



## STAFF REPORT ACTION REQUIRED

### Update: Trans Fat Reduction in Toronto

<b>Date:</b>	January 7, 2009
<b>To:</b>	Board of Health
<b>From:</b>	Medical Officer of Health
<b>Wards:</b>	All
<b>Reference Number:</b>	

#### **SUMMARY**

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The purpose of this report is to summarize progress in reducing trans fat in Toronto since the September 2007 Board of Health report, *The Reduction of Trans Fat in the Toronto Food Supply*. That report reviewed the public health implications of artificially produced trans fat in the food supply, including an increased risk of heart disease, and reported on steps taken to reduce artificial trans fat in the operations of Toronto Agencies, Boards, Commissions and Divisions.

At that time, it was recommended that Toronto Public Health (TPH) assist the food and food service industries in shifting from the use of trans fat to healthier alternatives by education and monitoring, with public reporting on trans fat levels in the food supply. The option of regulation to restrict trans fat use was deferred pending the results of Health Canada's national monitoring and voluntary approach, and an evaluation of the effectiveness of this strategy.

TPH has collaborated with Health Canada's Trans Fat Monitoring Program to ensure that low-cost and ethno-cultural foods were included in the sampling. TPH has also trained staff involved in the delivery of the Student Nutrition Programs to ensure that programs are serving foods with reduced trans fat. In addition, TPH has promoted voluntary trans fat reductions to Toronto food service operators.

## RECOMMENDATIONS

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### The Medical Officer of Health recommends that:

1. Toronto Public Health evaluate the success of the Federal voluntary approach to trans fat reductions in Toronto by conducting a survey to determine the extent to which specific food products containing trans fat are still available on grocery store shelves and in Toronto food service operations. This survey will follow the end of the two-year federal review period and the results will be reported to the Board of Health.
2. Toronto Public Health continue to monitor trans fat reduction initiatives at the Federal level and in other jurisdictions.

### Financial Impact

There are no direct financial implications arising from this report.

### DECISION HISTORY

At its April 2007 meeting 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 (TFTF) recommendations and information on the approach that other jurisdictions have taken to the regulation of trans fat.

At its September 2007 meeting the Board of Health received an update on voluntary trans fat reduction in the City of Toronto and on regulatory options for phasing out trans fat in Toronto restaurants and other food service establishments. Information on local regulatory options was prepared in consultation with the City Solicitor. The option for local regulation was deferred pending the results of Health Canada's voluntary approach to trans fat reduction.

### 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 texture 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 (TFTF) 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 TFTF 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 TFTF submitted its final report, *TRANSforming the Food Supply*<sup>1</sup>, to the Minister of Health.

The recommendations of the Task Force were:

- 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.

The TFTF recommended that trans fat reductions be mandatory in Canada, as is the case in Denmark. However, in June 2007 the Minister of Health announced that Health Canada was adopting the recommendations of the TFTF with respect to the amount of trans fat in foods, but that Canada would take a voluntary approach by calling on the food industry to achieve these limits within two years. He announced that if significant progress has not been made by June 2009, Health Canada will develop regulations to ensure that the recommended levels are met.

A recent study<sup>2</sup> of margarines available in major supermarkets in the Greater Toronto Area compared the trans fatty acid (TFA) content of margarines available in 2002 and 2006. Between 2002 and 2006, average amounts of TFA fell and the selection of “trans

fat-free” margarines on grocery store shelves more than doubled. This change was attributed to increased consumer demand for TFA-free products with the introduction of the mandatory Nutrition Facts Table, and the incentives for manufacturers to make nutrient content claims on foods (e.g., “trans fat-free”). However, the “trans fat-free” margarines tended to be higher priced. The results suggest that there may be limited potential to improve the trans fat content of low cost products through a voluntary approach to trans fat reduction. Consequently, the authors concluded that a voluntary approach to trans fat reductions in the food supply may have little benefit to lower income groups who are at greater risk of heart disease, and may function to increase health disparities in the population.

