

## COMPETITIVE FOOD SALES/VENDING MACHINES

Code **EFE** Issued **11/14**

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Purpose: To establish the basic structure for the sale of competitive foods at school.

Good nutrition is essential to peak academic performance for students and to long-term health. The district supports nutrition programs and nutrition education as an integral part of a high-quality education.

To ensure that foods served at schools address modern nutritional needs and to protect the health of students, the principal will exercise control over the sale of non-cafeteria/competitive food. For purposes of this policy, "competitive food" means any food that is sold in competition with the school lunch or breakfast program.

The district will permit vending machines and the sale of competitive foods in the high schools in accordance with this policy.

Schools will not offer or sell foods of minimal nutritional value on campus during the prescribed school day.

High schools will operate vending machines that are accessible to students only if the contents meet HHFKA 2010 guidelines and requirements established in district policy.

Schools will offer or sell other non-cafeteria/competitive foods to students on campus only if the food meets HHFKA 2010 guidelines and requirements established in district policy.

The principal is responsible for maintaining records to ensure that foods from vending machines and/or other non-cafeteria/competitive foods are sold in compliance with federal guidelines, state regulations, and district policy.

Schools will adhere to federal, state and district exemption guidelines.

The board authorizes the superintendent to close a canteen or discontinue the sale of competitive foods if not properly operated.

Adopted 11/24/14

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### Legal references:

#### A. Federal Law:

1. Healthy, Hunger-Free Kids Act of 2010, Pub. L. No. 111-296, 124 Stat. 3183.

#### B. Federal Regulation:

1. National School Lunch and Breakfast Program: Nutrition Standards for all Foods Sold in School, 78 Fed. Reg. 125 (June 28, 2013).

#### C. S. C. Code of Laws, 1976 as amended:

1. Students Health and Fitness Act of 2005, Sections 59-10-310 through 380 - Nutrition standards.

#### D. State Board of Education Regulations:

1. R43-168 - Nutrition standards for elementary (K-5) school food service meals and competitive foods.

# COMPETITIVE FOOD SALES/VENDING MACHINES

Code **EFE-R** Issued **11/14**

In an effort to promote student wellness, prevent and reduce childhood obesity and provide assurance that school meals and snacks meet the minimum federal standards, the district implements this rule governing the sale of competitive foods within the district.

Competitive foods means all foods and beverages sold to students during the school day other than food sold under the lunch and breakfast programs provided under the Child Nutrition Act (CNA) and the Richard B. Russell National School Lunch Act (NSLA). The school day is the period from the midnight before to 30 minutes after the end of the school day.

This rule applies to all properties under the jurisdiction of the school that are accessible to students during the day. The venues include, but are not limited to, à la carte in the cafeteria, school stores, snack bars and vending machines.

## Definitions

*À la carte*: an individually priced food item.

*Combination food*: a product that contains two or more components representing two or more of the recommended food groups: fruit, vegetable, dairy, protein or grains. Examples include yogurt and fruit parfait, hummus with vegetables, cheese and crackers.

*Entrée*: a combination food of meat/meat alternative and whole grain rich food; or a combination food of vegetable or fruit and meat/meat alternative; or a meat/meat alternative 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).

*Nutritive sweetener*: a sweetener that provides energy (calories) in the form of simple carbohydrates such as sugars and syrups, i.e. brown sugar, corn sweetener, corn syrup, dextrose, fructose, fruit juice concentrates, glucose, high-fructose corn syrup, honey, invert sugar, lactose, malt syrup, maltose, molasses, raw sugar, sucrose, sugar or syrup.

## Entrée items (sold only à la carte) and side dishes

The nutrition requirements for food apply to all grade levels and must meet one of the following standards.

- be a grain product that contains 50 percent or more whole grains by weight or have whole grains as the first ingredient
- have as the first ingredient one of the non-grain main food groups; fruits, vegetables, dairy or protein foods (i.e. meat, beans, poultry, seafood, eggs, nuts, seeds)
- be a combination food that contains at least 25 percent cup fruit and/or vegetable

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- contain 10 percent of the daily value (DV) of a nutrient of public health concern (i.e. calcium, potassium, vitamin D or dietary fiber)\*

*\*Effective July 1, 2016, this will no longer qualify as a competitive food.*

If water is the first ingredient, the second ingredient must be one of the above. Exemptions include the following.

- fresh fruits and vegetables with no added ingredients except water
- canned and frozen fruits with no added ingredients except water, or those that are packed in 100 percent juice, extra light syrup or light syrup
- canned vegetables with no added ingredients except water or that contain a small amount of sugar for processing purposes to maintain the quality and structure of the vegetable

### *Total fat in entrée items and side dishes*

Acceptable food items must have no more than 35 percent of calories from total fat as served including any added accompaniments. **Under state regulations, foods sold at any K-5 public school can not have more than 30 percent calories from fat.**

Exemptions to the total fat requirement include the following (combination foods are not exempt).

- reduced-fat cheese (including part-skim mozzarella)
- nuts and seeds and nut/seed butters
- dried fruit with nuts and/or seeds with no added nutritive sweeteners or fats
- seafood with no added fat

### *Saturated fat in entrée items and side dishes*

Acceptable food items must have less than 10 percent of calories from saturated fat as served including any condiments.

