

Interim Final Rule: Nutrition Standards for All Foods Sold in School- “Competitive Foods”

Minnesota Department of Education
Food and Nutrition Service

July 2013



The School Nutrition Environment

Improving the nutritional profile of all foods sold in school is critical to:

- Improving diet and overall health;
- Children from all income levels adopting healthful eating habits;
- Making healthier choices; and
- Reducing the risk of obesity.



Healthy, Hunger-Free Kids Act

- Provided USDA authority to establish nutrition standards for all foods and beverages sold outside of the Federal child nutrition programs in schools.
 - **Outside the school meal programs;**
 - **On the school campus; and**
 - **At any time during the school day.**



Applicability

Including:

- a la carte in the cafeteria
- in school stores
- snack bars
- vending machines
- other venues



Interim Final Rule

- Title: *Nutrition Standards for All Foods Sold in School*
- Published: June 28, 2013
- Formal 120-day Comment period: June 28, 2013 to October 28, 2013
 - www.regulations.gov



Implementation

- July 1, 2014
- Provide feedback to USDA during implementation



State and Local Flexibility

- Minimum standards.
- State agencies and school districts may establish additional standards.
- State or local standards must be consistent with Federal standards.



Presentation Outline

- Applicability
- Nutrition Standards for Foods
 - General Standards
 - Specific Nutrient Standards/Exemptions
 - Exemptions to the General Standards
- Nutrition Standards for Beverages
- Potable Water Requirement
- Fundraisers
- Recordkeeping



What are competitive foods?

Competitive food:

All food and beverages sold to students on the School campus during the School day, other than reimbursable breakfast or lunch.



Where do the standards apply?

School campus:

All areas of the property under the jurisdiction of the school that are accessible to students during the school day.



When do the standards apply?

School day is the period from the midnight before, to 30 minutes after the end of the official school day.



Competitive Food Nutrition Requirement Areas

- General Food Standards
- Specific Nutrition Standards
- Allowable Nutrition Exemptions
- Beverage Standards



General Standards for Competitive Food

To be allowable, a food item must meet:

1. All of the competitive food nutrient standards

AND



General Standard (cont'd)

- 1) Be a whole grain rich product; **OR**
- 2) Have as the first ingredient a fruit, vegetable, dairy product or protein food (meat, beans, poultry, etc.); **OR**
- 3) Be a “combination food” that includes two or more of the recommended food groups: fruit, vegetable, dairy, protein or grains.
 - 1) If include fruit/vegetable, must have at least $\frac{1}{4}$ cup fruit and/or vegetable; **OR**
- 4) Contain 10% of the Daily Value of one nutrient of public health concern (only through June 30, 2016)
 - Calcium, potassium, vitamin D, dietary fiber



Whole Grain Rich

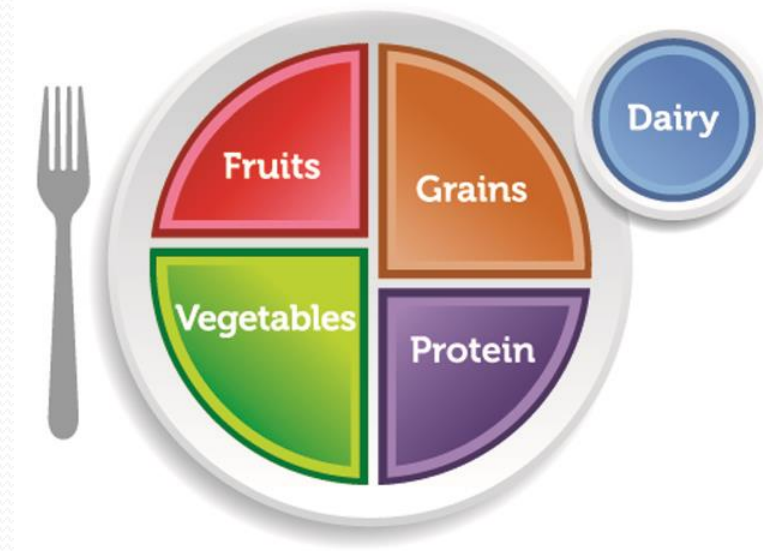
(1) Be a whole grain rich product

- **Grain products** must include 50% or more whole grains by weight or have a whole grain as the first ingredient.



First Ingredient....

