to the ban). This estimate was based on a survey of about 1,000 foodservice establishments in New York City collected over a 5-week period by inspectors. Based on personal communication with staff at NYC Health, the trans fat content of products could not be determined in about 12% of the foodservice establishments surveyed. NYC Health plans to conduct surveys to assess the level of trans fat being used in foodservice establishments as baseline information and to monitor progress.

Calgary Health Region

Calgary Health Region (CHR) has announced it is intending to implement the recommendations of the Trans Fat Task Force locally. Phase I of implementation, starting January 1, 2008, would require that partially hydrogenated vegetable oils, shortenings, or margarines may not be used for frying, pan frying (sautéing), grilling, or as a spread, unless the trans fat content is less than 2% of the total fat content by weight. This would apply to restaurants, caterers, mobile food vendors, or any type of food establishment that uses partially hydrogenated vegetable oils, shortenings, or margarines for deep frying, sautéing, grilling or as spreads.

In Phase II, targeted to begin early in 2009, no food containing partially hydrogenated vegetable oils, shortenings, or margarines with 5% or more trans fat of total fat content by weight may be stored, used, or served by food services establishments. This limit would not apply to food products for which the food originates exclusively from ruminant meat or dairy products. Phase II will apply to all food establishments, including retail stores and grocery stores.

Alberta's provincial public health legislation act empowers each regional health authority to issue annual permits to food vendors. CHR plans to send out information on their trans fat initiative to food permit holders in August 2007 as part of their food permit renewal process. As part of its planned implementation, CHR will also be providing information to all food permit operators and providing them with an opportunity to provide their feedback and identify potential challenges and issues. They will also be asking operators to identify the type of resources and assistance they require to make the switch to healthier alternatives. In addition, they are exploring the feasibility of a public survey to provide baseline information. It is noted in the materials provided by CHR that implementation dates will not be final until all consultations are done.

CHR Trans Fat Reduction Strategy would apply to all businesses that need a Food Operating Permit from CHR. CHR's materials state that violations will not be critical, but Public Health Inspectors will note them on inspection reports and they will be posted on the CHR public website. Inspectors will issue orders to meet the trans fat requirements, and ongoing violations may lead to a suspension of a Food Operating Permit.

Progress on Voluntary Trans Fat Reduction in City of Toronto

City of Toronto Agencies, Boards, Commissions and Divisions

In June 2007, the Medical Officer of Health wrote to all Toronto Agencies, Boards, Commissions and Divisions (ABCDs), requesting information on current and planned foodservice practices related to the use of artificial trans fats. The request was made to 70 contacts and 67 responses were received (see Attachment 2). Information on the nature of foodservice operations and whether contacts have taken or intend to take any

action to reduce the amount of trans fat in foods served or sold was requested. For those contacts whose food service was contracted out to a supplier, they were asked for the next date(s) for the request(s) for proposals. Finally, ideas about the types of information or support required from TPH by foodservice operations to reduce the amount of trans fats in products served or sold were solicited.

Of the 67 responses received, 32 contacts had some form of food service operation and the remaining 35 reported none. Foodservice operations included regular meal service to specific groups (such as meals in child care centres or homes for the aged), meal programs, restaurants, cafeterias, vending machines, concessions, snack bars or food served at special events. Of the 32 contacts which serve or sell food, just over half (18) reported that they have already taken some action with respect to trans fats. For example, many contacts reported reading food labels and purchasing only foods with zero or reduced trans fats. These operations were typically smaller in size and run by staff rather than outside suppliers. Another seven contacts reported that they will make changes in the near future or have targets set for 2007 or 2008 to make the switch to reduced trans fat alternatives.

Many of the larger food service operations also reported taking action. Children's Services has removed all artificial trans fat items from their menus, except in five locations where food is obtained from another city division. The Toronto Zoo now uses a trans fat free fryer oil and staff are identifying which products contain trans fats and will approach suppliers for alternatives. None of the foodservice contracts administered by Parks, Forestry and Recreation make reference to trans fats but suppliers have made some changes on their own. For example, the supplier for foodservice operations in High Park, Sunnyside and at all City run golf courses now uses trans fat free cooking oils and reports looking for other trans fat free alternatives where possible.

