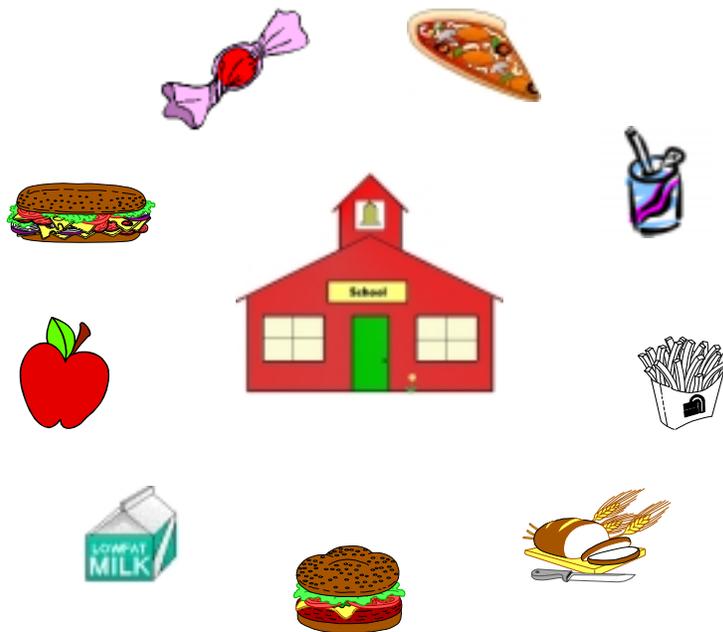


Competitive Foods And Foods of Minimal Nutritional Value



Fostering Nutrition Integrity In A La Carte Sales and Other Foods Available at School



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www.dpi.state.wi.us/dpi/dfm/fns/pdf/competve.pdf

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NUTRITION INTEGRITY

The American School Food Service Association (ASFSA) defines nutrition integrity as “A guaranteed level of performance that assures that all foods available in schools for children are consistent with recommended dietary allowances and dietary guidelines and, when consumed, contribute to the development of lifelong, healthy eating habits.”

To promote nutrition integrity schools are encouraged to:

- Adhere to nutrition standards based on the *Dietary Guidelines for Americans and the Food Guide Pyramid*.
- Consider student preferences in menu planning.
- Provide meals with enough calories to support growth.
- Evaluate the nutritional value of foods over a period of time.
- Purchase food items that meet expected quality and nutrition standards.
- Prepare foods in ways that provide optimal nutrition and student acceptance.
- Carefully select other foods offered in addition to meals (competitive foods) to promote nutrition and encourage healthy eating habits.
- Provide a pleasant eating environment.
- Promote nutrition education.
- Develop cooperative efforts between nutrition professionals and other school/community members.

School administrators, teachers, and school food service staff are encouraged to work together to develop and support nutrition policies aimed at promoting lifelong healthy eating. Nutrition integrity and nutrition education should be integral parts of nutrition policies.

Resources are available to provide more background and help school districts develop nutrition policies. For example, *Fit, Healthy and Ready to Learn* provides national data on the extent to which competitive foods are offered in schools. Another resource is USDA’s *Changing the Scene* kit to help schools improve their school nutrition environment. USDA has identified components that make valuable contributions to the whole school nutrition environment: commitment to nutrition and physical activity (policy), quality school meals, other healthy food options including competitive foods, pleasant eating experiences, nutrition education, and marketing. A healthy school nutrition environment is one in which nutrition and physical activity are taught and supported in the classroom, the dining room and throughout the school.

Selected resources are listed on pages 23-24.

COMPETITIVE FOODS

Competitive foods are all foods sold in competition with the National School Lunch Program and the School Breakfast Program to children in food service areas during the school's designated lunch or breakfast periods. Schools that participate in these federal programs **must prohibit** the sale of foods in the categories of foods of minimal nutritional value (FMNV) **in food service areas during the designated meal periods**. Categories of foods of minimal nutritional value include:

- Ø soda water;
- Ø water ices;
- Ø chewing gum; and
- Ø certain candies- hard candy, jellies and gums, marshmallow candies fondant, licorice, spun candy, and candy-coated popcorn.

From 1980 through 1984, schools participating in federal Child Nutrition Programs were prohibited from selling these items on the entire school premises from the beginning of the school day until the end of the last meal period.

The present regulation is reflected in the School Nutrition Program base-year contract between the local school agency and the Department of Public Instruction (DPI). As a condition of participation, school authorities agree to:

“Prohibit the sale of foods in the categories of minimal nutritional value, specifically soda water, water ices, chewing gum and certain candies (hard candy, jellies and gums, marshmallow candies, fondant, licorice, spun candy, candy-coated popcorn), and any other foods the United States Department of Agriculture (USDA) may determine to be of minimal nutritional value in the food service areas during the designated meal period(s) and control the sale of any competitive foods in the food service areas during the designated meal period(s) so that the expenditures and receipts accrue to the nonprofit school food service program, the School Agency, or to student organizations approved by the School Agency Authorities; except that the receipts from the sale of donated commodities or food items containing donated commodities shall accrue to the nonprofit school food service account.”