*(2) Have as the first ingredient a **fruit, vegetable, dairy product or protein food** (meat, beans, poultry, etc..)*



Combination Foods

(3) *Be a “combination food”*

- Combination foods means products that contain two or more components representing two or more of the recommended food groups: fruit, vegetable, dairy, protein or grains.
 - Yogurt and fruit
 - Cheese and crackers
 - Hummus and vegetables
 - Fruit cobbler with whole grain rich crust
 - Must contain $\frac{1}{4}$ cup fruit/vegetable



Nutrients of Public Health Concern

Phased-In Approach:

(4) Through June 30, 2016, foods that contain 10% of the Daily Value of one nutrient of public health concern (i.e., calcium, potassium, vitamin D, or dietary fiber)

- Effective July 1, 2016, this criterion is removed
- Allowable competitive foods must be food group based after that date



Specific Nutrient Standards for Competitive Foods



Nutrient Standards

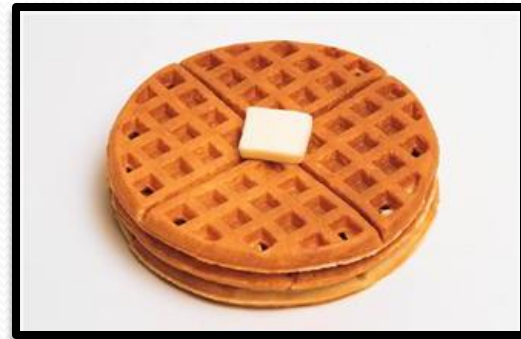
- Total Fat
- Saturated Fat
- Trans Fat
- Sodium
- Calories
- Total Sugar



Food items + Accompaniments = Total Food Item

Accompaniments

- Must be **included in nutrient profile** as a part of item served
- Examples include:
 - Salad dressings
 - Butter or jelly on toast
 - Cream cheese on bagels
 - Garnishes, etc..
- No pre-portioning required – may determine **average portion**



Total Fat

- **≤35% of total calories from fat** per item as packaged/served
- Exemptions include (individual food items only):
 - Reduced fat cheese;
 - Nuts and seeds and nut/seed butters;
 - Dried fruit with nuts and/or seeds with no added nutritive sweeteners or fat;
 - Seafood with no added fat; and
 - Part-skim mozzarella



Saturated Fat

- **<10% of total calories** per item as packaged/served.
- Exemptions for:
 - Reduced fat cheese
 - Part-skim mozzarella;
 - Nuts, seeds and nut/seed butters;
 - Dried fruit with nuts and/or seeds with no added nutritive sweeteners or fat.

Trans Fat

- **Zero grams of trans fat per portion as packaged/served (< 0.5 g)**



Definition of Entrée

- Entrée item means an item that is either:
 - Meat/meat alternate + whole grain rich food item
 - Meat/meat alternate + vegetable or fruit
 - A meat/meat alternate alone
 - Exception:
 - Yogurt
 - low-fat or reduced fat cheese
 - nuts, seeds and nut or seed butters
 - meat snacks (such as dried beef jerky and meat sticks).



Sodium

- **Entrée items:**
 - ≤ 480 mg sodium per item
 - Some NSLP/SBP exemptions allowed
- **Snack and side items:**
 - ≤ 230 mg (until June 30, 2016)
 - ≤ 200 mg (after July 1, 2016)



Calories

- **Entrée items *including* accompaniments**
 - ≤ 350 calories
 - Some NSLP/SBP exemptions allowed

- **Snack items/Side dishes:**
 - ≤ 200 calories per item



Total Sugars

≤ 35% of weight from **total** sugars per item



Sugar Exemptions

- Dried/dehydrated fruits or vegetables (no added nutritive sweeteners)
- Dried fruits with nutritive sweeteners for processing and/or palatability (e.g., dried cranberries, tart cherries, and blueberries)
- Exempt dried fruit with only nuts/seeds (no added nutritive sweeteners or fat)

Exemptions from General Nutrition Standards for Food



Fruit and Vegetable Exemption

The following are exempt from meeting all nutrient standards (fat, sodium, calories, sugar):

- Fresh, frozen and canned fruit packed in water, 100 percent juice, light syrup or extra light syrup
- Fresh, frozen and canned vegetables with no added ingredients except water
- Canned vegetables with small amount of sugar for processing purposes



NSLP/SBP Entrée Exemption

- Exemptions for entrée items only
- Entrée exemption for the **day of service** and the school **day after**
 - Total fat, saturated fat, trans fat
 - Sodium
 - Calories
 - Total Sugar
- Side dishes sold as competitive food must meet all standards



Chewing Gum

Sugar-free chewing gum is exempt from standards.

