

Tackling the trans fat opportunity

Can our industry communicate the complicated — but positive — story of dairy trans fats?

by Lorraine Stuart Merrill

CONFUSION over trans fats is spilling into more than just FDA label rules. “We’re continuing to document the differences in biological effects of dairy trans fats compared to trans fats from industrial sources,” says Cornell Professor Dale Bauman, leading researcher of conjugated linoleic acids and trans fatty acids in milkfat. Education is lagging.



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Dairy Management, Inc., and National Dairy Council leaders think research is key to getting any modification of FDA’s definition and labeling regulations. DMI has a hotline to help manufacturers with questions about trans fat issues.

But a growing list of cities and states are looking to copy New York City’s ban. Sweet Street Desserts CEO Sandy Solmon worries her company can’t wait on research and deliberation. “We could have total chaos,” she warns. “I can’t afford that kind of chaos in my business.”

Senators Arlen Specter and Robert Casey, both from Pennsylvania, wrote to FDA in March expressing concern that FDA’s definition does not specify the difference between artificial and natural trans fats. “We are concerned with the potential negative impact on our dairy industry,” the senators wrote.

Dairy caught in crossfire . . .

“I believe the legislation was meant to ban the use of artificially partially hydrogenated cooking oils that contain trans unsaturated fats,” Marion Nestle, nutrition professor at New York University and author of *Food Politics*, says of New York’s ban. “The use of the words ‘unnatural’ or ‘artificial’ distinguishes partially hydrogenated vegetable oils from meat and dairy products as sources of trans fats.

“Some evidence — still preliminary — suggests that the trans fats in meat and dairy foods differ in chemical structure and health effects from those produced through chemical hydrogenation. If so, the trans fats in meat and dairy foods should be excluded from the ban,” adds Nestle, who still thinks people should watch their intake of saturated fats.

“This is an important issue because anything made with animal fats will have trans fats and make it impossible to claim trans fat-free,” Nestle says. “Milk has trans fats, after all, and you can see what a mess this is going to cause.”

FDA’s website explains it this way to consumers: “Unlike other fats, the majority of trans fat is formed when liquid oils are made into solid fats like shortening and hard margarine. However, a small amount of trans fat is found naturally, primarily in some animal-based foods. Essentially, trans fat is made when hydrogen is added to vegetable oil — a process called hydrogenation...”

Solmon says FDA’s brief mention of naturally

occurring trans fats “seems like an afterthought.”

Indeed, FDA’s consumer trans fat website answers, “Where will I find trans fat?” with all artificial sources: “Trans fat can often be found in processed foods made with partially hydrogenated vegetable oils such as vegetable shortenings, some margarines (especially margarines that are harder), crackers, candies, cookies, snack foods, fried foods, and baked goods.”

Here’s FDA’s advice to consumers: “When comparing foods, look at the Nutrition Facts panel, and choose the food with the lower amounts of saturated fat, trans fat, and cholesterol. Health experts recommend that you keep your intake of these nutrients as low as possible while consuming a nutritionally adequate diet. However, these experts recognize that eliminating these three components entirely from your diet is not practical because they are unavoidable in ordinary diets.”

This is an example of the disconnect between FDA’s nutrition labeling policies and USDA’s My Pyramid nutrition recommendations.

Fortunately, notes Pete Huth, director of regulatory and research transfer for the National Dairy Council, “traditional dairy products — milk, yogurt, cheese, and most ice creams — all qualify for 0 trans fat because they are under 0.5 gram.”

Huth says the New York ban is an issue only for formulated products that contain both natural and artificial trans fats. “The national policy — FDA’s label requirement — is not a ban.”

But Solmon argues that FDA’s label requirement has a powerful effect in a business climate that demands sound-bite simplicity. Companies want a zero on the trans fat line. Solmon said her firm had already taken between 1 and 1.5 million pounds of dairy ingredients out of products for just one customer. “We are working with customers at the corporate level to change that strategy,” she said.