The importance of adherence to this policy is eloquently summarized by Shirley R. Watkins, while serving as USDA Under Secretary, in a letter to the Committee on Agriculture, Nutrition, and Forestry, that accompanied the USDA report to Congress on *Foods Sold in Competition with USDA School Meal Programs*.

“...the availability of foods sold in competition with school meals jeopardizes the nutritional effectiveness of the programs and may be a contributor to the trend of unhealthy eating practices among children and subsequent health risks. The consumption of competitive foods is of special concern to those who support the school meal programs since children who purchase these foods are less likely to eat a reimbursable school meal. This undermines the ability of the school meal programs to contribute to children's health, well-being and academic achievement.”

(The full report can be found at www.fns.usda.gov/cnd/lunch)

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Both the American School Food Service Association (ASFSA) and the American Dietetic Association (ADA), two organizations concerned with students' nutritional well-being, have issued position papers and/or core concepts that support not only the previously quoted competitive foods restriction, but the extension of that idea to all foods made available to children at school. The ADA position paper states that "Availability of competitive foods poses three major problems: It diverts income essential to the financial well being of the school meal program, it encourages the consumption of partial meals, and it fosters the erroneous idea that school meals are only for needy children."

An ASFSA core concept for nutrition integrity, adopted by the Wisconsin School Food Service Association, is that "Foods sold in addition to meals will be thoughtfully selected to ensure optimal nutrition quality and foster healthful eating habits. These foods will be limited in number to prevent the separation of students who can and cannot afford additional purchases."

Both ADA and ASFSA recommend local efforts to develop strategies in all schools to ensure that the nutrition needs of students are a high priority of the education system, and they both recognize that while the school nutrition or food service department traditionally has been solely responsible for the school nutrition program, today that responsibility is broadening to include other members of the education team. The ADA position paper recommends that local effort "begin with an assessment of the environment in which school nutrition programs operate. This will include a determination of the degree to which school administrators and boards of education recognize and accept their responsibility to provide healthful foods and nurture students' acceptance of those foods. Local teams of creative, caring persons can raise the community's awareness of the impact school nutrition programs may have on students' immediate needs, future health, and quality of life. Effective strategies will vary, depending on how well schools are currently meeting needs. However, strategies should be developed in all schools to ensure that the nutrition needs of students are a high priority of the education system."

Gene White, RD, former ASFSA president, has stated that school nutrition personnel play "a pivotal leadership role in a school committed to nutrition integrity...School boards and administrators will make a commitment to nutrition integrity through policy and administrative support. Teachers, administrators, school board members, parents and food service personnel will interact and cooperatively work together to provide an education environment in which healthy nutrition practices are taught, experienced, and reinforced."

The National Association of State Boards of Education states that schools have an obligation to protect students. A resolution adopted by the membership states, "Compulsory attendance confers on educators an obligation to protect the welfare of their students and the integrity of the learning environment...Selling or providing access to a captive audience in the classroom for commercial purposes is exploitation and a violation of the public trust."

School boards and administrators may consider establishing a coordinated school health program (CSHP) to promote healthy eating. The Centers for Disease Control

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and Prevention (CDC) in its *Guidelines for School Health Programs to Promote Lifelong Healthy Eating*, states that school health programs can help children and adolescents attain full educational potential and good health. The CDC guidelines provide seven recommendations for ensuring a quality nutrition program within a CSHP:

1. School policy on nutrition
2. A sequential coordinated curriculum
3. Appropriate and fun instruction for students
4. Integration of school food service and nutrition education
5. Staff training
6. Family and community involvement
7. Program evaluation

Through clear and consistent messages that are continually reinforced, students will be motivated to develop and maintain healthy habits and to make desired behavior changes. A CSHP provides students with the knowledge, attitudes, and skills required to make positive health decisions. A CSHP also addresses the environment, services, and supports necessary to develop and maintain healthy behaviors.

What additional areas could be included in a local policy on nutrition integrity, specifically as it pertains to competitive foods?

- Food sales at snack bars and in vending machines: what food items are offered, who is conducting such sales, and where the sales are located.
- Food items brought into or prepared in the classroom(s). (Remember food items should not be used to discipline or reward students.)
- Food items sold as fund-raisers, at special events, and at athletic competitions. Although selling low-nutritive foods may provide revenue for school programs, such sales tell students it is acceptable to compromise health for financial reasons. Consider the sale of non-food items as fundraisers.
- Food deliveries from local businesses to students at school, which may interrupt office personnel, interfere with school security, increase traffic, create excess litter, and increase cleanup for school personnel.
- Food items available at staff meetings and parents' association meetings. Children need consistent healthful messages that are role modeled and encouraged by adults.
- Advertising or other commercial efforts to influence student food choices should not undermine the educational goal of fostering healthy eating patterns.

In addition to the impact on students' health, consider the impact the above areas play on the financial viability and operation of the school nutrition program.

The model language on page 5, developed by USDA as directed by Congress in the Healthy Meals for Healthy Americans Act of 1994, may be adopted or adapted by local schools or districts interested in affirming their commitment to nutrition integrity.

The Federal Regulation (pages 6-10) and the Questions and Answers (pages 15-17), address the minimum requirements that all schools participating in the National School Lunch and/or Breakfast Programs must follow.