### **Health Canada’s Trans Fat Monitoring Program**

To ensure that the industry is making progress in meeting the trans fat reduction targets, Health Canada announced that they will monitor the actions of the industry via the Trans Fat Monitoring Program. Through this program, Health Canada has been analyzing the trans fat content of a variety of foods and has released product-specific data on restaurant and fast food establishments as well as pre-packaged foods. The first set of data was released in December 2007, and the next release occurred in July 2008. This data is available on Health Canada’s web site at: [www.hc-sc.gc.ca/fn-an/nutrition/gras-trans-fats/index-eng.php](http://www.hc-sc.gc.ca/fn-an/nutrition/gras-trans-fats/index-eng.php).

The information released in July 2008<sup>3</sup> indicates that progress has been made in some areas of the food industry, but there continue to be levels of trans fat in many products that exceed limits recommended by the TFTF and adopted by Health Canada. On the positive side, the data released in the July 2008 Trans Fat Monitoring Program indicates that the trans fat content of french fries available in many fast food restaurants has decreased between 2006 and 2008. For example, in A&W, Arby’s, Boston Pizza, Dairy Queen, KFC, Mandarin, McDonald’s, and Wendy’s, the trans fat content of french fries has decreased to below 5% of the total fat content as recommended. However, according to the July 2008 data release, there are still many companies that sell french fries containing more trans fat than is recommended. These companies include Burger King, East Side Mario’s, the Friendly Greek, Lone Star, Red Lobster, and Wimpy’s Diner.

The July 2008 data indicate that trans fat levels continue to be a problem in some products. For example, among the 12 samples of garlic bread that were analyzed and reported, six exceed the 5% limit, although one of these samples was tested twice (August 2007 and August 2008) and the levels dropped from 18.2% to 1.5%. In five samples the trans fat content exceeded 5% of the total fat content, and in these samples the trans fat content ranged from 11.5% to 25.1% of total fat. Of the 33 soft tub margarines sampled in 2007 and reported in July 2008, 12 of the samples (36%) had trans fat levels greater than the 2% limit, and 11 of the samples (33%) had trans fat levels ranging from 15 – 21% of total fat. While the trans fat content of some of the soft tub margarines did drop between 2005 and 2007, it is difficult to compare products since product names changed over that same time period. However, the proportion of products on grocery store shelves which still exceed the trans fat limits is striking.

## **Trans Fat Regulation in Ontario**

On December 5, 2007 the Minister of Education introduced Bill 8, the *Healthy Food for Healthy Schools Act, 2008*. The Bill amends the *Education Act* to add provisions regulating the trans fat content of all food and beverages sold in a school. The Trans Fat Standards regulation requires that any food or beverage (or ingredients used in their preparation) sold in schools must meet the prescribed amounts of trans fat set out in the regulation. The standards state, “(1) A board shall ensure that the trans fat content of a vegetable oil or soft, spreadable margarine offered for sale in a school of the board, or used as an ingredient in the preparation, in a school of a board, of a food or beverage offered for sale in the school, does not exceed 2 per cent of the total fat content. (2) A board shall ensure that the trans fat content of any food, beverage or ingredient, other than vegetable oil or soft spreadable margarine, offered for sale in a school of the board, or used as an ingredient in the preparation, in a school board, of a food or beverage offered for sale in the school, does not exceed 5 per cent of the total fat content.” The regulation took effect September 1, 2008.

## **COMMENTS**

As per the recommendations of the September 2007 trans fat report to the Board of Health, TPH has taken several steps to reduce the use of trans fat in Toronto. These include:

- Meeting with Health Canada and the Heart and Stroke Foundation of Canada in September 2007 to discuss the details and public health implications of their Trans Fat Monitoring Program.
- Meeting with Federal Minister of Health Tony Clement on November 9, 2007, to:
  - urge Health 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 (TFTF) as being sources of industrially-produced trans fats have not met the recommended limits.
  - urge Health Canada to fund and implement a clear-language educational campaign to support the food service industry in replacing artificial trans fat with healthier alternatives
  - request Health Canada to collaborate with TPH and the Heart and Stroke Foundation of Canada (HSFC) to develop a monitoring plan for trans fat in the food supply to include low cost food items and ethnic foods so 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.

