

Make the TRANSition From Artificial Trans Fat

Moving to a Healthier Montgomery County

What you need to know
to comply with County
Council Resolution No. 16-134

Licensure and Regulatory Services
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GET the FACTS on TRANS FAT

1. What is trans fat?

It is the type of fat that increases the risk of heart disease. While some trans fat occurs naturally, most is artificial. The regulation applies only to artificial trans fat.

2. What is artificial trans fat?

Artificial trans fat is made through a chemical process called hydrogenation. Some foods that contain artificial trans fat include margarines, shortenings, and fry oils as well as many baked goods, mixes and packaged foods.

3. Why is trans fat bad for you?

Trans fat increases the bad cholesterol (LDL) and lowers the good cholesterol (HDL). Trans fat is the most dangerous type of dietary fat. It has no known health benefits.

COMPLYING WITH THE REGULATION

4. How do I know if the trans fat regulation applies to my establishment?

The regulation applies to all food service establishments that are required to hold a license from the Montgomery County Licensure and Regulatory Services. These include restaurants, coffee shops, cafeterias, short order cafes, luncheonettes, taverns, sandwich stands, soda fountains, retail markets, retail bakery outlets, food operations in an industry, institution, hospital, club, school, camp, church, catering kitchen, commissary or a similar place in which food or drink is prepared for sale or for service on or off the premises.

5. When does the regulation take effect? Will waivers be given? Does it cover all food items?

Beginning January 1, 2008, you may not use partially hydrogenated vegetable oils, shortenings, or margarines for frying, pan frying, or grilling, or as a spread, unless you have product labels or other documents from the manufacturer showing that these ingredients contain less than 0.5 grams of trans fat per serving.

You may continue to use trans fat-containing oils and shortenings for deep frying cake batter and yeast dough until January 1, 2009 when the regulation takes full effect.

Beginning January 1, 2009 if you store, use or serve any food item containing partially hydrogenated vegetable oil, shortening or margarine, it must contain less than 0.5 grams of trans fat per serving. This rule applies even to oils or shortenings used to deep fry cake batter and yeast dough.

This regulation does not apply to food served in the manufacturer's original, sealed packaging, such as a package of crackers or a bag of potato chips.

An eating and drinking establishment may request a delay of up to one year of the applicability of this regulation to any food containing artificial trans fat as described under subsection (g)(2)(B) of resolution No. 16-134.

6. How can I tell if a particular product is allowed under the regulation?

Step 1. Look at the package label or ingredients list to see if “partially hydrogenated”, “shortening”, or “margarine” are listed. If none of these terms appear, you may use the product.

INGREDIENTS: Enriched Flour (Bleached and Unbleached Wheat Flour, Niacin, Reduced Iron, Thiamin Mononitrate, Riboflavin, Folic Acid), Sugar, Vegetable Shortening (Partially Hydrogenated Soybean and/or Cottonseed Oil), Nonfat Milk, High Fructose Corn Syrup, Eggs, Corn Starch, Water, Salt, Baking Powder, Rice

If any of these terms are listed, go to Step 2 to see if the product contains too much trans fat.

Step 2. Check the Nutrition Facts panel for trans fat content. If the panel says the product has 0 grams of trans fat, or less than 0.5 grams of trans fat per serving, you may use the product.

If the Nutrition Facts panel says the product has 0.5 grams or more trans fat, you may **not** use the product.

If there is no Nutrition Facts panel on the product, go to Step 3.

Step 3. If there is no Nutrition Facts panel, ask your supplier to provide a letter from the manufacturer listing the product’s ingredients. If the ingredients list contains the words “partially hydrogenated”, “shortening”, or “margarine”, the letter must also include information on the amount of trans fat in each serving.

Nutrition Facts	
Serving Size 1 cup (228g)	
Servings Per Container 2	
Amount Per Serving	
Calories 260	Calories from Fat 120
% Daily Value*	
Total Fat 13g	20%
Saturated Fat 5g	25%
Trans Fat 0g	
Cholesterol 30mg	10%
Sodium 660mg	28%

As in Step 2, if the product has 0 grams of trans fat, or less than 0.5 grams of trans fat per serving, you may use it.

The letter should be on the manufacturer’s letterhead and show the manufacturer’s name and address. Keep the letter at your food service establishment, available for review by an Environmental Health Specialist.

7. I buy containers of oil that are shipped in a box. The containers do not have labels but the box does. Do I need to save the labels on the box?

