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COUNCIL OF THE CITY OF PHILADELPHIA

3

COMMITTEE ON PUBLIC HEALTH AND

4

HUMAN SERVICES

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Room 400, City Hall
Philadelphia, Pennsylvania
Wednesday, October 10, 2007
10:20 a.m.

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PRESENT:

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COUNCILWOMAN MARIAN B. TASCO, CHAIR

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COUNCILMAN W. WILSON GOODE, JR.

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COUNCILMAN WILLIAM GREENLEE

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COUNCILMAN JAMES F. KENNEY

14

COUNCILMAN BRIAN J. O'NEILL

15

COUNCILMAN JUAN RAMOS

16

COUNCILWOMAN BLONDELL REYNOLDS BROWN

17

COUNCILMAN FRANK DiCICCO

18

COUNCILWOMAN JOAN L. KRAJEWSKI

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BILL 070511 - An ordinance amending Section
6-307 of The Philadelphia Code, entitled
"Foods Containing Artificial Trans Fats," by
exempting certain bakeries...

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BILL 070153 - An ordinance amending Title 6 of
The Philadelphia Code, entitled "Health Code,"
by adding a new section requiring that chain
restaurants obtain and display certain
nutrition information...

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COUNCILWOMAN TASC0: Good

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morning. The recessed Committee of the

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Public Health and Human Services is now

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reconvened. We have a quorum in the

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presence of Councilman O'Neill,

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Councilwoman Blondell Reynolds Brown,

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Councilman Goode and myself.

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Councilwoman Reynolds Brown

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does have an amendment to the bill. Bill

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070153 is the bill that we're hearing.

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And would the Clerk just read the title

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so that we're clear and everybody is

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clear on the first bill we're hearing.

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THE CLERK: Bill No. 070153, an

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ordinance amending Title 6 of The

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Philadelphia Code, entitled "Health

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Code," by adding a new section requiring

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that chain restaurants obtain and display

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certain nutrition information for food,

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meal and beverage items offered for sale,

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and by making certain technical changes,

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all under certain terms and conditions.

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COUNCILWOMAN TASC0: Thank you

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very much.

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2 Good morning. We now recognize
3 Councilman Juan Ramos.

4 The Chair recognizes
5 Councilwoman Blondell Reynolds Brown for
6 the purpose of offering an amendment to
7 the one that we just read, 070153.

8 COUNCILWOMAN BROWN: Thank you,
9 Madam Chair. I do offer an amendment, a
10 proposed amendment, to Bill No. 070153.

11 COUNCILWOMAN TASC0: Do we have
12 the amendments?

13 COUNCILWOMAN BROWN: Which has
14 been circulated amongst our Committee
15 members.

16 COUNCILWOMAN TASC0:
17 Councilwoman will give an overview of the
18 amendments. The amendments are available
19 over on the table for anyone to see, and
20 the detailed amendments will be made part
21 of the record.

22 COUNCILWOMAN BROWN: The
23 amendment essentially aims to clearly
24 identify what is meant by "menu," the
25 definition of "menu" in the bill as it's

1 10/10/07 - PUBLIC HEALTH - BILL 070511
2 currently written. So the amended
3 language actually defines what a "menu"
4 is, and it is stated as a written or
5 printed description, whether in the form
6 of a pamphlet, folio, tablet, sign, board
7 or other form, of food or beverage items
8 offered for sale.

9 COUNCILWOMAN TASCO: Most of
10 the amendments are technical, right?

11 COUNCILWOMAN BROWN: They are
12 technical in that they clarify the
13 language.

14 Another important amended
15 language, it defines actually what
16 "nutrients" are. So the word "nutrients"
17 has been stricken from the text of the
18 bill and the new language is "nutrition
19 information" so that is clear throughout
20 the text of the bill.

21 And then, finally, under
22 Penalties, the new language states, and I
23 read, "For the purpose of enforcing the
24 provisions of this Section, notices of
25 violation shall be issued by the

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2 authorized Health Department inspectors
3 or any other persons authorized to
4 enforce ordinances. Such notices of
5 violation shall be issued under the
6 procedures set forth in Section 1-112,
7 except that the amount required to be
8 remitted in response to a notice of
9 violation shall be \$150."

10 So the violation or the fine
11 specifies that it can be up to \$500, but
12 the minimum shall be \$150.

13 So I move for the adoption of
14 the amendment.

15 (Duly seconded.)

16 COUNCILWOMAN TASC0: It has
17 been moved and seconded that the
18 amendment as offered will be accepted.

19 All in favor will say aye.

20 (Aye.)

21 COUNCILWOMAN TASC0: Those
22 opposed? Councilman O'Neill.

23 COUNCILMAN O'NEILL: No, I'm
24 not opposed to the amendment.

25 COUNCILWOMAN TASC0: I will go

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2 on record to oppose the amendment.

3 The ayes are four; the nays are
4 one.

5 The Chair recognizes
6 Councilwoman Blondell Reynolds Brown to
7 move the bill out of Committee.

8 COUNCILWOMAN BROWN: Madam
9 Chair, I move that Bill No --

10 COUNCILWOMAN TASC0: I'm sorry.
11 We go out of the public hearing into the
12 public meeting.

13 Now we ask you to move the bill
14 out of Committee.

15 COUNCILWOMAN BROWN: Madam
16 Chair, I move that Bill No. 070153 as
17 amended be moved out of Committee with a
18 favorable recommendation.

19 (Duly seconded.)

20 COUNCILWOMAN TASC0: It has
21 been moved and seconded that Bill 070153
22 be reported out of Committee.

23 All in favor will say aye.

24 (Aye.)

25 COUNCILMAN O'NEILL: Nay.

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2 COUNCILWOMAN TASC0: And nay.

3 There are two oppositions;
4 three for the bill. The bill will be
5 reported out of Committee.

6 Thank you very much.

7 COUNCILWOMAN BROWN: Thank you,
8 Madam Chair.

9 COUNCILWOMAN TASC0: The
10 Committee is now convened to hear
11 testimony on 070511.

12 The Clerk will now read the
13 bill.

14 THE CLERK: Bill No. 070511, an
15 ordinance amending Section 6-307 of The
16 Philadelphia Code, entitled "Foods
17 Containing Artificial Trans Fats," by
18 exempting certain bakeries from the
19 provisions prohibiting the use of
20 artificial trans fats, under certain
21 terms and conditions.

22 COUNCILWOMAN TASC0: Thank you
23 very much. The sponsor of this bill is
24 Councilwoman Krajewski, and we call on
25 her for comments.

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2 COUNCILWOMAN KRAJEWSKI: Thank
3 you.

4 Good morning, Chairwoman Tasco
5 and members of the Public Health and
6 Human Services Committee. I want to
7 thank you for scheduling this hearing
8 this morning on the bill today.

9 In our Chambers this morning we
10 have a group of bakers from all over the
11 City of Philadelphia who wish to testify
12 in front of your committee and tell their
13 stories and voice their concerns over the
14 trans fat ban. From South Philly to the
15 Far Northeast, these mom-and-pop bakeries
16 have had their recipes handed down to
17 them from generation to generation, and
18 forcing them to change these family
19 heirlooms would be a grave injustice to
20 these Philadelphia businesses. I'm not
21 asking that we overturn the trans fat
22 ban. I'm asking for an exemption for
23 these small business owners that we
24 overlooked.

25 In their business, their

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2 survival exists on the texture,
3 consistency and, most importantly, the
4 taste of their product. If the taste
5 changes, so does their business.

6 I would like to present to you
7 and the Committee a bundle of petitions
8 with well over 15,000 signatures from
9 Philadelphia residents asking City
10 Council to amend this trans fat bill.
11 These petitions were collected on bakery
12 counters all throughout the City, and
13 this shows just how passionate and
14 dedicated our citizens are when you try
15 to change their traditions.

16 The last time I checked, I
17 don't believe the pound cake, the
18 cannolis, the Jewish apple cake killed
19 anyone. The bullets do. And I think
20 that we should know what our priorities
21 are.

22 Let's start acting like Council
23 people and not like the Surgeon General.
24 I believe that's their job.

25 Thank you.

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2 COUNCILWOMAN TASC0: Thank you
3 very much.

4 The Chair recognizes Councilman
5 DiCicco. Do you have remarks?

6 COUNCILMAN DiCICCO: No.

7 COUNCILWOMAN TASC0: Thank you
8 very much.

9 COUNCILMAN DiCICCO: Not yet.
10 I'll wait for the taste testing, then
11 I'll have remarks.

12 COUNCILWOMAN TASC0: The Chair
13 recognizes Councilman Ramos for remarks.

14 COUNCILMAN RAMOS: Thank you,
15 Madam Chair.

16 On December 14th of last year,
17 I introduced a bill in City Council that
18 modified Philadelphia's Health Code by
19 prohibiting the use of artificial trans
20 fats in food-service establishments.
21 Artificial trans fats increases the risk
22 of heart disease, stroke and death by
23 increasing bad cholesterol and decreasing
24 good cholesterol.

25 Research on the direct link

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2 between heart disease and the consumption
3 of artificial trans fats has been well
4 documented, creating a growing national
5 health issue.

6 Heart disease is one of
7 Philadelphia's leading causes of death.
8 Heart attacks and related illnesses
9 burden our hospitals, reduce the
10 productivity of our workplace, distort
11 our insurance rates and the healthcare
12 safety net, and they destroy families.

13 We need to battle heart disease
14 in a sustainable and preventative and
15 more intelligent manner. Philadelphia's
16 government needs to help all of us in
17 that more intelligent fight.

18 Many Philadelphia's
19 food-service establishments have already
20 replaced artificial trans fat with
21 heart-healthy alternatives. These
22 efforts could result in a six percent
23 reduction in coronary heart disease in
24 Philadelphia. The resulting public
25 health impact of such a reduction would

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2 be significant.

3 Additionally, our Health
4 Department has been actively engaged with
5 my office and food establishments
6 throughout the City in a public education
7 campaign to ensure guidelines of the
8 trans fat ban are clear and the
9 transition to a healthier alternative is
10 seamless. The list of food
11 establishments that support this health
12 initiative continues to grow and we are
13 seeing compliance citywide.

14 It is also important to note
15 many of these establishments have gone
16 trans fat-free voluntarily, many before
17 this ban was put in place.

18 On February 8th of this year,
19 the last time I addressed City Council on
20 this issue, the list of food
21 establishments abiding by the trans fat
22 ban was substantial and included many of
23 our area restaurants and hotel chains and
24 schools, colleges and universities,
25 including Tony Luke's, Pat's

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2 Cheesesteaks, Geno's Cheesesteaks, Night
3 Kitchen Bakery, the Flying Monkey Bakery,
4 Wendy's, Starbucks, Subway, Denny's,
5 Chili's, Ruby Tuesday, KFC, Loews Hotel,
6 Marriott Hotel, Omni Hotel, Temple
7 University, Drexel University, Eastern
8 University, St. Joe's University, School
9 District of Philadelphia. Archdiocesan
10 high schools and its administrative
11 office cafeteria have either eliminated
12 or started to reduce the use of trans
13 fat.

14 The list of food establishments
15 abiding by the trans fats ban continues
16 to grow as the trans fat movement is now
17 beginning to take foot both nationally
18 and internationally. In the United
19 States, major food chains and
20 entertainment facilities are recognizing
21 the public health threat of trans fat and
22 have either banned trans fats already or
23 have set deadlines in the near future to
24 do so. This list includes fast-food
25 giants such as McDonald's, Burger King,

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2 Taco Bell, Arby's, Applebee's, Friday's,
3 Olive Garden and Red Lobster, all have
4 removed trans fats from their menus as
5 well. Entertainment companies such as
6 Walt Disney and Universal Studio Theme
7 Parks have recognized the public health
8 threat of trans fat and stricken them
9 from their menus. JetBlue is now serving
10 trans fat-free foods on its flight.
11 Uno's has removed trans fats from all 225
12 of its restaurants worldwide, and
13 Canadian companies are also beginning to
14 follow suit as well.

15 The removal of trans fat has
16 grown into a national and international
17 phenomena not only because companies now
18 recognize and privately owned small
19 companies recognize the public health
20 threats of trans fat, but because it has
21 to become economically viable to do so,
22 and companies now see the promotion of
23 this change as an important and
24 successful marketing tool.

25 One of the most impressive

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2 examples I have seen of trans fat being
3 banned in the City of Philadelphia is at
4 Citizens Bank Park that has small
5 businesses selling food products at the
6 park. When I attended Opening Day at the
7 Philadelphia Phillies this season, I was
8 greeted by a large sign hanging over the
9 outfield fence proclaiming "Citizens Bank
10 Field is Trans Fat-Free."

11 In addition to reaffirming my
12 belief that banning trans fat in
13 Philadelphia is important, it also made
14 me realize how achievable it is. I was
15 encouraged to see all these small
16 businesses were adhering to this
17 important and life-saving ban on trans
18 fat.

19 I did not propose this bill,
20 and I emphasize, I did not propose this
21 bill to harm any business in
22 Philadelphia, and I, by what I saw of the
23 list, I have tasted already all of your
24 good products. It is a public health
25 education campaign to improve the quality

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2 of life for the citizens of Philadelphia
3 by protecting them from the harmful
4 effects of trans fats.

5 It is exceptionally important
6 to recognize the elimination of trans
7 fats is not an attack on one business or
8 another, but a step to protect citizens
9 from the harmful effects of trans fats.

10 It is equally as important to
11 recognize that there are viable
12 alternatives to trans fats that taste the
13 same and are not detrimental to your old
14 family recipes or detrimental to the
15 health of those who consume it.

16 The City's law banning trans
17 fats was approved unanimously by all
18 members of City Council and signed into
19 law by Mayor Street on February 15th of
20 this year, and it should not be changed.
21 It is the law. Amending this bill will
22 create a situation where citizens and
23 visitors alike will be consuming harmful
24 trans fats at some food establishments
25 while being protected from them at

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2 others.

3 Philadelphia is now nationally
4 recognized as a trans fat-free city, and
5 this amendment would not only create
6 confusion, it will be deceptive and it
7 would expose unknowing individuals
8 through the harmful effects of trans
9 fats. Nevertheless, I respect the
10 opinions of all those here today
11 representing small bakeries and other
12 eateries that are in favor of amending
13 the trans fat law.

14 City Council unanimously
15 approved this bill with the best interest
16 of Philadelphia citizens and visitors in
17 mind. This Committee should reject this
18 amendment with those same interests in
19 mind. Banning trans fats is the law in
20 Philadelphia. We should not expose some
21 of our citizens to the harmful effect of
22 trans fats for the simple fact that a few
23 food establishments claim it alters the
24 taste of their good food. There are
25 alternative ingredients that taste the

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2 same but are not harmful, and I strongly
3 encourage this Committee to protect the
4 citizens of Philadelphia and the visitors
5 to our great city. This legislation
6 would not only attract customers to
7 Philadelphia restaurants and dining
8 facilities, it would also help us save
9 lives.

10 Thank you, Madam Chair, for
11 letting me give these remarks.

12 COUNCILWOMAN TASCO: Thank you
13 very much.

14 Are there any other comments
15 from members of the Committee?

16 The Chair recognizes Councilman
17 O'Neill.

18 COUNCILMAN O'NEILL: Yes.
19 Thank you, Madam Chair.

20 I first would like to thank
21 Joan Krajewski for introducing this. I
22 don't think there's anything wrong with
23 improving a bill, correcting a mistake.
24 If anything, when I look at the language
25 in this bill and it says trans fats are

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2 okay if they come in wrappers from huge
3 bakeries that don't even have to be in
4 Philadelphia, they can be anywhere
5 outside this City, it seems to me that we
6 got it reversed. If we were going to ban
7 them, we should ban them from coming into
8 the City from outside in wrappers, not
9 from our local mom-and-pop bakeries that
10 we all grew up with and are just a part
11 of the fabric of the City.

