



**REPLACE TRANS FAT: AN ACTION PACKAGE TO ELIMINATE
INDUSTRIALLY PRODUCED TRANS-FATTY ACIDS**

MODULE 6: ENFORCE

**How-to guide for trans fat policies and
enforcement of regulations**



**World Health
Organization**

REPLACE trans fat: an action package to eliminate industrially produced trans-fatty acids.
Module 6: Enforce. How-to guide for trans fat policies and enforcement of regulations

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REPLACE ACTION PACKAGE

Elimination of industrially produced *trans*-fatty acids (TFA) from the global food supply by 2023 is a priority target of the World Health Organization (WHO). The REPLACE action package provides a strategic approach to eliminating industrially produced TFA from national food supplies, with the goal of global elimination by 2023. The package comprises:

- › an overarching technical document that provides a rationale and framework for this integrated approach to TFA elimination;
- › six modules; and
- › additional web resources to facilitate implementation.

The REPLACE modules provide practical, step-by-step implementation information to support governments to eliminate industrially produced TFA from their national food supplies. To achieve successful elimination, governments should implement best-practice legal measures (outlined in modules 3 and 6). Strategic actions outlined in the other modules are designed to support this goal, but it may not be necessary to implement each module.

The modules will be most useful to national governments, including policy-makers, food control or safety authorities, and subnational government bodies that advocate for, and enforce, policies relating to nutrition or food safety. Other audiences that may find these modules and accompanying web resources useful include civil society organizations, academic and research institutions, nutrition scientists and laboratories, and food industry associations and food companies.

MODULES OF THE REPLACE ACTION PACKAGE

SIX STRATEGIC ACTION AREAS		OBJECTIVE
RE	REVIEW dietary sources of industrially produced TFA and the landscape for required policy change	Introduce the REPLACE action package, and provide guidance on initial scoping activities and drafting of a country roadmap for TFA elimination. Initial scoping activities rely on information that is already known, or can be obtained through desk review or discussions with key stakeholders, with reference to other modules as needed
P	PROMOTE the replacement of industrially produced TFA with healthier oils and fats	Describe oil and fatty acid profiles, and available replacement oils and fats, including feasibility considerations and possible interventions to promote healthier replacements
L	LEGISLATE or enact regulatory actions to eliminate industrially produced TFA	Describe policy options and the current regulatory framework to eliminate industrially produced TFA. Provide guidance on assessment steps to guide policy design, and development of regulations suitable to the country context or updating of the existing legal framework to match the approach recommended by the World Health Organization
A	ASSESS and monitor TFA content in the food supply and changes in TFA consumption in the population	Describe the goals and methods for TFA assessment. Provide guidance on designing and carrying out a study of TFA in food and human samples
C	CREATE awareness of the negative health impact of TFA among policy-makers, producers, suppliers and the public	Describe approaches to advocacy and communications campaigns to support policy action. Provide guidance on key steps to design and implement effective advocacy and communications campaigns, and evaluate progress
E	ENFORCE compliance with policies and regulations	Describe TFA policy enforcement approaches, offences and roles. Provide guidance on mapping existing and creating new enforcement powers and mechanisms, public communications, penalties, funding and timelines

1. BACKGROUND

Countries can effectively achieve the target of eliminating industrially produced TFA from their food supplies by implementing and enforcing policies, laws and regulations relating to industrially-produced TFA. Importantly, TFA laws and regulations are relatively easy to implement, and countries can achieve high rates of compliance within a short time frame. Implementation and enforcement of TFA laws and regulations involve a range of activities, such as disseminating information about the new legislation to stakeholders, collecting complaints from the public, inspecting and testing products and facilities, checking nutrition labels for prohibited ingredients, and warning and sanctioning violators to improve compliance. A well-tailored enforcement strategy can ensure high levels of compliance across all stakeholders with only modest investments of financial and human resources, especially when it is integrated into existing structures and considered throughout the policy-making process.

This module describes key steps, strategies and other considerations for countries when designing and implementing an enforcement system.

As best practice, countries should either set a mandatory limit on the amount of industrially produced TFA in all food or ban the production and use of partially hydrogenated oils (PHO) as an ingredient in all foods. (See module 3 for more information.) Because both policies significantly reduce consumption of TFA, the general enforcement strategy for both policies will be similar, with minor differences. With either policy option, countries can tailor the enforcement strategy to the local context by following these steps throughout the development, launch and implementation of an enforcement strategy.

› Development phase

Step 1: Analyse the regulatory authority to enforce TFA policy.

Step 2: Make an inventory of available enforcement resources.

Step 3: Design an appropriate inspection strategy to assess compliance.

› Launch phase

Step 4: Set a clear timeline for implementation.

Step 5: Inform stakeholders about the legal requirements.