*Thus, the interim rule **allows** the sale of sugar-free chewing gum.*



Nutrition Standards for Beverages



Standards for Beverages

- Vary by Grade Level
- Identify Specific Types of Beverages Allowed
- Address Container /Portion Size



Beverages for All

- Water
- Milk
- Juice



Beverages for All - Water

- Plain water, carbonated **or** noncarbonated
 - No size limit
- No added ingredients to carbonated water in elementary or middle schools
 - No additives
 - No natural or other flavors or sweeteners
 - Exemption: carbonated water with added minerals



Beverages for All - Milk

- Unflavored nonfat and low-fat milk
- Flavored nonfat milk

- Maximum serving sizes:
 - **8 fluid ounces** in elementary school
 - **12 fluid ounces** in middle and high schools



Beverages for All - Juice

- 100% fruit and/or vegetable juice
- 100% juice diluted with water (carbonated or noncarbonated) – no added sweeteners
- Maximum serving sizes
 - **8 fluid ounces** in elementary school
 - **12 fluid ounces** in middle and high schools



Beverages For All

Beverage	Elementary School	Middle School	High School
Plain water, carbonated or not	no size limit	no size limit	no size limit
Low fat milk, unflavored *	≤ 8 oz	≤ 12 OZ	≤ 12 OZ
Non fat milk, unflavored or flavored *	≤ 8 oz	≤ 12 OZ	≤ 12 OZ
100% fruit/vegetable juice **	≤ 8 oz	≤ 12 OZ	≤ 12 OZ

*Includes nutritionally equivalent milk alternatives, as permitted by NSLP/SBP

**May include 100% juice diluted with water (with or without carbonation) & with no added sweeteners.



Other Beverages in High School

Calorie-Free Beverages

- Calorie-free **flavored** water , with or without carbonation
- Maximum Serving Size 20 fluid ounces
- Other “calorie-free” beverages with less than 5 calories per 8 fluid ounces, or up to 10 calories per 20 fluid ounces.

Lower-Calorie Beverages

- Maximum Serving Size 12 fluid ounces
- Up to 60 calories per 12 fluid ounces; or
- Up to 40 calories per 8 fluid ounces



No “Time and Place” Restriction

Allowable beverages can be sold *anywhere* on campus during the school day.



Caffeine

Elementary and Middle School

Foods and beverages must be **caffeine-free**, (exception of naturally occurring trace amounts)

High School

No caffeine restrictions.



Free Potable Water Requirement

- Required anywhere lunch is served
- Required for breakfast meal service, *when it is in the cafeteria*
- Encouraged, but not required, for afterschool snacks and breakfast in other locations



Fundraisers and Foods of Minimal Nutritional Value



Fundraisers

- Foods that meet regulatory standards can be sold at fundraisers on campus at any time.
- Regulatory standards do not apply to items sold during non-school hours, weekends, or off-campus fundraising events.



Fundraiser Exemption

- State agency will establish limits on the number of exempt fundraisers that may be held during the school year.
 - Exempted fundraisers cannot be held during breakfast or lunch service
- School districts may institute additional standards.



Foods of Minimal Nutritional Value

- Remain in place until the **July 1, 2014** implementation date of the competitive food standards
 - Soda water
 - Water ices
 - Chewing gum
 - Certain candies
 - Hard candies
 - Jellies and gums-such as gum drops, jelly beans, jellied and fruit-flavored slices.
 - Marshmallow candies.
 - Fondants-such as candy corn or soft mints.
 - Other candies-such as licorice, spun candy and candy coated popcorn.



Administrative Provisions



Recordkeeping

- *All food sold to students*
- *All day long*
- *Everywhere in the school*

- **Maintain records**

- Receipts
- nutrition labels
- product specifications

- **SFAs maintain records** for competitive foods sold under the nonprofit school food service account

- **Other district personnel** shall maintain records for all other competitive food sales



Monitoring and Compliance

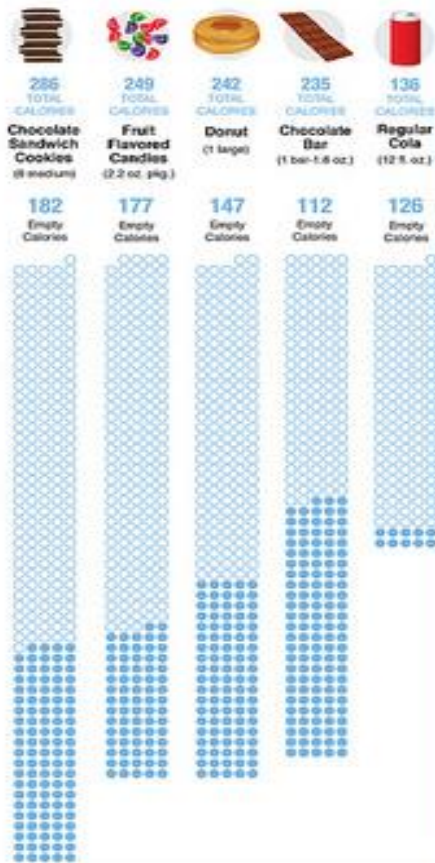
- State agencies will monitor compliance with the standards through a review of local educational agency records as part of the State agency administrative review.
- If violations have occurred, technical assistance and corrective action plans would be required.

