

New York cheesecake — banned in New York?

Trans fat confusion could dent dairy sales. A major dairy ingredients' customer is sounding the alarm.

by Lorraine Stuart Merrill

DAIRY product sales could be collateral casualties in the war against the latest dietary demon: “artery-clogging” trans fats. That’s the warning from Sandy Solmon, whose company Sweet Street Desserts buys 15 million pounds of dairy products a year.



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Nutrition and health professionals have known for decades that industrial hydrogenation of oils to produce solid shortenings and margarines had detrimental health effects.

Nonetheless, until recently, the dominant public health strategy emphasized cholesterol and saturated versus unsaturated fats.

Scientific evidence has piled up since the 1990s linking these artificially produced trans fats to coronary heart disease. With the average American consuming nearly 6 grams of the stuff a day, in January 2006 the U.S. Food and Drug Administration (FDA) mandated labeling for trans fat.

Solmon is warning anyone who will listen that confusion over FDA’s new trans fat labeling rule and New York City’s ban is causing some customers to shy away from dairy in their desserts. “My goal is to develop a coalition with the dairy industry,” she told the nation’s state agriculture commissioners and secretaries at their meeting in February, “to ‘with haste’ change the FDA-mandated trans fat labeling.”

Out with dairy . . .

Solmon would like to exempt natural trans fat from the label rule. But she thinks breaking trans fats into two lines — one for artificially created, hydrogenated trans fats and a second for natural trans fats would be easier to achieve with FDA. “This change coupled with the present labeling of saturated fat will give the consumer more information, allow them to make informed decisions,” she suggests, “while eliminating present confusion that is beginning to severely impact the dairy industry.”

National Dairy Council’s director of regulatory and research transfer Pete Huth agrees with Solmon’s concern but worries that adding a label line for natural trans fat may confuse consumers.

Solmon is founder, CEO, and research director of the fast-growing company based in Pennsylvania. She believes high-quality dairy products are key ingredients of Sweet Street’s success. The number-one maker of gourmet desserts in North America produces over 6.5 million dessert portions each week for chain restaurants, coffee houses, universities, and hotels. Most readers of this column have likely sampled Sweet Street products made with real cream, butter, sour cream, and milk.

Since FDA announced its labeling rule, food manufacturers rushed to reformulate products to qualify for “0 trans fats” on labels. That requires less than 0.5 gram trans fat per serving. For products destined for food service enterprises in New York City, where the Board of Health has banned trans fats from menus, this goal is not optional.

Even though New York’s Board of Health has

said naturally occurring trans fats are not subject to the ban, the ban is based on the FDA label which includes natural trans fats. Responding to Solmon’s testimony, the board clarified its policy. But no product containing any artificial trans fat in addition to natural, with a total over 0.5 gram, can be served. Solmon says the city inspection process for products with both artificial and natural sources is cumbersome and often impractical. So many food service operators are opting for zero-tolerance.

Often that means substituting nonhydrogenated margarine for butter, Solmon says. “That lowers the trans fats and, in effect, allows the manufacturer to serve a cheaper product made with less quality ingredients — and yet appear to be doing a service to the customer.”

“A portion of cheesecake containing 0.001 gram of artificial trans fat would be banned from New York restaurants because it has over 0.5 gram of dairy (natural) trans fat,” Solmon protests. Yet, an item with 0.45 gram of artificial trans fat escapes the ban by squeaking under FDA’s 0.5 threshold. Philadelphia has copied New York’s ban. Other cities and states are considering similar ones.

Not all trans fats are bad . . .

All trans fats are definitely not created equal, according to Dale Bauman, professor of nutritional biochemistry at Cornell University. The evidence against industrially produced trans fats is damning. Abundant research connects artificially produced trans fats in the diet to increased coronary heart disease — by increasing LDL (bad) cholesterol, increasing total cholesterol, and decreasing HDL (good) cholesterol.

These fatty acids are created by a chemical process of hydrogenation in the presence of a metal catalyst, usually nickel, which turns liquid oil into solid or semisolid fat. Also called partially hydrogenated vegetable oil (PHVO), these fats increase shelf life of commercial food products and enhance texture of baked goods. Commercial partially hydrogenated vegetable oils and fats can range up to 60 percent trans fats.

Naturally occurring trans fats, on the other hand, are produced by biohydrogenation in the rumen of ruminant animals. By contrast, only 1 to 8 percent of ruminant-derived fats are trans fats. This may seem complicated, but dairy people who learn about the special qualities of the trans fats found in milk and meat can help educate consumers.

The most common ruminant trans fat is vaccenic acid. Many dairy people know about conjugated linoleic acids (CLA), ruminant trans fats with demonstrated health benefits. Research by Bauman and others shows CLAs reduce incidence of both cancer and coronary heart disease. That’s why FDA excluded CLAs from its trans fat labeling definition. Milkfat contains trace amounts of several forms of CLA. But about 90 percent of the total is rumenic acid which Bauman’s research has shown has the positive health effects.

The rumenic acid form of CLA is produced by an enzyme in the mammary gland from vaccenic acids, the most common ruminant trans fat. Humans have this same enzyme — and also convert vaccenic acids from dairy and other ruminant-derived foods into those beneficial CLAs.

Bauman calls CLAs “the good fatty acids.” Current estimates are that we convert about 20 percent of the vaccenic acids from our diet into CLA.

“No data show trans fatty acids in milkfat have any adverse effect,” asserts Bauman, and human transformation of the most common natural trans fat into CLAs may be why. Biomedical studies with animal models show functional food benefits for ruminant-derived trans fats against cancer, especially breast and heart disease. Dairy foods also have much smaller amounts of trans fat.

“I think it is appropriate to advocate a distinction in the labeling based on the science,” Bauman asserts. “The types of trans fatty acids in PHVO (industrial sources) and ruminant fat (natural sources) are very different.”

Bauman points to the “growing body of scientific evidence indicating differences in human health effects between industrial and ruminant sources of trans fatty acids.” He says natural (ruminant-derived) trans fats should be excluded from FDA’s label rules on the basis of significant differences in total amount and isomer profile — the positions of the definitive double bonds — between the two different sources of trans fatty acids.

Herein lies the problem, Sandy Solmon points out. “This is a country that lives by the four-word phrase. It takes time get the concept across.” Where’s the education?

“This is a complicated issue,” notes Dairy Management, Inc.’s David Pelzer, senior vice-presi-



SANDY SOLMON, founder of a fast-growing dessert company in Pennsylvania, warns that dairy products are getting caught up in the anti-trans fat hysteria in New York and other cities.

dent for industry image and relations, and DMI has been tracking it for over five years. “If it were easy, we’d have solved it a long time ago.”

International Dairy Foods Association members are not reporting problems like Solmon’s, says Cary Frye, IDFA vice-president for regulatory affairs. Requiring label changes would be costly, and “companies can use voluntary means to communicate to consumers that there’s no artificial trans fat in dairy.”

Frye says the answer is for New York to clarify its confusing rules. “We’re monitoring what our members hear from customers. Education is very important.”

Trans fat labeling is mostly good for dairy, Frye notes, because most products qualify for the coveted 0. Still, she allows, “The dairy industry wanted to see natural trans fatty acids exempted.”