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TO: National School Lunch and Breakfast Program Sponsors

FROM: Maureen B. Staggenborg, Director - Child Nutrition Programs

DATE: March 28, 2006

SUBJECT: **Operational Memorandum #10-06**
Foods of Minimal Nutrition Value: Water Ices and Soda Water

This is to clarify what constitutes a “water ice” and “soda water” under Foods of Minimal Nutritional Value (FMNV), as defined by Appendix B to Part 210 (Categories of Foods of Minimal Nutritional Value) for the National School Lunch Program. The U.S. Department of Agriculture’s (USDA) competitive food services regulations under 7 CFR 210 for the National School Lunch Program and 7 CFR 220 for the School Breakfast Program prohibit any food or beverage that is a “water ice” or “soda water” from being sold in competition with USDA meal programs.

As a reminder, there are four specific categories of FMNV, including: 1) Soda Water; 2) Water Ices; 3) Chewing Gum; and 4) Certain Candies. No other foods or beverages are considered FMNV. Additional information on FMNV can be found in the State Department of Education’s handout, *Competitive Foods in School Nutrition Programs*, available at www.state.ct.us/sde/deps/nutrition/Program_Guidance.html.

Water ices include foods that are artificially or naturally flavored with non-fruit or non-fruit juice flavorings. If the product contains **fruit, fruit juice, milk, milk products or egg ingredients other than egg whites** it is **not** classified as a water ice and is therefore not considered a FMNV under federal regulations. It is important to read the list of ingredients on product labels to determine whether an item is water-based and therefore meets the definition of a FMNV. Water ices include:

- Frozen, water-based dessert bars, e.g., popsicle-type products
- Italian ices (water-based)
- Frozen coffee/tea drinks
- Partially frozen drinks
- Frozen pickle juice/brine

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Soda waters, which include all carbonated beverages, are considered a FMNV. Any product containing carbon dioxide is considered a soda water under the FMNV regulation. This includes:

- Soda (regular and diet)
- Soda water floats (while these items contain ice cream which is not a FMNV, the main ingredient is soda water)
- Carbonated or sparkling waters
- Carbonated juices
- Carbonated milk

The products listed above as water ices and soda waters are considered FMNV, unless USDA has made an exemption for a specific product. A list of exempted products can be found in *Exemptions Under the U.S. Department of Agriculture's Competitive Foods Regulation for School Nutrition Programs*, available at www.state.ct.us/sde/deps/nutrition/Program_Guidance.html.

Please note that the exemption of a product as a food of minimal nutrition value does **not** mean that the product contains significant nutritional value or that it meets Connecticut's Healthy Snack Standards. A list of snack items that meet the Healthy Snack Standards is available at www.state.ct.us/sde/deps/Student/NutritionEd/index.htm.

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