

FOOD AMENDMENT (TRANS FATTY ACIDS ERADICATION) BILL 2008

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Bill introduced, and read a first time and ordered to be printed on motion by Dr John Kaye.**Second Reading****Dr JOHN KAYE** [3.41 p.m.]: I move:

That this bill be now read a second time.

Around the world the alarm has been raised on trans fats, which are proven agents in the epidemic of heart disease sweeping the industrialised world. For each and every use of these synthetic fats there are healthy, unsaturated substitutes. Trans fats offer no nutritional value and they have been eradicated in a number of jurisdictions overseas. It is time that governments around Australia acted to remove trans fats from the diet.

It is a key role of government to protect consumers from dangerous goods. The Food Amendment (Trans Fatty Acids Eradication) Bill 2008 aims to do just that. It seeks to mandate both the compulsory labelling of packaged food products containing artificially produced trans fats and the provision of warnings of the presence of trans fat in prepared food on menus at restaurants and signs at fast-food outlets. After two years of labelling, the bill seeks to place a statewide ban on the sale of products containing trans fats. The Greens accept that the ultimate solution is not at the State level but that concerted nationwide action is required. That is why the bill would also compel New South Wales representatives on the Ministerial Food Regulatory Council to move for labelling and then banning by Food Standards Australia and New Zealand [FSANZ].

The scope of the bill is limited to artificially produced trans fats. These are manufactured by partially hydrogenating vegetable oil, which involves super heating unsaturated oils in the presence of metal catalysts and hydrogen. The bill explicitly exempts naturally occurring trans fats that are found in trace amounts in dairy products and meat. Trans fats are used by food manufacturers and outlets for two main purposes: first, they are used as an ingredient, often in baked goods, to increase shelf life and to provide appealing flavour and texture; and, second, partially hydrogenated vegetable oil is also used for frying fast foods. In all of these applications there are unsaturated alternatives that do not pose anything like the same health risk.

No controversy is attached to the statement that eating trans fats dramatically increases the risk of coronary heart disease. The accepted medical science is that there is no safe level of trans fats in the diet and that eradication will almost certainly save lives. Trans fats have a double impact on health. Consumption not only increases the concentration of bad, or low density, cholesterol but also it decreases the concentration of good, or high density, cholesterol. In both actions, it exacerbates the risk of cardiovascular disease, which is a serious threat to public health and longevity. According to the Australian Bureau of Statistics, heart disease causes approximately one in six deaths in Australia each year.

Food Standards Australia and New Zealand [FSANZ] estimates that thousands of tonnes of trans fats are consumed in Australia each year, with approximately 2,500 tonnes consumed in food from takeaway food outlets alone. Although trans fats are probably present in lower concentrations in the diet of the average Australian than in some other countries, many Australians still consume large amounts of certain takeaway foods that are rich in the synthetic fatty acid, and that minority is likely to be exposed to levels that are substantially increasing the risk of heart disease.

The argument advanced by FSANZ that average consumption is below the level recommended by the World Health Organization ignores the reality of the thousands, possibly millions, of Australians who are consuming much higher levels of trans fats in packet pastries, biscuits and takeaway fried food. It is highly likely that the majority of Australians who possibly never consume trans fats in any substantial quantities dominate the average. They will enjoy better lives and will live longer for it. It is to the health and wellbeing of the remainder of Australians who consume much more junk food, ignored by FSANZ in their fixation on the average, that this bill is addressed. Unfortunately, FSANZ has a rapidly growing reputation as a friend of big companies rather than consumers.

Although it is difficult to accurately estimate the total impact on life expectancy, extrapolating from United States data in a study published in the *New England Journal of Medicine* in April 2006 suggests that somewhere between 2,000 and 6,800 Australians die each year because of the unnecessary presence of artificial trans fats in their diets. Even if the number is fewer than this, each and every death from trans fats is unnecessary and avoidable if only food regulatory authorities were to take action to rid the diet of this unnecessary ingredient. But

no such action is forthcoming in Australia or New South Wales, where the use of trans fats in food preparation is effectively unregulated. Currently the sole requirement in the use of trans fats is to label their presence if a nutritional claim is made in respect of fat content in a particular product. In the absence of such labelling there is no way consumers can tell whether a product contains trans fats or does not contain trans fats.