12 I'm embarrassed to say that I
13 voted for this. I wish I had full
14 knowledge of it, and I know I'm
15 responsible for that. But there's a fine
16 line between educating the public and
17 becoming the food police and is a
18 slippery slope when you tell somebody
19 something is better for them than
20 something else as opposed to telling them
21 what they can eat and what they can't
22 eat. And I don't know where you draw the
23 line all the way down, but I think it's a
24 very clear line that Councilwoman
25 Krajewski has drawn in her legislation

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2 that separates out these Philadelphia
3 institutions that aren't killing anybody
4 and, in fact, people are getting some of
5 their best enjoyment in life out of those
6 small institutions.

7 I grew up in Port Richmond near
8 Stock's and the Aramingo Diner, the
9 dining cars in my district, and it's an
10 integral part of the fabric of my
11 district. It is right across the street
12 from Councilwoman Krajewski, since she
13 probably goes there more than I do, I'll
14 admit that. And we're going to hear
15 great testimony, and I just hope we can
16 keep open-minded that, yes, we made a
17 statement on trans fats. I think we
18 should be banning them from coming in
19 wrappers and also remember that trans
20 fats -- a product is considered trans
21 fat-free even if it has trans fats in it,
22 as long as it's less than half a gram per
23 serving. And when I read that -- and
24 that's a federal government rule. You
25 can eat an awful lot of a trans fat

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2 product and get an awful lot of trans fat
3 and still think you're eating fat free.

4 So this isn't an area that is
5 overly clear to most people, and I think
6 we can accomplish something here and
7 serve a public purpose if we give the
8 public as much information as we can.

9 Right now the public is going
10 to get a whole lot of information that
11 each of these panels representing
12 different establishments have some trans
13 fats in their product, and people are
14 going to make a decision that will only
15 affect them that they want to eat
16 something that has some trans fats in it
17 because it's so unique and so particular
18 to their neighborhood, their favorite
19 bakery, that they want to continue. And
20 we can tell them you shouldn't do it too
21 often. We can tell them a whole lot of
22 things, but I think to tell them you
23 can't do it at all or you have to eat an
24 inferior product is going to place that
25 company in a position where they may be

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2 out of business is wrong.

3 All those places that have gone
4 trans fat-free, it's a marketing tool,
5 and it's good if you can do it. I know
6 that everybody coming here today, if they
7 thought they could do a trans fat-free
8 product and have it taste as good would
9 be doing it, and they put a big sign
10 outside "trans fat-free," because
11 everybody wants to do more business, but
12 they also don't want to lose business.

13 So I'm going to -- I have a
14 commitment in my district in about an
15 hour. If I'm not here for the final
16 vote, I would like to be registered as
17 voting aye for this, what I think is a
18 very important bill and amendment to the
19 existing law. And I don't think it does
20 that much to harm the overall purpose of
21 the original one. I would like to
22 strengthen it so that products coming in
23 from outside of state in wrappers would
24 be banned.

25 Thank you.

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2 COUNCILWOMAN TASC0: Thank you
3 very much.

4 Any other comments?

5 Councilwoman Brown.

6 COUNCILWOMAN BROWN: Thank you,
7 Madam Chair.

8 I do have a couple of questions
9 posed to the sponsor of the trans fat
10 bill for clarifications for our own
11 purposes here.

12 In the existing law, Councilman
13 Ramos, is there a penalty or fine
14 attached to the law for those who violate
15 and actually serve trans fat products?

16 COUNCILMAN RAMOS: In the
17 process of public hearings, we talked
18 about this and that's why the bill has no
19 penalties in place, because we wanted to
20 be able to charge -- which is the
21 responsibility of the executive branch of
22 the government, to go and enforce this.
23 And there was a September 1st for
24 eateries that came into effect September
25 1st of this year. Bakeries don't come

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2 into effect until September 1st of next
3 year.

4 But we wanted to give the
5 Health Department time to do their public
6 education campaign, to present to them
7 alternative oils out there that would not
8 alter the taste of the good pound cake of
9 Stock's and some of the other ones here
10 that I have indulged in over the years,
11 but that I purposely did not include in
12 the bill fines. Nevertheless, the Health
13 Department has within its guidelines,
14 they have fines in the guidelines, but
15 they have been asked not to enforce those
16 fines until we make sure that this public
17 education campaign -- and I believe the
18 Health Department will speak today and
19 they will tell us about a massive mailing
20 that they've done to I don't know how
21 many eateries in the City. I hope they
22 covered all of them. And follow-up that
23 they will be doing in getting this public
24 education campaign on the good reasons
25 why we have banned trans fats in the City

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2 of Philadelphia.

3 COUNCILWOMAN BROWN: Thank you,
4 Council colleague. I'll then look
5 forward to the Health Department's
6 testimony.

7 Thank you.

8 COUNCILWOMAN TASC0: Thank you
9 very much.

10 I want to take the Chair
11 prerogative and go back to the labeling
12 bill just for clarification. I had
13 promised Councilwoman Brown that I would
14 not vote for the amendment, but I would
15 vote for the bill to come out of the
16 Committee. So I'd like the record to
17 show that I support the bill to come out
18 of the Committee so that she could
19 further work on it with the various
20 industry reps and the advocates. So my
21 vote will reflect the promise that I made
22 to Councilwoman Brown.

23 COUNCILWOMAN BROWN: Thank you,
24 Madam Chair.

25 COUNCILMAN O'NEILL: And my

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2 vote will reflect the promise I made to
3 her, which I would vote for the
4 amendments but not vote it out of
5 Committee today.

6 Thank you.

7 COUNCILWOMAN TASCO: So I want
8 the record to be very clear on what we're
9 doing up here, because we don't know.

10 COUNCILWOMAN BROWN: And for
11 those industry reps that are here, I've
12 made it clear to a number of you directly
13 and to my colleagues that there remains
14 work to be done on the bill. I am more
15 than willing to work cooperatively to
16 come up with language that speaks exactly
17 to what was expressed very clearly
18 yesterday, one size does not fit all and
19 flexibility and how we, as Councilman
20 Brian O'Neill put it very accurately, how
21 we not be a food police, but we seek to
22 educate the public.

23 Thank you, Madam Chair.

24 COUNCILWOMAN TASCO: Thank you
25 very much.

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2 Also, there are other people
3 here to testify on this bill that we're
4 going to hear now on the trans fat issue,
5 070511. If you have not registered as a
6 witness, please come over to the table
7 and sign your name so that we will call
8 on you at the appropriate time.

9 COUNCILWOMAN KRAJEWSKI: Madam
10 Chair, I just wanted to let the people in
11 here know to distinguish the different
12 bills, because I think it's a little
13 confusing.

14 COUNCILWOMAN TASC0: Right.

15 COUNCILWOMAN KRAJEWSKI: That
16 we're not referring to the amendment to
17 the trans fat bill. We're referring to
18 yesterday's bill.

19 COUNCILWOMAN TASC0:
20 Yesterday's bill had to do with labeling
21 of menus.

22 COUNCILWOMAN KRAJEWSKI: But I
23 just wanted our audience to know that.

24 COUNCILWOMAN TASC0: Right.
25 The first bill we heard earlier, I went

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2 back to that, and I thought I'd better do
3 it before it got too far along in the
4 testimony.

5 Okay. Now, if you have not
6 signed up, please see Derek Green over to
7 my left.

8 We call on Dr. Kenneth Smith,
9 Health Department.

10 DR. SMITH: Good morning,
11 Chairwoman Tasco and members of the
12 Committee on Public Health and Human
13 Services. I am Dr. Kenneth Smith,
14 Director of the Division of Chronic
15 Disease Prevention in the Philadelphia
16 Department of Public Health. Thank you
17 for the opportunity to present testimony
18 today on Bill 070511, which would exempt
19 certain bakeries from the prohibition of
20 artificial trans fats in food-service
21 establishments.

22 The recently enacted
23 prohibition of artificial trans fats in
24 food establishments was a proportionate
25 response to the urgent need to eliminate

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2 a harmful substance from the food supply,
3 and the Department of Public Health
4 applauds this Council and the Mayor in
5 enacting the legislation. The Department
6 is pleased to report that we have begun
7 implementation of an educational phase of
8 the ban in the food-service
9 establishments we inspect.

10 Trans fatty acid, typically
11 referred to as trans fats, are formed
12 when liquid vegetable and plant oils
13 undergo a chemical process called partial
14 hydrogenation in which hydrogen is added
15 to make the oils more solid. We need to
16 be clear that the current ban on
17 artificial trans fats does not address
18 the issue of obesity. But nonetheless,
19 artificial trans fats are known to be
20 harmful to human health, by increasing
21 our levels of low-density lipoproteins,
22 the bad cholesterol, while decreasing our
23 levels of high-density lipoproteins, the
24 good cholesterol. Eliminating artificial
25 trans fats from prepared foods is a

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2 necessary public health intervention in
3 addressing cardiovascular disease, still
4 the number one killer of Americans today.

5 Given our knowledge of the
6 dangers to human health posed by
7 artificial trans fats, it is incumbent on
8 us as a public health agency to take the
9 steps that are necessary to facilitate
10 reduction, to the extent possible, of
11 this harmful chemical from the foods we
12 consume. Baked goods are by far the
13 largest source of artificial trans fats
14 in our diets, and as such, the Department
15 cannot support the proposed legislation
16 before us today that would exempt
17 bakeries in Philadelphia from the
18 prohibition against artificial trans
19 fats.

20 The current four-month
21 education period before actual
22 enforcement of the ban begins is
23 providing time for all food-service
24 establishments, including bakeries, to
25 investigate alternative recipes that can

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2 be free of artificial trans fat, but
3 continue to have good taste. Moreover,
4 we in Philadelphia have the luxury of
5 learning from the experience of others
6 who have passed bans on trans fats, such
7 as New York City and the nation of
8 Denmark.

9 Indeed, many packaged cookies
10 and cakes currently available to us are
11 now free of artificial trans fats as a
12 result of the FDA labeling requirement
13 that has been in effect for more than one
14 year. When trans fats labeling
15 requirements took effect for these
16 packaged foods, most companies chose to
17 eliminate the artificial trans fats.
18 Some national and international
19 restaurants and coffee shop chains have
20 followed suit, largely eliminating
21 artificial trans fats from all of the
22 foods they serve.

23 While we support local bakeries
24 and their desire to serve desserts from
25 traditional recipes, it is important to

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2 understand that partially hydrogenated
3 oils, which are trans fats, were not used
4 in baked goods in the earliest days.
5 Partially hydrogenated oils were invented
6 in the early 1900s and did not become
7 widely used until after the 1920s. Thus,
8 many of the older bakeries have always
9 used traditional ingredients from natural
10 sources in their recipes instead of
11 processed artificial partially
12 hydrogenated oils. Two Philadelphia
13 bakeries I am aware of use real butter
14 instead of artificial trans fats, which
15 is probably why it's so tasty, and others
16 are making the transition to trans
17 fat-free baking in preparation for the
18 ban on artificial trans fats.

19 Currently, a number of trans
20 fat-free products are on the market for
21 producing baked goods, including trans
22 fat-free baking shortenings. Many of
23 these products are comparable in price
24 and quality to products containing
25 artificial trans fats. There are many

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2 trans fat-free lower saturated fat
3 alternatives on the market such as palm
4 and canola blends. As we implement the
5 current ban on trans fats in food
6 establishments, the Department is
7 planning a second mailing to all affected
8 establishments, an information packet
9 that contains a full array of trans
10 fat-free products and suppliers to assist
11 in the transition. We expect the mailing
12 to be complete during the month of
13 October. Bakers looking for an
14 additional source of information on
15 substitute shortenings and oils can also
16 call the American Institute of Baking for
17 advice on this issue.

18 Given the number of
19 alternatives and the four-month education
20 period before the enforcement begins on
21 the current ban, we believe that the
22 prohibition of trans fat in all
23 food-service establishments is a
24 necessary intervention to improve the
25 health of those who consume

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2 Philadelphia's fine foods.

3 Thank you for the opportunity
4 to present testimony today on this
5 important issue. I'm now available to
6 answer your questions.

7 COUNCILWOMAN TASCO: Thank you
8 very much.

9 Are there any questions from
10 members of the Committee?

11 Councilman Ramos.

12 COUNCILMAN RAMOS: Thank you,
13 Doctor, for coming here and testifying
14 before this very important bill.

15 Did you get any response from
16 your mailing?

17 DR. SMITH: I have with me here
18 my colleague, Izzat Melhem, who is the
19 Acting Director of Environmental Health
20 Services, and he can answer those
21 questions about the mailings.

22 MR. MELHEM: Good morning. We
23 have received --

24 COUNCILWOMAN TASCO: Would you
25 identify yourself for the record, please.

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2 MR. MELHEM: I'm sorry. My
3 name is Izzat Melhem. I'm the Acting
4 Director of Environmental Health Services
5 with the Health Department.

6 We have received responses to
7 the mailing and it was generally people
8 inquiring about alternatives, specifics
9 of the ordinance that weren't originally
10 clear, and also some translational issues
11 within the Spanish-speaking community and
12 the Asian community.

13 COUNCILMAN RAMOS: I'm sorry.
14 Can you repeat that last part again? I
15 apologize.

16 MR. MELHEM: Yes. It's okay.
17 We have received responses to the
18 mailing. Some were just on the specifics
19 of the ordinance. People weren't clear
20 on the implementation dates as far as
21 what's implemented by what date, being
22 that September 1st was for the deep-fried
23 oils and spreads and September of next
24 year was for the ingredients in baked
25 goods. We just gave some clarification

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2 on that. And also there were some --
3 mostly it was translational issues in the
4 Spanish-speaking community and the Asian
5 community.

6 COUNCILMAN RAMOS: And have you
7 been able to respond to those requests?

8 MR. MELHEM: We have. We
9 actually have resources online that we
10 could direct people to, and we are
11 working to set up those resources for the
12 residents on the City website.

13 COUNCILMAN RAMOS: Thank you.

14 Madam Chair, if I may?

15 COUNCILWOMAN TASC0: Sure.

16 COUNCILMAN RAMOS: Doctor, are
17 you going to be sending inspectors out to
18 the bakeries at this time, particularly
19 the bakeries that are concerned about the
20 impact on their business and their
21 recipes? Are you going to be sending
22 them out there to visit our bakeries that
23 are concerned and provide to them these
24 alternatives, proof that the taste won't
25 change?

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2 I know you did the mailing, but
3 a lot of times people want to see a
4 person visit their establishment and
5 say -- New York testified yesterday on
6 nutrition labeling. They testified here.
7 I believe there's someone here from New
8 York to testify on this bill, where they
9 have a pretty aggressive -- not
10 aggressive in the imposing way, but they
11 have people out there, inspectors out
12 there, visiting these establishments.

13 Are you planning to do that in
14 this phase of your public education?

15 DR. SMITH: Yes, Councilman.
16 Well, we're doing several things. First
17 of all, we will be developing an
18 educational mailing that includes a list
19 of alternatives with their prices, the
20 quality, the different brands and the
21 distributors so that people can actually
22 decide for themselves what's best for
23 them.