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Model Policy Language for Elementary Schools

Competitive Food Sales on Elementary School Grounds

The (School District Name) is concerned about providing students with the best possible nutrition at school. Proper nutrition is important for both physical and educational development. Nourishing meals assist students in making the most of their educational opportunities.

Accordingly, it is the policy of this school that the sale of **foods of minimal nutritional value** shall be prohibited **throughout the school grounds (___)**. *

Foods of minimal nutritional value include soft drinks, water ices, chewing gum, and certain types of candies (hard candies, jellies and gums, marshmallow candies, fondant, licorice, spun candy, and candy-coated popcorn).

This prohibition applies to all food sales on school grounds including sales from kiosks, vending machines or school bookstores.

*For Example:

- During designated meal periods.
- Between the start of the school day and the end of the last lunch period.
- Between the start and end of the school day.



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Federal Regulations

Pages 6-10 are reprinted from the FEDERAL REGISTER

National School Lunch Program

7 CFR §210.11 Competitive Food Services

(a) *Definitions.* For the purpose of this section:

- (1) *Competitive foods* mean any foods sold in competition with the Program to children in food service areas during the lunch periods.
- (2) *Food of minimal nutritional value* means: (i) In the case of artificially sweetened foods, a food which provides less than five percent of the Reference Daily Intakes (RDI) for each of eight specified nutrients per serving; and (ii) in the case of all other foods, a food which provides less than five percent of the RDI for each of eight specified nutrients per 100 calories and less than five percent of the RDI for each of eight specified nutrients per serving. The eight nutrients to be assessed for this purpose are-protein, vitamin A, vitamin C, niacin, riboflavin, thiamin, calcium, and iron. All categories of food of minimal nutritional value and petitioning requirements for changing the categories are listed in Appendix B of this part.

(b) *General.* State agencies and school food authorities shall establish such rules or regulations as are necessary to control the sale of foods in competition with lunches served under the Program. Such rules or regulations shall prohibit the sale of foods of minimal nutritional value, as listed in Appendix B of this part, in the food service areas during the lunch periods. The sale of other competitive foods may, at the discretion of the state agency and school food authority, be allowed in the food service area during the lunch period only if all income from the sale of such foods accrues to the benefit of the nonprofit school food service or the school or student organizations approved by the school. State agencies and school food authorities may impose additional restrictions on the sale of and income from all foods sold at any time throughout schools participating in the program.

School Breakfast Program

7 CFR §220.12 Competitive Food Services

(a) State agencies and School Food Authorities shall establish such rules or regulations as are necessary to control the sale of foods in competition with breakfasts served under the Program. Such rules or regulations shall prohibit the sale of foods of minimal nutritional value, as listed in Appendix B of this part, in the food service areas during the breakfast periods. The sale of other competitive foods may, at the discretion of the state agency and the School Food Authority, be allowed in the food service area during the breakfast period only if all income

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from the sale of such foods accrues to the benefit of the nonprofit school food service or the school or student organizations approved by the school. State agencies and School Food Authorities may impose additional restrictions on the sale of and income from all foods sold at any time throughout schools participating in the School Breakfast Program.

(b) (1) Any person may submit a petition to the Food and Nutrition Service (FNS) requesting that an individual food be exempted from a category of foods of minimal nutritional value listed in Appendix B. In the case of artificially sweetened foods, the petition must include a statement of the percent of the Reference Daily Intake (RDI) for the eight nutrients listed in 220.2(i-1) that the food provides per serving and the petitioner's source of this information. In the case of all other foods, the petition must include a statement of the percent of RDI for the eight nutrients listed in 220.2(i-1) that the food provides per serving and per 100 calories and the petitioner's source of this information. The Department will determine whether or not the individual food is a food of minimal nutritional value as defined 220.2(i-1), and will inform the petitioner in writing of such determination, and the public by notice in the *Federal Register* as indicated under paragraph (b)(3) of this section. In determining whether an individual food is a food of minimal nutritional value, discrete nutrients added to the food will not be taken into account.

(2) Any person may submit a petition to FNS requesting that foods in a particular category of foods be classified as foods of minimal nutritional value as defined in 7 CFR 220.2(i-1). The petition must identify and define the food category in easily understood language, list examples of the foods contained in the category and include a list [of ingredients] which the foods in that category usually contain. If, upon review of the petition, the Department determines that the foods in that category should not be classified as foods of minimal nutritional value, the petitioner will be so notified in writing. If upon review of the petition, the Department determines that there is a substantial likelihood that the foods in that category should be classified as foods of minimal nutritional value as defined in 220.2(i-1), the Department shall at that time inform the petitioner. In addition, the Department shall publish a proposed rule restricting the sale of the foods in that category, setting forth the reasons for this action, and soliciting public comments. On the basis of comments received within 60 days of publication of the proposed rule and other available information, the Department will determine whether the nutrient composition of the foods indicates that the category should be classified as a category of foods of minimal nutritional value.

The petitioner shall be notified in writing and the public shall be notified of the Department's final determination upon publication in the *Federal Register* as indicated under section (b)(3) of this section.

(3) By May 1 and November 1 of each year, the Department shall amend Appendix B to exclude those individual foods identified under paragraph (b)(1) of this section, and to include those categories of foods identified under paragraph (b)(2) of this section, provided that there are necessary changes.

