

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

USDA Food and Nutrition Service
Child Nutrition Division

2014

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 <http://www.fns.usda.gov/school-meals/smart-snacks-school>

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

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

- Practical application of standards in school settings
- Context of new meal patterns for Federal school meal programs, and
- Support of Federally- reimbursed school nutrition programs as 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

- Nutrition standards in 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?

All food and beverages sold to students on school campus during the school day, other than meals reimbursable under programs authorized by the NSLA and the CNA

Where Do the Standards Apply?

- School campus
 - All areas of the property under jurisdiction of the school that are accessible to students during the school day

When Do the Standards Apply?

- School day
 - 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 number of infrequent exempt fundraisers that may be held during school year
- If State agency does not establish limits, no fundraisers may take place in schools
- School districts may institute additional standards
- No exempt fundraiser foods or beverages may be sold in competition with school meals in food service area during 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 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

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” with 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

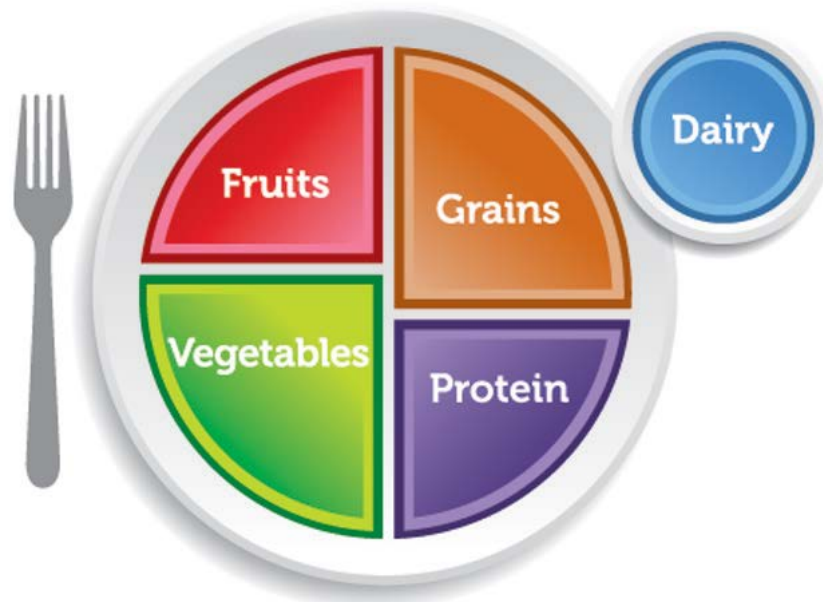
Whole Grain Rich Product

1) Be a Whole Grain Rich Product

- Grain products must include 50% or more whole grains by weight or have whole grain as the first ingredient
- Consistent with NSLP meal pattern standards and 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 $\frac{1}{4}$ 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.

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 part of the item served; examples include:
 - Salad dressings
 - Butter or jelly on toast
 - Cream cheese on bagels
 - Garnishes
- No pre-portioning required – may determine average portion

Total Fat

- $\leq 35\%$ 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

- An item that is
 - 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 exception of yogurt, low-fat or reduced fat cheese, nuts, seeds and nut or seed butters and meat snacks (i.e., 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 and 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

Exempt from meeting all nutrient standards

- Fresh, frozen and canned fruit packed in water, 100% 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 day of service and 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 schools
 - 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 sale of any allowable beverage at any grade level, during school day anywhere on school campus

Caffeine

Elementary and Middle School

Foods and beverages must be caffeine-free, except for trace amounts of naturally- occurring caffeine substances

High School

No caffeine restrictions

Nutrition Facts Panel

Contains all information necessary to evaluate against nutrient standards

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

Nutrition Facts	
Serving Size 1 pouch (29g)	
Serving Per Container 1	
Amount Per Serving	
Calories 130	Calories from Fat 35
% Daily Values*	
Total Fat 4g	6%
Saturated Fat 1g	5%
Trans Fat 0g	
Sodium 110mg	5%
Total Carbohydrate 21g	7%
Dietary Fiber 2g	8%
Sugars 8g	
Protein 2g	4%
*Percent Daily Values are based on a 2,000 calorie diet.	

Smart Snacks Calculator

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 standards through a review of local educational agency records as part of 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 provisions of interim rule beginning July 1, 2014
- USDA guidance and technical assistance for State agencies and local educational agencies prior to and during implementation period
- Smart Snacks Food Calculator is available
- Beverage Calculator is in the works
- For further information about school meals go to <http://www.fns.usda.gov/>

Questions?