SMART SNACKS IN SCHOOL

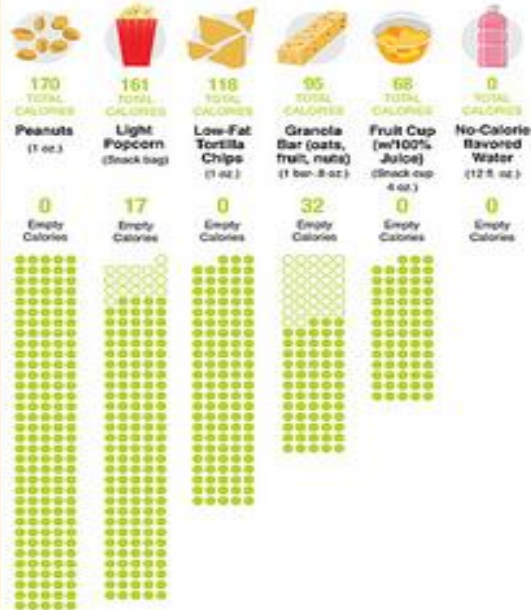
The Healthy, Hunger-Free Kids Act of 2010 requires USDA to establish nutrition standards for all foods sold in schools—beyond the federally-supported meals programs. This new rule carefully balances science-based nutrition guidelines with practical and flexible solutions to promote healthier eating on campus. The rule draws on recommendations from the Institute of Medicine, existing voluntary standards already implemented by thousands of schools around the country, and healthy food and beverage offerings already available in the marketplace.

● Equals 1 calorie ○ Shows empty calories*

Before the New Standards



After the New Standards



*Calories from food components such as added sugars and solid fats that provide little nutritional value. Empty calories are part of total calories.

Probably Not:

- Donuts
- Cakes
- Pastries
- Cookies
- Candy
- Energy Bars

Probably Yes!

- Fruits
- Vegetables
- Granola bars
- Nuts
- Popcorn
- Low-fat tortilla chips

Next Steps



Competitive Foods in a Nutshell

- General Standards
 - Whole grain rich, fruit, vegetable, dairy, protein
 - “Combination food” with $\frac{1}{4}$ **cup** fruit and/or vegetable
 - 10% Calcium, potassium, vitamin D, dietary fiber (until July 1, 2016)
- Nutrient Standards
 - Total fat, saturated fat, trans fat
 - Sodium
 - Calories
 - Sugar
- Exemptions:
 - Fruit, vegetables
 - Entrees on “day of” or “day after”
- Beverages – can be sold anywhere/anytime
 - Water, juice and milk OK for all
 - Carbonated water OK for all
 - No caffeine/flavored/sweetened for Elementary and Middle
 - Caffeinated, flavored, sugar-free, low-calorie and carbonated OK for High School (sports drinks, tea, lemonade, etc..)

Reviewing the Rule

- Federal Register
- There may be changes!!
- FNS Website
www.usda.gov/healthierschoolday



Implementation and Support

- State agencies and schools must implement the provisions of this interim rule beginning **July 1, 2014**.
- USDA will provide guidance and technical assistance to State agencies and local educational agencies prior to and during the implementation period.



Instructions for Commenting

- **When to comment:** by October 29, 2013

- **Where to comment:**

- **Online:**

- <http://www.regulations.gov>

- **By mail:**

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P.O. Box 66874

Saint Louis, MO 63166



Instructions for Commenting

The screenshot shows the homepage of regulations.gov. The browser address bar displays 'http://www.regulations.gov/#home;tab=search'. The page features a navigation menu with 'Home', 'Help', 'Resources', and 'Feedback and Questions'. A search bar is prominently displayed with the text 'SEARCH for: Rules, Comments, Adjudications or Supporting Documents:'. Below the search bar, there are sections for 'What's Trending' (currently unavailable) and 'Newly Posted Regulations'. On the right side, there is a 'Are you new to the site?' section with links for getting started, and a 'A Commenter's Checklist' section with a 'View More Tips for Effective Commenting' link. Two blue callout boxes with arrows point to specific elements: one points to the 'Submit your comment online by visiting' text, and the other points to the search bar.

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Questions?

Please contact Food and Nutrition Service if you have additional questions:

651-582-8526

Toll Free for MN callers: 1-800-366-8922

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