- Collaborating with Health Canada to ensure that low cost food items and ethnic foods from Toronto sources are included in the Trans Fat Monitoring Program.
- Communicating 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 be reduced to meet the targets of the Trans Fat Task Force. We have not yet received a response.
- Communicating with Colleges and Universities in Toronto to request that the trans fat content of food that is served in their institutions is reduced to meet the targets of the Trans Fat Task Force. A number of campuses are working with Toronto Public Health on the Eat Smart! program which meets the recommendations of the Trans Fat Task Force.
- Promoting the adoption of alternatives to trans fat in Toronto food service establishments during the two-year voluntary phase of Health Canada's implementation of the TFTF's recommendations. To this end, TPH sent out trans fat educational material to Toronto food service operators. Staff have not received any feedback related to the trans fat issue to date from operators. The mandatory Food Handler Certification Program that is provided to Toronto food service owners and operators now includes trans fat education. TPH has posted trans fat information on its web site. Since the original April 2007 report to the Board of Health, the TPH trans fat web site has received 15,350 visitors, with the Chinese language fact sheet being the most commonly accessed resource.
- Taking measures to promote trans fat education and monitoring to ensure that Student Nutrition Programs (SNP) are meeting the targets recommended by the TFTF. The 2008 SNP Nutrition Standard requires that no artificial trans fat be served. Over the 2007/2008 school year, about 95% of the 462 Student Nutrition Programs were visited by a TPH Dietitian, and about 83% of the programs had at least one person who had participated in trans fat education provided by TPH staff. When TPH Dietitians visited the programs to provide support between September 2007 and January 2008, they noted that 70% of the programs did not have any products containing trans fat, 29% of the programs had one to five products containing trans fat, and the greatest proportion of products containing trans fat were observed in the youth programs. As a result, TPH staff will be continuing education and monitoring efforts during the 2008/09 school year with the SNP elementary and youth sites.
- Supporting schools in implementing Bill 8, the *Healthy Food for Healthy Schools Act*, by providing schools with information on how to reduce trans fat in food served in Toronto schools and on special food days (e.g., pizza lunch days).

In addition, TPH staff recently met with representatives from the Canadian Council of Grocery Distributors (CCGD) to discuss industry progress with respect to trans fat reductions. A CCGD representative reported that many items on grocery store shelves

that were identified in Health Canada's Trans Fat Monitoring Program in July 2008 as containing high levels of trans fat will be discontinued by the June 2009 deadline.

## **Trans Fat Action in Other Jurisdictions**

### **British Columbia**

In February 2008 the Speech from the Throne indicated the province of British Columbia, "will now act to ban the use of trans fats in the preparation of foods in schools, restaurants and food-service establishments by 2010". British Columbia has demonstrated leadership in promoting healthy eating as part of ActNow BC!, a cross-government health promotion initiative that seeks to improve the health of British Columbians by taking steps to address common risk factors and reduce chronic disease. As part of ActNow BC!, the government has established health goals to coincide with the XXI Olympic Winter Games in Vancouver in 2010.

### **Calgary**

The Calgary Health Region Board dealt with the Trans Fat Reduction Initiative at its meeting on November 28, 2007 and the following motion was adopted.

Phase 1 Requirements were effective January 1, 2008 and do not apply to foods that contain natural trans fats:

- Hydrogenated margarines, oils, or shortenings used for deep-frying, frying, sautéing, or grilling shall have a trans fat content of not more than 2% of total fat content.
- Hydrogenated margarines, oils, or shortenings used as a spread on sandwiches, vegetables, potatoes, rice, etc., shall have a trans fat content of not more than 2% of total fat content.

