

Memorandum

SNP # 00-01-15

TO: School Nutrition Directors/ Supervisors/Contact Persons

FROM: Catherine Digilio Grimes, MS, RD, SFNS
Director, School Nutrition Programs

DATE: June 5, 2001

SUBJECT: Nutritional Integrity of School Nutrition Programs - Reiteration of State and Federal Requirements for Foods of Minimal Nutritional Value and Competitive Food Sales

The United States Department of Agriculture (USDA) recently released a report to Congress entitled "Food Sold in Competition with USDA School Meals Programs." In conjunction with the release of the congressional report, USDA sent a letter to all Chief State School Officers and Governors regarding the competitive foods issue. In light of these recent communications, and in response to questions from local school nutrition professionals, the Virginia Department of Education – School Nutrition Programs (VDOE-SNP) issues this memo to reiterate its longstanding policies and regulations on the sale of competitive foods and nutritional integrity in the school nutrition programs.

Section 10(a) of the Child Nutrition Act of 1966 directs USDA to regulate the service of foods made available in competition with meals served under the National School Lunch Program (NSLP) and School Breakfast Program (SBP). Regulations found in Section 210.11 of the NSLP regulations and Section 220.12 of the SBP regulations place limitations on the availability of foods of minimal nutritional value (FMNV). Under the regulations on FMNV, state agencies and school food authorities (SFA) must establish rules and regulations as are necessary to control the sale of FMNV, in food service areas, during meal periods, in competition with reimbursable school meals. Additionally, states and SFAs may impose other restrictions on all foods sold at anytime throughout their schools.

To protect the nutritional and fiscal integrity of the school nutrition programs in Virginia, the Board of Education (BOE), under the authority of the Code of Virginia, established standards for food sales in schools. These standards prohibit the sale of foods of minimal nutritional value anywhere in a school from 6:00 a.m. until the end of the scheduled breakfast period, and from the beginning of the first scheduled lunch period to the end of the last scheduled lunch period. The revenue from the sale of all foods and beverages during the protected periods must be credited to the school nutrition program account. In addition to prohibiting the sale of FMNV, the BOE specified that any foods or beverages sold during the protected periods must be of recognized nutritional value. In Virginia, a food or beverage sold a la carte must either be a recognized component of the food based meal pattern, or it must contain a minimum of 5% of the Daily Value, per serving or per 100 calories, of one of eight essential nutrients. The eight nutrients are; iron, protein, calcium, vitamin A, vitamin C, niacin, thiamine or riboflavin. Since water, non-carbonated, is an essential nutrient, it may be sold to students although it meets neither the 5% nor the meal component requirement. Coffee or tea, iced or hot, may not be sold to students.

To determine if an item meets the nutritional standard, information from the Nutrition Facts Label on the product may be used. If the product does not have a Nutrition Facts Label, or a particular nutrient is not included as part of the label, documentation of nutrient content must be obtained from the manufacturer of the product. The documentation must be on manufacturer's letterhead stationery and must include the date and the signature of an officer of the company. Documentation for all products sold must be maintained on a current basis by the school nutrition program.

The regulations set forth by USDA and the Virginia BOE are minimum standards of compliance. Local school divisions are encouraged to develop policy that would further limit the availability of non-nutritious foods to students during the school day. USDA requires the state agency to be diligent in monitoring schools for compliance with these regulations and requiring corrective action for all violations. In addition, USDA strongly encourages the state agency to exercise the authority provided in Sections 210.11 and 220.12 of the Code of Federal Regulations to disallow all meals served by a school on any day that a violation of the FMNV and competitive food regulations is observed.

Healthy People 2010, as part of an effort to counteract the rising prevalence of obesity and overweight and improve the quality of students' dietary intake, includes an objective which focuses on the school nutrition environment. Schools are charged "to increase the proportion of students ages 6 to 19 years whose intake of meals and snacks at school contributes proportionally to good overall dietary quality." In the last five years, USDA, VDOE-SNP, and local school divisions have worked together to implement the Healthy Meals for Healthy Americans Act, by implementing new nutrition standards in school meals that are consistent with the Dietary Guidelines for Americans (DGA). To help achieve the

goals of Healthy People 2010 and the DGA 2000, we must continue our efforts to develop healthy school nutrition environments that support good nutrition and the development of lifelong healthy eating habits.

The regulations and resources listed below are attached to this memo to assist you in implementing these requirements. Please contact the school nutrition program specialist assigned to your division for assistance or further information.

CC: DOE-SNP Staff

Enclosures:

- Attachment A: Sample of Letter Sent to Each Governor and Chief State School Official
- Attachment B: 7CFR 210.11, 210 Appendix B and 220.12
- Attachment C: School Lunch Sale of Food Items, Authority – Code of Virginia, 22.1-16 and 22.1-17, and School Breakfast Sale of Food Items, Authority – Code of Virginia, 22.1-207.3
- Attachment D: Evaluating Foods and Beverages to be Sold A la Carte by School Nutrition Programs in Virginia
- Attachment E: School Statement for Healthful Eating
- Attachment F: Promoting Healthy Eating Behaviors and ATTN: School Foodservice Staff (from *Changing the Scene*)
- Attachment G: Nutrition Integrity Defined
American School Food Service Association Journal
- Attachment H: Creating Policy for Nutrition Integrity
ASFSA Position Paper