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National School Lunch Program

Appendix B to Part 210

(And substantively Appendix B to Part 220—School Breakfast Program)

Categories of Foods of Minimal Nutritional Value

(a) **Foods of Minimal Nutritional Value**—Foods of minimal nutritional value are:

- (1) *Soda Water*—A class of beverages made by absorbing carbon dioxide in potable water. The amount of carbon dioxide used is not less than that which will be absorbed by the beverage at a pressure of one atmosphere and at a temperature of 60 degrees Fahrenheit. It either contains no alcohol or only such alcohol, not in excess of 0.5 percent by weight of the finished beverage, as is contributed by the flavoring ingredient used. No product shall be excluded from this definition because it contains artificial sweeteners or discrete nutrients added to the food such as vitamins, minerals and protein.
- (2) *Water Ices*—As defined by 21 CFR 135.160 Food and Drug Administration Regulations except that water ices, which contain fruit or fruit juices are not included in this definition.
- (3) *Chewing Gum*—Flavored products from natural or synthetic gums and other ingredients which form an insoluble mass for chewing.
- (4) *Certain Candies*—Processed foods made predominantly from sweeteners or artificial sweeteners with a variety of minor ingredients which characterize the following types:
 - (i) *Hard Candy*—A product made predominantly from sugar (sucrose) and corn syrup which may be flavored and colored, is characterized by a hard, brittle texture, and includes such items as sour balls, fruit balls, candy sticks, lollipops, starlight mints, after dinner mints, sugar wafers, rock candy, cinnamon candies, breath mints, jaw breakers and cough drops.
 - (ii) *Jellies and Gums*—A mixture of carbohydrates which are combined to form a stable gelatinous system of jelly-like character, and are generally flavored and colored, and include gum drops, jelly beans, jellied and fruit-flavored slices.
 - (iii) *Marshmallow Candies*—An aerated confection composed as sugar, corn syrup, invert sugar, 20 percent water and gelatin or egg white to which flavors and colors may be added.
 - (iv) *Fondant*—A product consisting of microscopic-sized sugar crystals which are separated by thin film of sugar and/or invert sugar in solution such as candy corn, soft mints.
 - (v) *Licorice*—A product made predominantly from sugar and corn syrup which is flavored with an extract made from the licorice root.
 - (vi) *Spun Candy*—A product that is made from sugar that has been boiled at high temperature and spun at a high speed in a special machine.
 - (vii) *Candy-Coated Popcorn*—Popcorn which is coated with a mixture made predominantly from sugar and corn syrup.

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(b) **Petitioning Procedures**—Reconsideration of the list of foods of minimal nutritional value identified in paragraph (a) of this section may be pursued as follows:

- (1) Any person may submit a petition to FNS requesting that an individual food be exempted from a category of foods of minimal nutritional value listed in paragraph (a). In the case of artificially sweetened foods, the petition must include a statement of the percent of Reference Daily Intake (RDI) for the eight nutrients listed in §210.11(a)(2) “Foods of minimal nutritional value,” that the food provides per serving and the petitioner’s source of this information. In the case of all other foods, the petition must include a statement of the percent of RDI for the eight nutrients listed in §210.11(a)(2) “Foods of minimal nutritional value,” that the food provides per serving and per 100 calories and the petitioner’s source of this information. The Department will determine whether or not the individual food is a food of minimal nutritional value as defined in §210.11(a)(2) and will inform the petitioner in writing of such determination, and the public by notice in the *Federal Register* as indicated below under paragraph (b)(3) of this section. In determining whether an individual food is a food of minimal nutritional value, discrete nutrients added to the food will not be taken into account.
- (2) Any person may submit a petition to FNS requesting that foods in a particular category of foods be classified as foods of minimal nutritional value as defined in §210.11(a)(2). The petition must identify and define the food category in easily understood language, list examples of the food contained in the category and include a list of ingredients which the foods in that category usually contain. If, upon review of the petition, the Department determines that the foods in that category should not be classified as foods of minimal nutritional value, the petitioners will be so notified in writing. If, upon review of the petition, the Department determines that there is a substantial likelihood that the foods in that category should be classified as foods of minimal nutritional value as defined in §210.11(a)(2), the Department shall at that time inform the petitioner. In addition, the Department shall publish a proposed rule restricting the sale of foods in that category, setting forth the reasons for this action, and soliciting public comments. On the basis of comments received within 60 days of publication of the proposed rule and other available information, the Department will determine whether the nutrient composition of the foods indicates that the category should be classified as a category of foods of minimal nutritional value. The petitioner shall be notified in writing and the public shall be notified of the Department’s final determination upon publication in the *Federal Register* as indicated under paragraph (b)(3) of this section.
- (3) By May 1 and November 1 of each year, the Department will amend Appendix B to exclude those individual foods identified under paragraph (b)(1) of this section, and to include those categories of foods identified under paragraph

(b)(2) of this section, provided, that there are necessary changes. The schedule for amending Appendix B is shown in the chart [below].