Phase 2 Requirements will be effective July 1, 2009:

- Any food item for use, service, sale or storage that contains hydrogenated margarines, oils, or shortenings shall have a trans fat content of not more than 5% of total fat content.

Calgary Health Region allowed a four month education/transition period for the implementation of Phase 1. Violations were noted during inspections and corrective action was recommended. Enforcement began on May 1, 2008. At this time, operators were required to be in compliance with the trans fat policy to maintain their food permit. As of July 4, 2008, there were 7,490 food service inspections done since January 1, 2008. Of these inspections, 97.9% of those inspected were compliant with the new trans fat policy.

### **Winnipeg**

In March 2008 the City of Winnipeg accepted a report which recommended the City collaborate with the Winnipeg Health Authority, Manitoba Health, Health Canada and other industry stakeholders to implement collaborative education approaches with respect

to healthy nutrition (including the reduction of trans fat) in Winnipeg food service establishments.

### **New York**

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 food service 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 in New York City 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.

The second phase of New York City's trans fat regulation came into effect on July 1, 2008. All foods served, including baked goods, oils, shortenings and margarines used for baking, and pre-prepared items that contain artificial trans fat, must have less than 0.5 grams of trans fat per serving. Foods served in the manufacturer's original, sealed packaging, such as candy and crackers, are still exempt. The second phase covers previously excluded items such as baked goods, frozen foods, and doughnuts. The Health Department, with support from the American Heart Association, launched the Trans Fat Help Center at New York City College of Technology last year to help food service establishments switch from trans fat to more healthful fats and oil. The Help Center offers a 311 help line, a web site, and classes for food service operators at no cost to restaurants.

According to the Health Department web site, acceptance of the first phase of the trans fat regulation has been very high, with more than 98% of inspected restaurants in compliance as of June 2008. In addition, they state on their web site that, "some food chains and cooking oil manufacturers have not only eliminated trans fat but also reduced saturated fat by 20% to 35% in certain fried foods, further boosting the health benefit for consumers". To date, there is no publicly available information regarding compliance with the second phase of the regulation. However, in communication with Health Department staff, they estimate compliance with phase 2 at over 90%, based on restaurant inspections from July and August.

### **California**

On July 25, 2008 California became the first state to pass a law that will phase out trans fat from all California restaurants in 2010 and baked goods in 2011. Starting January 1, 2010, Assembly Bill no. 97 will require, "no oil, shortening, or margarine containing artificial trans fats for use in spreads or frying, except for deep frying of yeast dough or cake batter, may be stored, distributed, or served by, or used in the preparation of any food within, a food facility. Commencing January 1, 2011, no food containing artificial trans fats, including oil and shortening that contains artificial trans fat for use in the deep frying of yeast dough or cake batter, may stored, distributed or served by, or used in the

preparation of any food within a food facility. The state health inspectors will be responsible for checking compliance, and violators will face fines of \$25 to \$1,000.

## CONCLUSION

Toronto Public Health continues to promote and monitor the Federal voluntary approach to trans fat reductions in Toronto, and looks forward to the release of more data from the Trans Fat Monitoring Program. To assess the success of the voluntary approach to trans fat reductions, TPH recommends undertaking a survey to determine the extent to which products with high levels of trans fat are still available of grocery store shelves and in Toronto food service operations. In addition, TPH staff will continue to monitor trans fat reduction initiatives in other jurisdictions.

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## SIGNATURE

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

2 Ricciuto L, Lin K, Tarasuk, V. A comparison of the fat composition and prices of margarines between 2002 and 2006, when new Canadian labelling regulations came into effect. Public Health Nutrition (in press).

3 Health Canada. Trans Fat Monitoring Program. Second Set of Trans Fat Monitoring data. July 2008. Bureau of Nutritional Sciences, Food Directorate, Health Products and Food Branch, Health Canada.