Yes. Save the ingredients label and the Nutrition Facts panel, along with the Product’s brand name and common name, until the product has been completely used. These labels should be available for review by an Environmental Health Specialist.

8. Which labels should I save and how long should I keep them?

Beginning January 1, 2008, you will need to save the label for any oils, shortenings, or margarines used for frying, pan-frying, or grilling or as a spread, until the product is completely used. Labels may be kept on the product container, or photocopied and kept separately.

Beginning January 1, 2009, when the regulation takes full effect, you will need to save the label for any food containing oils, shortenings, and margarines, regardless of how you use the product. For instance, if you are frying frozen French fries, you should save the label for both the frying oil and the French fries until both have been completely used.

9. What should I do with products that contain artificial trans fat if they are still in my pantry on January 1, 2008?

If a product containing partially hydrogenated oil has 0.5 grams or more trans fat per serving, you will not be able to store, use, or serve it after January 1, 2008.

10. What if I use margarine both as a spread and for baking? Will I have different deadlines for changing these practices?

Yes, there are different deadlines.

Beginning January 1, 2008, margarines containing 0.5 grams or more trans fat per serving may not be used for frying or as a spread, but they may be used in baked goods until January 1, 2009.

11. What if a supplier sells me cakes that contain no artificial trans fat, but each serving contains more than 0.5 grams of trans fat per serving from natural sources?

If the product label or ingredients list does not mention partially hydrogenated vegetable oil, shortening, or margarine, then the trans fat in the product comes from natural sources and is not covered by the regulation. In that case, you may use it.

If the product label or ingredients list does mention any of these ingredients, its trans fat content must be less than 0.5 grams per serving.

12. When the trans fat regulation takes effect, will the Licensure and Regulatory Services issue violations?

Yes. The Department will issue violations beginning January 1, 2008.

13. Will the Department follow up on trans fat violations?

Yes. Any food service establishment violating the restriction on artificial trans fat will receive a follow-up inspection to determine compliance.

14. How much will I be fined if an Environmental Health Specialist finds oils, shortenings, or margarines that contain trans fat?

Any violation of the regulation is a Class C civil violation and a \$50.00 fine is imposed. Each day a violation exists is a separate offense. The Director of Health and Human Services may suspend a license issued under Chapter 15 for up to three days if the Director finds that an eating and drinking establishment has knowingly and repeatedly violated this regulation.

15. Can I receive a violation for food I purchase in bulk if it comes without a label?

Yes. **Beginning January 1, 2008**, you will need to have documentation available to the Department's Environmental Health Specialists for any oil, shortening, or margarine you use for frying, pan-frying (sautéing), or grilling, or as a spread, unless these ingredients are being used only for deep frying cake batter or yeast dough.

Beginning January 1, 2009, when the regulation takes full effect, you will need to have labels or other documentation available for all products that contain oil, shortening, or margarine, regardless of how they are used.

Beginning January 1, 2009, if you buy unlabeled baked goods or other food products that contain oils or shortenings, you need to ask your supplier for an ingredients list and a Nutrition Facts panel or a letter from the manufacture (as described in Question 7) showing trans fat content per serving.

16. May I use a product that claims to have ‘0 grams trans fat’ if the ingredients list includes partially hydrogenated vegetable oil, shortening, or margarine?

Yes. The U.S. Food and Drug Administration allows products with less than 0.5 grams of trans fat per serving to be labeled 0 grams trans fat, even if they contain small amounts. Any product labeled 0 grams trans fat per serving is in compliance with the regulation.

17. What can I use for frying instead of oils that contain trans fat?

Ask your suppliers for oils that have 0 grams of trans fat per serving. These include traditional vegetable oils such as soybean, corn, or canola oil, as well as new oils made from specific varieties of soybeans , sunflowers, and other grains and seeds with long fry lives. Your supplier should have a range of options available.

18. What about butter, beef tallow, suet, and lard?

These highly saturated fats are not covered by the regulation because they contain only naturally occurring (not artificial) trans fat. See the next question on healthier fats.

19. How can I get advice about using healthier fats?

While your choice of replacement fats is not covered by Health Code regulations, it is encouraged to use healthier substitutions whenever you can. Please visit Montgomery County’s web site at www.montgomerycountymd.gov/transfat for more information about trans fat.

20. Will there be classes or seminars that will provide training on this regulation?

Yes, classes and seminars will be offered by Licensure and Regulatory Services and Montgomery College. Check the county website for dates and times or contact Montgomery College at 240-567-2593.