Exemptions to the saturated fat requirement include the following (combination foods are not exempt).

- reduced-fat cheese (including part-skim mozzarella)
- nuts and seeds and nut/seed butters
- dried fruit with nuts and/or seeds with no added nutritive sweeteners or fats

### *Trans fat in entrée items and side dishes*

Acceptable food items must have zero grams of trans fat as served (no more than .5 gram per portion) including any added accompaniments.

### *Sugar in entrée items and side dishes*

Acceptable food items must have no more than 35 percent of weight from total sugar served.



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Exemptions to the sugar requirement include the following (combination foods are not exempt).

- dried whole fruits or vegetables
- dried whole fruit or vegetable pieces
- dehydrated fruits or vegetables with no added nutritive sweeteners
- dried whole fruits or pieces with nutritive sweeteners that are required for processing and/or palatability purposes (i.e. cranberries, tart cherries or blueberries)
- products consisting of only exempt dried fruit with nuts and/or seeds with no added nutritive sweeteners or fats

### *Sodium in entrée items and side dishes*

- Entrée items cannot exceed 480 milligrams of sodium per item as served including any added accompaniments.
- Snack items and side dishes cannot exceed 230 milligrams of sodium per item as served.\*

*\*Effective July 1, 2016, snack items and side dishes cannot exceed more than 200 milligrams of sodium as served including added accompaniments.*

### *Calories in entrée items and side dishes*

- Entrée items cannot exceed 350 calories per item as served including any added accompaniments.
- Snack items and side dishes cannot exceed 200 calories per item as served including any added accompaniments such as butter, cream cheese and salad dressing.

Sugar-free gum is exempt from all competitive food standards.

Use of accompaniments is limited when competitive food is sold to students in school. The accompaniment must be included in the nutrient profile as part of the food item served and meet all proposed standards. Examples include, but are not limited to, butter, cream cheese, syrup, ketchup, mustard and salad dressing.

Any entrée item offered as part of the lunch program or the breakfast program is exempt from all competitive food standards if it is sold as a competitive food on the day of service or the day after service in the lunch or breakfast program. Exempt entrées that are sold as competitive foods must be offered in the same or smaller portion sizes as the NSLP and SBP and with the same accompaniments.

## **Beverages**

### *Elementary school*

- plain water, with or without carbonation (no size limit)
- one percent milk, unflavored (no more than eight fluid ounces)
- nonfat milk, flavored or unflavored (no more than eight fluid ounces), including nutritionally equivalent milk alternatives as permitted by the school meal requirements

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- 100 percent fruit/vegetable juice (no more than eight fluid ounces)
- 100 percent fruit/vegetable juice diluted with water (with or without carbonation) and no added sweeteners (no more than eight fluid ounces)

### *Middle school*

- plain water, with or without carbonation (no size limit)
- low fat or one percent milk, unflavored (no more than 12 fluid ounces)
- nonfat milk, flavored or unflavored (no more than 12 fluid ounces), including nutritionally equivalent milk alternatives as permitted by the school meal requirements
- 100 percent fruit/vegetable juice (no more than 12 fluid ounces)
- 100 percent fruit/vegetable juice diluted with water (with or without carbonation) and no added sweeteners (no more than 12 fluid ounces)

### *High school*

- plain water, with or without carbonation (no size limit)
- low fat or one percent milk, unflavored (no more than 12 fluid ounces)
- nonfat milk, flavored or unflavored (no more than 12 fluid ounces), including nutritionally equivalent milk alternatives as permitted by the school meal requirements
- 100 percent fruit/vegetable juice (no more than 12 fluid ounces)
- 100 percent fruit/vegetable juice diluted with water (with or without carbonation) and no added sweeteners (no more than 12 fluid ounces)
- other flavored and/or carbonated beverages (no more than 20 fluid ounces) that are labeled to contain no more than five calories per eight fluid ounces or no more than 10 calories per 20 fluid ounces
- other flavored and/or carbonated beverages (no more than 12 fluid ounces) that are labeled to contain no more than 40 calories per eight fluid ounces or no more than 60 calories per 12 fluid ounces

### **Caffeine**

In elementary and middle schools, foods and beverages must be caffeine-free with the exception of trace amounts of naturally occurring caffeine substances. In high schools, foods and beverages may contain caffeine.

### **Fundraisers**

All foods that meet the competitive food standards may be sold at fundraisers on the school campus during school hours. Food or beverages that do not meet the standards may only be sold under the following conditions: 1) In accordance to federal and state exception guidelines and district policy, 2) Not sold in competition with school meals in the food serving area during the meal service time. The standards do not apply to items sold during non-school hours, weekends or off-campus fundraising events.

### **Exemptions**

State law will determine the number of exempt fundraisers allowed at each school per year.

## **Record Maintenance**

Principals are required to maintain records documenting compliance with the competitive food nutrition standards for food sold in areas that are outside of the control of the school food service operation.

The school food authority is responsible for maintaining records documenting compliance with the competitive food nutrition standards for foods sold in meal service areas during meal service periods.

Required records include, at a minimum, receipts, nutrition labels and/or product specifications for the items available for sale.

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