The contacts who reported not taking more action to reduce trans fats typically cited a lack of healthier alternatives as the reason. Homes for the Aged also identified that, although they had made several substitutions, some products that do not meet the Federal Trans Fat Task Force recommendations remain on the menu (such as cakes and sweet treats) in consideration of the quality of life of elderly residents.

Only a minority of respondents identified a need for more information or support from TPH. Those who requested further assistance asked for help with identifying trans fat free alternatives for vending machines or recipes and having educational workshops with staff and suppliers who prepare food. Shelter, Support and Housing Administration also requested assistance in identifying ways to acquire emergency food supplies quickly while still adhering to the reduced trans fat guidelines. Toronto Public Health staff will continue to work with those respondents to assist them in reducing artificial trans fat.

Food Service Industry

Food industry representatives and foodservice operators consulted in the preparation of this report (see Attachment 3) consistently identified a challenge in accessing adequate

supplies of ingredients with reduced trans fat. The costs associated with reducing the amount of trans fat in the food supply include the cost of the oil itself, as well as costs related to product development, consumer testing, marketing, packaging, oil storage and handling, and retooling of the manufacturing process. Industry representatives have stated that they support the TFTF recommendations. With the exception of the baking industry, food industry representatives expressed confidence in their ability to be in full compliance with the TFTF's targets by July 2009.

Industry has expressed some frustration given that conversion to trans fat utilization occurred because of health concerns over saturated fat consumption. Trans fat was considered to be a healthier option to saturated fat (e.g., butter and lard) at the time. The industry does not want to consider saturated fat as a quick and simple solution to replacing trans fat. There are real challenges in finding healthy alternatives to trans fat for some applications. For example, it is very challenging to find a hard fat to produce the desired functional qualities (e.g., tender and flaky texture) in products such as puff pastry and Danish. For functionality, the majority of alternatives to trans fat currently available for baking applications are still high in saturated fat, which for the most part, have negative effects on blood cholesterol levels and cardiovascular disease risk.

Recent cost containment measures have delayed any TPH-funded direct communications to Toronto foodservice operators, although TPH has been working with external partners in an attempt to leverage resources (see Attachment 1).

Regulation of Trans Fat in the City of Toronto

Legal Framework

The federal, provincial and local levels of government may, in the absence of statutory conflict, legislate in respect of the same subject matter, a situation sometimes referred to as 'tri-level regulation'. All three levels of government have the authority to regulate some aspects of trans fat.

The federal government has the authority to regulate product composition standards and standards for statements or claims respecting the use of any substance as an ingredient in any food. For instance, when certain claims or statements are made about trans fats such as "free of trans fatty acids" or "reduced in trans fats", regulations under the federal *Food and Drug Act* prescribe the conditions that must be satisfied before such statements are made. To date there are no regulations specifying a maximum amount of trans-fat that may be found or added to foods for the purpose of protecting health.

In Ontario, the *Food Safety and Quality Act* and the *Health Protection and Promotion Act* authorize the provincial cabinet to make regulations that could regulate trans fat, but to date, no such regulations have been enacted.

Turning to the municipal level of government and to the City of Toronto in particular, the City of Toronto Act, 2006, there are two possible sources of authority in this Act under

which City Council could enact a by-law regulating trans fats if such regulation is considered necessary and appropriate. The first source of authority is clause 8(2)6 of the Act which authorizes the Council of the City of Toronto to enact by-laws respecting the ‘health, safety and well-being of persons’. If, relying on its ‘health, safety and well-being of persons’ powers and on the recommendation of the Medical Officer of Health, City Council enacted a by-law regulating trans fat, it would arguably fall within Council’s jurisdiction to do so. The second source of authority is in Council’s business licensing authority contained in clause 8(2) 11 and sections 85 – 96 which authorize Council to enact by-laws with respect to the licensing and regulating of businesses. At present, various businesses which provide food services, such as restaurants, are governed by the licensing regulations contained in Chapter 545 of the Municipal Code. It should be noted that Council’s business licensing authority is subject to various statutory and common law limits which will need to be considered further if the business licensing option is to be pursued. One preliminary threshold limit on the business licensing authority is that, by definition, it only applies to businesses. It does not apply to non-business entities such as schools, hospitals or homes for the aged that do not contract out their food services. Further, as Chapter 545 currently reads, not all businesses which provide food services are governed by Council’s licensing regulations. The most notable example of this is hotel restaurants.