24 In addition, we're working with
25 New York City's Health Department to see

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2 what we can do to piggyback on what
3 they've been doing. They have developed
4 a trans fat hotline in multiple languages
5 available to bakeries and chefs to try to
6 find ways of developing menus for their
7 baked goods that taste just as good.

8 And it's important to remember
9 that when we think about flavor, a lot of
10 it is mostly in the head, and I'll give
11 you an example. A couple years back
12 McDonald's announced that it would switch
13 oils in their fries. They would go from
14 a frying oil that contained artificial
15 trans fats to a new trans fat-free
16 alternative. And after they announced
17 the change, everyone started complaining
18 about how the taste had changed and that
19 they were blander and that they were
20 somehow different, but, unfortunately,
21 McDonald's had neglected to tell them
22 that they actually hadn't changed their
23 recipe, hadn't switched their oils. And
24 so that's a perfect example of the fact
25 that a lot of these things are in the

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2 mind.

3 There are plenty of different
4 alternatives, trans fat-free
5 alternatives, to shortening that other
6 countries, bakeries in Denmark which --
7 and the entire nation of Denmark has
8 switched to trans fat-free baking goods,
9 and nobody complains about the switch.
10 In fact, they made the whole process of
11 switching to trans fat-free alternatives
12 a marketing device. They had bake-offs
13 and contests.

14 And what we're going to be
15 doing -- what we're working on right now,
16 the Health Department, is working with
17 the Mayor's Office of Health and Fitness
18 to search for funding to support a larger
19 information and education campaign, not
20 just for the general public but also to
21 provide technical assistance to food
22 establishments to help them find ways of
23 changing their oils and maintaining their
24 flavor.

25 So, yes, that's exactly what we

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2 plan to do.

3 COUNCILMAN RAMOS: Thank you,
4 sir.

5 COUNCILWOMAN TASCO:
6 Councilwoman Brown.

7 COUNCILWOMAN BROWN: Good
8 morning.

9 DR. SMITH: Good morning.

10 COUNCILWOMAN BROWN: The
11 sponsor of the bill, Councilman Ramos,
12 spoke to a timeline that's articulated in
13 the bill with regards to what becomes
14 effective. In September '08 do you plan
15 to institute penalties for those who
16 don't honor the legislation? What is
17 your plan?

18 MR. MELHEM: Well, as far as
19 enforcement goes, our plan is to include
20 this as a violation. It would be a line
21 item on the inspection report, just as
22 any Health Code violation would be noted
23 during the course of a routine
24 inspection. This would be noted just as
25 well.

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2 COUNCILWOMAN BROWN: And so
3 violation equals what? Simply a written
4 citation or does it equal a financial
5 penalty, or what?

6 MR. MELHEM: Well, simply
7 noting it wouldn't imply that there was a
8 penalty. It would be a violation, but it
9 would be something that we would give
10 them time to correct. If it came to
11 enforcement as far as court action, if a
12 business were taken to court for other
13 more critical violations, it would be up
14 to the courts at the time as how they
15 would impose fees. But we wouldn't take
16 a business to court solely on this issue.

17 COUNCILWOMAN BROWN: Okay.
18 Thank you for your testimony.

19 COUNCILWOMAN TASCIO: Councilman
20 DiCicco.

21 COUNCILMAN DiCICCO: Thank you,
22 Madam Chair, and thank you for the
23 opportunity to be heard at this hearing.

24 Good morning, gentlemen.

25 DR. SMITH: Good morning.

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2 MR. MELHEM: Good morning.

3 COUNCILMAN DiCICCO: Doctor, in
4 your testimony you acknowledge that there
5 are two bakeries within the City of
6 Philadelphia that use real butter. I've
7 been reading for, I guess, ten years or
8 longer that butter is not really healthy.
9 Could you speak to that? I mean and
10 compare that to trans fats? Everyone
11 says stay away from butter, it's not good
12 for your cholesterol and use less butter.

13 DR. SMITH: Okay. Let me be
14 clear. Artificial trans fats is a
15 dangerous chemical and it should be out
16 of our food supply, and that goes for
17 margarine and trans fatty partially
18 hydrogenated oils and so forth. Butter,
19 on the other hand, while it's high in
20 saturated fat, but it's natural. It
21 doesn't contain artificial trans fats.
22 And so if I had a choice between, say, a
23 donut that was cooked in artificial trans
24 fats versus a donut that was cooked in
25 something else, I would choose the one

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2 that was cooked with something else,
3 because we know for a fact that
4 artificial trans fats are dangerous.

5 COUNCILMAN DiCICCO: But are
6 you suggesting then that butter is
7 healthy?

8 DR. SMITH: No, I'm not
9 suggesting that butter is healthy.

10 COUNCILMAN DiCICCO: It's not
11 as unhealthy as trans fats?

12 DR. SMITH: Yes.

13 COUNCILMAN DiCICCO: But it is
14 unhealthy.

15 DR. SMITH: We have a choice
16 between something that is known to be
17 dangerous and a choice between something
18 that may not necessarily be as dangerous
19 if you don't eat too much of it.

20 COUNCILMAN DiCICCO: Okay. So
21 if I eat one cannoli a week as compared
22 to eating six pieces of buttered toast a
23 week -- and I don't want to be too
24 technical here, but I'm trying to make a
25 comparison where --

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2 DR. SMITH: I think that that's
3 a false comparison. It's a false
4 dichotomy, because let me just repeat
5 this. Artificial trans fats is a
6 dangerous chemical. It's sort of like --

7 COUNCILMAN DiCICCO: Would you
8 agree that cigarettes is a dangerous
9 chemical?

10 DR. SMITH: Yes, I do.

11 COUNCILMAN DiCICCO: We haven't
12 banned cigarettes yet.

13 DR. SMITH: No, we haven't.

14 COUNCILMAN DiCICCO: Not only
15 in the City, in the country or the world.
16 We have places where you can't smoke.
17 And I was one of the authors of the
18 smoking ban, as you know, but we also
19 allow people to continue to smoke,
20 although we know it's dangerous and can
21 kill. It's a --

22 DR. SMITH: Yes. And I spend a
23 lot of my time as Director of Chronic
24 Disease Prevention trying to get people
25 to quit smoking and remain smoke-free,

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2 because it's bad for you.

3 COUNCILMAN DiCICCO: People can
4 make the choice.

5 DR. SMITH: And people can
6 certainly make the choice not to eat a
7 donut with butter in it.

8 COUNCILMAN DiCICCO: So aside
9 from the bakeries, what other food
10 establishments are using trans fats in
11 the production or the cooking method in
12 their products in the City of
13 Philadelphia?

14 DR. SMITH: I'm sorry?

15 COUNCILMAN DiCICCO: Do other
16 food establishments aside from bakeries
17 use trans fats in the process of cooking
18 their products?

19 DR. SMITH: Yeah. Those that
20 have been -- I mean, other food-service
21 establishments have been using artificial
22 trans fats in their frying oils for
23 sauteing and so forth, and the
24 prohibition against trans fats would
25 prohibit those sorts of oils. It

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2 prohibited it as of September.

3 COUNCILMAN DiCICCO: '08.

4 MR. MELHEM: No; 1st of '07.

5 DR. SMITH: We've actually
6 given a grace period for food-service
7 establishments to replace their current
8 stocks, inventories of those oils, in
9 preparation for completely going trans
10 fat-free for their cooking oils.

11 COUNCILMAN DiCICCO: What, if
12 any, enforcement would be in place for
13 those companies who will be, as
14 Councilman O'Neill spoke to earlier, be
15 distributing their products in the City
16 of Philadelphia that are made with trans
17 fats but do not produce them in the City
18 of Philadelphia? Will there be any
19 enforcement with that?

20 DR. SMITH: I'm not sure I
21 understand.

22 COUNCILMAN DiCICCO: Well, if
23 Sara Lee products come from out of the
24 State of Pennsylvania and some of their
25 products, if not all of them, are

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2 prepared with trans fats, will there be a
3 ban on the distribution and sale of their
4 product in the City of Philadelphia?

5 DR. SMITH: Well, I'm not sure
6 that Sara Lee would come under this --

7 COUNCILMAN DiCICCO: I'm just
8 saying there are companies out there, as
9 was testified by Councilman O'Neill --

10 COUNCILMAN O'NEILL:
11 Entenmann's, I believe, is one.
12 Tastykake locally as well.

13 COUNCILMAN DiCICCO: But I'm
14 using non-Philadelphia companies to sell
15 products in our City.

16 DR. SMITH: Are you talking
17 about packaged foods?

18 COUNCILMAN DiCICCO: Yes,
19 packaged foods.

20 DR. SMITH: Packaged foods are
21 not really involved in this particular --

22 COUNCILMAN DiCICCO: Well, I'm
23 asking what, if any, enforcement would be
24 imposed on companies whose products are
25 sold within the City of Philadelphia that

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2 are produced with trans fats? Will there
3 be any ban on their sales going forward
4 in the City of Philadelphia?

5 DR. SMITH: If they come here
6 and cook it in a Philadelphia
7 restaurant --

8 COUNCILMAN DiCICCO: That's the
9 point. If their product is produced
10 outside of the City of Philadelphia,
11 distributed and sold in the City, will
12 the ban apply to them as well?

13 DR. SMITH: Well, I'm not sure
14 what your point is in this question,
15 because this particular --

16 COUNCILMAN DiCICCO: The point
17 is --

18 DR. SMITH: -- bill applies to
19 prepared foods.

20 COUNCILMAN DiCICCO: -- if --
21 and I understand the intent of this bill.
22 I don't want Councilman Ramos to think
23 I'm attacking what he originally set out
24 to do, and I think we do have an
25 obligation as elected officials to do

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2 what we can to protect the health and
3 welfare of our citizens. I'm not
4 attacking the bill. What it has to do
5 with is if we're going to say to our
6 local bakeries that you cannot use trans
7 fats in the production of your products
8 but a company who produces a similar
9 product or something that may not be
10 similar but a pastry product and they're
11 not within the City of Philadelphia
12 limits but they can sell it here, I think
13 that's a disadvantage for the folks who
14 are operating businesses in the City of
15 Philadelphia.

16 DR. SMITH: I understand your
17 point.

18 COUNCILMAN DiCICCO: You're
19 saying it's not healthy, but --

20 DR. SMITH: Sir --

21 COUNCILMAN DiCICCO: Let me
22 finish.

23 DR. SMITH: Okay. Please.

24 COUNCILMAN DiCICCO: But if
25 your factory is in Cleveland, you can

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2 ship in cannolis that are produced with
3 trans fats, but Isgro's and Termini's,
4 just to mention a few, cannot sell their
5 cannolis because they're produced with
6 trans fats and they happen to be in the
7 City of Philadelphia. So Isgro and
8 Termini maybe should move.

9 (Applause.)

10 DR. SMITH: May I please
11 respond?

12 COUNCILMAN DiCICCO: What we're
13 saying maybe is that those companies,
14 those local bakeries, may want to get up
15 and leave Philadelphia, produce their
16 product in New Jersey and have them
17 shipped in, because there will be no
18 enforcement.

19 DR. SMITH: Sir, with all due
20 respect --

21 COUNCILMAN RAMOS: Can I
22 interject? Maybe I can answer your
23 question, Councilman, partially, and that
24 is that the FDA for a number of years
25 since early 2000 had been doing research

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2 along the lines of the effects of trans
3 fat in our food products, and in January
4 of last year, the FDA started to enforce
5 a requirement on all packaged goods that
6 they disclose, among other ingredients,
7 the amount of trans fats in their
8 packages. That's why today you will --
9 and I see more and more of this in our
10 supermarkets, that people look now. And
11 there's been stuff that's been done in
12 the City Council over the years before I
13 came here on -- the late David Cohen did
14 a number of measures here on disclosing
15 to the public what is it that they're
16 eating.

17 So you will see in packaged
18 goods five milligrams of trans fats --
19 five grams of trans fat. Most of them
20 are going into and purposely putting zero
21 trans fat, because they want the people
22 that are purchasing packaged food goods
23 to know that their product is trans
24 fat-free. Short of that, Councilman,
25 there is federal stuff that is going on

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2 and I suspect that it will continue.

3 COUNCILMAN DiCICCO: Thank you,
4 and I was kind of going in that
5 direction. I mean, I'm not a member of
6 this Committee, but if some sort of a
7 notification were prominently displayed
8 that our products contain trans fats, not
9 unlike a pack of cigarettes in which the
10 Surgeon General says smoking cigarettes
11 is unhealthy, or whatever it says, can
12 cause cancer. People make a decision
13 whether they still want to buy and smoke
14 cigarettes. There is some sort of a
15 notification. And as the Committee --
16 I'm just offering that as a possible
17 additional amendment or some language may
18 be added to the amendment that may
19 require proper notification.

20 DR. SMITH: I have to just say
21 this, because I'm not an M.D. doctor, I'm
22 a Ph.D. doctor, and I'm actually an
23 economist, and one of the things that in
24 some of my consulting work, one of the
25 things that I point to businesses is to

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2 think not just about the supply side,
3 which is what businesses often think
4 about, their costs and so forth, but to
5 think about the demand side and what's
6 going to be happening in the future.

7 And, quite frankly, you may think that
8 you're helping small bakeries by having
9 an exemption, but if everyone else is
10 going to be -- is looking at their
11 products and saying, Wow, that's a
12 dangerous chemical, five years from now,
13 then that's time that they could have
14 been spending working on their products.

15 COUNCILMAN DiCICCO: Well, I
16 think that there will be a number of
17 witnesses that will come up and testify
18 about they have been experimenting, if
19 you will, with variations to trans fats
20 over the last several months, and I think
21 they're going to demonstrate for this
22 panel and others what the result of that
23 is, and in most cases, they find that the
24 taste isn't there. And I appreciate your
25 comments, but I think, again, proper

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2 notification might be a sufficient way to
3 deal with this issue, and people will
4 make that choice.

5 Thank you.

6 Thank you, Madam Chair.

7 COUNCILWOMAN TASCO: Thank you.

8 Dr. Smith, I just want to point
9 out that the original bill excludes
10 products that are in a manufacturer's
11 original sealed package. So I can't
12 speak for him, but what he's saying is
13 that someone could send stuff into the
14 City with trans fats and so they're not
15 included in this bill.

16 Any other questions or comments
17 from members?

18 Councilman O'Neill.

19 COUNCILMAN O'NEILL: I think
20 this is a very important point, when
21 we're talking about education and
22 education and education. I mean, if I go
23 into Joan's office because she tells me
24 she's got some Stock's pound cake in
25 there tomorrow before Council and some

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2 good coffee, which has happened from time
3 to time, or vice versa, I know I'm not
4 going to eat the whole pound cake. I
5 don't eat it every day, but it is a
6 treat, and many of these other
7 institutions here have the same thing.
8 My mother used to send me to Richmond
9 Street to Szypula's Bakery. And she
10 didn't call it Szypula's Bakery; she said
11 the Polish bakery, not Richmond Bakery,
12 the one -- they have the chruscikis that
13 we want.

14 These are engrained
15 institutions. We didn't have chruscikis
16 every day, but it was a real celebration
17 when we could.

18 If we're allowing Entenmann's,
19 Tastykake's and other products in
20 packages, I think I understood -- and I
21 have no quarrel with this -- that there's
22 already language on that wrapper that
23 tells you that trans fats are in there.
24 I don't think anybody very much reads it,
25 but I do know you can get that

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2 information.

