

# Competitive Foods in School Nutrition Programs

Connecticut schools must comply with federal and state regulations regarding the sale of competitive foods on school premises. “Competitive foods” refer to any foods or beverages sold or dispensed to children at school other than meals served through the U.S. Department of Agriculture’s (USDA) school meal programs. The regulations are specifically written to protect the nutritional integrity of USDA’s school meal programs and to encourage student participation.

## Competitive Foods

Regulations allow schools to sell or dispense competitive foods, but *only* within certain timeframes, and *only* if the foods meet certain criteria, as indicated below.

**Connecticut State Regulation:** Connecticut’s state regulation, the more stringent of the two competitive foods regulations, addresses both nutritional integrity and the accrual of income. Section 10-215b-1 of the Regulations of Connecticut State Agencies prohibits schools from selling or dispensing *tea, coffee, soft drinks and candy* to students *anywhere on school premises* from 30 minutes prior to the start of any state or federally subsidized milk or meal program (National School Lunch Program, School Breakfast Program, After-School Snack Program and Special Milk Program) until 30 minutes after the end of the program. In addition, Section 10-215b-23 specifies that the income from the sale of any food items to students (including vending machines, school stores, fundraisers, etc.) sold or distributed anywhere on the school premises during this same timeframe must accrue to the food service account.



### Connecticut General Statutes Regarding School Food and Beverages

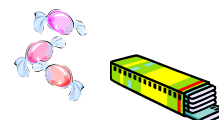
Effective July 1, 2006, Section 10-221q of the Connecticut General Statutes completely eliminates the sale of tea, coffee and soft drinks to students in all public schools, so it supersedes the timeframe previously allowed by Section 10-215b-1 of the Regulations of Connecticut State Agencies. This law applies to all public schools, regardless of whether they participate in USDA’s Child Nutrition Programs. For additional information, see *Allowable Beverages in Connecticut Schools* and *Questions and Answers on Connecticut Statutes for School Food and Beverages* at <http://www.sde.ct.gov/sde/cwp/view.asp?a=2626&q=320754#Standards>.

**USDA Federal Regulation:** Regulations for the National School Lunch Program (7 CFR 210, Section 210.11) and School Breakfast Program (7 CFR 220, Section 220.12) prohibit the sale of foods of minimal nutritional value (FMNV) during meal periods. *There are only four categories of foods and beverages that are defined by USDA as FMNV (see below).* For artificially sweetened foods, USDA defines FMNV as a food that provides less than five percent of the Dietary Reference Intakes (DRIs) for each of eight specified nutrients (protein, vitamin A, vitamin C, niacin, riboflavin, thiamin, calcium and iron) per serving. For all other foods, FMNV are those that provide less than five percent of the DRI for each of the eight nutrients per serving and per 100 calories.

## Foods of Minimal Nutritional Value (USDA Categories)

The federal regulations (Appendix B to 7 CFR 210 and 7 CFR 220) define **four** specific categories of FMNV, including: (1) Soda Water (all carbonated beverages, i.e., beverages containing carbon dioxide; and aerated beverages, i.e., beverages labeled as “aerated “ or that bubble and fizz for several minutes after opening); (2) Water Ices (water-based products that do not contain fruit, fruit juices, milk, milk ingredients or egg ingredients other than egg whites); (3) Chewing Gum; and (4) Certain Candies, including:

- Hard Candy – 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
- Marshmallow Candies
- Fondant, such as candy corn and soft mints
- Licorice
- Spun Candy
- Jellys and Gums including gum drops, jelly beans, jellied and fruit-flavored slices, and “Gummi Bear” type products
- Candy Coated Popcorn



### Federal Regulations

National School Lunch Program, 7 CFR 210, Section 210.11: <http://www.fns.usda.gov/cnd/Governance/regulations.htm>  
School Breakfast Program, 7 CFR 220, Section 220.12: <http://www.fns.usda.gov/cnd/Breakfast/Default.htm>