The nature and extent to which the different levels of government elect to regulate trans fat will, to a large extent, determine the extent to which the City of Toronto can regulate trans fats by by-law. This is because the City of Toronto Act, 2006 precludes City Council from enacting by-laws that conflict with provincial or federal Acts or regulations.

Challenges of Municipal Regulation of Trans Fat

While it may be possible for Toronto to enact a by-law to reduce trans fat in all Toronto restaurants and other food premises, there are a number of policy and financial implications to this approach. The TFTF recommended a federal regulatory approach to effectively eliminate trans fat to the lowest possible level in Canada because:

- this would send a strong and consistent message to seed growers and oil producers to invest in healthier alternatives;
- of the need to target both manufactured foods and foods prepared in retail and food service establishments; and
- of the successful experience in Denmark with national regulation of trans fat.

These factors underpin the national nature of the food supply and the obstacles to local or municipal regulation of trans fat. Municipal regulation of trans fat would not send as strong a signal to oil producers that a national regulation would, because Toronto represents only a small component of the market. In addition, municipal regulation of foodservice premises would not address manufactured foods which also contain artificial trans fat.

Industry representatives consulted indicated that a local by-law focussed on restaurants and other foodservice premises would create an uneven playing field among different players in the food industry, and even within the same sector of the food industry. For example, there would be different requirements for the commercial and retail sectors of the baking industry. This would make it challenging for industry in terms of production and distribution.

While New York City is implementing a regulatory approach to trans fat in foodservice operations, the effectiveness of this approach remains to be seen. At the time this report was written, New York City was still in the 3-month “grace period” before the regulation will be enforced. In addition, the enforcement of the regulation for frying oils, shortenings, margarines and other spreads may be easier than the enforcement of the second phase of the regulation that takes effect July 1, 2008 and applies to all other products, except foods served in a manufacturer’s original sealed package (e.g. chips, crackers).

For the purpose of this document, “foodservice premise” means any food premise where meals or meal portions are prepared for immediate consumption or sold or served in a form that will permit immediate consumption on the premises or elsewhere (consistent with the Ontario Food Premises Regulation 562/90). In Toronto there are an estimated 12,500 foodservice premises. That estimated number includes bake shops, bakeries, cafeterias, catering vehicles, food court vendors, food take-outs, mobile food premises, restaurants, supermarkets with in-store food preparation, schools, day nurseries, nursing homes, institutional facilities, and retirement homes.

The inspection and enforcement of a local by-law will create added costs for Toronto Public Health. New York inspectors issue fines and the monies collected from those infractions go back to the Health Department to provide some cost-recovery. This is not the case with fines or monies collected from food premise violations in Toronto.

The costs associated with implementing a trans fat by-law in City of Toronto foodservice premises are estimated to be about \$250,000 per year for enforcement, based on estimated staffing of three full-time equivalents (FTE’s). The cost for education associated with a regulatory approach is estimated to be \$250,000 to \$500,000 per year in Toronto. Discussions with staff at New York Department of Health and Mental Hygiene have emphasized the important role of education and support to the foodservice industry to achieve compliance with the reduction and replacement of trans fat.

Recommended Approach: Education, Monitoring and Public Reporting

In view of the policy and resource challenges of local regulation of trans fat in Toronto, it is recommended that Toronto Public Health pursue an enhanced voluntary approach including education, monitoring, and public reporting. The decision to regulate locally should be deferred, pending an assessment of progress in voluntary compliance and the federal government’s decision on regulation. Any future consideration of local regulation will include an assessment of TPH capacity for development and implementation.

Toronto Public Health can play a strong role in supporting Toronto's foodservice industry to voluntarily reduce artificial trans fat through education and promotion. In addition, Toronto Public Health has an important role to play in educating the public about the importance of reducing trans fat, which will create an increased demand for food products with reduced trans fat. Toronto Public Health's participation in monitoring and public reporting of trans fat levels in the food supply will be critical in ensuring artificial trans fat is reduced.