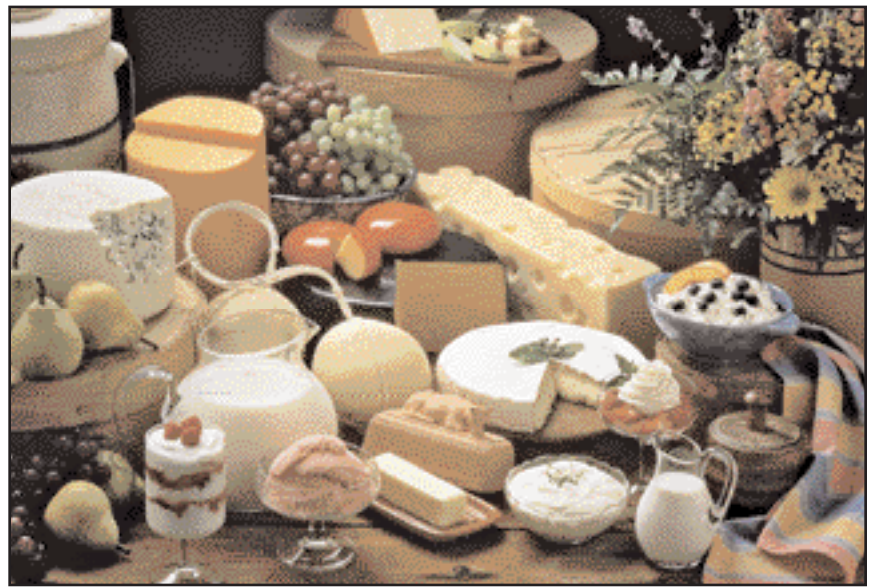
“Our success is based on the quality of desserts we sell,” Solmon asserts. “If we change to lower-quality ingredients, the customer may not know why it is different, but it will slowly reduce the desire to have it again.” Solmon fears switching to nondairy substitutes will cause a gradual loss of sales.

Solmon is fighting to modify FDA’s definition to distinguish artificial from natural trans fats “to assure our ability to sell the best product.”

Could get confusing . . .

National Dairy Council’s Pete Huth worries that Solmon’s proposal to add a second label line listing natural trans fat would confuse consumers. He offers another solution for at least some manufacturers. “I think we can steer industry to things they can say on their label to distinguish their product in a way FDA regulations would allow.” His suggested label claim: **CONTAINS NO ARTIFICIAL TRANS FAT.**

Assuming FDA would accept this label claim, it



might even help educate consumers that it’s artificial trans fats that are really bad for you. But it will only work for products made with all-natural ingredients. “We need to work with industry,” Huth says, “— they can use all-butter or all-natural ingredients (and make this claim).”

Solmon says Sweet Streets has eliminated all artificial trans fat from its recipes — except for ready-prepared ingredients like candy bars added to a cream pie or crumb crust for cheesecake.

Need more proof . . .

Huth says FDA needs human research comparing industrial and natural trans fats before the agency would revise its label rule. “FDA needs a compelling case to change course.” USDA researchers at Beltsville are beginning such a study this year. “FDA will err on the very conservative side as to do no harm — will exercise caution about decoupling natural from industrial trans fats because the isomers are nearly identical — though the amounts do differ dramatically.”

Huth said FDA won’t promulgate a rule that it can’t enforce. “They need the analytical capacity to distinguish, to verify that a product contains all-natural or dairy trans fat.” National Dairy Council is talking with scientists to identify markers that can do the job.


It’s not just the science of fatty acids that is complicated. Intended or not, impacts on dairy resulting from the trend to label and regulate trans fats are multi-faceted and global in reach.

In a presentation to the 2005 World Dairy Summit in Vancouver, Bauman and co-researcher Adam Lock noted a growing number of countries are establishing trans fat policies — but definitions and regulations are not consistent. Codex Alimentarius and FDA exclude CLAs, for example, but the 2004 European Proposition does not.

Canada has a labeling threshold of 0.2 gram trans fat, lower than FDA’s, and requires a daily value. Dairy products like Cheddar cheese and Kraft Singles are over Canada’s threshold, notes Huth. Denmark banned any oil or fat with more than 2 percent trans fatty acids from human food. The ban applies only to industrial fats, excluding natural sources.

The UK, Australia, and New Zealand mandate trans fat labeling only when specific claims are made for cholesterol or fat content.

This mosaic of conflicting municipal, state, federal, and international policies portends choppy waters indeed for commerce in prepared products made with dairy ingredients. The dairy industry will need to enlist partners and work hard to educate regulators and customers — from corporate to individual consumers.

Dairy has great upside potential in educating regulators, health professionals, and consumers about the complexities of trans fats. Consumers could learn about the functional food benefits of conjugated linoleic acids and how we make them from natural dairy trans fat in our diet. 

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