Ordering out: New York City bans trans fats in restaurants

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NEW YORK – The New York City Board of Health voted yesterday to adopt the nation's first major municipal ban on the use of all but tiny amounts of artificial trans fats in restaurant cooking, a move that would radically transform how food is prepared in thousands of restaurants, from McDonald's to fashionable bistros to Chinese takeouts.

Some experts said the measure, which is widely opposed by the restaurant industry, would be a model for other cities. Chicago is considering a similar prohibition.

“New York City has set a national standard,” said Harold Goldstein, executive director of the California Center for Public Health Advocacy.

Trans fats are the chemically modified food ingredients that raise levels of an unhealthy form of cholesterol and have been linked to heart disease. They have long been used as a substitute for saturated fats in baked goods, fried foods, salad dressings, margarine and other foods.

“It's basically a slow form of poison,” said David Katz, director of the Yale Prevention Research Center. “I applaud New York City, and frankly, I think there should be a nationwide ban.”

Not everyone agrees with Katz. He has received angry e-mail messages calling him and colleagues the “food police” and saying, “If I want to eat trans fats, that's my inalienable right.” To which he responds: “Would you want the burden of asking your restaurant whether there's lead in the food? Whether there's arsenic in the bread? For all I know, maybe arsenic makes bread more crusty. But it's poison.”

While the trans-fat regulation captured the most attention, the Board of Health approved a separate measure – also the first of its kind in the country – requiring some restaurants, mostly fast-food outlets, to prominently display the caloric content of each menu item on menu boards or near cash registers.

Health officials said displaying calorie counts is meant to address what is widely regarded as a nationwide epidemic of obesity.

The city's prohibition on trans fats, which would be phased in starting in July, was a victory for Mayor Michael Bloomberg and his health commissioner, Dr. Thomas Frieden.

Experts say eliminating trans fats need not change the taste of foods, but chefs and restaurant owners say it is hard to replicate the taste and texture of some items without them.

Both the trans-fat and calorie regulations would be enforced by the health department's restaurant inspectors. Inspectors would check the packaging of ingredients used in restaurant kitchens for the amount of trans fats they contain, but prepared foods would not be routinely tested. Violators would face fines of at least $200.

Both measures have come under fire as impractical and unwanted intrusions by the government into free enterprise and civil liberties.
“This is a misguided attempt at social engineering by a group of physicians who don’t understand the restaurant industry,” said Dan Flesher, a National Restaurant Association spokesman. He said one or both measures could be challenged legally.

Bloomberg said the city is “not going to take away anybody’s ability to go out and have the kind of food they want, in the quantities they want. We are just trying to make food safer.”

Still, some restaurant workers said the trans-fat ban would represent a challenge. “This will be better for people’s health, but we’d like to know where to go from here,” said O’Neil Whyte, a baker at Sweet Chef Southern Styles Bakery in Harlem. “Things without trans fat are harder to get and more expensive.”

With artificial trans fat becoming increasingly seen as a health risk, many of the city’s restaurants had begun seeking alternative ingredients long before the regulations were proposed.

McDonald’s has been experimenting with healthier oil blends but has not committed to a full switch, though it has said it will be ready for a New York City ban. Wendy’s International Inc. introduced a zero-trans-fat oil in August, and Yum Brands Inc.’s KFC and Taco Bell said they also will cut trans fats from their kitchens.

At Le Perigord, a tony, sedate French restaurant favored by diplomats from the nearby United Nations, owner Georges Briguet is a big fan of the trans-fat ban, and even says he would consider putting calorie counts on his menu – though it is only chains with standardized items that would be affected.

“In this country, there are so many obese people – it really is a disgrace,” Briguet said. “It’s important for the health of the population to ban these artificial fats. When I was growing up in France, my mother never even gave me a french fry. We don’t have a fryer here. We just sauté our potatoes in some good butter.”

The mayor, Briguet added, “is just as responsible for the health of someone eating the wrong food as for someone who kills himself smoking.” Bloomberg banned smoking in New York’s bars and restaurants during his first term.

New York’s Board of Health, made up mostly of physicians and health professionals appointed by the mayor, can adopt regulations without approval by another agency.

Still, the board granted concessions to the restaurant industry, which had complained that it was not being given enough time to experiment with ingredients and recipes that would preserve or improve the taste of their food.

Restaurants will still have until July 1 to eliminate oils, margarines and shortening from recipes that contain more than a half-gram of trans fat per serving. By July 1, 2008, they would have to remove all menu items that exceed the new limit, including bread, cakes, chips and salad dressings.

But under terms adopted yesterday, some foods will fall under the later deadline, including doughnuts, fritters, biscuits and deep-fried items that the board said were hard to prepare with a trans-fat substitute.

“We want the taste and the experience of food to be the same or better,” Frieden said.

The trans-fat ban does not affect grocery stores. Nor does it apply to naturally occurring trans fats, which are found in some meats and dairy.
The requirement for posting caloric content will take effect July 1 and applies to restaurants that before March 1, 2007, provided calorie counts on Web sites or in some other public format. Health officials said it would apply to about 10 percent of the city's restaurants, mainly large chains that have highly standardized menus and portions.