

# PETITION TO THE UNITED STATES FOOD & DRUG ADMINISTRATION

June 2, 2003

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Dockets Management Branch,  
Food and Drug Administration  
Department of Health and Human Services  
Room 1-23  
12420 Parklawn Drive  
Rockville, MD 20857.

## CITIZEN PETITION to the FDA

**The undersigned submits this petition under 21 CFR Part 10.30 to request the Commissioner of Food and Drugs to outlaw and completely prohibit the use of hydrogenated and partially hydrogenated fats and other known sources of trans fatty acids as ingredients in the preparation, manufacture and processing of food products intended for human consumption.**

### A. ACTION REQUESTED

Outlaw and completely prohibit the use of hydrogenated and partially hydrogenated fats and other known sources of trans fatty acids as intentional ingredients in the preparation, manufacture and processing of food products intended for human consumption.

### B. STATEMENT OF GROUNDS

On July 10, 2002, the National Academy of Sciences Institute of Medicine published a letter report about Trans Fatty Acids. This report, "Letter Report on Dietary Reference Intakes for *Trans* Fatty Acids," concludes, "There is a positive linear trend between trans fatty acid intake and total LDL cholesterol concentration, and therefore an increased risk of CHD [coronary heart disease], thus suggesting a Tolerable Upper Intake Level (UL) of zero." As accurately reported in the press, this means that the United States Institute of Medicine is saying that there is **no safe level** of trans fatty acids in food. In addition, numerous intakes of trans fatty acids in a multitude of different food products over time have a cumulative detrimental health effect on the consumer. Trans fatty acids are present in both fully hydrogenated and partially hydrogenated vegetable oils that are widely used as ingredients in numerous food products sold nationwide.

As a diligent health conscious mother of three small children I am finding it impossible to protect them from this risk as "partially hydrogenated" oils are in almost every cookie and cracker in the grocery store, nearly every type of bread, and almost all margarine. It is probably in most fast and restaurant food as well as school lunches.

Because the Institute of Medicine has determined that there is no safe level of trans fatty acids, I am petitioning the FDA to outlaw and prohibit the use of hydrogenated and partially hydrogenated fats in all prepared, manufactured and processed food products intended for human consumption.

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This action is necessary to protect the public, especially children. Labeling foods for Trans Fatty Acids is totally inadequate. Most consumers will not understand that Trans Fatty Acids are not a nutrient! There is no reason not to prohibit the use of hydrogenated and partially hydrogenated fats and oils since there are natural oils and fats available that can substitute for these artificial fats. Now that this major and significant cause of heart disease has been discovered, we must immediately take effective action to protect our children by removing it from our food.

**C. ENVIRONMENTAL IMPACT STATEMENT**

Not applicable.

**D. ECONOMIC IMPACT STATEMENT**

It is anticipated that some expenses will be borne by manufacturers of food products in converting recipes, processing procedures, and equipment to use more healthful fat and oil ingredients. However, the health of our children and all of us is worth these initial costs that will likely be passed on to the consumer. It is not anticipated that more healthful ingredients are necessarily more expensive.

On the other hand, eliminating Trans Fatty Acids from the American food supply should save our country the expense associated with treating the heart disease caused by Trans Fatty Acid consumption.

**E. CERTIFICATION**

I undersigned certifies that, to the best knowledge and belief of the undersigned, this petition includes all information and views on which the petition relies, and that it includes information known to the petitioner which is unfavorable to the petition, namely the cost of conversion and retooling in the food industry. I certify to the accuracy of information in this petition and to my belief that the U.S. Institute of Medicine report cited above is comprehensive, fully authoritative, and a completely reliable basis for the action requested in this petition. There is no doubt that the widespread and uncontrolled use of hydrogenated and partially hydrogenated vegetable oils and other oils know to have high concentrations of trans fats is harmful to both children and adults and needs to be stopped.

Signed: Diana E. Kelly  
Diana E. Kelly  
838 Flin Way  
Sunnyvale, CA 94067  
(408) 720-0790

Date: June 2, 2003  
State of CALIFORNIA  
County of Santa Clara

On June 2, 2003 before me ZIGGIE DUDZIUK-----, NOTARY PUBLIC  
personally appeared Diana E. Kelly

   personally known to me - OR -  proved to me on the basis of satisfactory evidence to be the person whose same is subscribed on this petition and acknowledged to me that she personally prepared and signed it and affixed the address and telephone number of her personal residence.

WITNESS my hand and official seal,

Signature of Notary Public

