Interim Final Rule: Nutrition Standards for All Foods Sold in School (also known as Smart Snacks)

WISCONSIN DEPARTMENT OF PUBLIC INSTRUCTION

1

The School Nutrition Environment

Offering nutritious foods 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.

2

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
  - at any time during the school day

3

Applicability

Including:

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

4

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

5

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

6

Considerations

- 2010 Dietary Guidelines for Americans and scientific recommendations for nutrition standards
- The practical application of standards in school settings
- Context of new meal patterns for the Federal school meal programs
- Support of the federally- reimbursed school nutrition programs as the major source of foods and beverages offered at school

7

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.

8

Applicability

9

What are competitive foods?

Competitive food: all food and beverages sold to students on the school campus during the school day, other than reimbursable breakfasts and lunches.

*The Smart Snacks regulations will be replacing the old Foods of Minimal Nutritional Value (FMNV) standards

10

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.

11

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.

12

Nutrition Standards for Foods

13

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

14

General Standard for Food

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

AND

15

General Standard (cont'd)

1) Be a whole grain rich product; **OR**
2) Have a fruit, vegetable, dairy product or protein food (meat, beans, poultry, etc.) as the first ingredient; **OR**
3) Be a "combination food" with at least ¼ cup fruit and/or vegetable; **OR**
4) Contain 10% of the Daily Value of calcium, potassium, vitamin D, or dietary fiber (only through June 30, 2016)

16

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.

17

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.)

19

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, hummus and vegetables, fruit cobbler with whole grain rich crust, etc.

20

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

21

Specific Nutrient Standards for Food

22

Nutrient Standards

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

23

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

24

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)

25

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).
- More guidance is expected regarding grain-based breakfast entrees

26

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)

27

Calories

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

28

Total Sugars

≤ 35% of weight from total sugars per item

29

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)

30

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 ≤35 percent of the weight of the product.

31

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

32

Exemptions

33

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

34

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

35

Chewing Gum

Sugar-free chewing gum is exempt from standards

36

Nutrition Standards for Beverages

37

Standards for Beverages

- Vary by Grade Level
- Identify Specific Types of Beverages Allowed
- Address Container Size

38

Beverages for All

- Water
- Milk
- Juice

39

Beverages for All - Water

- Plain water, carbonated or noncarbonated
- No size limit

40

Beverages for All - Milk

- Allowable milk types include:
  - Unflavored low-fat or non-fat milk
  - Flavored nonfat milk
- Maximum serving sizes:
  - 8 fluid ounces in elementary school
  - 12 fluid ounces in middle and high schools

41

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

42

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 fluid milk substitutions, as permitted by NSLP/SBP
** May include 100% juice diluted with water (with or without carbonation) & no added sweeteners.

43

Other Beverages in High School

Calorie-free beverages

- Maximum serving size of 20 fluid ounces
- Include:
  - 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.

44

Other Beverages in High School

Lower-calorie beverages

- Maximum Serving Size of 12 fluid ounces
- Include:
  - Up to 60 calories per 12 fluid ounces
  - Up to 40 calories per 8 fluid ounces

45

No "Time and Place" Restriction

As of July 1, 2014, there will be no restriction on the ala carte sale of any allowable beverage.

46

Caffeine

- Foods and beverages must be caffeine-free in elementary and middle schools
- There is no caffeine restriction in high schools

47

Fundraisers

48

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 after the school day, weekends, or off-campus fundraising events.

49

Fundraiser Exemption

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

50

Exempt Fundraisers (cont'd)

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

51

Foods of Minimal Nutritional Value

- Provisions related to Foods of Minimal Nutritional Value remain in place through June 30, 2014.
- The Smart Snacks rule will take effect July 1, 2014.