3 It seems to me that a good
4 compromise here that doesn't kill the
5 original intent of Councilman Ramos and
6 yet allows Councilwoman Krajewski and
7 those of us that are very sympathetic to
8 the people about to testify would be some
9 form -- and doesn't make them have to
10 worry about a violation because there's
11 some other violation, but it gets into
12 the educational aspect, where they would
13 put up a sign and say, We want you to
14 know, however they want to phrase it or
15 everybody agrees they should phrase it,
16 that trans fats are used in our -- and at
17 some point, if they find a recipe that
18 they're happy with, trans fats have been
19 removed.

20 Again, maybe it will help them
21 sell more; maybe it wouldn't. But it
22 seems like we're punishing certain people
23 because they make things fresh in the
24 City in the neighborhoods and, while not
25 intending to, we're rewarding companies,

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2 whether they be in the City or outside,
3 that package their items with
4 notification that -- I can tell you these
5 1.25's that I get at the dollar store are
6 not going to be able to read. You need a
7 big magnifying glass to read this, and
8 even then, you'll agree that trans
9 fat-free means you can have up to a half
10 a gram per serving, and that's with the
11 federal guidelines. So there's trans
12 fats in there.

13 And some people are eating
14 boxes of this stuff. I'm not talking
15 about cakes that are here today. I'm
16 talking about boxes of chips and other
17 things that they think the biggest thing
18 on the label now isn't the name of the
19 company, it's trans fat-free. Somebody
20 is eating a whole package of the potato
21 chips or the other chips and they're
22 eating a lot of trans fats, thinking
23 they're being healthy.

24 It seems to me there is a
25 compromise here, and I hope the Chair

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2 maybe can facilitate it, with getting the
3 prohibition out of our local bakeries and
4 replacing it with some public education.
5 It seems to me that there should be a way
6 that we don't have to criminalize Stock's
7 pound cake or the different bakeries'
8 cannolis or the chruscikis or the Danish
9 pastry, the Jewish apple cake, and we can
10 have something that everybody can agree.
11 That's really what we're doing with
12 Entenmann's and others, is we're looking
13 at the educational aspect of their
14 wrapper. You want to ruin a cannoli, put
15 it in one of those sanitized wrappers. I
16 mean, it will go in a very short period
17 of time. You won't want to eat it. But
18 you can give people the information when
19 they're buying it.

20 Thank you.

21 COUNCILWOMAN TASC0: Thank you
22 very much.

23 (Applause.)

24 COUNCILWOMAN TASC0: When the
25 inspectors go out to inspect the

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2 restaurants to see if they are complying
3 with the trans fat ban, what is the
4 process for inspection?

5 MR. MELHEM: Well, they would
6 check the records of each establishment
7 as required, check package labeling for
8 oils to see if anything on site complies
9 with the current ordinance, and it will
10 also be part of interview with the
11 management and the staff.

12 COUNCILWOMAN TASC0: Who are
13 the inspectors? Who is doing the
14 inspection?

15 MR. MELHEM: The Environmental
16 Health sanitarians.

17 COUNCILWOMAN TASC0: Are these
18 the same sanitarians that we've been
19 trying to hire?

20 MR. MELHEM: Correct.

21 COUNCILWOMAN TASC0: Have we
22 hired enough sanitarians to take care of
23 the trans fats and take care of the
24 labeling and take care of the hot water
25 and take care of the roaches and the

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2 rats?

3 MR. MELHEM: And the smoking
4 ban.

5 COUNCILWOMAN TASC0: And the
6 smoking ban. How many do we have?

7 MR. MELHEM: Well, we currently
8 have 24 sanitarians out in the field, in
9 addition to five supervisors, and there
10 are three that do plan reviews that kind
11 of do it part time. They work in the
12 office part time doing plans and they're
13 out in the field part time, but they do
14 contribute.

15 We can certainly always use
16 additional, but we do the best with what
17 we have and we try to meet our goals with
18 the staff that we do have.

19 COUNCILWOMAN TASC0: What would
20 be an adequate staff for the Health
21 Department to cover all of the
22 inspections that we require, not just for
23 these ordinances but other ordinances
24 that have been passed that require them
25 to make inspections?

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2 MR. MELHEM: Being that this
3 would be part of a routine inspection, it
4 would be additional time at each
5 inspection, and also the menu labeling
6 that was addressed yesterday. I think we
7 had addressed the additional staff for
8 that. But ideally we are now moving into
9 a risk-based inspection protocol where
10 our goal is to do inspections based on
11 the risk category of each restaurant. So
12 I think our initial estimates were we
13 would -- in order to comply with that and
14 also the other requirements that have
15 been placed on us, we would essentially
16 need to double our staff, which is what
17 the initial estimates were that we had
18 presented to Council last year.

19 COUNCILWOMAN TASCO: Thank you
20 very much for your testimony.

21 Any other questions or comments
22 from members of the Committee?

23 (No response.)

24 COUNCILWOMAN TASCO: Thank you.

25 DR. SMITH: Madam Chair, I just

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2 wanted to mention, I believe that Gwen
3 Foster has some trans fat-free baked
4 goods for you on the table from the
5 Mayor's Office of Health and Fitness.

6 COUNCILWOMAN TASC0: Thank you
7 very much.

8 Now we'll call on our second
9 panel. Thank you very much. We call on
10 Nancy Morozin, Vince Termini, Mark Stock
11 and Denise Geise, Denise from Denise's
12 Bakery.

13 MS. MOROZIN: Good morning,
14 members of City Council.

15 COUNCILWOMAN TASC0: Just a
16 moment, please.

17 When you finish your testimony,
18 we would ask you to move to a side chair
19 and let the other people come up to the
20 table.

21 MS. MOROZIN: Yes, ma'am.

22 COUNCILWOMAN TASC0: Thank you.
23 Please identify yourself and proceed with
24 your testimony.

25 MS. MOROZIN: Good morning,

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2 members of City Council. My name is
3 Nancy Morozin and I'm co-owner of The
4 Dining Car. We're a family-owned and
5 operated diner and bakery servicing
6 Northeast Philadelphia since 1961. We
7 have been open 24 hours a day since we
8 first opened our doors and hope to
9 continue to do so for many more years to
10 come.

11 The Dining Car and its
12 customers respectfully request that City
13 Council amend the Section 6-307 ordinance
14 of The Philadelphia Code pertaining to
15 the trans fat ban. Banning the use of
16 products containing trans fats in
17 Philadelphia will hurt Philadelphia-based
18 bakeries. It will especially hurt the
19 border businesses, those of us who
20 operate on the fringes of the City
21 limits. It is also unfair to let
22 supermarkets and other stores sell items
23 with trans fat just because they come
24 pre-packaged.

25 As of today, we still do not

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2 know a good substitute for the shortening
3 we use. Business is driven by what
4 customers want, and the customers do not
5 want this trans fat ban. They want the
6 products they have always gotten and they
7 want them to taste as they always have.

8 For those of us operating
9 within blocks of the neighboring suburbs,
10 like our smoking guests, our dessert
11 guests will simply take their business
12 elsewhere.

13 The items we are discussing are
14 ones that are eaten in small quantities
15 and occasionally. For example, at The
16 Dining Car the things we use shortening
17 in that contains trans fats are pie
18 dough, icing and pound cake. This is
19 just a small percentage of over 100 items
20 that a guest can choose from. No one is
21 sitting down with the ten-inch pound cake
22 and consuming the whole thing at one
23 sitting, and if they are, they have
24 issues far greater than trans fat.

25 Recently, the national news

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2 broadcasts a study that proves stress was
3 as bad for the heart as smoking. Are we
4 next going to ban stress?

5 People are tired of bans, tired
6 of people told what and when they can do
7 or eat something, especially something
8 like this, which is such a small part of
9 their diet. No ordinance limited to
10 Philadelphia will accomplish anything
11 more than hurting Philadelphia-based
12 vendors by driving business outside the
13 City limits. It will simply be seen as a
14 nuisance and inconvenience as people work
15 their way around the ban.

16 In closing, I would like to say
17 that none of us here today seek an unfair
18 advantage by amending Section 6-307. We
19 are simply trying to keep the playing
20 field level so we can continue serving
21 our guests what they want. If we don't,
22 a non-Philadelphia-based business will.

23 Thank you for this opportunity
24 to voice our concerns.

25 COUNCILWOMAN TASCO: Thank you

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2 very much for your testimony.

3 MS. MOROZIN: You're welcome.

4 COUNCILWOMAN TASC0: Sir?

5 MR. TERMINI: I'm Vince

6 Termini, T-E-R-M-I-N-I, Termini Brothers
7 Bakery. We've been in the business for
8 86 years. My father started the business
9 in 1921 when he came from Sicily with his
10 original recipes. These recipes that
11 we're still following now which we tried
12 to change because of the trans fat did
13 not work. We tried every way possible.
14 We used trans fat in our frying
15 shortening. When the cannolis came out
16 of the fryer, they were saturated with
17 oil and they didn't look the color that
18 they should be. It isn't that we didn't
19 try. We tried.

20 We are willing to put a sign in
21 all our stores that we use trans fats,
22 because interviewing my customers that
23 come in through that door, when I tell
24 them what happened here at City Council,
25 they said it doesn't make any difference

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2 to them. Trans fats or no trans fats,
3 they would like a nice cannoli or a nice
4 piece of cake. They don't eat a ton of
5 it, but they eat some of it.

6 I don't understand another
7 factor. If you want us to replace trans
8 fats with butter, what does butter do to
9 the cholesterol and the heart and
10 everything? I don't understand that at
11 all. To replace trans fats with other
12 shortenings that are harmful to the body,
13 I really don't understand how that works.

14 In closing, I would hope that
15 you amend this to eliminate the small
16 bakeries like us in the City so we could
17 make the right product and leave it at
18 the discretion of the customer. Freedom
19 of choice.

20 Thank you.

21 COUNCILWOMAN TASC0: Thank you
22 very much.

23 (Applause.)

24 MR. TERMINI: I took two cakes,
25 one was with trans fat, one was without.

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2 You could see the difference. You don't
3 have to taste it. You could just look at
4 it and see. We tried every conceivable
5 recipe and we just couldn't get it right.

6 Thank you.

7 COUNCILWOMAN TASC0: Thank you
8 very much.

9 MR. STOCK: Good morning, City
10 Council. My name is Frank Stock and I am
11 the fourth-generation baker from Stock's
12 Bakery, Product Manager.

13 We are aware of the healthy
14 alternatives and the newly developed
15 trans fat-free shortening. However, we
16 have field-tested alternatives and found
17 them to be inconsistent and do not
18 possess the same quality and function as
19 what we have used in our formulas for
20 four generations. We are not in the
21 research and development business, but
22 have found our success and consistency in
23 quality.

24 Our signature product is pound
25 cake. The formula has been passed down

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2 through generations of family bakers. To
3 ask our current fifth-generation bakers
4 to alter our recipe seems too unreal to
5 grasp.

6 There is no guarantee that the
7 TFA-free shortenings are any safer than
8 our current ingredients. Furthermore,
9 TFA-free shortenings are not researched
10 long enough to call them safe
11 alternatives. They say that it is trans
12 fat-free, but what it does not say is
13 that it is double the saturated fat. How
14 is that a safe alternative?

15 TFA-free shortenings do not
16 formulate the same taste and textured
17 cake as all of our customers have come to
18 expect. Our store policy is that of
19 which guarantees taste, texture and
20 quality or your money back. TFA-free
21 shortenings would surely have a
22 remarkable impact on our fifth-generation
23 bakery and the loyal employees that have
24 put decades of hard work into producing
25 the famous Stock's pound cake.

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2 We believe in the education of
3 proper nutrition and healthy choices.
4 Sweets and candies should be eaten in
5 moderation. In addition, they should be
6 enjoyed as a treat or in celebration of a
7 special event.

8 We at Stock's are appreciative
9 of our customers and proud to have been
10 part of their so many special
11 celebrations. More importantly, we feel
12 shocked by the choice of City Council to
13 include bakeries on their list of
14 businesses to regulate.

15 In conclusion, we feel that
16 four lifetimes of dedication, commitment
17 have been infringed upon. In a city
18 where the Constitution was signed and
19 freedom of choice was a staple for an
20 entire nation, we have been stripped of
21 our right to choose. Not taking into
22 consideration the welfare of the City's
23 long-time establishments will ensure the
24 degradation of these businesses and the
25 reputation of the great City of

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2 Philadelphia.

3 Thank you.

4 COUNCILWOMAN TASC0: Thank you
5 very much for your testimony. I
6 appreciate it.

7 Could you allow the other
8 witnesses to come forward and then we'll
9 ask questions at the end of the
10 testimony.

11 MS. STOCK-DeCAROLIS: Good
12 morning, Councilmembers. My name is
13 Christine Stock-DeCarolis. I'm the
14 youngest of the fourth generation at
15 Stock's Bakery. Since I'm the store
16 manager, I guess I'm here to speak on
17 behalf of our customers and employees,
18 and to be quite frank, they don't want us
19 to change.

20 Recently, I was taking a 50th
21 anniversary cake for a couple when the
22 woman -- I noticed the woman was staring
23 at me. Without having to ask, she said
24 to me, 50 years ago I was standing here
25 as a soon-to-be bride ordering my wedding

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2 cake, and as impossible as it may seem,
3 the woman who took my order looked a lot
4 like you. And then I knew why she was
5 staring. Actually, I said to her, I look
6 like her. See, it was my grandmother.

7 We spoke briefly about
8 duplicating her wedding cake and we were
9 able to accommodate her, but before she
10 left, she said to me, I am so excited to
11 know that I will have that same cake that
12 I had on my wedding day. Please don't
13 change. We'll be back for our 60th.

14 This is just one of many
15 stories that have been shared with me by
16 our customers, and there doesn't seem to
17 be an end to them. Since this all began,
18 there has been such an outpouring of
19 support, both verbal and written, from
20 our customers. It's been quite amazing.
21 In fact, we are in awe. Imagine being a
22 part of every celebration that a family
23 has had for 50 or 60 years. Now multiply
24 that by a hundred. That's what our
25 customer base is. There's even a Stock's

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2 Bakery Fan Club that's been started on
3 the Internet on Facebook. Wow. As I
4 said before, we're in awe. We don't ever
5 want to have to disappoint our amazing
6 customers.

7 Each one of us here has spoken
8 about generations. We even have the
9 fifth generation represented today by my
10 niece, Sara, who has decided to enter the
11 Restaurant School to continue the
12 tradition of baking. But there are
13 generations that are not with us today.
14 They are the generation of employees,
15 fathers and sons, mothers and daughters,
16 three brothers, two sets of sisters. We
17 even have had every sibling from four
18 different families that have worked for
19 us at various times.

20 Talk about your generations?
21 Our customers come to us in generations,
22 too. We proudly display in our store a
23 photo that was sent to us by a bride of
24 her wedding cake. Now, what's truly
25 remarkable about that photo is that on

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2 either side of her wedding cake in the
3 picture are framed photos of her mother's
4 and her grandmother's wedding cakes.
5 Each was done by a previous generation of
6 Stock's bakers.

7 So when our customers come into
8 our store day after day and ask, You're
9 not going to change your cake, are you,
10 or We don't want you to change, or What
11 will we do without our Stock's cake, I
12 have to ask you, what will we do without
13 our customers, because they will surely
14 find somewhere else.

15 Please allow us the opportunity
16 to have our say, for it seems we're
17 really fighting for our very existence.

18 Thank you.

19 COUNCILWOMAN TASC0: Thank you
20 very much.

21 (Applause.)