Step 6: Mobilize resources for enforcement activities.

› Implementation phase

Step 7: Monitor legal compliance across the supply chain and identify violations.

Step 8: Hold violators accountable through legal systems.

Step 9: Share enforcement results with policy-makers and the public.

The most effective way to implement and enforce TFA policy is to embed TFA-focused provisions into existing functioning administrative structures. By doing so, countries can avoid producing legislation that is impractical to implement, even if it is technically well drafted. Countries may be able to integrate TFA-focused implementation and enforcement mechanisms into their current food and nutrition regulatory systems. Countries that do not already have functioning mechanisms to enforce food and nutrition policies should address this serious gap more broadly.

As governments create enforcement strategies, they should address the phases and steps in an iterative and holistic manner; each step does not need to be completed before moving on to the next. The topics described in this module should be considered early in the legislative drafting process as policy-makers anticipate enforcement authority, rule-making and other mechanisms for TFA control. As ongoing enforcement uncovers new challenges, governments should revise policies and procedures as appropriate.

2. DEVELOP ENFORCEMENT STRATEGY

Enforcement strategies for TFA should be part of the overall government-led regulatory activities to guarantee the safety, quality and integrity of foods. Such enforcement strategy should fit the specific TFA legal measures that are in effect, the country's implementation capacity and the local context.

To design an enforcement strategy best suited for the local context, the following steps need to be taken.

1. Analyse the regulatory authority to enforce TFA policy.
2. Make an inventory of available enforcement resources.
3. Design an appropriate inspection strategy to assess compliance.

2.1 STEP 1: ANALYSE THE REGULATORY AUTHORITY TO ENFORCE TFA POLICY

Where there are already TFA restrictions, the existing legislation should clearly define which administrative authorities¹ have the power to enforce the legislation. Laws usually outline the enforcement powers of the relevant administrative authorities and other institutions. The roles and responsibilities of individual officials (such as a sanitary inspector or laboratory technician) may be elaborated in more detail in the rules or regulations that relate to implementation of laws.

Although one agency may have primary implementation and enforcement authority, other agencies may have responsibility for enforcement within the jurisdiction. For example, a local health department might conduct restaurant inspections, whereas the ministry of commerce inspects refineries and the customs authority inspects imported products. In this instance, the ministry of health has principal responsibility, but other ministries have concurrent or delegable enforcement authority.

If the legislation does not clearly establish enforcement authority, policy-makers should look to related laws for guidance on enforcement mechanisms. These provisions may be found in a general law on food and nutrition, laws that created the respective institutions, constitutional provisions or other government decrees. An administrative order may be needed to enable effective enforcement.

¹ Administrative authorities are responsible for implementing and enforcing law. Depending on the country and jurisdiction, administrative authorities can take the form of government agencies (such as a food and drug control agency), ministries, departments, divisions, organizations, commissions, units or even specific offices. These terms may be used interchangeably to capture the wide variety of governmental bodies that enforce law throughout the world, but all uses mean administrative authority generally.

KEY ENFORCEMENT STRATEGY: EMPOWER A MULTI-AGENCY WORKING GROUP

When multiple agencies are involved in enforcement, countries can establish a working group to guide implementation and coordinate activities relating to TFA. If there is already a multi-agency working group responsible for coordinating implementation of food and nutrition issues, that group may be empowered to manage TFA issues. The working group should be responsible for advising and supporting the competent authorities in enforcement. Other possible functions may include:

- proposing or advising on new laws and regulations;
- making recommendations on the issuance or revocation of licences;
- providing guidance on appeals against enforcement measures;
- suggesting additional efficiencies to improve enforcement;
- serving as a point of contact for other countries and agencies working on TFA issues; and
- supporting and contributing to public information activities to educate the population on TFA.

The working group should include representatives from each government body involved in TFA control, such as agriculture, health, customs, standards, justice, trade and industry, as well as municipal and provincial officials, as appropriate. The working group may also include academics and other experts, especially food scientists and legal experts who can supplement government capacities. Unless required by law, representatives of the food industry or their agents should not be part of such working group.

2.2 STEP 2: MAKE AN INVENTORY OF AVAILABLE ENFORCEMENT RESOURCES

TFA laws and regulations can be implemented with minimal additional expense and effort, especially if countries take advantage of existing resources. Before developing an enforcement strategy, countries should take stock of their current enforcement resources, including all human, equipment and financial resources. A realistic inventory can help countries to identify the best enforcement approach by highlighting strengths and shortcomings in their current mechanisms. This inventory should build on the scoping and mapping exercises from modules 1, 3 and 4.

The inventory should include an assessment of the human resources available, including the number of qualified inspectors and enforcement officers, such as health and sanitation inspection officers and food laboratory technicians. The assessment should consider the geographic

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