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### TRANS FAT BAN ASSEMBLY BILL (AB) 97 CALIFORNIA HEALTH AND SAFETY CODE SECTION 114377

#### Purpose

This bulletin is intended to provide compliance assistance information to retail food facilities regarding the ban of artificial trans fat in food facilities. Please read the law in its entirety by viewing Section 114377 of the California Health and Safety Code at <http://www.leginfo.ca.gov/calaw.html>. An overview of the law is provided below, followed by frequently asked questions and answers.

#### Issue

- In 2005 the Food and Drug Administration released a study stating that the average trans fat intake for a person over 20 is 5.8 grams per day.
- Trans fat increases the risk of heart disease, stroke, and diabetes by increasing your bad cholesterol (LDL's) and decreasing your good cholesterol (HDL's).
- In 2007 the Harvard School of Public Health released a study stating that people with elevated trans fat levels are three times more likely to contract coronary heart disease.
- In 2008 the American Journal of Epidemiology released a study stating that women with elevated trans fat levels are twice as likely to contract breast cancer.

#### What This Means To You

##### **Mandatory maintenance of labels for all food/food additives containing any fat, oil, or shortening.**

- Beginning January 1, 2010, every food facility shall maintain on premises the label for all food or food additives that is or includes any fat, oil, or shortening for as long as the food is stored, distributed, served, or used in the preparation of food within a food facility.

##### **Ban of oil, shortening, or margarine containing artificial trans fat.**

- Beginning January 1, 2010, no oil, shortening, or margarine containing artificial trans fat for use in spreads or frying may be stored, distributed, served, or used in the preparation of any food within a food facility. *Exception: Oil, shortening, or margarine containing artificial trans fat may be used when deep frying yeast dough or cake batter.*

##### **Ban of all food containing artificial trans fat.**

- Beginning January 1, 2011, no food containing artificial trans fat, *including oil, shortening, and margarine used to deep fry yeast dough and cake batter* may be stored, distributed, served, or used in the preparation of any food within a food facility.

**Question  
and  
Answer**

**How do I know if the artificial trans fat ban applies to my facility?**

- The ban applies to all food facilities. CalCode exempts public schools from the ban, however public schools are already prohibited from serving food containing artificial trans fat under Senate Bill 490 effective July 1, 2009.

**How can I tell if a product is allowed under the regulation?**

- Step 1: Check the nutrition facts panel
  - If the product contains less than 0.5 grams of trans fat per serving it's approved for use.
  - If the product contains 0.5 grams or more of trans fat per serving go to step 2.
- Step 2: Check the ingredients list.
  - If the ingredients list contains partially hydrogenated oil, shortening, or margarine, the trans fat is artificially produced and the product is not approved for use.
  - If the product does not contain the above mentioned ingredients, but still contains 0.5g or more of trans fat, then the trans fat is naturally occurring and the product is approved for use. Certain meats and dairy products contain naturally occurring trans fat.
- Step 3: If there is no nutrition facts panel or ingredients list, ask your supplier to provide a letter from the manufacturer with the product's ingredients and trans fat content per serving.

**Are prepackaged items in retail areas exempt?**

- Yes. The trans fat ban does not apply to any food sold or served in manufacturer's original, sealed package.

**Which labels should I save, and how long should I keep them?**

- Beginning January 1, 2010, labels need to be kept for all food or food additives containing oil or shortening for as long as the food is stored, distributed, served, or used in the preparation of food within a food facility.

**If I purchase products from outside of California for use in my facility, do those ingredients have to contain less than 0.5 grams of trans fat per serving?**

- Yes. The regulation applies to all items stored, distributed, served, or used in the preparation of any food within a food facility.