22 COUNCILWOMAN TASC0: Would you
23 identify yourself for the record, please.

24 MS. GEISE: I'm Denise Geise,
25 Denise's Bakery.

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2 Unlike my predecessors, I don't
3 have one, two, three or four generations
4 before me. I am the first generation of
5 my bakery. I might be one of the
6 bakeries that was referenced as using
7 butter in our products. We do use butter
8 in our products, but we also have
9 products that require trans fat to keep
10 up with the quality that we've
11 established for our business.

12 Our business was established
13 for several reasons. One, to give the
14 community a quality business, to provide
15 people who could not be employed by other
16 employers and to bring back something to
17 the community. We are located in the
18 very, very heart of the North
19 Philadelphia area of the City where there
20 are very few quality businesses that
21 people can take pride in.

22 To make a point, we pride
23 ourselves on the product that we provide.
24 Some of them require trans fat and some
25 of them don't. We do not have a lot of

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2 generations before us and we will not
3 have generations after us. When I die,
4 our business will probably die with me.
5 But in the meantime, we are committed to
6 making sure that our neighborhood and our
7 customers receive the best quality
8 product that we can provide to them.

9 We provide a homestyle product,
10 the kind grandmom used to make. A lot of
11 our customers will tell us, I don't have
12 to bake anymore, I can come here and buy
13 my product.

14 So I support everything that
15 the other colleagues have said. I'd like
16 to say, too, that what I hear is that
17 we're likened to the McDonald's and the
18 Burger Kings and so forth. Well, making
19 a cake is not the same as frying french
20 fries.

21 (Applause.)

22 COUNCILWOMAN TASC0: Thank you
23 very much.

24 I'd like to say because Denise
25 is so well known in our community of

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2 North Philadelphia, Germantown, West Oak
3 Lane, we've tried to get her to West Oak
4 Lane on Ogontz Avenue for so long.

5 And you can commemorate the
6 fact you don't have any generations, you
7 can give your father some grandchildren.

8 But we all go there for our
9 products, too, as well as some of the
10 other bakeries that have testified, too.

11 Yes, Councilman.

12 COUNCILMAN RAMOS: I just
13 wanted the record to reflect that all the
14 bakeries that have testified thus far --
15 and I see a few others coming up, but I
16 have this to say to The Dining Car, to
17 Termini's and to Stock's and to Denise,
18 that I have patronized all four of your
19 establishments at least twice. And some
20 of them -- Denise, because Denise makes
21 some great cakes and has had a very
22 special place in my heart, because she
23 has her establishment at the old Connie
24 Mack Stadium and I went to school right
25 across the street at Dobbins. So it's a

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2 very special place, as well as Termini.
3 Many times I've gone up 8th Street and
4 the Reading Terminal this year. Stock's,
5 the same way and the Polish bakery on
6 Richmond Street. My Monsignor Tomichek
7 will not, Joanie knows, will not let a
8 holiday go by unless he stops by there,
9 picks me up and we go down there and buy
10 the goodies.

11 So your bakeries that I know
12 are some of the best in this City and
13 I've had the pleasure, and I want to
14 continue to have the pleasure to
15 patronize you as well. And because even
16 though I introduced this ban, I know that
17 you're very responsible Philadelphians,
18 you have a great product and I know
19 you'll do the right thing. Whether this
20 is change or not, you'll do the right
21 thing for your customers and maintain
22 your customer base.

23 Thank you, ma'am.

24 COUNCILWOMAN KRAJEWSKI: And
25 what you're saying is you will vote to

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2 amend it, right?

3 COUNCILMAN RAMOS: What I'm
4 saying is that I like the cakes.

5 COUNCILWOMAN TASC0: He just
6 reminded me, Termini's, I know the name
7 of the company, but I go there all the
8 time in the Reading Terminal to get my
9 pastry. Delicious.

10 Now let's call on the third
11 panel. Dr. Michael Jacobson, Laura
12 Stanley and Sandy Sherman.

13 Thank you. Good morning.
14 Thank you for coming in to testify.

15 DR. JACOBSON: Thank you very
16 much, Councilwoman. My name is Michael
17 Jacobson. I'm the Executive Director of
18 the Center for Science in the Public
19 Interest, a non-profit health advocacy
20 organization based in Washington, DC. I
21 greatly appreciate the opportunity to
22 speak at today's hearing.

23 I don't think I need to dwell
24 on the harmfulness of trans fats, so I'll
25 only remind you that professors at the

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2 Harvard School of Public Health estimate
3 that trans fat has been causing roughly
4 50,000 fatal heart attacks annually,
5 including several hundred in
6 Philadelphia. Because artificial trans
7 fat on a gram-for-gram basis is the most
8 harmful fat in the food supply, any
9 substitution, even butter, is a healthier
10 choice.

11 The Center for Science in the
12 Public Interest has long been concerned
13 about trans fat. We formally petitioned
14 the Food and Drug Administration to
15 require trans fat labeling of packaged
16 foods in 1994. The FDA's 2003 labeling
17 regulation went into effect in 2006,
18 spurring many companies to begin using
19 healthier oils. Entenmann's, for
20 instance, was one of the large bakery
21 companies that made the switch.

22 In 2004, a year after labeling
23 was required, the CSPI petitioned the FDA
24 to require restaurants to disclose their
25 use of trans fat, but the FDA did not go

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2 along with that. And in the same year,
3 we petitioned the FDA to revoke the
4 "generally recognized as safe" status of
5 partially hydrogenated oil, the source of
6 artificial trans fat, as a way of getting
7 trans fat out of the food supply
8 entirely.

9 For the past several years, we
10 have pressed restaurants to switch to
11 healthier oils, and we sued KFC and
12 Burger King to get rid of trans fat or to
13 disclose its presence to consumers.
14 Those and numerous other companies, big
15 and small, have begun or completed the
16 process of switching to healthier oils.
17 For instance, Wendy's, Ruby Tuesday, Taco
18 Bell and Dunkin' Donuts are or will
19 shortly be largely trans free.
20 Starbucks, which contracts with regional
21 bakeries, is getting rid of trans fat
22 from all of its baked goods throughout
23 North America by the end of this year.

24 It's not just biggies. Arnie's
25 Bakery in Grand Rapids, Michigan and the

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2 Sweet Chef Southern Style Bakery in
3 Harlem got rid of trans fat years ago.
4 Up in Maine the Governor's Bakery says
5 its foods taste better without trans fat.
6 Can't Philadelphia bakeries do the same?

7 Many bakeries have always used
8 traditional natural ingredients instead
9 of the artificial partially hydrogenated
10 oils from factories, and you'll hear
11 today from several Philadelphia
12 restaurants that are able to use butter
13 instead of partially hydrogenated oil.

14 CSPI has worked with numerous
15 city and county councils and state
16 legislators to develop measures to phase
17 out trans fat from restaurants, bakeries,
18 cafeterias and other food-service
19 operations. This Committee and the
20 entire Philadelphia City Council deserve
21 tremendous credit for adopting one of the
22 first citywide phase-outs of trans fats
23 in restaurants. New York City was
24 actually the first and helped lay the
25 groundwork for Philadelphia. Then

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2 Philadelphia helped lay the groundwork
3 for subsequent phase-outs. Nassau
4 County, New York; Montgomery County,
5 Maryland; King County, Seattle,
6 Washington; and Brookline, Massachusetts
7 are all phasing out trans fat from their
8 restaurants and bakeries.

9 Because of the City Council's
10 public health actions, Philadelphians are
11 beginning to enjoy healthier diets that
12 taste the same without needing to make
13 any effort on their own.

14 Importantly, the switch to
15 trans fat has been invisible, and now
16 we're seeing it at McDonald's. We heard
17 one example earlier when people
18 complained when McDonald's didn't switch
19 to a different oil. Now McDonald's is
20 switching and we don't hear any
21 complaints whatsoever. McDonald's has
22 switched in several thousand restaurants.

23 However, if Councilmember
24 Krajewski's amendment passes, certain
25 bakeries would be allowed to continue

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2 using this artery-clogging ingredient
3 even though ample alternatives that will
4 not change the taste of the foods are
5 available. This proposal would
6 significantly weaken the law that you
7 passed several months ago. I strongly
8 urge you to vote against the bill. Just
9 as toy makers should not be allowed to
10 market toys covered with lead paint and
11 gas stations should not sell gas with
12 lead and hardware stores should not sell
13 pesticides with DDT, bakers should not be
14 allowed to market foods made with
15 partially hydrogenated oils.

16 Eliminating trans fat from most
17 baked goods is not rocket science, and
18 the law even provides baked goods an
19 extra year to be in compliance with the
20 rules. As you'll hear today in just a
21 moment from New York City, it's perfectly
22 feasible to largely eliminate trans fat
23 from baked goods and still have the same
24 or even better taste and shelf life.
25 Frankly, it's quite amazing to see the

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2 bakeries seeking the special interest
3 legislation almost a full year before the
4 law takes effect and before they've done
5 enough testing or sought assistance in
6 developing recipes using the growing
7 number of healthier oils.

8 As you consider this
9 legislation, it's worth noting that
10 partially hydrogenated oil is not some
11 kind of artisanal ingredient passed down
12 through the ages in secret family
13 recipes. In fact, it's an artificial
14 ingredient that was first developed less
15 than a hundred years ago and widely used
16 only about for 50 years or so. You can
17 be sure that bakeries in Sicily were not
18 using partially hydrogenated oil in 1921.
19 The recipe we heard surely has been
20 changed. William Penn and Benjamin
21 Franklin were not walking these streets
22 eating biscuits and cookies made with
23 partially hydrogenated oil. Back then,
24 Philadelphia bakeries were marketing
25 baked goods that did not contain this

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2 nasty ingredient.

3 If we're going to be nostalgic
4 about classic recipes, we should be
5 nostalgic for the foods that come from
6 farms, not factories.

7 So, once again, I applaud the
8 City Council for having passed its
9 ground-breaking public health law and
10 urge you not to open up a special
11 loophole to exempt baked goods.

12 Thank you.

13 COUNCILWOMAN TASC0: Thank you
14 very much.

15 COUNCILMAN O'NEILL: Madam
16 Chair.

17 COUNCILWOMAN TASC0: Yes.
18 Councilman O'Neill.

19 COUNCILMAN O'NEILL: Yes.
20 Thank you, Madam Chair. As I stated
21 earlier, I have to leave for my district
22 for a previously scheduled meeting and
23 announced that I would be voting yes on
24 this bill and this amendment, but I
25 sincerely hope that these two fine

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2 Councilmembers, Councilman Ramos and
3 Councilwoman Krajewski, can work out a
4 compromise that satisfies both goals.

5 Thank you.

6 COUNCILWOMAN TASC0: Thank you.

7 Yes?

8 MS. STANLEY: Good morning. My
9 name is Laura Stanley and I run the New
10 York City Trans Fat Help Center, which is
11 based at New York City College of
12 Technology, which is part of City
13 University of New York.

14 There's a lot I could tell you
15 today about the work that we do, and if
16 you have questions, please feel free to
17 ask, but for the moment, I will restrict
18 my comments to some work we did this
19 summer at the Trans Fat Help Center
20 testing new zero gram trans fat
21 shortenings that are just now emerging on
22 the market. So this was really kind of
23 cutting-edge research, and I am not aware
24 of any other group that has done this so
25 far.

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2 The reason we conducted this
3 research is that my office, which is -- I
4 should backtrack and say we're based at
5 New York City College of Technology
6 because there is a large culinary school
7 there, and I work with the baking faculty
8 there, as well as very closely with
9 American Institute of Baking, which is a
10 partner in the Trans Fat Help Center
11 project. And one of the many things we
12 do is, we offer educational support to
13 small food-service operators in New York,
14 including small and mid-sized bakeries of
15 the kind that have come here today to
16 testify.

17 So what we decided was called
18 for this summer was some kind of
19 across-the-board testing of the products
20 that are currently available, and I say
21 that because we are looking at new
22 shortenings emerging on the market every
23 month. So what we tested this summer was
24 what was available this summer.

25 And just to -- what I'll do is,

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2 I'll read you an excerpt from a memo that
3 I created after we did this work. This
4 was testing that was done both at New
5 York City College of Technology and
6 American Institute of Baking.

7 Tests were conducted with zero
8 gram trans fat shortenings and bakers'
9 margarines from four producers: ACH,
10 brand names were BBS-Z, Alpine Z; Bunge,
11 which would have been Vream NH, Vreamay,
12 Croissant NH, Bakers Ideal NH;
13 Loders-Croklan, brand name Sans Trans 39;
14 and Cargill, brand name TransEnd
15 All-Purpose. The Cargill is the only
16 non-palm oil shortening we had available.

17 Testers at City Tech and AIB
18 made a wide variety of standard bakery
19 products: baking powder biscuits; yellow
20 layer cake; sugar snap cookies; chocolate
21 chip cookies, both crisp and soft;
22 croissants; butter creams, two kinds of
23 butter cream; pound cake, two kinds of
24 pound cake; pie crust; and yeast-raised
25 sweet rolls. We baked with controls,

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2 partially hydrogenated vegetable oil
3 shortening in all cases, butter as well
4 in others, in every trial.

5 Our results were conclusive in
6 most cases and largely positive. For
7 sweet items, the zero gram trans fat
8 shortenings performed very nearly as
9 well, as well, or better than partially
10 hydrogenated vegetable oil controls.
11 Shelf-life tests were extremely
12 encouraging. We noticed no difference in
13 deterioration rate between controlled
14 baked goods and items baked with zero
15 gram trans fat shortening. For the most
16 part, shortenings performed very
17 similarly to one another when used for
18 the application they're intended for.
19 However, occasional failures; for
20 instance, Vreamay NH makes a
21 disappointing biscuit and TransEnd
22 All-Purpose is unworkable in pie crust.
23 These suggest that New York City bakers
24 will need to experiment in order to find
25 the shortenings appropriate for the

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2 recipes.

3 I should add that for these
4 baking tests, we did no reformulation.
5 We simply dropped in the new shortening
6 in place of the old shortening. We were
7 very pleasantly surprised. We had been
8 talking all along about the need for
9 reformulation and giving out advice to
10 New York City bakers about reformulation,
11 different proportions, different methods,
12 all this kind of thing. It simply has
13 not come up, not yet anyway. I can't say
14 with complete confidence that other
15 issues will not emerge down the line, but
16 for this test that we ran, we had these
17 very encouraging results.

18 I should also add that we're
19 doing some case studies in New York City
20 with a couple of small bakeries. One is
21 a family-owned fourth-generation Italian
22 bakery. Another one is a mid-sized
23 Chinese bakery. Both of them are
24 currently in the process of phasing out
25 trans fat with very successful results.

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2 They're giving themselves plenty of time.

3 The Chinese bakery so far is just

4 dropping out the old margarine and

5 putting in the new with no differences.

6 The Italian has been doing it more slowly

7 and carefully, but so far, customers are

8 not noticing any difference with the

9 items that have been made trans fat-free.

10 Thank you.

11 COUNCILWOMAN TASCO: Thank you

12 very much.

13 Miss?

14 MS. SHERMAN: Good morning,

15 Chairwoman Tasco and members of the

16 Committee on Public Health and Human

17 Services. Thank you for the opportunity

18 to testify here today.

19 As everybody else here, I

20 applaud your leadership in working

21 together to combat diet-related disease

22 and obesity in Philadelphia and to host

23 these hearings on trans fat. My name is

24 Sandy Sherman and I'm the Director of

25 Nutrition Education at The Food Trust, a

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2 not-for-profit organization based here in
3 Philadelphia that works to ensure that
4 all people have access to the information
5 and the nutritious foods they need to
6 live healthy lives.

