CENTER VALLEY  - Not long ago a couple I know celebrated their fiftieth wedding anniversary. The dinner marking that milestone included the company of guests who were elementary school classmates and the dulcet tones of a professional tenor singing songs from Broadway musicals. But the joy of the evening was unmatched when dessert was served. Rekindling their halcyon days in Philadelphia, the couple imported a specialty item - the legendary pound cake from the nearly century-old Stock’s bakery.

Sadly, that delectable dessert may soon go the way of faded memories. Pound cakes and other baked goods are now becoming casualties of a legislative offensive spurred on by dietary defensiveness. The culprit: an insidious ingredient known as trans fat. New York was the first city in our nation to ban its use; Philadelphia recently became the second, with its mayor lauding the regulation as a means of putting the city of brotherly love “at the forefront of the urban food renaissance.”

When it comes to hydrogenated oils, there’s no mistaking the nutritional negatives. The average American ingests 4.7 pounds of trans fats each year, with 40 percent of the daily consumption of this additive coming from cakes, cookies, pies and breads. At the same time raising bad cholesterol and lowering good cholesterol, trans fats are thereby linked to an increased risk of heart disease or stroke. Buyers should definitely beware.

But diners should not be dissed, especially when it comes to their menu selections. Who, in today’s calorie-conscious, label-reading environment, does not now know that the delight of doughnuts leads to a widening waistline, or that the fast food at McDonald’s and elsewhere can cause instant indigestion? The ingredients pose a major concern, medically-speaking, but the bigger issue, as usual, lies with our freedom of choice.
Prescinding from the economic interests of the restaurant industry - shortening costs less than butter, responds to consumers’ demand for taste, and allows for a longer shelf life of baked goods - the problem with legislative efforts to ban trans fats is that they are attempts to proscribe individual freedom. Rightly does the FDA require that amounts of harmful substances be made known to consumers, since knowledge is critical to making choices. But government regulations that restrict access to approved products in the name of protecting us from ourselves impinge upon the very independence that we celebrate this time of year (which, ironically, we do with cookouts that feature other foods sufficiently damaging to our health).

Lest this argument be misconstrued as an apologia for gluttony, I humbly disclose the errors of my own ways in rarely passing on an order of french fries. Nor does this seeming defense of desserts seek to denigrate the advances in knowledge made available by the good work of those in healthcare fields. My doctor can attest to the unending need to lower my cholesterol. But what we eat is a choice that we make, not one to be imposed by regulatory fiat.

The health of a society should, of course, be of paramount importance to those in public administration. Laws that prohibit the dangers of one person’s actions on others can be justified; so, for example, banning smoking in public places issues from a health concern over the effects of second-hand smoke (though even in that case a counter-argument can be made that the substance is a legal one). But if protection from substances that may cause harm to ourselves is the guiding principle behind legislation banning trans fats, then the list of new dietary laws has the potential to become exponentially longer.

Independence remains our greatest gift, personally and culturally. With it, we have the unique ability to give shape to who we are and who we will become, both as individuals and as a society. A **phenomenology of freedom** discloses the truth that our choices both express our identity and contribute to it. The decisions we make reveal who we are and create who we are. In this sense, the old adage “you are what you eat” rings true.

Still, those decisions are uniquely one’s own. While the possibility of making bad choices is omnipresent, and factors contributing to human error are ubiquitous, the contents on bakery shelves and in pizza parlors hardly rise to the level of legislative action. Odd is the prospect that our laws protect the right to choose actions ending a human life, but restrict what we can eat.

Let us at least have our cake, as it is. We can decide whether we should eat it, too.