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- (4) Written petitions should be sent to the Chief, Technical Assistance Branch, Nutrition and Technical Services Division, FNS, USDA, Alexandria, VA 22302, on or before November 15 or May 15 of each year. Petitions must include all information specified in paragraph (b) of this Appendix and §220.12(b)(1) or (2) as appropriate.

| Actions for Publication | Publication | |
|--|------------------------|-----------------------|
| | May | November |
| Deadline for receipt of petitions by USDA | Nov. 15 | May 15 |
| USDA to notify petitioners of results of Departmental review and publish proposed rule (if applicable) | Feb. 1 | Aug. 1 |
| 60 Day comment period | Feb. 1 through April 1 | Aug. 1 through Oct. 1 |
| Public notice of amendment of Appendix B by | May 1 | Nov. 1 |

COMPETITIVE FOODS

Exemptions under the Competitive Foods Regulation

Manufacturers have petitioned and had several foods, listed on the next two pages, exempted from the category of foods of minimal nutritional value.

This exemption means these products can be sold during the meal period in a school food service area. It does not mean these products are approved or endorsed by USDA's Food and Nutrition Service (FNS) or DPI. Nor does it indicate that these products have significant nutritional value. In addition, these exemptions should not be perceived as guidance or encouragement concerning their possible purchase.

The manufacturers listed, as well as other manufacturers, produce several products under the heading of "fruit snack," "spritzer," or "fruit juice beverage." Some of these products have fruit as the first ingredient. **Fruit as the first ingredient is not an acceptable method for determining whether a product is exempted from the foods of minimal nutritional value category.** FNS considers most fruit snacks and carbonated beverages to be foods of minimal nutritional value.

To obtain an exemption, a manufacturer must submit information and a petition to the Nutrition and Technical Services Division of FNS as outlined in Section (b)(1) of Appendix B to 7 CFR Part 210. Once it is determined that a product can be exempted, FNS will send a letter to the company stating that its product has been exempted. To be assured you are purchasing a product that has been exempted, it is recommended that a copy of this letter be obtained before a product is purchased.

At least two of the companies with exempted foods produce similar products that are not exempted: the nonexempt products still are considered foods of minimal nutritional value. **The exemption of one product does not extend to similar products or a family of products.**

Very few exempted products can contribute toward meal pattern requirements.

Only with proper documentation could exempted food products contribute to food based meal pattern requirements. For example, the three spritzers produced by Knudsen and Sons Inc. that have been exempted indicate on the label that they contain either 70 percent or 75 percent real fruit juice.

USDA periodically updates the list of exemptions under the Competitive Foods Regulation. The most current list can be found on the DPI website at:

www.dpi.state.wi.us/dpi/dfm/fns/menupln

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Exemptions under the Competitive Foods Regulation

(Contains all food items exempted from foods of minimal nutritional value through February 2001)

Knudson and Sons, Inc.

Orange Passionfruit Spritzer
Orange Spritzer
Jamaican Style Lemonade Spritzer
FJ FIZZ—Flavored Sparkling Fruit Juice Beverage from Concentrates (grape, cherry, strawberry, raspberry, orange, and Cherry cola)

Great Brands of Canada, Ltd.

ALL CANADIAN BRAND
Sparkling Spring Water with Natural Fruit Flavors (strawberry, black cherry, raspberry, peach orange, watermelon, lemon lime)

Farley Foods, U.S.A.

Farley's THE ROLL Cherry Fruit Roll (slp)
Farley's THE ROLL Strawberry Fruit Roll (slp)

General Mills, Inc.

FRUIT by the FOOT (SPECIAL EDITION)
Color by the Foot, Triple Fruit Punch
Strawberry Punch Fruit by the Foot

FRUIT ROLL-UPS (SPECIAL EDITION)
Strawberry Punch Fruit Roll-Up
Crazy Color Fruit Roll-Up
Screamin' Green Hot Color Fruit Roll-Up
Electric Yellow Hot Color Fruit Roll-Up
Sizzling Red Hot Color Fruit Roll-Up
Tropical Cherry Fruit Roll-Up
Blazin' Blue Hot Color Fruit Roll-Up

FRUIT STRING THING (SPECIAL EDITION)
Sneaky Stripes – Double Berry Punch Flavored
Strawberry Punch

FRUIT GUSHERS FRUIT SNACK (SPECIAL EDITION)
Fruit Gushers® Strawberry Punch

FRUIT SNACKS (SPECIAL EDITION)
Pokemon™ Rolls® Punch Red
Scooby-Doo Fruit Snacks

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Canada Pure Water Company, LTD.

SPARKLING REFRESHERS

Wildberry, Black Cherry, Peach, Raspberry, Lemon Lime, Orange

Clearly Canadian Beverage Corporation.

QUENCHER

Grape, Apple, Tropical Lime, Fruit & Berry

Brach & Brock Confections, Inc.

Hi-C Fruit Snack

North Face Beverages

SPLASH THIRST QUENCHER

Cherry, Lemon Lime, Grapefruit, Mountainberry, Orange, Strawberry-Kiwi

Eastside Beverage Company

SPARKLING SPRING WATER FRUIT BEVERAGE

Refreshers (Orange Passion Fruit, Red Raspberry, Strawberry Kiwi, Wild Blackberry, Pink Grapefruit)

International Home Foods

Grist Mill™ Curious George™ Fruit Snacks

Promotion In Motion, Inc.