7 I'm here today to support
8 eliminating trans fats from restaurants
9 and bakeries in Philadelphia. While I
10 appreciate the challenges many small
11 businesses may face in removing trans
12 fats from their recipes, our health is
13 too high of a price to pay for weakening
14 City Council's limit on this dangerous
15 fat.

16 I learned about the harmful
17 effects of trans fats as a graduate
18 student in the early 1970s. I have been
19 astonished that it's taken 35 years to
20 develop public policies in support of
21 what I learned so long ago.

22 As everybody else has said,
23 trans fats have harmful effects on your
24 cholesterol, on your LDL and on your HDL,
25 and they do contribute to heart disease,

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2 as all the research has shown. As a
3 consumer, I've stopped buying baked goods
4 with trans fats. I no longer buy at
5 bakeries and restaurants that continue to
6 use this fat. Heart disease runs in my
7 family and I am going to avoid these
8 problems if I can.

9 It's not easy to know where to
10 buy trans fats. As an educator I help
11 people learn to read labels and to select
12 foods that support good health and
13 prevent disease. While reading labels or
14 posted information in restaurants and
15 bakeries is an excellent start, most
16 people feel overwhelmed by big words and
17 they just throw their hands up in
18 frustration. I support labeling and
19 education, but it really does not go far
20 enough.

21 Improving the nutritional
22 health of an individual or of a community
23 such as Philadelphia requires, first of
24 all, awareness that healthy eating makes
25 a difference, knowledge and skills to

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2 make the healthy choices, and changing
3 the environment. Individual behavior
4 change does not result from just changing
5 the environment any more than the
6 environment is the result of individual
7 change. People need information and at a
8 change together to lead a healthy life.
9 One does not go far enough without the
10 other.

11 As everybody else here has
12 testified, Philadelphians need to reduce
13 their trans fats and we need to eliminate
14 it from the bakeries. We need a public
15 information campaign for both consumers
16 and for food establishments. The Food
17 Trust is eager to partner with the City
18 Department of Health to help carry this
19 out, and I am sure we could seek support
20 from local foundations to help support
21 this effort.

22 As many of the businesses have
23 said, our businesses need technical
24 assistance and support to help them
25 remove trans fats from their recipes. As

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2 we're hearing from some of the local
3 bakeries today that do not use trans
4 fats, we need to share their ideas and
5 skills with businesses that are still
6 using this fat. If the public is
7 educated on the importance of eliminating
8 trans fat and businesses receive the
9 assistance they need to make the
10 transition, we will have a strong public
11 health policy in place.

12 Our City Health Department
13 already focuses on protecting our food
14 from food-borne illnesses. I would
15 suggest that the Department, as they
16 testified earlier, should also protect us
17 from harmful artificial additives such as
18 trans fats.

19 If the health concerns
20 associated with trans fats were still
21 being tested, I would understand why some
22 people might want to hold off on the ban.
23 We have known that trans fat makes us
24 sick for decades. It's time to enact
25 legislation that protects our public

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2 health and supports our businesses.

3 Thank you for your time, and

4 I'm happy to answer any questions.

5 COUNCILWOMAN TASC0: Thank you

6 very much.

7 Are there any questions?

8 Councilman Goode.

9 COUNCILMAN GOODE: Actually, I

10 don't have any questions. I need to be

11 excused from the hearing to tend to other

12 Council business. If I'm not able to

13 return, I'd like to be recorded as voting

14 in favor of the bill.

15 Thank you.

16 COUNCILWOMAN TASC0: Thank you.

17 I have just a couple of

18 questions. If this trans fat is so

19 dangerous -- and I voted for Councilman

20 Ramos's bill -- but why hasn't the FDA

21 outlawed it?

22 DR. JACOBSON: Well, this Food

23 and Drug Administration is part of an

24 anti-regulatory republican Bush

25 Administration that is just against

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2 regulations. It went so far as to
3 require labeling of packaged foods. It
4 didn't require labeling at restaurants.

5 But if you're looking for
6 actions to protect the public's health,
7 do not look to the Food and Drug
8 Administration or the rest of the Bush
9 Administration for leadership. That's
10 why New York City, Philadelphia, Seattle
11 and other jurisdictions are taking the
12 matter into their own hands.

13 COUNCILWOMAN TASC0: The other
14 question I have is, what was used before
15 the '20s when trans fat came into being?
16 What was used?

17 MS. STANLEY: Primarily butter
18 and lard.

19 COUNCILWOMAN TASC0: Now, we
20 had the discussion about butter. What
21 does that do? I mean --

22 DR. JACOBSON: Can I put it in
23 context and try to maybe --

24 COUNCILWOMAN TASC0: Yes. Kind
25 of tell me the difference between the

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2 two.

3 DR. JACOBSON: Trans fat, or
4 partially hydrogenated oil, the typical
5 one, is the most harmful fat or oil that
6 can be used. Give that a rating of 100
7 in terms of harmfulness. I would put
8 butter at around 70 maybe and canola oil
9 maybe at ten. So anything is an
10 improvement over partially hydrogenated
11 oil, for frying companies can switch to
12 canola oil or soy oil or something and
13 get a huge benefit. If companies switch
14 to butter or palm oil or fat-free Crisco,
15 the trans fat-free Crisco, we're getting
16 a benefit, but it isn't as large.

17 COUNCILWOMAN TASC0: I can't
18 remember Councilman O'Neill's exact
19 comment about the allowance of one point
20 something --

21 DR. JACOBSON: Up to half a
22 gram.

23 COUNCILWOMAN TASC0: Half a
24 gram. So how many grams do you get in a
25 cannoli, which you might eat once a year?

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2 DR. JACOBSON: Well, as looking
3 as Tastykake baked goods where they list
4 the amount on the label, it was two to
5 four grams per serving. Getting below a
6 half a gram -- and if it's below a half a
7 gram, it's probably 0.3 grams -- it's a
8 tremendous improvement.

9 In Canada, the limit is 0.2
10 grams, not 0.5 grams to be considered
11 zero. But under half a gram is a whole
12 lot better than some of the products that
13 local bakeries are producing.

14 COUNCILWOMAN TASCO: These are
15 neighborhood bakeries where you might
16 order a cake for a wedding or you may
17 order a cake for a birthday. You're not
18 going in there every day to get a box of
19 cookies. I mean, the --

20 DR. JACOBSON: Right. The more
21 you eat, the worse it is. One toy with
22 lead paint may not cause much of a mental
23 problem for kids. The more the kid uses
24 it, the worse it is. And the same thing.
25 And when there's substitutes, as we've

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2 heard from New York City, why not use the
3 safe ingredients? And those companies
4 can then brag that their cake or cannoli
5 or whatever is made without trans fat.

6 I mean, we clearly are moving
7 in the trans fat-free direction, and in
8 five or ten years, because of customs,
9 because of a cultural shift, the
10 availability of new products and laws,
11 trans fat will be history, and the faster
12 bakeries get on this train, the faster
13 they will be protecting their customers'
14 health.

15 COUNCILWOMAN TASC0: That's all
16 I have. Thank you very much.

17 Any other questions or
18 comments?

19 (No response.)

20 COUNCILWOMAN TASC0: Thank you
21 very much for your testimony.

22 We now call on Gus Isgro, Glenn
23 Haegele and Roz Bratt.

24 Good afternoon.

25 MR. SARNO: Good afternoon,

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2 City Council. My name is Gus Sarno.

3 People often call me Gus Isgro. It's my
4 mother's maiden name.

5 COUNCILWOMAN TASCO: Isgro.

6 I'm sorry.

7 MR. SARNO: That's okay.

8 I own and operate Isgro

9 Pastries located at 1009 Christian
10 Street, the same location since 1904.

11 Councilwoman Tasco asked a
12 question, and if I may before I read my
13 testimony, you asked what did they use in
14 the '20s. We were in business a long
15 time in the '20s. We pasturized our own
16 milk. We made our own butter. We made
17 our own Ricotta. We even milled our own
18 flour. Back then, they did use lard and
19 butter. We also used it. But back then,
20 like all the corner stores, people came
21 to us one day to buy one item, like they
22 would buy their bread at one place and
23 their meat at another place. They bought
24 it, they ate it, it was done. There was
25 no storage factor. Butter and lard get

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2 rancid. That's the difference in using
3 trans fats today.

4 Just so I wanted to present
5 that before it got too far away.

6 COUNCILWOMAN TASC0: So the
7 trans fats were used because they
8 preserved the item longer?

9 MR. SARNO: There's no question
10 it helps preserve the product. And today
11 the business that we do, not that it's
12 colossal, we're not big business, but we
13 do need that stability in our products.
14 I don't know of any other shortenings out
15 there that give us the stability of trans
16 fats. If they're out there, bring them
17 forward, because our suppliers are
18 dropping the ball on this.

19 So if you'll allow me to read
20 my testimony, maybe I can clear this up a
21 little bit more.

22 When I first heard Philadelphia
23 was going trans fat-free, I didn't give
24 it much thought. I assumed I could
25 purchase the necessary ingredients to

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2 duplicate our award-winning baked goods.
3 But I was grossly mistaken.

4 In early September of '07, I
5 received a letter from the Philadelphia
6 Department of Public Health stating that
7 I was to be trans fat-free by January 1st
8 of '08 and completely trans fat-free by
9 September 1st of '08. As soon as I
10 received this letter, I called my top
11 three suppliers and asked them what they
12 had in trans fat-free shortenings. One
13 supplier's response was, We have nothing
14 trans fat-free. The other supplier's
15 response was they're getting information
16 on it. And the third supplier I asked
17 said they did have a trans fat-free and a
18 reduced trans fat shortening. I
19 purchased that at the time. He also
20 commented to me that bakers are not very
21 happy with this product, they're having a
22 hard time using it.

23 My signature product is
24 cannoli. This delicate fried pastry
25 shell is the backbone of my business.

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2 The recipe remained unchanged since 1904.

3 My customers line up for two to three

4 hours on Christmas, Easter and

5 Thanksgiving just to buy my cannoli,

6 cakes and cookies. The recipes have

7 withstood the test of time and have never

8 been compromised.

9 I have a responsibility not

10 only to my loyal customers but to my

11 family heritage. I don't want to step

12 backwards after 103 years of

13 uncompromised quality.

14 I tried making our cannoli with

15 the trans fat-free shortening that was

16 available. It was a complete disaster.

17 I have samples up there. If you can test

18 them later on, you can see the difference

19 in the quality. They were pale in color.

20 It didn't have the delicate combination

21 of flakiness and crispness that our shell

22 has become famous for, and it left an

23 unpleasant oily film in my mouth that

24 lasted for quite some time.

25 Now, if that's not bad enough,

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2 we need to store the cannoli shell for up
3 to six weeks in air-tight barrels to meet
4 our demands for Christmas. We have used
5 this method of storage for years in the
6 past and the cannoli shells remained
7 perfectly fresh and crisp.

8 The test batches we have made
9 and stored so far indicate very poor
10 shelf life, and the shell gets worse when
11 stored for any length of time.

12 Most of the no trans fat
13 shortening on the market today are made
14 with palm oil. They remove the
15 hydrogenation from the vegetable
16 shortening to make it trans fat-free.
17 Then palm oil is then added to
18 restabilize it. We're asked not to
19 use -- I'm sorry. Palm oil, as you know,
20 is also bad for you. Twenty years ago we
21 were asked as the consumer not to use
22 palm oil, because it was high in
23 saturated fats like lard and butter.

24 Over the past month, I started
25 to research shortening. I spoke to one

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2 of the top tech support men in the
3 shortening business. I met with him a
4 week ago today, October 3rd, at my
5 bakery. He said they were probably
6 several years away from perfecting the
7 shortening we, the small independent
8 baker, can use to duplicate our recipes.
9 The specs they are using today are
10 designed around the needs and demands of
11 big businesses, like Dunkin' Donuts.
12 They don't tend to little bakeries like
13 us. We don't give shortening
14 manufacturers enough business.

15 I asked if he would come with
16 me today to testify in front of you. His
17 response was if he did, he could
18 potentially lose his job. I understood
19 that.

20 Our small family bakery is not
21 part of the normal consumer buying
22 profile. Our customers are not confused
23 when they come to my bakery. They know
24 exactly what they want. They have the
25 utmost confidence in my baked goods.

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2 We are a small specialty bakery
3 with a clientele, for the most part, that
4 have very discrete tastes. We don't
5 offer donuts or highly recognizable
6 pastries and cookies. We offer specialty
7 items, like baba, cannoli, pasta chutta,
8 cassada, sfogliatella, torrone, almond
9 macaroon, fruit-filled Italian cookies.
10 Items like this are not made for the
11 masses. How many of the pastries and
12 cookies I just mentioned do you
13 recognize?

14 Our clients come into our
15 bakery once in a while for a treat, a
16 birthday, an anniversary, a special
17 occasion. Eating a piece of my pastry
18 every three or four months, in my
19 opinion, does not constitute a health
20 hazard. Ask yourself this question:
21 When was the last time you had a cannoli?

22 We are not McDonald's or
23 Dunkin' Donuts or Hostess, Tastykake or
24 Entenmann's. We're none of these big
25 businesses. We're just a small family

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2 business. They have a responsibility to
3 society, I agree with that. People have
4 made these products part of the staple
5 diet. Some people eat this food almost
6 every day. To make matters worse, as
7 long as the package and the product is
8 pre-packaged, they are exempt from this
9 law. They have research and development
10 divisions. They can go trans fat-free if
11 they choose to do so. It wouldn't be
12 that inconvenient for them. If I have to
13 go through the expense of having an
14 independent laboratory test our hundreds
15 of recipes, it could potentially put me
16 out of business.

17 I called the FDA. I spoke with
18 them yesterday. I just wanted to find
19 out where I could have my product tested.
20 She didn't know. She gave me a website I
21 can go to, and it would be \$140 to test
22 one of my products. I have to test that
23 maybe half a dozen times to get it down
24 to where I would need to be. At 140 each
25 time I test it, times that by hundreds of

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2 recipes. I'm not a chemist. I'm a
3 baker. I want to bake my product. I
4 don't want to test my product over and
5 over and over again. It could ruin us.

6 We are just a small row home
7 bakery who still bake in the basement
8 like my grandfather did 103 years ago.
9 Please try and understand the serious
10 negative impact this no trans fat law
11 will have on us. I pray my son, fourth
12 generation Isgro, will be able to
13 continue our heritage.

14 Thank you.

15 (Applause.)

16 COUNCILWOMAN TASCO: Thank you
17 very much for your testimony.

18 Councilman Kenney.

19 COUNCILMAN KENNEY: Thank you,
20 Madam Chair.

21 My last cannoli was Sunday.
22 And I think it was one of yours. I'm
23 pretty sure it was.

24 MR. SARNO: Thank you.

25 COUNCILMAN KENNEY: Madam

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2 Chair, we did a similar situation on the
3 smoking bill. We exempted cigar stores
4 and cigar operations, specialty cigar
5 stores from the smoking ban. It seems to
6 me listening to this testimony, this
7 seems to fall into the same kind of
8 category of these specialty shops that's
9 not a Dunkin' Donuts where you're in
10 there every -- well, I'm not in there
11 every day, but people are in there every
12 day. I mean, it just seems to me to fall
13 into that same niche.

