

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

USDA Food and Nutrition Service  
Child Nutrition Division

2013

# The School Nutrition Environment

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

- improving diet and overall health of American children;
- ensuring children from all income levels adopt healthful eating habits that will enable them to live productive lives; and
- helping children make healthier choices and reduce their 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.
- 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.

# Applicability

Including:

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



# Proposed Rule

- Published in Federal Register on February 8, 2013
- Nearly 250,000 comments received
- The Comment Analysis Summary and other information on the interim final rule are available at [www.fns.usda.gov/cnd/Governance/Legislation/allfoods.htm](http://www.fns.usda.gov/cnd/Governance/Legislation/allfoods.htm)

# 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

# Implementation

- Implementation date: beginning July 1, 2014
- Provide feedback to USDA during 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.

# 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.

# 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

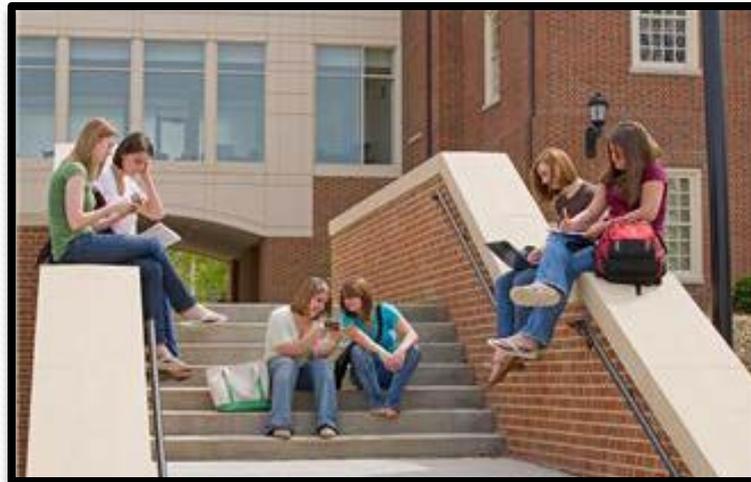
# Applicability

# 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.



# 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**

# 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

*(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.

