

Allowable Beverages in Connecticut Schools

Requirements for Complying with Section 10-221q of the Connecticut General Statutes

Allowable Beverages

All public school districts in Connecticut (including regional educational service centers, the Connecticut Technical High School System, charter schools, interdistrict magnet schools and endowed academies) must comply with Connecticut General Statutes (CGS) regarding the beverages that are allowed for sale to students on school premises. CGS section 10-221q (<http://www.cga.ct.gov/2007/pub/Chap170.htm#Sec10-221q.htm>) specifies that only five categories of beverages can be sold to students in public schools *at all times and from all sources*. These categories are:

1. **Milk (flavored or plain)** with no more than 4 grams of sugar per fluid ounce and no artificial sweeteners.
2. **Nondairy milks such as soy or rice milk**, which may be flavored but contain no artificial sweeteners, no more than 4 grams of sugar per fluid ounce, no more than 35 percent of calories from fat and no more than 10 percent of calories from saturated fat.
3. **100 percent fruit juice, vegetable juice or combination of such juices**, containing no added sugars, sweeteners (including nonnutritive sweeteners) or artificial sweeteners.
4. **Beverages that contain only water and fruit or vegetable juice** and have no added sugars, sweeteners (including nonnutritive sweeteners) or artificial sweeteners. These beverages must also meet the requirements specified in *Requirements for Beverages Containing Water and Juice* at http://www.sde.ct.gov/sde/lib/sde/PDF/DEPS/Student/NutritionEd/Water_Juice_Beverages.pdf.
5. **Water**, which may be flavored but contains no added sugars, sweeteners (including nonnutritive sweeteners), artificial sweeteners or caffeine.

Portion sizes of allowable beverages are limited to no more than 12 fluid ounces, with the exception of water.

Prohibited Beverages

If a beverage does not belong to one of the five categories listed above, it cannot be sold to students on school premises unless the sales meet specific exemption requirements (see "Beverage Exemptions" on back). Examples of beverages that are prohibited for sale to students are listed below. *This list is not all inclusive; beverages not specified below do not necessarily meet the state requirements for allowable beverages.*

- Coffee, decaffeinated coffee, herbal coffee, iced coffee.
- Tea, decaffeinated tea, herbal tea, iced tea.
- Hot chocolate, hot cocoa.
- Soda, diet soda and other diet beverages, e.g., Crystal Light.
- Sports drinks, e.g., Gatorade, Powerade, Capri Sun Sport.
- Energy drinks, e.g., Red Bull, Monster Energy.
- Juice drinks/beverages that are not 100 percent juice, e.g., Hawaiian Punch, Tropicana Twisters, Hi-C, Kool-Aid. A juice drink/beverage is a product resembling juice which contains some portion of full-strength juice with added water and possibly other ingredients, such as sweeteners and flavorings. The label may indicate "contains juice," "fruit flavored" or give the percentage, such as "contains 15% juice." A product labeled "100% natural" or "provides 100% vitamin C" is not an indication of 100 percent juice. Examples of juice drinks/beverages include grape juice drink, orange juice drink, pineapple-grapefruit beverage and cranberry cocktail. Such products may be labeled drink, beverage, cooler, cocktail, "ade," (e.g., lemonade, limeade), nectar or punch.
- Waters with added sugars, e.g., Propel Fitness Water (contains sucrose syrup), Glaceau Vitamin Water (contains crystalline fructose), Capri Sun Roarin' Waters Fruit Flavored Water Beverage (contains high fructose corn syrup and sucralose).
- Waters with artificial or nonnutritive sweeteners, e.g., Propel Fitness Water, Fruit₂0, Dasani Flavored Water Beverage, Aquafina Sparkling Water, Nestle Pure Life Fruit Flavored Water (all contain sucralose and acesulfame potassium).
- Waters mixed with drink mix powders, e.g., Crystal Light, Kool-Aid.
- Water and juice beverages with added sugars, artificial sweeteners or nonnutritive sweeteners, e.g., Minute Maid Fruit Falls Water Beverage, Kool-Aid Jammers₁₀ (both contain sucralose and acesulfame potassium).
- Water and juice beverages with added ingredients that are not allowed, e.g., Izze Sparkling Juice, Waddajuce (both are fortified with additional nutrients that are not allowed under *Requirements for Beverages Containing Water and Juice*).

Sugars and Sweeteners

Sugars and sweeteners provide calories. Artificial sweeteners provide few or no calories. Nonnutritive sweeteners provide no calories. The use of these ingredients in foods and beverages varies.

Common Names for Added Sugars

Sugar	Brown sugar
Sucrose	Sucrose syrup
Malt syrup	Molasses
Glucose	Raw sugar
Dextrose	Honey
Maltose	Lactose
Fructose	Invert sugar
Corn syrup	Corn sweetener
Syrup	Crystalline fructose
High-fructose corn syrup	

Sugar Alcohols

Erythritol	Lactitol	Maltitol	Xylitol
Isomalt	Mannitol	Sorbitol	
Hydrogenated starch hydrolysates (e.g., hydrogenated glucose syrups, maltitol syrups and sorbitol syrups)			

Common Artificial Sweeteners

Acesulfame Potassium (Acesulfame-K, Sunett, Sweet One)
Aspartame (Nutrasweet, Equal)
Saccharin (Sweet and Low, Sugar Twin, Sweet Twin, Sweet 'N Low Brown, Necta Sweet)
Sucralose (Splenda)
Neotame
Tagatose

"Natural" Nonnutritive Sweeteners*

Stevia (Rebiana, Truvia, PureVia, SweetLeaf)

* The term "natural" does not have any consistent meaning when used to describe foods or beverages. It has not been defined by the Food and Drug Administration (FDA).

