Interim Final Rule: Nutrition Standards for All Foods Sold in School

Wednesday, March 19, 2014
Today’s Moderator

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Today’s Topics

• Hear about nutrition standards for all foods sold in schools outside of a reimbursable meal, known as the Smart Snacks in Schools standards,

• You will be given an overview of nutrition standards for foods and beverages,

• Answers to common questions asked, and

• Receive information about available technical assistance resources.
Today’s Panelists

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The School Nutrition Environment

- The health of today’s school environment continues to improve. Students across the country are now offered healthier school meals with more fruits, vegetables and whole grains through the National School Lunch Program and the School Breakfast Program.

- The Smart Snacks in School standards published by USDA builds upon those healthy advancements by ensuring that all other snack foods and beverages available for sale to students in school are tasty and nutritious.
Healthy, Hunger-Free Kids Act

• Requires that USDA establish nutrition standards for all foods and beverages sold in school – beyond the Federal child nutrition programs in schools.

• The law specifies that the nutrition standards shall apply to all foods sold:
  – outside the school meal programs;
  – on the school campus; and
  – at any time during the school day.
Proposed Rule

- Published in Federal Register on February 8, 2013

- Nearly 250,000 comments received

- The Comment Analysis Summary and other information on the proposed rule are available at
Interim Final Rule

• Published: June 28, 2013

• Formal 120-day Comment period: June 28, 2013 to October 28, 2013

• About 520 comments were received

• Requirements take effect July 1, 2014

• Encourage informal input during actual implementation and there will be an additional formal comment period following implementation
Considerations

• Dietary Guidelines for Americans

• Authoritative scientific recommendations, such as the IOM Report

• Existing voluntary standards

• Current State and local standards and

• Stakeholder input.
Further Considerations

• The practical application of standards in school settings;

• Context of new meal patterns for the Federal school meal programs; and

• Support of the federally-reimbursed school nutrition programs as the major source of foods and beverages offered at school.
Applicability

Including:

• a la carte in the cafeteria
• in school stores
• snack bars
• vending machines
• other venues
State and Local Flexibility

• The nutrition standards included in the interim final rule for all foods sold in school are minimum standards.

• State agencies and school districts may establish additional standards.

• State or local standards must be consistent with Federal standards.
What are competitive foods?

Competitive food: all food and beverages sold to students on the School campus during the School day, other than those meals reimbursable under programs authorized by the NSLA and the CNA.
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.
FUNDRAISERS
Fundraiser Exemption

• State agencies establish limits on the number of infrequent exempt fundraisers that may be held during the school year.

• If the State agency does not establish limits, no fundraisers may take place in the schools.

• School districts may institute additional standards.

• No exempt fundraiser foods or beverages may be sold in competition with school meals in the food service area during the meal service.
Fundraisers

• All foods that meet the regulatory standards may be sold at fundraisers on the school campus during school hours.

• The standards would not apply to items sold during non-school hours, weekends, or off-campus fundraising events.
NUTRITION STANDARDS FOR FOODS
Standards for Foods

- Apply to All Grade Levels
- Include General Standards and Specific Nutrient Standards
- Provide exemptions to Nutrient Standards for Specific Foods
- Allow broader exemptions for fruits and vegetables and some NSLP/SBP foods
General Standard for Food

To be allowable, a food item must meet all of the competitive food nutrient standards

AND
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” with at least ¼ 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.

- **Consistent** with NSLP meal pattern standards and the HUSSC whole grain requirement.

