



Trans Fat - AB 97 (Mendoza)

AB 97 will phase out the use of trans fat in California restaurants beginning January 1, 2010 and from baked goods on January 1, 2011. AB 97 imposes a fine that may range from \$25-\$1,000 for violations of these provisions. AB 97 was signed into law in 2008 and added Section 114377 to the Health and Safety Code. The prohibition of trans fat impacts all food facilities **EXCEPT** public school cafeterias.

There is a direct proven relationship between diets high in trans fat content and LDL “bad” cholesterol levels and an increased risk of coronary heart disease. Leading health organizations recommend that individuals strictly limit or eliminate consumption of trans fat.

AB 97 requires restaurants to switch to oils, margarines and shortenings that have less than 0.5 grams of trans fat per serving. Trans fat can be replaced with readily available heart healthy oils without changing the taste of foods. Good sources of heart-healthy alternatives to trans fat include monosaturated fats (like olive and canola oils) and polyunsaturated fats (such as soybean, corn and sunflower oils).

OVERVIEW OF TRANS FAT BILL

Date	Beginning January 1, 2010	Beginning January 1, 2011
Trans Fat	Food/food products containing trans fat may not be served, stored or prepared at a food facility. Exemption: Trans fat products may be used for the deep frying of yeast dough or cake batter.	All food/food products stored, served by, or used in the preparation of any food in a food facility must be free of trans fat including products used for deep frying of yeast dough or cake batter.
Product Label At Facility	Labels must be maintained for all food or food product used in the facility and be available for review.	
Enforcement	<ul style="list-style-type: none"> • First inspection: Consultation to review new trans fat requirements. Non-compliance noted in comment section. • Second inspection: Violations observed during second inspection will be marked as a violation. <ul style="list-style-type: none"> ▪ Observed serving foods prepared with trans fat. Mark as a Major violation (#13). ▪ Observed ingredients containing trans fat stored onsite but no food preparation. Mark as a Minor violation (#13) ▪ No labels. Mark as a violation (#32) • Third & Subsequent inspections: Violations observed during the third and subsequent inspections will be marked as a violation and the inspector will VC&D or impound the foods containing trans fat or the ingredients (the operator will be encouraged to return ingredients to the distributor). 	



COUNTY OF SAN BERNARDINO
DEPARTMENT OF PUBLIC HEALTH
DIVISION OF ENVIRONMENTAL HEALTH SERVICES
COMMUNITY ENVIRONMENTAL HEALTH

Definition:

According to the FDA, trans fat, also known as trans fatty acid, is made when manufacturers add hydrogen to vegetable oil, a process call hydrogenation. Hydrogenation increases the shelf life and stability of oils and food containing these fats. A food contains trans fat if the food contains or is fried in either **vegetable shortening, margarine, or any kind of partially hydrogenated vegetable oils.**

Questions:

Q. How do I know if a food/food product contains trans fat?

A. Any food with “hydrogenated oils” or “partially hydrogenated oils” on the label contains trans fatty acids. Typically, a food contains artificial trans fat if the food contains vegetable shortening, margarine, or any kind of partially hydrogenated vegetable oil; unless the label states the trans fat content is less than 0.5 grams per serving.

Q. Why are public schools exempt from Section 114377?

A. Public schools are already prohibited from serving food containing trans fat.

Q. Are mobile food facilities (MFF’s) and temporary food facilities (TFF’s) exempt?

A. No, MFFs and TFFs must also comply with requirement prohibiting trans fat from foods served.

Q. Are prepackaged goods that contain trans fat in retail markets exempt?

A. Yes, food/food products sold to the public in the original, sealed package are exempt. If a facility is providing samples of a prepackaged food and has opened the package then the food is no longer exempt.

Q. If a food product is made with multiple food ingredients that contain less than 0.5 grams per serving of trans fat, is that food product considered to contain trans fat?

A. No, whether a product contains trans fat is dependent on the single serving content of the individual ingredients.

Q. Do all margarines and shortenings have artificial trans fat?

A. No, there are margarines and shortenings that do not contain trans fat. Make sure to read the label to see if the product contains trans fat. If the trans fat content is less than 0.5 grams per serving, it is not considered to contain trans fat.

Q. What constitutes “deep frying”?

A. Deep frying is defined as the food item being fully submerged in the hot oil or liquid fat. The exemption until January 1, 2011 is for the oil used in deep frying cake batter or yeast dough only.

Q. What are common trans fat products?

A. Common products are cakes, cookies, crackers, pies, bread and fried foods.