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- Milk-based beverages, e.g., Yoo-Hoo Drinks, e-Moo Carbonated Milk-Based Beverage. Milk-based beverages do not meet the federal standard of identify for fluid milk; they contain milk or dairy ingredients but they are not milk and therefore do not belong in the “milk” category allowed by CGS section 10-221q. Since they contain milk and/or dairy ingredients, they are not “nondairy” and do not belong in the “nondairy milk” category, either.
- Any other beverages that are not specified as allowable beverages by CGS section 10-221q.

Determining If Beverages Are Allowable for Sale to Students

The simplest method of determining if a beverage meets the requirements of state statute is to consult the Connecticut State Department of Education’s (CSDE) *List of Acceptable Foods and Beverages* (<http://www.sde.ct.gov/sde/cwp/view.asp?a=2626&q=322432>). This list identifies brand-specific products including beverages that meet the requirements of state statute and foods that meet the Connecticut Nutrition Standards. If a beverage is not listed, either it does not meet the state beverage requirements or has not yet been evaluated by the CSDE. To determine if a beverage complies with state statute, send the complete product label including the Nutrition Facts panel, list of ingredients, package size and product UPC code (i.e., 0-00000-00000-0) to the CSDE. The CSDE will evaluate beverages for compliance and will add any acceptable beverages to the approved list.

Carbonated Waters and Juices

In Connecticut, carbonated or aerated waters (e.g., seltzers, sparkling waters), carbonated/aerated juices or carbonated/aerated water and juice beverages can be sold to students at school only if they 1) meet the state requirements for the appropriate beverage category, as specified by CGS section 10-221q; and 2) have been exempted by the U.S. Department of Agriculture (USDA) from the federal foods of minimal nutritional value (FMNV) definition under the competitive food services regulation for Child Nutrition Programs (Regulations for the National School Lunch Program, 7 CFR 210, Section 210.11). Under federal regulations, all carbonated and aerated beverages are “soda waters” and are prohibited for sale during the USDA meal service periods unless they have been exempted by the USDA. Each USDA exemption is both brand and product specific; the exemption of one product does not mean that similar products or a family of products are exempted. A list of USDA-exempted beverages is contained in *Exemptions Under the U.S. Department of Agriculture’s Competitive Foods Regulation for School Nutrition Programs*, available at <http://www.sde.ct.gov/sde/LIB/sde/pdf/deps/nutrition/nslp/ExemptionsList.pdf>.

If a carbonated/aerated water or juice meets the state requirements for the appropriate beverage category but has not been exempted by the USDA from the FMNV regulation, it can be sold to students *only outside of the meal service periods*. For example, Polar seltzers, Adirondack seltzers and sparkling waters, and Poland Spring sparkling waters meet the state requirements for “water,” however, they have not been exempted by the USDA from the federal FMNV category and are therefore prohibited for sale to students during the meal service periods by federal regulations.

Schools must be careful to verify that any carbonated/aerated waters and juices sold to students **meet both state and federal requirements**. Some beverages that the USDA has exempted as FMNV still cannot be sold in Connecticut schools because they do not meet the beverage requirements of state statute. Any carbonated/aerated waters and juices that meet both state and federal requirements will be listed on the CSDE lists of approved beverages (see *Determining If Beverages Are Allowable for Sale to Students* above). For more information, see *Competitive Foods in Schools* at <http://www.sde.ct.gov/sde/LIB/sde/pdf/deps/nutrition/nslp/CompetitiveFoods.pdf>.

Beverage Exemptions

Beverages that are prohibited by state statute can be sold to students on school premises only if the local board of education or school governing authority has voted to allow exemptions and the following three conditions are met: 1) the sale is in connection with an *event occurring after the end of the regular school day or on the weekend*; 2) the sale is at the *location of the event*; and 3) the beverages are *not sold from a vending machine or school store*. The vote to allow exemptions must occur *before* any beverages can be sold to students during any events on school premises that meet the three exemption conditions.

An event is an occurrence that involves more than just a regularly scheduled practice, meeting or extracurricular activity. For example, soccer games, school plays and interscholastic debates are events but soccer practices, play rehearsals and debate team meetings are not.

The **regular school day** is the period that begins with the arrival of the first child at school and ends after the last instructional period.



For more information, visit the CSDE Beverage Requirements Web page at <http://www.sde.ct.gov/sde/cwp/view.asp?a=2626&q=322416> or contact: Susan S. Fiore, MS, RD, Nutrition Education Coordinator, Connecticut State Department of Education, Bureau of Health/Nutrition, Family Services and Adult Education, 25 Industrial Park Road, Middletown, CT 06457, 860-807-2075, susan.fiore@ct.gov.