The recommended approach has the following advantages:

- Provides time for the identification and sourcing of an adequate national supply of healthier alternatives to artificial trans fat, rather than pushing industry to convert to unhealthy saturated fat (e.g., palm oil) in the short-term
- Supports the progress already made in reducing artificial trans fat, and builds partnerships to enhance industry's ability to meet the targets for trans fat reduction announced by Health Canada (2% and 5%) within two years
- Recognizes that the reduction of artificial trans fats requires changes in the national food supply
- Supports the TFTF's recommendation that trans fat regulation (and the associated costs) are best undertaken at the national level
- Toronto Public Health can play a strong role in monitoring and public reporting to provide an incentive for industry compliance
- Allows for the option of local regulation if significant progress is not made by the food industry over the next two years and Health Canada fails to regulate
- Will allow TPH to focus its resources on education to promote healthy eating rather than on by-law development and enforcement.

With the June 20 announcement, there was a commitment that Health Canada would monitor the food supply and report publicly. This provides an opportunity to hold industry accountable for trans fat reductions and, if done well, may be effective in ensuring trans fat is reduced in the Canadian food supply. The key elements to ensure effective monitoring of trans fat levels in the food supply are:

- ensuring samples are taken from an ethnically and qualitatively diverse range of food products, including those from product categories considered more challenging (e.g., bakery products) and with the date and location from which the product is purchased
- reporting total fat composition (including saturated fats)
- ensuring low-cost products are over-sampled to ensure that voluntary trans fat reductions do not increase health disparities in the population
- ensuring samples are taken from foodservice and institutional as well as retail settings
- ensuring that monitoring is publicly reported, including brand names of specific products tested

- ensuring estimates of intake at the population level are reported publicly, including the distribution of intake among various age and gender groups.

CONCLUSIONS

Toronto Public Health should promote the reduction of artificial trans fat in Toronto through education, monitoring and public reporting. If this approach does not yield sufficient progress in trans fat reduction and the federal government does not regulate, then local regulation should be considered.

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SIGNATURE

Dr. David McKeown
Medical Officer of Health

ATTACHMENTS

- Attachment 1: Summary of Status on Recommendations from April 19, 2007
Board of Health Meeting Related to *The Regulation of Trans Fat in the
Canadian Food Supply*
- Attachment 2: Artificial Trans Fat Use in Toronto Agencies, Boards, Commissions and
Divisions
- Attachment 3: Summary of Toronto Public Health Meetings with Food Industry and
Foodservice Industry Representatives

Attachment 1:

**Summary of Status on Recommendations from April 19, 2007
Board of Health Meeting Related to
*The Regulation of Trans Fat in the Canadian Food Supply***

RECOMMENDATION	STATUS
1. Request a meeting with the Federal Minister of Health to urge the Government to implement the recommendations of the Trans Fat Task Force	Meeting requested by Board of Health Chair
2. Request all Agencies, Boards, Commissions and Divisions (ABCD's) operating food premises to voluntarily reduce the amount of artificially produced trans fat contained in foods served and sold in City-operated facilities so they do not exceed amounts proposed by the Trans Fat Task Force.	Request from Medical Officer of Health sent out to ABCD's May 31, 2007.
3. Request all Agencies, Boards, Commissions and Divisions operating food premises to develop and submit implementation plans to the MOH by July 2007, to achieve the trans fat targets of the Trans Fat Task Force, and further, that the MOH review plans and report back to the BOH by Sept 2007 on the trans fat reductions achieved.	See comments section of report.
4. Request that all nutrition programs funded through TPH entirely eliminate trans fat from their menus.	TPH Registered Dietitians (RDs) attended an education session, lead by an expert in the trans fat field, to enhance their knowledge of trans fat and how to ensure foods served in programs meet the trans fat requirements. In addition, TPH's <i>Healthy Eating Policy for Foods and Beverages Served at TPH Programs, Events, Meetings and Functions</i> was revised to reflect the trans fat requirements.