DINOSAURS Real Fruit Snacks

FRUIT PARADE® Real Fruit Snacks

ALL STARS Real Fruit Snacks

PIRATE'S TREASURE™ Real Fruit Snacks

JAWS™ Real Fruit Snacks

TRICKERTREATS™ HALLOWEEN TIME Real Fruit Snacks

Gage Foods

Fruit Shapes Fruit Snacks

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Questions and Answers

- Q.** *What are the restricted categories of foods of minimal nutritional value?*
- A.** The restricted categories of foods are identified in Appendix B of the regulation as soda water (carbonated beverages), water ices (except those that contain fruit or fruit juices), chewing gum, and certain candies (specified in Appendix B). Other foods that are not restricted include: ice cream, ice milk, certain beverages that are not carbonated, “chips” and flavored (chocolate, strawberry, vanilla, etc.) candies that may contain any one of the following: nuts, peanut butter, caramel, coconut, nougat centers, milk-based fillings, or other similar ingredients. In fact, no foods are restricted unless they fall in one of the four categories indicated above.
- Q.** *Does this regulation affect all schools in the United States?*
- A.** This regulation affects those schools that participate in the National School Lunch and/or Breakfast Programs.
- Q.** *Does this regulation affect the sale of foods of minimal nutritional value in locker rooms, student stores, etc., as well as the cafeteria?*
- A.** No, this regulation is only effective in any area on school premises where program meals are either served or eaten during meal periods. Note that if a student store operates in the food service area, sales of foods of minimal nutritional value (FMNV) would be prohibited during meal periods (both the time of serving and the time the student spends eating the meals) by the regulation. Schools may not design their food service area in such a way as to encourage or facilitate the choice or purchase of FMNV as a ready substitute for, or addition to, program meals.
- Q.** *What effect does this federal regulation have on state and local policies on competitive foods?*
- A.** The federal regulation sets a minimum standard for use by state and local officials. It does not preclude local schools from setting their own stricter rules.

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- Q.** *Are schools required to sell soda water, water ices, chewing gum, and certain candies before or after the meal period?*
- A.** No. The decision to allow the sale of such foods before or after the meal period is a local determination. We encourage school food authorities to work toward a policy that has nutrition integrity as its first goal.
- Q.** *May FMNV be served within a reimbursable meal “at no additional charge”?*
- A.** No. As the FMNV is in fact being “sold” as part of the unit and this violates the prohibition against selling FMNV in the food service area during meal periods.
- Q.** *What foods might schools sell as a replacement to the restricted categories of FMNV?*
- A.** Schools that wish to follow the Dietary Guidelines for Americans could sell more nutritious snacks such as fresh fruit and fruit juices, vegetable juices, low-fat yogurt, and whole-grain products. Some schools specify that only components of reimbursable school meals may be sold as a la carte foods.
- Q.** *Does the definition of water ice include yogurt and ice cream?*
- A.** No. Water ices do not contain any milk or milk-derived ingredients, and no egg ingredient other than egg whites.
- Q.** *Why are chocolate candies not restricted in the regulation?*
- A.** Chocolate candies, especially milk chocolate, contain 5% or more of the Reference Daily Intakes (RDI) for one or more of the eight specified nutrients (protein, vitamin A, vitamin C, niacin, riboflavin, thiamin, calcium, and iron) per 100 calories and/or per serving.
- Q.** *Does the definition for chewing gum include sugarless chewing gum?*
- A.** Yes. All types of chewing gum are considered foods of minimal nutritional value.
- Q.** *Does the definition for soda water include sugar free carbonated beverages?*
- A.** Yes. Sugar free carbonated beverages are considered FMNV.
- Q.** *Does the definition for soda water include uncarbonated beverages?*
- A.** No. The regulation does not include uncarbonated drinks such as lemonade, fruit drinks, some bottled water, and iced tea. However, we discourage the sale of tea and coffee products to children.

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- Q.** *Are costs of FMNV able to be charged to the nonprofit school food service account (SFSA)?*
- A.** No. Costs charged to the nonprofit SFSA must be both necessary and reasonable, the costs of FMNV are neither. In some circumstances, the cost of minor quantities of FMNV used to decorate or enhance a food or menu item is allowable. Any other costs of FMNV for service in the food service area during meal periods must be disallowed.
- Q.** *May costs of FMNV for sale outside a meal period(s) or outside a food service area(s) during meal periods be charged to the SFSA?*
- A.** Such purchases must be self-sustaining. This means that funds must be deposited in the SFSA in an amount sufficient to cover all direct and indirect costs relating to the purchases and service of FMNV with SFSA funds. Records documenting the recovery of these costs must be maintained and available for review.
- Q.** *Does this regulation affect breakfast-only schools?*
- A.** Yes. Any school participating in the SBP or NSLP or both must comply with the regulation.
- Q.** *How does the regulation ensure compliance?*
- A.** DPI will want to work with school food authorities that may be experiencing difficulties complying with the regulation, as necessary. However, failure to comply with any program requirement can ultimately lead to the withholding of program reimbursement until such time as compliance is obtained.
- Q.** *What will happen if the state agency discovers a violation of the use of the SFSA?*
- A.** DPI would require both corrective action and restoration to the SFSA of any SFSA funds used improperly to purchase and serve FMNV.