# Comparison to NSLP/SBP Requirements

## Competitive Foods

- **Allowability** of the food item



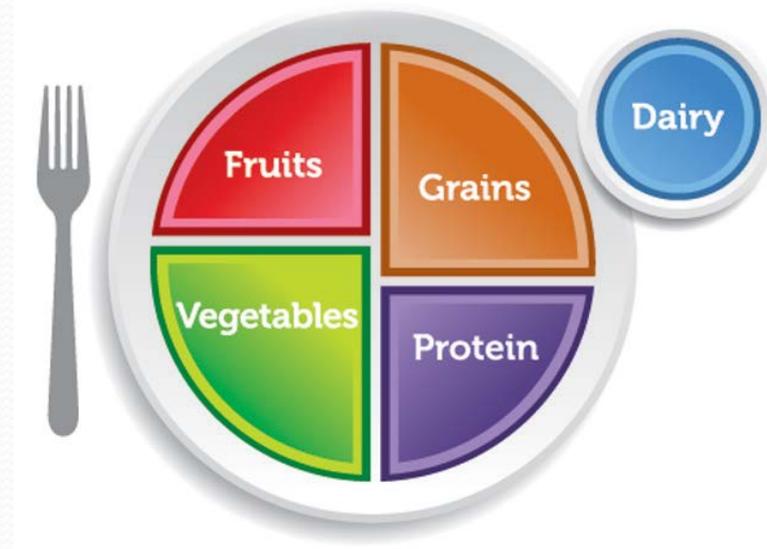
## School Meals

- **Crediting** of the grain portion of the food item



# 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

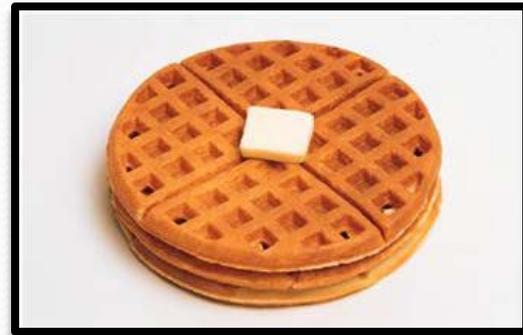
# Nutrient Standards

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



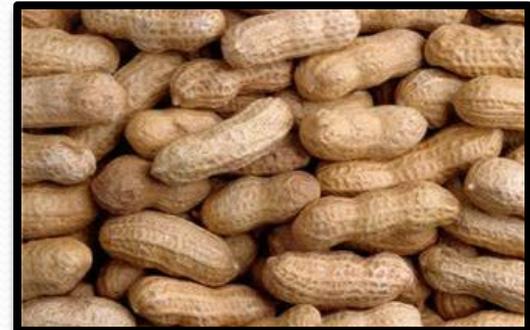
# Accompaniments

- 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:  $\leq 480$  mg sodium per item**
- **Snack and side items:  $\leq 230$  mg (until June 30, 2016)**  
 $\leq 200$  mg (after July 1, 2016)

# Calories

- **Entrée items that do not meet NSLP/SBP exemption:**
  - $\leq 350$  calories
- **Snack items/Side dishes:**
  - $\leq 200$  calories per item

# Total Sugars

$\leq 35\%$  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)

# Yogurt: Sugar Exemption

- The proposed sugar exemption for yogurt has been removed
- Not necessary with the sugar by weight standard
- Most yogurts available meet the requirement that total sugar represent  $\leq 35$  percent of the weight of the product.



# 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



# Exemption for NSLP/SBP Entrees

- Proposed rule included a number of options with regard to NSLP/SBP entrees and side dishes sold a la carte;
- Substantial number of comments provided on the options, ranging from
  - allowing exemptions for NSLP/SBP foods at all times;
  - limiting the exemption;
  - not allowing any exemptions whatsoever for NSLP/SBP entrees and side dishes sold a la carte.

# 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



# Chewing Gum

Sugar-free chewing gum is exempt from standards

# 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

# 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: 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.

# Free Potable Water Requirement

- In the place where lunches are served during meal service
- At breakfast meal service, when it is in the cafeteria
- Encouraged, but not required, for afterschool snacks and breakfast in other locations
- Effective since October 1, 2010
- *Policy Memo 28-2011* available at [www.usda.fns.gov/cnd/governance/policy.htm](http://www.usda.fns.gov/cnd/governance/policy.htm)

# Fundraisers

# 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.

# Fundraiser Exemption

- State agencies may establish limits on the number of exempt fundraisers that may be held during the school year.
- School districts may institute additional standards.

# Exempt Fundraisers (cont'd)

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

# Foods of Minimal Nutritional Value

- Provisions related to Foods of Minimal Nutritional Value remain in place until the July 1, 2014 implementation date of the competitive food standards

# 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

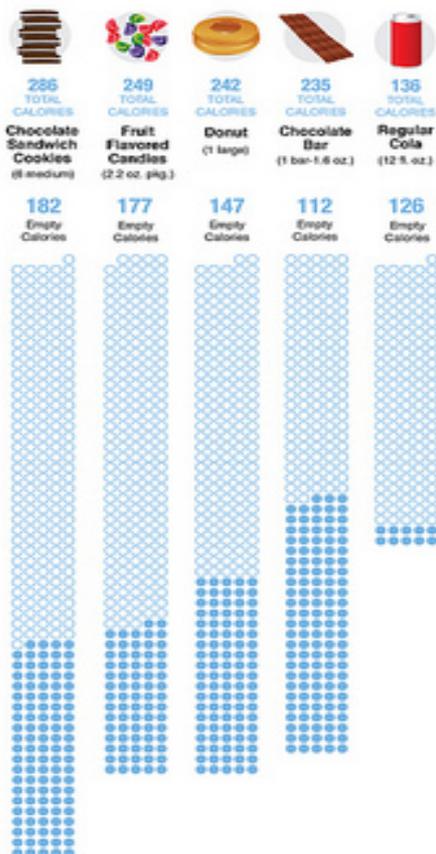
- State agencies will monitor compliance with the standards through a review of local educational agency records as part of the State agency administrative review.
- If violations have occurred, technical assistance and corrective action plans would be required.

# 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.

# Next Steps

# Reviewing the Rule

- Federal Register
- FNS Website  
[www.usda.gov/healthierschoolday](http://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:** 120-day comment period from date of publication
- **Where to comment:**
  - **Online:**
    - <http://www.regulations.gov>
  - **By mail:**

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# Questions?