Some food corporations have voluntarily phased out trans fats use. Total trans fats consumption in Australia is probably falling, but it is clear that neither governments nor FSANZ should rely on self-regulation with its long history of failure in the face of the relentless drive for profits and market share within the food industry. The absence of labelling means that there is no competitive pressure on food producers to remove trans fats, and there is no way consumers can tell whether a product contains trans fats.

New South Wales residents deserve no less protection than those in many other jurisdictions around the world in which trans fats have been banned, phased out or severely restricted. In Denmark, trans fats have now been effectively banned since a 2003 law restricted industrially produced trans fat content to less than 2 per cent of all fats and oils imported into or sold in that country. Three years ago *Choice* magazine listed a range of foods sold in Australia that would not meet the Danish regulations and would be banned from sale in Denmark. This year California, under Governor Arnold Schwarzenegger, legislated to phase out trans fats in restaurants and retail baked products. United States cities such as New York and Philadelphia, and Calgary in Canada have banned frying food in trans fats in restaurants and fast food chains.

This year Kogarah Council and Gosford City Council in New South Wales passed a motion that would effectively ban new food outlets from frying food in artificial trans fats. This weekend the Local Government Association will debate civil action on a statewide basis. It is time for the New South Wales Government and FSANZ to ensure that all Australians receive the highest level of protection from this dangerous and unnecessary product.

There are many excuses for inaction, but none of them stack up against the lives being squandered by continued exposure to trans fats in the diet. It is true that much more needs to be done to reduce the consumption of saturated fats, which also leads to heart disease. But it is not true to say that labelling and phasing out trans fats would necessarily increase the use of saturated fats. For each and every use of trans fats there is an unsaturated alternative—an alternative that is much safer and is not as heavily implicated in the incidence of heart disease.

It is up to governments to encourage, as part of a broader health campaign, the use of the healthier substitutes. Public policy needs to be informed by the evidence that, gram for gram, trans fats are far more dangerous than saturated fats. That is no excuse for allowing an increase in saturated fat consumption, but it highlights the importance of eradicating the most dangerous of the fatty acids. Further, banning trans fats would actually enhance the campaign to alter eating behaviours by increasing awareness of the consequences of unhealthy foods. Far from distracting consumers, labelling and eventually banning trans fats would focus their attention on the importance of healthy foods and the impacts of unhealthy foods on heart disease.

The bill proposes labelling trans fats at the same location as saturated fats. That rare breed of consumers who look closely at the nutrition information panel will then be able to tell whether a product contains trans fats. The current situation is completely untenable. A quick look at the nutrition information panel reveals the concentration of saturated fats and total fats, and the difference of those two numbers gives you the sum of the amount of unsaturated fats and trans fats. This is absurd because it is not possible to separate the least dangerous fat, unsaturated fat, from the most dangerous of the fatty acids, trans fats. It leaves the consumer without any way of determining whether the food he or she is purchasing is safe and whether it contains trans fats.

Concerns have been expressed that a ban on trans fats would lead to an increased use of palm oil, which is not only highly unhealthy but also responsible for the land clearing for plantations in Borneo and the destruction of the habitat of endangered orangutans. Like other saturated fats, there is no excuse for manufacturers substituting palm oil for trans fats, and even less for regulators allowing them to do so. The Greens will introduce legislation to ban the import of palm oil from plantations that threaten the habitat of orangutans. Palm oil should be phased out as soon as possible.

The Food Amendment (Trans Fatty Acids Eradication) Bill 2008 challenges the New South Wales Government to act to protect the health and wellbeing of the population of this State, regardless of the pressure brought to bear on it by those who make a quick profit from the production and sale of unhealthy foods. No doubt the food-processing and fast-food industry will mount a range of arguments for inaction. From saturated fats to freedom of choice, none will stack up against the lives lost by failing to act to eradicate trans fats. If parliaments and governments take their responsibilities seriously, they will reject the protestations of industries that are doing nothing but protecting the easy profits that are to be made from using trans fats instead of the healthier alternatives. If we listen to the nation's doctors' peak body, the Australian Medical Association, which has endorsed this bill, we will act now to end the unnecessary deaths from trans fats. I commend the bill to the House.