



SMART SNACKS IN SCHOOL RULE FINAL SUMMARY

National School Lunch Program and School Breakfast Program: Eliminating Applications through The National School Lunch and School Breakfast Program: Nutrition Standards for All Foods Sold in School as Required by the Healthy, Hunger-Free Kids Act of 2010 final regulations have been issued. Known as Smart Snacks in School, these regulations govern competitive foods sold to children on the school campus during the school day. The final regulations make minor changes to the Interim Final Rule, which has been in effect since July 1, 2014.

Exemptions:

The final rule makes the following exemptions to the Smart Snacks standards.

Fruit and Vegetable Exemptions:

- Fresh, frozen and canned fruits are exempt from all nutrient standards if they have no added ingredients except water or are packed in 100 percent fruit juice, light syrup or extra light syrup.
- Fresh and frozen vegetables with no added ingredients except water and low sodium or no salt added canned vegetables that contain no added fat are exempt from all nutrient standards.
- Dried and dehydrated fruits or vegetables with no added nutritive sweeteners are exempt from the sugar standard, as well as cranberries, tart cherries and blueberries, with nutritive sweeteners required for processing and/or palatability.
- Products consisting of only dried fruit with nuts and/or seeds with no added nutritive sweeteners or fats are exempt from the total and saturated fat and sugar standards.

Meat/Meat Alternate Exemptions:

- Reduced fat cheese (including part-skim mozzarella) is exempt from the total and saturated fat standards.
- Whole eggs with no added fat are exempt from the total fat and saturated fat standards.
- Nuts and seeds and nut/seed butters are exempt from the total and saturated fat standards.
- Seafood with no added fat is exempt from the total fat standard.

Definitions:

The definitions for certain menu items have been clarified/added under the final rule.

- Adds the definition for **“Paired exempt foods”** to follow policy guidance issued.
 - Paired exempt foods mean food items that have been designated as exempt from one or more of the nutrient requirements individually which are packaged together without any additional ingredients. Such “paired exempt foods” retain their individually designated exemption for total fat, saturated fat, and/or sugar when packaged together and sold but are required to meet the designated calorie and sodium standards. Examples include: peanut butter and celery; reduced fat cheese served with apples; peanuts and apples.
- Clarifies that an **entrée** item is intended as the main dish and adds the grain-only breakfast entrée that was part of a policy memorandum.
 - Entrée item means an item that is intended as the main dish and is either:
 - A combination food of meat or meat alternate and whole grain rich food; or
 - A combination food of vegetable or fruit and meat or meat alternate; or
 - A meat or meat alternate alone with the exception of yogurt, low-fat or reduced fat cheese, nuts, seeds and nut or seed butters, and meat snacks (such as dried beef jerky); or
 - A grain only, whole-grain rich entrée that is served as the main dish of the School Breakfast Program (SBP) reimbursable meal.

Calorie and Sodium Limits:

Adds language in the regulation to clarify that the calorie and sodium limits apply to all competitive food items available on school campus and not just to those sold a la carte during the meal service.

- **Snack items and side dishes** sold as competitive foods must have not more than 200 calories and 200 mg of sodium per item as packaged or served.
- **Entrée items** sold as competitive foods, other than those exempt from the competitive food nutrition standards in being part of the NSLP/SBP entrée exemption provision, must have not more than 350 calories and 480 mg of sodium per item as packaged or served.

The final rule further reiterates that the Appendix B, Foods of Minimal Nutritional Value has been removed from the regulations, as these regulations replace that appendix.

There is no change to the provision allowing a State Agency (SA) or Local Educational Agency (LEA) to establish additional competitive foods standards as long as they do not conflict with Federal regulation. The exempt fund raiser provision for State Agencies to establish a number of exempt fund raisers remains unchanged.

USDA is requesting additional comments on the total fat standard. Comments are sought on whether the total fat standard should be eliminated or maintained with exemptions for certain food items. While the total fat standard as currently implemented will continue to be in place, this single, individual standard remains an interim final standard. The Department is interested in comments related to the impact revising or eliminating the total fat standard may have. This could include allowing more items to be sold that are lower in unhealthy, saturated fats but that might be higher in healthy, unsaturated fats and simplifying implementation for local operators.

Implementation Timeline and Resources

Effective date: This final rule is effective September 27, 2016.

Comment date: Comments on the interim final rule total fat standard must be submitted by September 27, 2016.

Compliance dates: Except as noted in this final rule, compliance with the nutrition standards and other provisions of the interim final rule began on July 1, 2014. The potable water provision was effective on October 1, 2010, and compliance with that provision was required no later than August 27, 2013.

Extensive guidance issued by the Department in policy memoranda and other materials is available: <http://www.fns.usda.gov/healthierschoolday/tools-schools-focusing-smart-snacks>.

In addition, the Alliance for a Healthier Generation, in partnership with FNS, developed extensive resources including guidance materials and the Competitive Foods Calculator and Navigator, which provide a way to evaluate individual foods and beverages as well as a listing of Smart Snacks allowable foods and beverages, respectively. These items are available at www.healthiergeneration.org.