## Competitive Foods in School Nutrition Programs, Continued

### Exempted Foods

Product manufacturers may petition USDA requesting that, based on a statement of nutrient content, a particular food be exempt from the FMNV definition under the competitive food services regulation (7 CFR 210, Section 210.11). If approved, the company will have a letter from USDA stating that the product is no longer considered a FMNV. The exemption letter will specifically state which products are exempted and why. Several companies with exempted foods produce similar products that are not exempted and are still considered FMNV. *Only the company's products listed in the letter from USDA are exempted. The exemption of one product does not mean that similar products or a family of products are exempted.*

If a food service program wants to purchase a product that has been exempted from the FMNV definition, a copy of the USDA letter should be obtained before the product is purchased. *Exemption does not convey USDA endorsement of the product nor does it indicate that the product has significant nutritional value. The exemption should not be perceived as guidance or encouragement to school foodservice programs concerning possible purchase of the food item.* **Products that are exempted under the federal regulation may still be prohibited by Connecticut's regulations and statutes, including 1) the competitive foods regulation, and 2) Section 10-221q of the Connecticut General Statutes (CGS).**

USDA's list of exempted products (*Exemptions Under the U.S. Department of Agriculture's Competitive Foods Regulation for School Nutrition Programs*) is available at <http://www.sde.ct.gov/sde/LIB/sde/pdf/deps/nutrition/nslp/ExemptionsList.pdf>. For any questionable products, schools should check USDA's list or contact the Connecticut State Department of Education Bureau of Health/Nutrition, Family Services and Adult Education.

**Note:** The only beverages allowed for sale in Connecticut's public schools are those specified by CGS Section 10-221q. Many of the beverages exempted by USDA as FMNV do **not** meet the state criteria for allowable beverages and therefore cannot be sold to students at school.

There are food items that are not prohibited by the federal FMNV definition, Connecticut's competitive foods regulation or the Connecticut Nutrition Standards, but that still contain less than 5 percent of the Dietary Reference Intakes (DRIs) for the eight specified nutrients, and therefore contain little nutritional value. Although the sale of these food items may not be specifically prohibited by federal or state regulation, it is strongly recommended that they are not available to students during school meals. The Connecticut State Department of Education recommends that all snack foods sold in school nutrition programs:

- contain at least 5 percent of the DRI for at least one of the eight specified nutrients (protein, vitamin A, vitamin C, niacin, riboflavin, thiamin, calcium and iron) per 100 calories and per serving; and
- meet the Connecticut Nutrition Standards (<http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Student/NutritionEd/SummaryCTnutritionStandards.pdf>). A brand-specific list of food products that meet the Connecticut Nutrition Standards and beverages that meet the requirements of Section 10-221q of the Connecticut General Statutes is available at <http://www.sde.ct.gov/sde/cwp/view.asp?a=2626&q=320754#Healthy>.

To verify compliance with federal and state requirements, school food service programs should request product information and review nutrient content before purchasing any food items. **Districts that participate in healthy food certification under CGS Section 10-215f must ensure that all food items sold to students separately from reimbursable meals meet the Connecticut Nutrition Standards.**

### Additional Information

Guidance regarding healthy food certification and the Connecticut Nutrition Standards can be found on the Connecticut State Department of Education's website at <http://www.sde.ct.gov/sde/cwp/view.asp?a=2626&q=320754>. For additional information, contact Teri Dandeneau, RD at (860) 807-2079, [teri.dandeneau@ct.gov](mailto:teri.dandeneau@ct.gov) or Susan S. Fiore, MS, RD at (860) 807-2075, [susan.fiore@ct.gov](mailto:susan.fiore@ct.gov), Connecticut State Department of Education, Bureau of Health/Nutrition, Family Services and Adult Education, 25 Industrial Park Road, Middletown, CT 06457.

The State of Connecticut Department of Education is committed to a policy of equal opportunity/affirmative action for all qualified persons and does not discriminate in any employment practice, education program, or educational activity on the basis of race, color, national origin, sex, disability, age, religion or any other basis prohibited by Connecticut state and/or federal nondiscrimination laws. Inquiries regarding the Department of Education's nondiscrimination policies should be directed to the Equal Employment Opportunity Manager, State of Connecticut Department of Education, 25 Industrial Park Road, Middletown, Connecticut, 06457, (860) 807-2101.