A LA CARTE

Since enactment of the National School Lunch Act, there have been dramatic social and economic changes that have influenced eating habits. Students today are used to a “fast food” society. They tend to “graze” during the day rather than eat at specific mealtimes. They have become accustomed to having a wide variety of food items available to them throughout the day. To meet the expectation and demands of students today, school food services have considered or are currently selling a la carte items.

Defined as food items priced and sold separately from a meal, a la carte sales can be as simple as selling extra milks, second entrees, or additional food items such as cookies and ice cream bars at the end of the meal. Perhaps it is purchasing and maintaining vending machines throughout the school. It could be as extensive as operating a snack bar all day long.

Positive Aspects of A La Carte Sales

A la carte sales offer a variety of benefits to the school district and to the students. A la carte sales could:

Expand services to students.

- Increase the variety of food items available to students at school.
- Make customers happy and increase number of customers.
- Supplement school meals for students with bigger appetites.
- Supplement meals brought from home.
- Provide an alternate food choice for those students not wanting to purchase a full meal.
- Encourage students to stay on campus.
- Minimize time spent in line by providing alternate lines.
- Provide nutritious snacks for after school activities.

Generate additional revenue for the school lunch/breakfast program.

- Decrease/eliminate transfers from the district’s general fund into school food service fund.
- Keep meal prices affordable for paying students.
- Generate “extra” money for new food service equipment, tables, staff training, etc.
- Capture money for the school lunch program that may have been spent off campus.

Negative Aspects of Poorly Planned A La Carte Sales

Without careful planning, a la carte sales could adversely affect the school lunch and breakfast programs. Poorly planned a la carte sales could:

Affect viability of the school meal programs if a la carte sales detract and distract from reimbursable meal sales.

- Decrease state and federal reimbursement.
- Decrease commodity allocations.
- Divert food service staff to a la carte, resulting in long lines for reimbursable meals.
- Decrease interest on the part of schools in maintaining quality school meal programs that meet established nutrition standards when there is a reduction in funds from reimbursable meals.

Decrease school meals program revenue if a la carte items are priced too low.

- Divert student purchases from reimbursable meals if they can purchase meal components and other foods at a lower price. This may happen if a la carte items are priced too low due to failure to identify ALL costs (food, labor, packaging, equipment, vending machine rental, market value of commodity products, etc.) necessary to establish a la carte prices.

Discriminate against students who do not have extra money to spend.

- Increase the possibility of overt identification.

Perpetuate negative image of school meals/stigmatize participation in school meal programs.

- Entice students to purchase individual, perhaps less nutritive, foods rather than purchase a nutritionally balanced meal.
- Further students' perception that a la carte items are more appealing than foods included in reimbursable meals.
- Reduce the number of low-income children willing to accept free or reduced price meals and the number of non-needy children willing to purchase school meals. Since only students with money can purchase a la carte items, students may perceive that school meals are primarily for poor children rather than nutrition programs for all students.

Convey a mixed message.

- Confuse students who are taught in the classroom about good nutrition and the value of healthy food choices, when they are surrounded by a la carte sales offering low nutrient-density options. Students receive the message that good nutrition is merely an academic exercise that is not supported and therefore not important to health and academic performance.

A LA CARTE

Considerations for Planning A La Carte Sales

Implementing a la carte sales without jeopardizing the school lunch and breakfast programs can be accomplished. It may require a careful assessment of current or planned a la carte sales. To assess current or planned a la carte sales:

Ensure that all foods sold on the a la carte line are nutritious.

- Include food items that contribute to reimbursable meals.
- Review the categories of “Foods of Minimal Nutritional Value” on pages 8 and 9. Food items described in these categories *cannot* be sold in the food service area during designated meal periods.

Set up meal service line(s) to allow students to select reimbursable meals and/or a la carte items.

- For food based menu planning options, make sure students have access to all five food items/components to meet meal pattern requirements.
- For nutrient standard menu planning option, make sure food items are identified as an entrée, side, or milk and included in the nutrient analysis.
- Market those food items on the a la carte line that contribute to meal pattern requirements so students and cashier staff can readily identify reimbursable meals. For example, (1) use signage and/or color codes so students know how food items contribute to the meal pattern, or (2) advertise daily specials and/or “combos”.

Set unit meal price for a reimbursable meal that may be obtained by selecting certain food items from the a la carte line.

- Establish the unit price to be, at a minimum, equal to the price established for full-priced students for a reimbursable meal on the other line(s).
- Remember a student’s decision to decline the allowed number of food items as defined by the school district’s Offer versus Serve policy does not affect the unit price of the meal.
- Consider establishing a tiered pricing system to cover the higher costs of the a la carte items.
- Set the unit price for the reimbursable meal so it is less than purchasing each food item individually for the a la carte price. Consider the reimbursable meal price as a “meal deal” or “value meal”. Remember that the school receives federal and state cash reimbursement, plus commodity entitlement value for each reimbursable meal sold.
- Ensure those students eligible for free and reduced priced meals can go through this line and select a reimbursable meal at no additional cost without overt identification.

Tiered Pricing System for Reimbursable Meals

A tiered pricing system may be established to cover the larger portions and/or increased costs often associated with food items available on an a la carte line. The cost of a reimbursable meal to the paid students from the a la carte line may cost more than a reimbursable meal from the regular line. However, the students eligible for free or reduced priced meals cannot be charged additional costs for the reimbursable meal from the a la carte line. They can be charged the established a la carte prices for extra food items/components and for incomplete/non-reimbursable meals.