14 So I would be inclined to
15 support Councilwoman Krajewski's bill
16 based on that fact. I mean, we're not
17 ripping the guts out of the whole thing.
18 We are simply trying to tweak it to allow
19 people to continue to make a living the
20 way they've been over the years. And I
21 do, again, for the record equate it with
22 our exemption of cigar sale stores, cigar
23 stores so people can smoke indoors there
24 or cigar bars, which was a similar
25 situation.

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2 So thank you.

3 COUNCILWOMAN TASC0: Thank you.

4 All right. The next person,
5 please. Good afternoon.

6 MR. HAEGELE: Good afternoon
7 now. We're just about there. My name is
8 Glenn Haegele. I'm from Haegele's
9 Bakery. I'm the third generation at the
10 bakery there. I'd just like to say that
11 the people that have testified before me
12 I am very humbled by. We're in business
13 for 77 years and I thought that was a
14 long time. I'm listening to the other
15 people here and they're very similar to
16 we are, and I really felt like we stood
17 alone as a corner store bakery, the same
18 location for all 77 years. My father,
19 who is sitting on the right of me here in
20 the first seat, was born upstairs 75
21 years ago as his father worked
22 downstairs. My grandmother carried him
23 right up to that day as she tended store.
24 We're a very small humble
25 bakery. We do not have a huge clientele.

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2 People come from outside of the City to
3 get to us, though. Over the many years
4 they have come into the bakery. We have
5 customers who have been customers for 76
6 years, just shy of our full amount of
7 years, and I'd say up until a few years
8 ago, we had customers that were signed in
9 at our 75th anniversary as 75-year
10 customers, and it was really a wonderful
11 thing to see that.

12 My wife and mother are sitting
13 next to my father, and my two sons are
14 sitting next to them. They're here today
15 because they are the future of the
16 bakery. If we're continued to be allowed
17 to bake the way we're baking, some day
18 they will enjoy being in a family
19 business.

20 (Applause.)

21 MR. HAEGELE: My grandfather
22 handed down to my father a very healthy
23 business. He had to deal with a lot of
24 problems, a depression, World War II,
25 sugar shortages. But all of these had an

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2 ending. They always had some day that
3 that would be over and they would
4 continue to be able to work the way they
5 did earlier.

6 My father handed to me a very
7 successful business. Along with my mom
8 and dad and my wife and my children, we
9 continue to run the business today and
10 it's successful as being a very small
11 business.

12 We're exactly as we stood. I
13 use the same rolling pin and the same
14 bench that my grandfather used in 1930.
15 We have the oldest refrigerator, the Gem
16 refrigerator, who is a Philadelphia
17 company, has ever made. We have the very
18 first one. We're still using it today.
19 Our oven is from 1938. We do things
20 exactly the way we always did. We don't
21 change things.

22 I would very much like to be
23 able to hand a healthy business to my
24 sons some day, one that I know is going
25 to prosper for them and will give them a

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2 nice life. And we're not rich people.

3 We're not people that have a lot of money

4 and a lot of wealth from our work, but we

5 are rich in tradition and we're rich in

6 family. We're very proud of what we have

7 accomplished over the years. I'm very,

8 very proud of my grandparents and my

9 parents, and I hope that my children will

10 be able to have that also.

11 I've talked to shortening

12 manufacturers when this came out and I

13 asked them to appear, much like the

14 gentleman on my left did, along with us

15 today, because they told me, much like

16 they told him, that your product will not

17 be the same using our new products, they

18 will not respond the same, you're going

19 to have to experiment with them, you're

20 going to have to change things. The

21 texture will not be the same, the color

22 will not be the same, the taste will not

23 be the same. And they had nothing for

24 us.

25 I asked if our suppliers would

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2 send someone who has been feeding us
3 information. None of our suppliers would
4 send someone out here. Simply because
5 they were afraid to be put on the spot,
6 and especially for such small businesses,
7 when they have large businesses that
8 they're looking out for and they can sell
9 their goods.

10 I'd say earlier in the spring I
11 put a sign in our store of items that we
12 have that are trans fat-free, just
13 because they are naturally a trans
14 fat-free item. I sat the sign in the
15 store for two weeks and there was no
16 comment as being something that people
17 wanted to buy, that they were looking
18 forward to having. I thought there would
19 be some kind of an interest and I really
20 looked at it as being a marketing tool
21 for us, that if we had something other
22 bakeries didn't have. But that wasn't
23 the interest. The interest was in our
24 normal products that the people would get
25 on a regular basis.

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2 I did bring a couple things
3 with me. I brought from the FDA, Food
4 and Drug Administration, it does clarify
5 a couple things that were asked, and one
6 of those things was on butter, and the
7 FDA, with a statement with them, "Is it
8 better to eat butter instead of margarine
9 to avoid trans fat?" And their answer is
10 no. "No, because the combined amount of
11 saturated fat and trans fat and
12 cholesterol for butter is usually higher
13 than margarine, even though some
14 margarines contain more trans fat than
15 butter."

16 The other thing that has come
17 up today was again a question for the
18 FDA, "Should trans fats be eliminated
19 from your diet?" Now, this is from the
20 Food and Drug Administration. "Should
21 trans fat be eliminated from your diet?"
22 Their answer is no. "According to
23 experts, eliminating trans fat completely
24 from the diet would require such
25 extraordinary dietary changes that

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2 eliminating trans fat could cause an
3 inadequate intake of some of the
4 nutrients that create health risks."

5 What they suggest on lowering
6 trans fat, on saturated and trans fat, it
7 says "choose vegetable oils, except for
8 palm oil."

9 All of our shortening
10 manufacturers when they have taken the
11 vegetable oil out of our shortening, they
12 have substituted with palm oil. So they
13 made a direct change from vegetable oil
14 to palm oil. It clearly states here to
15 avoid palm oil.

16 So what I'm seeing is that this
17 isn't a solution. This is just
18 transferring a problem from one item onto
19 another.

20 I think that going back to my
21 grandfather's recipes, I have recipes
22 with butter and with lard. If you take
23 away my ability to use vegetable oil
24 shortenings, then my alternative would be
25 to make my sweet dough with lard, and

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2 that's not good. My customers -- I won't
3 use palm oil. Palm oil is considered to
4 be bad for you since the '80s, and lard
5 is even considered worse. So I really
6 don't see a way out.

7 My father, again, he's active
8 in the business. He's been probably one
9 of the best known elderly still working
10 bakers in the City today, and many of the
11 manufacturers come to him with questions.
12 They come to him with samples for him to
13 try things. And he has a much better
14 knowledge on these items than anybody
15 that I would know, and he said that using
16 butter in replacement of hydrogenated
17 vegetable oil products, we can't make our
18 product. It will not have the texture.
19 It will not rise the same. So we pretty
20 much are stuck with using what we have.

21 COUNCILWOMAN TASCO: Thank you
22 very much for your testimony.

23 MS. BRATT: Hello. My name is
24 Roz Bratt. I have Homemade Goodies by
25 Roz at 510 South 5th Street.

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2 I feel like the baby here.

3 I've only been in business ten years, and
4 when I heard about the trans fat-free, I
5 called my supplier and I said, What do
6 you have?

7 Well, we're still working on
8 it.

9 I said, Let me know when you
10 get something.

11 I did get something, and I
12 thought, Oh, this was going to solve the
13 problem. I was going to be able to do
14 what the City is asking me.

15 My employees made my banana
16 bread, which I use shortening, vegetable
17 shortening, which is hydrated, and I
18 said, What did you do to our bread?

19 We wholesale it. I sell it
20 retail. I can't sell this. My customers
21 are not going to want to buy it. It
22 tasted so-so.

23 Then we used it in our butter
24 cream icing, and it was terrible. It
25 tasted like a crayon. That is what my

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2 employee told me. I'm not selling
3 crayons in my bake shop.

4 I'm a specialty shop.

5 Everything that the other bakeries have
6 talked about reflects me. I am a one-man
7 band other than my employees. I don't
8 have the generations like these other
9 wonderful bakeries do. And I am behind
10 them. I would be more than glad to
11 change if our purveyors would give us the
12 right ingredients so we would have the
13 same consistency as what we're using now.

14 I thank you for this
15 opportunity. I do have two samples up
16 there for you to see and taste.

17 COUNCILWOMAN TASC0: Thank you
18 very much.

19 Councilman Kenney.

20 COUNCILMAN KENNEY: Thank you,
21 Madam Chair.

22 I was just curious as to
23 whether or not there's anyone else in the
24 audience that's going to testify against
25 the bill.

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2 COUNCILWOMAN TASC0: We have
3 Panel 5 who is going to --

4 COUNCILMAN KENNEY: Panel 5
5 has -- I'm sorry. Are they against the
6 bill?

7 COUNCILWOMAN TASC0: Yes. Yes.

8 COUNCILMAN KENNEY: All right.
9 Because I was wondering whether we could
10 kind of speed this up and get these
11 people back to work.

12 COUNCILWOMAN TASC0: Thank you
13 all for your testimony. We don't have
14 any questions. And thank you for taking
15 time off to come.

16 We'll have Panel 5 come now.
17 Rebecca Michaels, Rachel Griebs, Amy Beth
18 Edelman.

19 Good afternoon and thank you
20 for your patience. Would you please
21 identify yourself for the record and
22 proceed with your testimony. Thank you.

23 MS. GRIEHS: My name is Rachel
24 Griebs. I am a registered dietitian and
25 have a Master's degree in clinical

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2 nutrition from New York University. I am
3 employed at the Hospital of the
4 University of Pennsylvania where I am a
5 clinical dietitian specialist for the
6 Bariatric Surgery Program. I am also an
7 adjunct lecturer at the University of
8 Pennsylvania where I teach a course
9 called Nutrition Sciences and
10 Applications.

11 Four hundred thousand deaths
12 per year in the United States are related
13 to poor diet and health. This is up from
14 300,000 in 1992. At present, tobacco use
15 is the leading cause of death at 435,000.
16 In 1992, death from tobacco use was
17 400,000. At this rate, poor diet and
18 health will soon be the number one reason
19 for deaths in the United States.

20 The 2005 Dietary Guidelines say
21 that we should limit the intake of fats
22 and oils high in saturated or trans fats
23 by choosing foods low in these types of
24 fats. The recommendation is to have as
25 little trans fat in the diet as possible.

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2 Saturated fat should be no more than ten
3 percent of total calories.

4 Trans fats have been shown to
5 have similar effects on the body as
6 saturated fats, which is an increase in
7 LDL cholesterol, the bad cholesterol.
8 However, trans fats have also been known
9 to lower the good cholesterol, HDL
10 cholesterol. HDL cholesterol acts like a
11 sponge and soaks up the bad cholesterol
12 and takes it to the liver where they are
13 eliminated.

14 Trans fats also increase the
15 ability for platelets to clump and form
16 blood clots that will block the artery.
17 This can lead to a heart attack or
18 stroke. A 1993 Harvard study supports
19 the hypothesis from Welsh researchers in
20 1991 that partially hydrogenated oils
21 contribute to a risk of having a heart
22 attack. The study also estimated that by
23 replacing two percent of the energy from
24 trans fat, this would decrease the risk
25 of coronary heart disease by one-third.

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2 A research study in the New
3 England Journal of Medicine in 2006
4 showed that by eliminating trans fat from
5 the U.S. food supply, this could prevent
6 between six to 19 percent of heart attack
7 or related deaths each year, which is
8 currently at 1.2 million per year. For
9 this reason, no one should be able to use
10 trans fats.

11 Thank you.

12 COUNCILWOMAN TASCO: Thank you
13 very much for your testimony.

14 Next?

15 MS. EDELMAN: My name is Amy
16 Edelman. I own the Night Kitchen Bakery
17 in Chestnut Hill. The bakery has been
18 there for 24 years, but I bought it seven
19 years ago. When I first bought the
20 bakery, the couple hundred recipes that
21 were given to me, many of them had
22 margarine as well as butter in their
23 recipes, and I chose to switch from all
24 the recipes, minus one, which is pie
25 dough. All the other recipes I switched

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2 immediately from margarine to butter, and
3 the reason that I did that is, I kind of
4 knew some of the controversy about
5 margarine at the time and that it was
6 possibly very bad for your health, which
7 has now been proven, but also because I
8 don't like the taste of margarine. I
9 find it has like a slick kind of greasy
10 aftertaste, and butter is just a tastier
11 ingredient.

12 We use all-natural ingredients
13 at the bakery, and it's a lot more
14 expensive to use all-natural ingredients,
15 but I found that in all the recipes that
16 I switched out the margarine for butter,
17 actually I had no comments from my
18 customers. I don't know that any of them
19 knew that there was any difference, but
20 it was a difference to me. And I knew
21 that it was going to cost me a lot of
22 money to do that. A case of margarine is
23 about \$15 to \$20 versus a case of butter
24 which is about \$60 to \$70, and that does
25 change. And I totally understand why

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2 bakeries would be very upset about having
3 to incur that cost if they have to switch
4 their margarine to butter. It's a very
5 expensive thing to have to do.

6 But I chose to absorb part of
7 that cost and to pass some of the cost on
8 to my customers through increasing
9 prices. And I know a lot of business
10 owners are also very wary of that.
11 They're afraid that they're going to lose
12 customers if they increase prices. I can
13 tell you from my experience over the past
14 seven years that every time I increase
15 prices, I worry, and I almost never get
16 comments. And my products are not cheap.
17 They're pretty expensive. I'm probably
18 one of the most expensive bakeries in the
19 City. And I never -- my business has
20 increased over the past seven years every
21 single year ten to 20 percent. I have
22 not lost any business because of the
23 increase in prices.

24 Also one of the reasons that I
25 decided to eliminate the margarine is

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2 because it's not a natural ingredient and
3 I'm also a strong supporter of artisan
4 cooking. Ancient recipes, recipes --
5 when I went to the Culinary Institute of
6 America, and recipes that I gathered
7 working in five-star hotels over the
8 years and restaurants did not have
9 margarine and shortening in them.
10 Ancient recipes use butter because
11 margarine has only been around for five
12 to six decades; whereas, of course,
13 butter and other ingredients like that
14 have been around for centuries.

15 But I really believe that the
16 long-term cost of the consumption of
17 trans fats, we all pay for that in
18 increased healthcare, increase in our
19 health insurance. So I really believe
20 that it will be eliminated from the diet
21 eventually. It's just a matter of time.
22 And people need to get on board and
23 really do it now, because it's just going
24 to be a lot more expensive to do it
25 later.

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2 COUNCILWOMAN TASC0: Thank you
3 very much. It doesn't seem like we have
4 any better choice, whether it's butter or
5 trans fat. It's all bad for you, I
6 guess.

7 MS. MICHAELS: Good afternoon.
8 I'm Rebecca Michaels and I own the Flying
9 Monkey Patisserie at Reading Terminal
10 Market.

11 No one ever said a cupcake was
12 good for you, but why make it worse with
13 the use of cheap artificial ingredients?
14 When I was in pastry training at the
15 French Culinary Institute, we never once
16 used trans fats in any of our recipes,
17 and in the six years that I have been
18 baking professionally, vegetable
19 shortening and margarine have never had a
20 home on my kitchen shelf. It is
21 absolutely possible to altogether avoid
22 using these products in commercial food
23 settings.

24 And as far as taste is
25 concerned, there is simply no substitute

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2 for butter. I guarantee you that a
3 cupcake made with butter will win hands
4 down in a blind taste test over a cupcake
5 made with fake fat.

6 In baking, you get what you pay
7 for, and in my opinion, if you make your
8 product with cheap artificial
9 ingredients, the end result will be a
10 cheap poor-tasting product.