52

Administrative Provisions

53

Recordkeeping

- 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

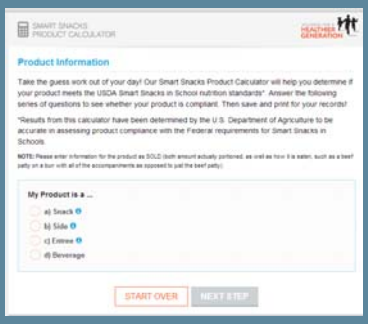
54

Smart Snacks Calculator

http://rdp.healthiergeneration.org/calc/calculator/

55

Smart Snacks Calculator

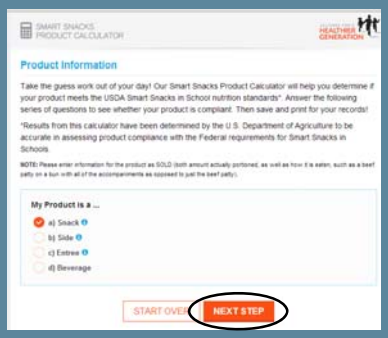


56

Smart Snacks Calculator

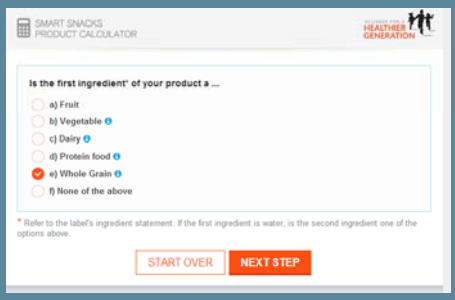
57

Smart Snacks Calculator



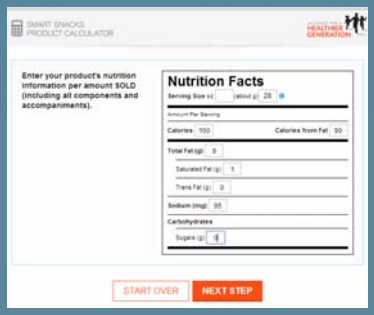
58

Smart Snacks Calculator



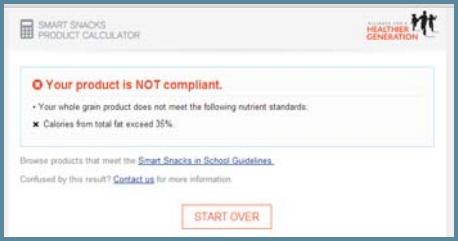
59

Smart Snacks Calculator



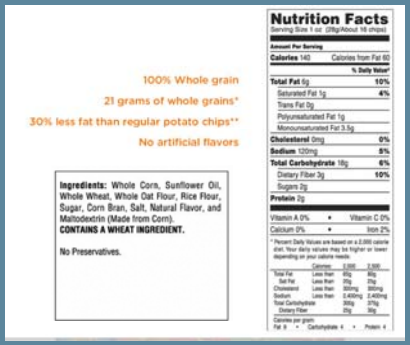
60

Smart Snacks Calculator



61

Smart Snacks Calculator



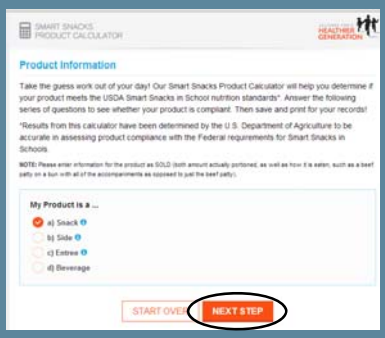
62

Smart Snacks Calculator

Serving Size	1 oz	2.5 oz
Calories	140	350
Calories from Fat	60	150
Total Fat	6	15
Saturated Fat	1	2.5
Trans Fat	0	0
Sodium	120	300
Sugars	2	5

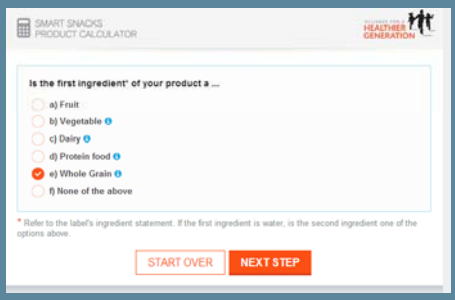
63

Smart Snacks Calculator



64

Smart Snacks Calculator

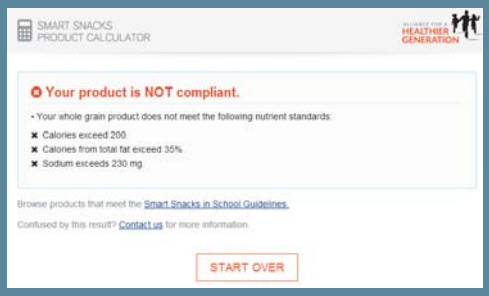


65

Smart Snacks Calculator

66

Smart Snacks Calculator



67

Smart Snacks Q&A

- USDA released a Question & Answer document specific to Smart Snacks on March 5, 2014

http://fns.dpi.wi.gov/files/fns/pdf/gm_sp_23_2014s.pdf

68

Additional Resources

- Resources related to the Smart Snacks interim final rule can be found at:

http://fns.dpi.wi.gov/fns_cnrsnp#cf

69

Contacts

Contact Info for SNT Smart Snacks Specialists	
Claire Anderson Claire.Anderson@dpi.wi.gov	**Kelly Berg** Kelly.Berg@dpi.wi.gov
Maggie Sanna Margaret.Sanna@dpi.wi.gov	**Claire Troutman** Claire.Troutman@dpi.wi.gov
Debra Wollin Debra.Wollin@dpi.wi.gov	

Questions?

71

USDA Non-Discrimination Statement

The U.S Department of Agriculture prohibits discrimination against its customers, employees, and applicants for employment on the bases of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases will apply to all programs and/or employment activities.)

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at program.intake@usda.gov.

Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339; or (800) 845-6136 (Spanish).

For any other information dealing with Supplemental Nutrition Assistance Program (SNAP) issues, persons should either contact the USDA SNAP Hotline Number at (800) 221-5689, which is also in Spanish or call the State Information/Hotline Numbers (click the link for a listing of hotline numbers by State); found online at http://www.fns.usda.gov/snap/contact_info/hotlines.htm.

USDA is an equal opportunity provider and employer.

72