RECOMMENDATION	STATUS
<p>5. Request the MOH to: a) audit/review all TPH funded nutrition programs to ensure they meet the BOH's trans fat requirements</p>	<p>The Student Nutrition Program (SNP) has initiated a two-phase process to eliminate all artificial trans fats from program menus. Beginning in September 2007, all SNPs will receive onsite nutrition education regarding trans fat from a RD during a regular quality assurance site visit. Mandatory nutrition and food safety workshops for SNP coordinators and volunteers have also been revised to include a trans fat component. All programs are expected to meet or exceed the recommendations of the Trans Fat Task Force in the 2007-2008 school year. Phase two, beginning in 2008, will require the elimination of all artificial trans fat from program menus, to be confirmed through quality assurance site visits to all programs by RDs.</p>
<p>b) develop a communications strategy for restaurant associations and the public about the BOH's decision on trans fat and the health effects of trans fat.</p>	<p>Restaurant Associations: On July 26, 2007, Toronto Public Health met with representatives from the food industry and the foodservice industry to discuss trans fat (see Attachment 3 for list of meeting participants and key discussion points). Recent cost containment measures have delayed any TPH-funded direct communications to Toronto foodservice operators, although TPH has been working with external partners in an attempt to leverage resources.</p> <p>Public education: TPH has been working in partnership with the Heart and Stroke Foundation of Ontario (HSFO) to develop a trans fat clear language resource for the public that will be translated into English, French and a number of other languages. (note HSFO will be funding printing costs)</p>
<p>c) partner with TDSB and TCDSB to develop appropriate curriculum for school-age children on trans fat products</p>	<p>Revisions to "Discover Healthy Eating" the curriculum resource developed in partnership with TDSB and TCDSB for grades 1-8 are underway to reflect the trans fat recommendations as well as new CFG information. It is expected to be completed this fall for use in schools during the 2007-08 school year.</p>

RECOMMENDATION	STATUS
d) ensure that the Working Group on Nutrition Criteria in Municipal Child Care Centres includes parent representation	Municipal Child Care Services (MCCS) has recently created a Parent Reference Group. The workgroup proposed a recruitment of 8 parents (2 from each area), with representation from catered sites and sites where food is prepared on site. Also, included in the Reference Group are TPH and Children's Services staff members. The Nutrition Reference Group will give parents the opportunity to provide input on nutrition and food services and is expected to commence in September of 2007.
e) create a list of common, most used ingredients which meet the recommended guidelines or are completely free of artificial trans fat	See below.
f) create a list of products for a typical child care menu which is free of partially hydrogenated oils and vegetable oil shortening by typical serving size that meet the recommended guidelines	Currently, Health Canada is monitoring the trans fat content of foods in the Canadian marketplace and will report the findings to the public. Information, including brands, will be available on the Health Canada website. This information will be a useful tool for MCCS and TPH.
g) Report back to the BOH on the top ten other food additives or container properties which may harm children's health at child care centres	Report to be presented to Board of Health in winter 2007/2008.
h) Report back to the BOH by September 2007, on a regulatory strategy for the phasing out of trans fat in all Toronto restaurants and other food service establishments, including all institutional food service facilities funded by the City of Toronto	See comments section of report

RECOMMENDATION	STATUS
<p>6. Request the General Manager, Children’s Services to:</p> <p>a) incorporate the trans fat and nutrition criteria developed for directly-operated centres into operating criteria that applies to purchase of services</p>	<p>Nutrition criteria are in development phase. Next phase of development involves consultation with Parent Reference Group.</p>
<p>b) continue to work to entirely eliminate artificial trans fats in menus at City-owned child care centres</p>	<p>Artificial trans fat has been eliminated from foods served to children in municipal child care centres, except in 5 locations where food is obtained from another city division. TPH RDs reviewed the menu and confirmed that the M CCS menu is free from artificially produced trans fat.</p>

**Attachment 2:
Artificial Trans Fat Use in Toronto Agencies, Boards, Commissions and Divisions**

AGENCIES (AND CORPORATIONS)	COMMENTS
Toronto Community Housing Corporation	<ul style="list-style-type: none"> No food service operations
Toronto Economic Development Corporation	<ul style="list-style-type: none"> No food service operations
Waterfront Secretariat	<ul style="list-style-type: none"> No food service operations