11 The argument that certain
12 recipes won't work without the use of
13 trans fat is frankly shortsighted and
14 doesn't speak to the creativity of the
15 bakers on both sides of this argument.

16 Traditional baking was designed
17 to use products from nature. And
18 bakeries that use artificial products to
19 make substandard goods are harming their
20 customers to save a few pennies. And to
21 put it quite bluntly, quality baking is
22 simply an expensive business.

23 At Flying Monkey we have always
24 used butter. None of our recipes have
25 ever included trans fat, and I hope that

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2 the samples I've brought from our bakery
3 speak for themselves in terms of quality
4 and taste, which is why I supported the
5 initial passage of the trans fat ban by
6 the Council and oppose the exemption of
7 bakery products from that law.

8 Thank you.

9 COUNCILWOMAN TASCO: Thank you
10 very much.

11 Any questions from members of
12 the panel?

13 (No response.)

14 COUNCILWOMAN TASCO: Thank you
15 very much for your testimony.

16 We now have George Gringos,
17 Julia Mielcarz and Connie Jesiolowski.

18 COUNCILWOMAN KRAJEWSKI: Madam
19 Chair, I just wanted to thank Connie from
20 Szypula's and Julia and Maureen from
21 Julia Cafe and Hercules from the Aramingo
22 Diner. They've been here since 9 o'clock
23 this morning. So I just wanted to thank
24 them for waiting around like this.
25 They're to be applauded, believe me.

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2 COUNCILWOMAN TASC0: Thank you
3 very much for your testimony and thank
4 you for your patience.

5 (Applause.)

6 MR. GRINGOS: Madam Chairwoman,
7 members of the Committee, my name is
8 Hercules Gringos and my family has owned
9 and operated the Aramingo Diner in Port
10 Richmond since 1957. I'm here to offer
11 testimony today in support of the
12 amendment that Councilwoman Krajewski has
13 forwarded, which will exempt small
14 bakeries from the so-called trans fat
15 ban.

16 Since 1957, the Aramingo Diner
17 has been serving the community, offering
18 hearty home-cooked meals and pastries at
19 affordable prices. We recently
20 celebrated our 50th anniversary and grand
21 reopening after a fire devastated the
22 diner closing our doors for three months.
23 The rebuilding effort was difficult, but
24 we were excited to open our doors again
25 to serve our long-time loyal customers.

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2 Since the passage of the trans
3 fat ban, we have made efforts to replace
4 our products to come into compliance with
5 the law. One area that the ban has had a
6 significantly negative effect is in our
7 bakery.

8 The Aramingo Diner takes pride
9 in its baked goods. We are proud that
10 all of our baking is done on premises and
11 we offer freshly baked goods at
12 reasonable prices.

13 And I just want to say, our
14 customers are neighborhood people.
15 They're union people. They're hard
16 workers. And we think that we do volume
17 and we sell cakes at better prices than
18 you get at supermarkets or at some of the
19 other chains, and I think that's an
20 important point to note, because we're
21 serving working members of the community.

22 We've been experimenting with
23 the new products for our strawberry
24 shortcake, muffins, Danish, pies and
25 other products, and we believe without

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2 the shortenings that are included in our
3 recipes, our products are just not the
4 same. While we appreciate Council's
5 interest in protecting the health of the
6 residents of the City, we believe that
7 the trans fat ban overreaches and will
8 have a deleterious effect on our baking
9 business. Our baking business, while
10 only a percentage of our overall
11 business, is still integral in our
12 business model.

13 It's difficult enough for a
14 family-operated business to compete with
15 the advertising and research and
16 development dollars of large chains and
17 supermarkets. We believe that we've been
18 able to survive and excel because our
19 products are simply better. As such, we
20 stand here with the other business
21 leaders and ask that Council exempt our
22 bakery and other bakeries from this ban.

23 I also just want to say we
24 employ about 100 people, and I think
25 that -- we've been there a long time, and

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2 I think that if we were to lose our
3 baking business, that would have a
4 tremendously negative impact on our
5 business overall.

6 So I thank you for your time.

7 COUNCILWOMAN TASC0: Thank you.

8 MS. JESIOLOWSKI: Good
9 afternoon. I think I'm representing the
10 blue-collar bakeries, because having
11 bakeries maybe in specialized areas --

12 COUNCILWOMAN TASC0: What is
13 your name?

14 MS. JESIOLOWSKI: I'm sorry.
15 My name is Connie Jesiolowski from
16 Szypula Bakery located at 3050 Richmond
17 Street in Port Richmond. We're a small
18 bakery. We're struggling to keep our
19 doors open. I'm the owner of Szypula
20 Bakery and I'm upholding a reputation for
21 making traditional Polish baked goods
22 that bring people back to the
23 neighborhood at Christmas and the Easter
24 holidays. We are known for babkas. We
25 have cheese, raisin, fruit, poppy and nut

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2 rolls, hawa, pound cake and our sourdough
3 rye and pumpernickel breads. We are
4 especially known for our chrusciki, which
5 is what I placed on the table. It's a
6 Polish delicacy that ours is known
7 throughout the tristate area, as well as
8 Virginia, California, Colorado and
9 Hawaii. I bought some for tasting today.
10 Our original recipe has been in my family
11 for many generations from Poland to the
12 United States. We experimented with zero
13 trans fat and diverted from this original
14 recipe. The taste of our chrusciki
15 changed from a subtle sweet flavor, which
16 is what our customers expect, to a bland
17 greasy dough taste with a much shorter
18 shelf life. I noticed a further
19 breakdown of taste after three weeks.
20 Actually, I was surprised with the
21 noticeable difference. Since we use no
22 preservatives in any of our baked goods,
23 this is a major factor for us in both
24 cost and quality by using zero trans
25 fats.

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2 Our costs are constantly going
3 up all the time for bakery ingredients.
4 In fact, one of our chief suppliers
5 recently notified us of an increase of
6 six percent across the board. In order
7 for us to survive at our location, which
8 has been there since the 1930s, we cannot
9 afford the higher costs of zero trans fat
10 change, let alone changing a long-held
11 tradition of our chruscikis' quality and
12 taste. This could possibly lead the way
13 for our customers to purchase chruscikis
14 and our other babkas in the supermarkets
15 where the chrusciki and babkas are not
16 held to Philadelphia laws of trans fat.

17 If this trans fat ban is not
18 changed, Szypula Bakery just may become a
19 memory and not the destination where
20 people go at Easter and Christmas for
21 their authentic Polish baked goods.

22 (Applause.)

23 MS. JESIOLOWSKI: Thank you.

24 COUNCILWOMAN TASCO: Thank you
25 very much.

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2 Good afternoon and thank you
3 for your patience.

4 MS. MIELCARZ: Good afternoon.
5 My name is Julia Mielcarz and I am the
6 owner of Julia Bakery and Cafe in Port
7 Richmond. We opened in 2005 and
8 celebrate our second anniversary
9 tomorrow.

10 For years I bake at home. I
11 was born in Poland and came to America 23
12 years ago. The recipe I brought with me
13 are the same recipe as I use in my cafe.
14 The batter we use here is a different
15 batter we use in Poland. It is much
16 harder. And if we use it, the texture
17 will be different. I try to use all kind
18 of batter here, but any of them didn't
19 taste like a Fleischmann and salted
20 margarine, which is very similar to
21 Polish salt butter. Our most popular
22 product is like a Polish cannoli. We
23 also make cakes, pies and babkas.

24 I ask City Council to allow me
25 to continue to make my recipe and allow

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2 my customers to decide.

3 Thank you.

4 COUNCILWOMAN TASC0: Thank you
5 very much.

6 Any questions or comments?

7 (Applause.)

8 COUNCILWOMAN TASC0: Thank you
9 so much for coming and thank you for your
10 patience.

11 Is there anyone else here to
12 testify on this bill?

13 (No response.)

14 COUNCILWOMAN TASC0: There
15 being no other witnesses, we will take a
16 three-minute recess. Don't go away.

17 (Short recess.)

18 COUNCILWOMAN TASC0: All right.
19 We're now in session again. We'd like to
20 go from the public hearing into the
21 public meeting, and the Chair recognizes
22 Councilman Ramos for a proposed
23 amendment.

24 COUNCILMAN RAMOS: Thank you,
25 Councilwoman Tasco.

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2 In today's hearing I think
3 we've learned a lot about the viewpoints
4 on all sides of the Philadelphia law on
5 banning trans fat in the proposed bill by
6 my colleague, Joan Krajewski. During the
7 hearing I heard three establishments
8 state that they would have no problems
9 with disclosure of them being not trans
10 fat-free. I believe those were
11 Termini's, Stock's and Haegele's Bakery.

12 After hearing their testimony
13 saying that they would have no problems,
14 I am willing at this time to go along
15 with the exception of the bakeries with
16 the amendment. I have circulated the
17 amendment to the members of this
18 Committee. It would keep the Bill No.
19 070511 intact as proposed by Councilwoman
20 Krajewski, and in bold letters you will
21 see that the amendment would include this
22 language: "Provided further that any
23 such establishment or location where
24 bakery products containing trans fat are
25 sold, the owner or operator of the

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2 establishment must post in a clear and
3 conspicuous location and format a sign
4 stating that some or all bakery products
5 offered for sale are not free of trans
6 fat."

7 Madam Chair, I move that the
8 amendment that has been circulated --
9 have you had time to read the amendments?
10 I move that the amendment as previously
11 described regarding Bill No. 070511 be
12 adopted.

13 (Duly seconded.)

14 COUNCILWOMAN TASCO: Thank you.
15 It has been moved and seconded that we
16 adopt the amendment provided by
17 Councilman Ramos.

18 All in favor?

19 (Aye.)

20 COUNCILMAN KENNEY: No.

21 COUNCILWOMAN TASCO: No.

22 COUNCILMAN KENNEY: Also, just
23 for the record, Councilman Goode and
24 Councilman O'Neill are not present here
25 and did not have the opportunity to --

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2 Madam Chair, Councilmen Goode and O'Neill
3 did not have the opportunity to hear this
4 discussion relative to the amendment and
5 I don't know how they would have voted,
6 so I don't know whether or not we're
7 getting an accurate reflection of the
8 Committee, the Committee's wishes on this
9 without them here.

10 Now, they left their vote
11 voting for the amendment exempting the
12 bakeries, but they did not agree to, as
13 far as I remember, an amendment requiring
14 a sign.

15 COUNCILMAN RAMOS: But
16 nevertheless, we're voting on an
17 amendment. So if the amendment is
18 approved, because we do have quorum, we
19 have four people here, that it will be an
20 amendment to the aye vote that they left
21 behind on the original bill.

22 COUNCILMAN KENNEY: I mean,
23 Councilwoman Krajewski can speak for
24 herself, but I would suspect that this is
25 not a friendly amendment to her bill.

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2 It's not as if she's agreeing that this
3 is something she wants.

4 COUNCILWOMAN KRAJEWSKI: I'm
5 asking for the Committee who did vote for
6 the amendment that was introduced, that I
7 introduced, exempting the small bakeries.
8 That's it. No other amendment.

9 COUNCILWOMAN TASC0: Well,
10 we'll have to vote it. If he presents
11 it, we have to vote it up or down, and
12 since there are only two for and two
13 against, the amendment fails.

14 COUNCILWOMAN KRAJEWSKI: I
15 understand that you have an amendment
16 before you.

17 COUNCILWOMAN TASC0: The
18 amendment fails because there are only
19 two for and two against.

20 COUNCILWOMAN KRAJEWSKI: What
21 amendment failed?

22 COUNCILMAN KENNEY: The sign
23 amendment.

24 COUNCILWOMAN TASC0: The sign
25 amendment.

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2 COUNCILWOMAN KRAJEWSKI: Okay.

3 Fine.

4 COUNCILMAN RAMOS: We don't
5 know yet, but we'll find out shortly. So
6 then we move on to your amendment as
7 presented.

8 COUNCILWOMAN KRAJEWSKI: Right;
9 no sign.

10 COUNCILWOMAN TASC0: Councilman
11 Ramos' amendment fails for lack of a
12 majority vote.

13 COUNCILWOMAN KRAJEWSKI: Thank
14 you, Councilwoman.

15 COUNCILMAN RAMOS: We need to
16 vote that officially, right?

17 COUNCILWOMAN TASC0: We did.

18 COUNCILMAN RAMOS: We did?

19 COUNCILWOMAN TASC0: Yes.

20 COUNCILMAN RAMOS: I didn't
21 hear that vote being -- I heard one
22 opposition vote to my amendment. And so
23 did you, ma'am?

24 COUNCILWOMAN TASC0: Yes.

25 COUNCILMAN RAMOS: So the

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2 record reflects that already?

3 COURT REPORTER: Yes.

4 COUNCILWOMAN TASC0: The record

5 will reflect that Councilman Kenney and

6 Councilwoman Tasco voted no.

7 Councilwoman Brown and Councilman Ramos

8 voted yes. For lack of a majority vote,

9 the amendment fails. Thank you.

10 COUNCILMAN RAMOS: For the

11 record, I want to make a correction here.

12 I had marked off a bakery, I believe it

13 was Haegele's, that they had expressed

14 and had no problems with disclosing the

15 trans fat content. I am told that they

16 did not say that. I'm sorry for making

17 that honest mistake.

18 COUNCILWOMAN TASC0: I agree

19 with Councilman Kenney. The amendment

20 was circulated after members left and had

21 no knowledge that there would be an

22 amendment. So they would not have a say

23 in this vote on this particular matter.

24 COUNCILMAN RAMOS: But we did

25 have a quorum, so the process can still

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2 continue as we did.

3 COUNCILWOMAN TASC0: Fine.
4 Sure. Fine. I'm just stating for the
5 record.

6 Now we will vote on the
7 amendment to Bill 070511 as presented by
8 Councilwoman Krajewski, and that
9 amendment reads, "Exemptions: The
10 following establishments shall be exempt
11 from the provisions of this section for
12 bakery products only: (a), any
13 establishment engaged both in the
14 preparation and retail sale of bakery
15 products on the premises; or any other
16 location operated by such establishment
17 for the retail sale of its bakery
18 products, provided it operates no more
19 than three such retail sales locations
20 within the City."

21 That amendment is before the
22 Committee. I would ask Councilman Kenney
23 to move the amendment.

24 COUNCILMAN KENNEY: Madam
25 Chair, I so move the amendment.

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2 (Duly seconded.)

3 COUNCILWOMAN TASC0: It has
4 been moved and seconded that the
5 amendment be adopted.

6 All in favor will say aye.

7 (Aye.)

8 COUNCILWOMAN TASC0: In the
9 opposition?

10 COUNCILMAN RAMOS: No.

11 COUNCILWOMAN TASC0: The
12 opposition is Councilman Ramos. Those
13 who have stated aye are Tasco, Brown and
14 Kenney. Therefore, the amendment has
15 been passed.

16 (Applause.)

17 COUNCILWOMAN TASC0: The record
18 will reflect that Councilman Goode and
19 Councilman O'Neill left a vote of yes in
20 favor of Councilwoman Krajewski's
21 amendment. Therefore, the amendment
22 passes with a vote of five to one.

23 This Committee is adjourned.

24 Thank you.

25 (Committee on Public Health and

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2 Human Services adjourned at 12:50 p.m.)
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CERTIFICATE

I HEREBY CERTIFY that the
proceedings, evidence and objections are
contained fully and accurately in the
stenographic notes taken by me upon the
foregoing matter on October 10, 2007, and that
this is a true and correct transcript of same.

MICHELE L. MURPHY
RPR-Notary Public

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