- **Practical** because it can be easily identified by reading a product label.
DGA Major Food Groups

(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” with at least ¼ cup fruit and/or vegetable

- 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.
- Examples of such foods include yogurt and fruit, cheese and crackers, hummus and vegetables, fruit cobbler with whole grain rich crust, etc.
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 Food
Nutrient Standards

- Total Fat
- Saturated Fat
- Trans Fat
- Sodium
- Calories
- Total Sugar
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:
  – 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:
  - A combination food of meat/meat alternate and whole grain rich food; or
  - A combination food of vegetable or fruit and meat/meat alternate; or
  - A meat/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 and meat sticks).
Sodium

– Entrée items that do not meet NSLP/SBP exemptions:
  • ≤480 mg sodium per item

– Snack and side items:
  • ≤230 mg (until June 30, 2016)
  • ≤200 mg (after July 1, 2016)
Calories

- Entrée items that do not meet NSLP/SBP exemption:
  - ≤350 calories

- 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:

- 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

• Side dishes sold as competitive food must meet all standards

• Entrée exemption for the day of service and the school day after
NUTRITION STANDARDS FOR BEVERAGES
Standards for Beverages

• Vary by Grade Level

• Identify Specific Types of Beverages Allowed

• Address Container Size
Beverages for All

- Water
- Milk
- Juice
Beverages for All - Water

• Plain water, carbonated or noncarbonated

• No size limit
Beverages for All - Milk

• Unflavored nonfat and lowfat 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
Other Beverages in High School

Calorie-Free Beverages: Maximum Serving Size 20 fluid ounces

- Calorie-free flavored water, with or without carbonation
- Other “calorie-free” beverages with less than 5 calories per 8 fluid ounces, or up to 10 calories per 20 fluid ounces.
Other Beverages in High School

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

No restriction on the sale of any allowable beverage at any grade level, during the school day anywhere on the school campus.
Caffeine

Elementary and Middle School

Foods and beverages must be caffeine-free, with the exception of trace amounts of naturally-occurring caffeine substances.

High School

No caffeine restrictions.
The Nutrition Facts Panel contains all the information necessary to evaluate against the nutrient standards:

- Calories
- Total Fat
- Saturated Fat
- Trans Fat
- Sodium
- Sugars

**Nutrition Facts**

<table>
<thead>
<tr>
<th>Amount Per Serving</th>
<th>% Daily Values*</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Calories</strong> 130</td>
<td>Calories from Fat 35</td>
</tr>
<tr>
<td><strong>Total Fat</strong> 4g</td>
<td>6%</td>
</tr>
<tr>
<td>Saturated Fat 1g</td>
<td>5%</td>
</tr>
<tr>
<td>Trans Fat 0g</td>
<td></td>
</tr>
<tr>
<td><strong>Sodium</strong> 110mg</td>
<td>5%</td>
</tr>
<tr>
<td><strong>Total Carbohydrate</strong> 21g</td>
<td>7%</td>
</tr>
<tr>
<td>Dietary Fiber 2g</td>
<td>8%</td>
</tr>
<tr>
<td>Sugars 8g</td>
<td></td>
</tr>
<tr>
<td><strong>Protein</strong> 2g</td>
<td>4%</td>
</tr>
</tbody>
</table>

*Percent Daily Values are based on a 2,000 calorie diet.
Smart Snacks Calculator

The Smart Snacks calculator may be found at:

https://schools.healthiergeneration.org/focus_areas/snacks_and_beverages/smart_snacks/product_calculator
Administrative Provisions
Recordkeeping

• LEAs and SFAs maintain records such as receipts, nutrition labels and product specifications

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

• LEAs 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.
IMPLEMENTATION AND SUPPORT
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.
• A Smart Snacks Food Calculator is available and a Beverage Calculator is in the works.

For further information about school meals go to: http://www.fns.usda.gov/
More is coming....

www.schoolnutrition.org/smartsnacks
Smart Snacks Resources

Alliance Smart Snacks Product Calculator
Take the guesswork out of the Guidelines

HealthierGeneration.org/smartsnacks
Alliance Product Navigator

Browse products that meet the guidelines & Download a list to show your vendors

HealthierGeneration.org/smartsnacks
Thank You

Archives, CEU information, and other resources available at [www.schoolnutrition.org/webinars](http://www.schoolnutrition.org/webinars)