Set appropriate prices for a la carte items (foods that are sold separately from a meal).

- Generate profit (excess of revenue over expenditures) from a la carte sales. Remember student meal payments and other meal revenue sources cannot be used to subsidize a la carte sales.
- Consider food, labor, equipment, and packaging costs to determine selling price. Management and overhead costs should also be considered.
- Consider prices currently charged by competitors (convenience stores, fast food restaurants, vending machines, etc.) in your area to determine selling price.
- Consider the estimated sales of the food items to determine selling price.
- Price individual items to total more than the unit meal price for a reimbursable meal. Remember that a la carte sales *do not* receive reimbursement.
- Limit the number of prices set for food items—price by category. For example, charge a set price for all fresh fruit, entrees, breads/rolls, etc.

Train food service staff to recognize a reimbursable meal that may contain food items from the a la carte line.

- Based on the school district's Offer versus Serve policy, know what food items, combinations, and portion sizes count as a reimbursable meal for the unit meal price.
- Charge for the "extra" food items/components—those items that are not meal components contributing to the reimbursable meal or are second servings.
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A LA CARTE

Ten Considerations for Assessing A La Carte Sales in the Food Service Area

1. Are food items nutritious?
2. Are food items sold at a time and in a manner that promotes healthy eating?
3. Are students making good food choices when a la carte items are sold?
4. Are sales that are conducted during the designated meal service times in the food service area in conformance with the federal competitive food regulations?
 - Are foods in the categories of foods of minimal nutritional value excluded from being sold?
 - Does income from sale of competitive foods accrue to the benefit of the school food service or the school or student organization approved by the school?
5. Could students obtain a reimbursable meal by selecting certain a la carte items?
6. Are all required food items/components available for selection if students are allowed to purchase/receive reimbursable meals from the array of items on the a la carte line?
7. Have all costs associated with the purchase, preparation, and sale of a la carte items been identified?
8. Are a la carte prices set to cover all costs? If not, are price adjustments needed?
9. Do the prices of various a la carte item combinations that would make up a reimbursable meal meet or exceed the full student meal price and the adult meal price?
10. Are a la carte item prices consistent with prices at local retail stores?

Changing the Scene—Improving the School Nutrition Environment is a USDA-Team Nutrition publication which focuses on six components of a healthy school nutrition environment—commitment to nutrition and physical activity, quality school meals, other healthy food options, pleasant eating experiences, nutrition education, and marketing. Target audiences include school administrators, parents, local organizations, and the media. To order (one free copy while supplies last), call Team Nutrition, Food and Nutrition Service, U.S. Department of Agriculture at 703-305-1624. The order form for this kit is also available online at: www.fns.usda.gov/tn.

Controlling Costs in the Food Service Industry is a book by Dorothy Pannell-Martin; published by InTeam Associates, Inc. A step-by-step guide for new and seasoned managers addressing a wide range of areas: control of food and labor costs, a la carte sales, staffing procedures, inventory gauges, and the budget as a management tool. This book is available for purchase through the ASFSA Emporium at 1-800-728-0728 or online at www.asfsa.org/marketplace.

Fit, Healthy, and Ready to Learn is a publication of the National Association of State Boards of Education (NASBE). This resource addresses the art of policymaking, general school health policies, policies to encourage physical activity and healthy eating and to discourage tobacco use. To order, call NASBE at 1-800-220-5183 or write to 277 South Washington Street, Suite 100, Alexandria, VA 22314.

Managing Child Nutrition Programs: Leadership for Excellence by Martha T. Conklin PhD, RD and Josephine Martin PhD, RD, is a resource for dietetic educators, community health and public health professionals, and is also an essential tool for school districts and state departments of education. With chapters prepared by recognized child nutrition practitioners and academic leaders, this publication addresses the strategic needs of child nutrition programs today. This book includes an entire chapter on nutrition integrity. To order, call Aspen Publishers, Inc., at 1-800-638-8437 or online at www.Aspenpublishers.com.

School Food-Service Management For the 21st Century is a book by Dorothy Pannell-Martin, published by InTeam Associates, Inc. It promotes an understanding of a complicated program and how to manage all facets of it. This is an excellent textbook and a great hands-on reference for school foodservice managers and directors written by a former school foodservice director who is actively involved with school districts across the country. This book is available for purchase through the ASFSA Emporium at 1-800-728-0728 or online at www.asfsa.org/marketplace.

RESOURCES

Websites

Centers for Disease Control and Prevention—For *Guidelines for School Health Programs to Promote Lifelong Healthy Eating*,

www.cdc.gov/nccdphp/dnpa/publicat.htm

Department of Public Instruction—for most current *Exemptions under the Competitive Foods Regulation* listing,

www.dpi.state.wi.us/dpi/dfm/fns/menupln

USDA Food and Nutrition Services Healthy Eating Environments—for information from the *Healthy Eating Environment Symposium*, June 1999,

www.fns.usda.gov/cnd/healthyeating

USDA Food and Nutrition Services School Lunch Program- for the full report on *Foods Sold in Competition with USDA School Meal Programs*,

www.fns.usda.gov/cnd/lunch