BOARDS	COMMENTS
Applegrove Community Complex	<ul style="list-style-type: none"> 1 breakfast meal program, 1 special event, 4 snack programs Read labels to avoiding purchasing foods with high trans fat levels, serving more fruit and vegetables
Atrium on Bay	<ul style="list-style-type: none"> No food service operations
Business Improvement Areas	<ul style="list-style-type: none"> No food service operations
Cecil Community Centre	<ul style="list-style-type: none"> Children's program, youth program, community drop-ins serving 20-30 participants/day Staff will immediately purchase healthier snacks for the programs
Central Eglinton Community Centre	<ul style="list-style-type: none"> No meals served but Family Resource Centre and 50+ Program both serve snacks, also have small cafes at special events 3x per year. Staff look for reduced or no trans fat in ingredients when purchasing snacks. Would like staff training workshops or written material for more info.
Community Centre 55	<ul style="list-style-type: none"> Regular meal service to specified population (2 sites, 5 days/week for 10 months) Reduced purchasing of products containing trans fats
Eastview Neighbourhood Community Centre	<ul style="list-style-type: none"> Regular meal service for 30/day, 1 vending machine, 1 special events Try to stock zero trans fat products in vending machine Will consult with TPH staff on daily children's snack program Interested in consultation for cooking staff to assess use of trans fats and suggest inexpensive alternatives
Exhibition Place (Centerplace at Direct Energy Center)	<ul style="list-style-type: none"> 16 snack bars Now use oil based products with zero or reduced trans fats Would welcome any and all additional literature

BOARDS	COMMENTS
George Bell Arena	<ul style="list-style-type: none"> • 1 vending machine serving 2,500/year • 1 snack bar serving 25,000/year • Will replace existing higher trans fat products with lower trans fat products by Sept. 2007
Harbourfront Community Centre	<ul style="list-style-type: none"> • Have vending machine and snack bar, serving up to 100 people/day • Food service planning to meet Trans Fat Task Force recs by Dec. 31, 2008 • Would like info on alternative foods for vending machines, workshops for staff and vending machine owners
Heritage Toronto St. Lawrence Hall	<ul style="list-style-type: none"> • No food service operations
The Hummingbird Centre	<ul style="list-style-type: none"> • 1 concession stand that serves approx 500,000/year • No action yet on trans fats but will replace with alternatives where possible to meet guidelines by Nov. 1, 2007
McCormick Playground Arena	<ul style="list-style-type: none"> • 1 snack bar open on weekends serving 400/weekend • 1 vending machine serving 10,000/year • Only buying products with zero or reduced trans fat
Moss Park Arena	<ul style="list-style-type: none"> • 1 special event, 1 snack bar • Few food products sold but check labelling to meet trans fat guidelines
North Toronto Memorial Arena – Board of Management	<ul style="list-style-type: none"> • 1 snack bar, asking suppliers to purchase zero trans fat products • Reducing trans fat wherever possible, target date is “ongoing”
Scadding Court Community Centre	<ul style="list-style-type: none"> • Snack bar that serves 35 people per day • Have taken action and do not serve food with over 2% trans fat
Swansea Town Hall	<ul style="list-style-type: none"> • Operates one vending machine. • Only purchase products with no or little trans fat
Ted Reeve Community Arena	<ul style="list-style-type: none"> • 1 snack bar, 3 vending machines service, 5-6 staff serving approx. 3,000 customers/month • Suppliers have changed products and staff will continue to look for healthier products
Toronto Association of Business Improvement Areas	<ul style="list-style-type: none"> • No food service operations
The Toronto Centre for the Arts (North York Performing Arts Centre Corporation)	<ul style="list-style-type: none"> • 1 vending machine, 1 special event, 1 concession stand • 1 licensed bar with beer/wine, candy and nuts • Unsure whether action has been taken, will review items sold at concession stand

BOARDS	COMMENTS
Toronto Parking Authority	<ul style="list-style-type: none"> No food service operations
Toronto Police	<ul style="list-style-type: none"> 2 restaurants serving 230/day, 2 vending machines Food service working with TPS Wellness Coordinator to address all issues
Toronto Police Services Board	<ul style="list-style-type: none"> No food service operations
Toronto Public Library Board	[see also Mr. Vending below]
Toronto Zoo	<ul style="list-style-type: none"> 6 restaurants serving 50,000/month 5 special events serving 2,300/month 15 snack bars serving 25,000/month Use a trans fat free fryer oil and staff are identifying which products contain trans fats and will approach suppliers for alternatives.
Mr. Vending* *Private contractor providing services to the Toronto Public Library, TTC, and Parks, Recreation and Forestry	<ul style="list-style-type: none"> 60+ vending machines Adding lower trans fat products weekly as they become available Have approached a company to manufacture a line of low fat vendable products, trying to place hot air popcorn machines throughout the city would like support for popcorn program with 0% trans fat
William H. Bolton Arena	<ul style="list-style-type: none"> 1 snack bar that serves 150 people when open Checking with suppliers for low or no trans fat products Will change oil used for fries and products for sale by January 2008

COMMISSIONS	COMMENTS
Toronto Transit Commission (TTC)	<ul style="list-style-type: none"> 12 quick serve food operators (including 2 McDonald's and 2 Tim Horton's) Approx. 60 news stands where some food and drinks are available but not items that are prepared/cooked on site Contracts are with individual operators, all with varying lengths and expiry dates No contracts have ever made reference to trans fats, not aware of action taken by operators on the issue Would be willing to work with TPH to add trans fat language to future contracts [see also Mr. Vending above]

DIVISIONS	COMMENTS
Accounting Services	<ul style="list-style-type: none"> No food service operations
Children's Services	<ul style="list-style-type: none"> 57 child care sites serving 2,917 /day Removed all trans fats from menus except in 5 locations where food is obtained from another city division. Meeting with those divisions to review the menus and encourage trans fat reductions.
City Manager	<ul style="list-style-type: none"> No food service operations
City Planning	<ul style="list-style-type: none"> No food service operations
Compass Group Canada* *Contractor providing service in some seniors homes	<ul style="list-style-type: none"> Switched to trans fat free frying oil in Nov. 2006 Use trans fat free chips, muffins and a variety of other baked goods Reviewing products that contain artificial trans fats
Corporate Finance	<ul style="list-style-type: none"> No food service operations
Court Services	<ul style="list-style-type: none"> No food service operations
Deputy City Manager	<ul style="list-style-type: none"> No food service operations
Economic Development, Culture and Tourism	<ul style="list-style-type: none"> No food service operations
Emergency Medical Services	<ul style="list-style-type: none"> 1 vending machine, 1 special event Selection of healthier items has increased
Etobicoke Civic Centre (Contracted to Premier Catering)	<ul style="list-style-type: none"> 1 cafeteria serving 65/day Will use products with little or no trans fat as of August 2007
Facilities and Real Estate	<ul style="list-style-type: none"> No food service operations
Film Commissioner	<ul style="list-style-type: none"> No food service operations
Finance and Administration	<ul style="list-style-type: none"> No food service operations
Finance Dept., Purchasing and Materials Management	<ul style="list-style-type: none"> No food service operations
Financial Planning	<ul style="list-style-type: none"> No food service operations
Fire Services	<ul style="list-style-type: none"> No food service operations
Fleet Services	<ul style="list-style-type: none"> No food service operations
Food and Dietetic Services (Toronto Homes for the Aged)	<ul style="list-style-type: none"> Regular meal service to 10 homes, 2,600/day and 3 child day cares, 132 children/day Meals on wheels (109,000 meals/year) 10 restaurants, 9 vending machines, 10 special events, 10 snack bars Have reduced use of trans fat in foods served or sold, changed cooking oils in 2005. Some products that do not meet the Federal Trans Fat Task Force recommendations remain on the menu (such as cakes and sweet treats) in consideration of the quality of life of elderly residents.

DIVISIONS	COMMENTS
Hostels Food Service, SSHA	<ul style="list-style-type: none"> • Regular meal service to 2300 (+100 staff) per day • Use low or no trans fat margarine or canola oil • Continue to lobby suppliers for trans fat free products
Information and Technology	<ul style="list-style-type: none"> • No food service operations
Infrastructure Support Social Services Division	<ul style="list-style-type: none"> • Vending machines at 11 sites • Contract for vending machine services recently tendered out with clause to include nutritious products low in saturated and trans fats
Municipal Licensing and Standards	<ul style="list-style-type: none"> • No food service operations
North York Civic Centre	<ul style="list-style-type: none"> • 1 cafeteria, 100/week • Try to purchase items with reduced trans fat whenever possible • Any information or help is always welcome
Parks, Forestry and Recreation	<ul style="list-style-type: none"> • Food service is contracted out • Next RFPs go out in 2012 or later • Current contracts don't comment on trans fats • Suppliers have made some changes on their own, e.g. replacing cooking oil with trans fat free alternative [see also Mr. Vending above]
Pension, Payroll and Employee Benefits	<ul style="list-style-type: none"> • No food service operations
Policy, Planning, Finance and Administration	<ul style="list-style-type: none"> • No food service operations
Revenue Services	<ul style="list-style-type: none"> • No food service operations
Shelter, Support and Housing Administration	<ul style="list-style-type: none"> • Operate special events at 5 sites, serving 2,000 people (varies) • Do not have a regular food program but offer food and snacks in emergency situations, sometimes from a City of Toronto kitchen or local restaurant through food vouchers (e.g., to fast food outlets). • Requesting further assistance from TPH to discuss how emergency food provision can meet trans fat guidelines
Social Development, Finance and Administration	<ul style="list-style-type: none"> • No food service operations
Solid Waste Management Services	<ul style="list-style-type: none"> • No food service operations
Special Projects	<ul style="list-style-type: none"> • No food service operations
Technical Services	<ul style="list-style-type: none"> • No food service operations
Toronto Buildings Administration	<ul style="list-style-type: none"> • No food service operations
Toronto Water	<ul style="list-style-type: none"> • No food service operations
Treasurer	<ul style="list-style-type: none"> • No food service operations

DIVISIONS	COMMENTS
TOTALS	
Total number of surveys distributed	70
Total number of responses received (*some recipients sent the survey to multiple internal contacts so more than 70 responses were possible)	*67
Number of surveys completed by those with food service operations	32
Number of contacts already making/ planning to make changes related to trans fats	25
Number of contacts with no food service operations	35

Attachment 3:

Summary of Toronto Public Health Meetings with Food Industry and Foodservice Industry Representatives

On July 26, 2007, Toronto Public Health met with representatives from the food industry and the foodservice industry to discuss trans fat. Two subsequent meetings were held to accommodate representatives unable to attend the July 26 meeting. The following organizations were represented in the meetings:

Baking Association of Canada
Canadian Council of Grocery Distributors
Canadian Federation of Independent Grocers
Canadian Restaurant and Foodservice Association
Food and Consumer Products of Canada
Longos
Ontario Restaurant, Hotel and Motel Association
Ontario Chinese Restaurant Association
Sobeys Corporate Brands

Key points that emerged from the discussion were:

- industry agrees that trans fat must be removed from the Canadian food supply and endorses the recommendations of the Trans Fat Task Force, including the targets and timelines
- representatives from the manufacturing, retail and foodservice sectors of the food industry stated that they felt confident that they will meet the Trans Fat Task Force's targets within two years, with possible exceptions of in some difficult product categories
- industry believes that the food supply is national, so it would be inappropriate and unfeasible to manage it at the local level
- the two year timeframe recently announced by the Minister of Health is important to ensure that alternatives to trans be healthy and available
- there are some product categories for which finding replacements for trans fat are more challenging (e.g., bakery products)
- small independent food retailers will need assistance in reducing trans fat
- industry feels that they have made significant progress in reducing trans fat in foods available for retail sale
- restaurants feel that they are the unfairly targeted for trans fat reductions given that they cannot be held accountable for the entire food supply (i.e., from farm to fork)
- restaurant operators/owners can only serve what is available from their suppliers

- foodservice operators likened the trans fat situation to food fortification – i.e., a municipality could not require all restaurants to serve bread fortified with folic acid, but the Federal government would mandate flour be fortified with folic acid

During the meeting with the foodservice industry representatives, TPH shared a draft letter from the Medical Officer of Health to Toronto foodservice operators requesting trans fat reductions in all Toronto foodservice premises. In addition, TPH plans to provide foodservice operators with an easy-to-read fact sheet with questions and answers to explain how they can reduce trans fat in the food they sell and serve. The CRFA agreed to work with TPH to develop this resource, recognizing the need to develop a clear language resource that will be easily understood by Toronto's linguistically diverse restaurant owners and operators.

References

¹ *TRANSforming the Food Supply*. Report of the Trans Fat Task Force Submitted to the Minister of Health June 2006 is available at:

http://www.hc-sc.gc.ca/fn-an/nutrition/gras-trans-fats/tf-ge/tf-gt_rep-rap_e.html

² Institute of Medicine of the National Academies. *Dietary Reference Intakes The Essential Guide to Nutrient Requirements*. 2006. The National Academies Press.

³ Institute of Medicine of the National Academies. *Dietary Reference Intakes for Energy, Carbohydrate, Fiber, Fat, Fatty Acids, Cholesterol, Protein and Amino Acids*. 2005. Pg. 504