

# Snack Foods and Beverages In Georgia Schools

A comparison of state policy with USDA's nutrition standards

Georgia State Board of Education Rule 160-5-6-.01, enacted in 2011, requires each local board of education to establish a policy or administrative procedure to address foods of minimal nutritional value, or FMNV, as defined by the U.S. Department of Agriculture. In order to comply with the USDA Smart Snacks interim final rule, the state board adopted an updated policy in August 2014 to address the allowable number of exemptions for infrequent school-sponsored fundraisers conducted on school campus during the school day.

| Policy Applications                        |   |  |
|--|---|--|
|  | USDA interim final rule   | Georgia standards <sup>1</sup>   |
| <b>What is covered by the policy?</b>      | This policy applies to all snack foods and beverages sold in schools—elementary, middle, and high—operating the National School Lunch Program (NSLP) and School Breakfast Program (SBP) effective July 1, 2014.   | Each local board of education is required to develop a policy that prohibits the sale of FMNV, such as water ices, chewing gum, and certain candies, throughout elementary schools during the school day and in all other schools during mealtime.   |
| <b>Does the policy address preemption?</b> | The interim final rule sets minimum standards for foods and beverages that local educational agencies, school food authorities, and schools must meet. State agencies and/or local school districts may establish other standards if they are consistent with or stricter than the national policy. | The policy does not address preemption. It requires policies to be created at the local level.   |
| <b>Definition of "school day"</b>          | The period from 12:01 a.m. until 30 minutes after the end of the instructional day.   | For elementary schools, FMNV are prohibited throughout the school from the beginning of the school day (12:01 a.m.) until the end of the last lunch period.<br><br>For middle and high schools, FMNV are prohibited in the dining, serving, and kitchen areas at mealtime.<br><br>This policy does not apply to the extended school day, meaning it does not pertain to after-school activities. |
| <b>Definition of "school campus"</b>       | All areas of the school's property accessible to students during the school day are considered part of the school campus.   | No definition.   |

<sup>1</sup> This chart reflects state policies in place as of Aug. 1, 2014, and federal standards as of Sept. 11, 2014.

| Foods  |  |   |
|--|--|---|
|  | USDA interim final rule  | Georgia standards   |
| <b>General</b>                                   | <p>A food item must meet all the competitive food-nutrient standards, as outlined in this chart, and</p> <ul style="list-style-type: none"> <li>• be a whole-grain product containing 50% or more whole grains by weight or have whole grains listed as the first ingredient, or</li> <li>• have as the first ingredient one of the non-grain major food groups: a fruit, vegetable, dairy product, protein food, or</li> <li>• be a combination food that contains at least ¼ cup of fruit and/or vegetable, or</li> <li>• Through June 30, 2016, a competitive food can contain 10 percent of the Daily Value of a nutrient of public health concern as identified in the <i>Dietary Guidelines for Americans</i> (i.e. calcium, potassium, vitamin D or dietary fiber).</li> </ul> <p>If water is the first ingredient, the second must be one of the food items above.</p> | Each local school board shall have a policy or administrative procedure in place to maximize student participation in school meal programs and to provide quality meals. At a minimum, FMNV are prohibited as described by federal standards. |
| <b>Calories (per item as packaged or served)</b> | <p>≤ 200 calories for snacks and side dishes</p> <p>≤ 350 calories for entree items</p>  | No standard   |
| <b>Total fat</b>                                 | ≤ 35% of total calories  | No standard   |
| <b>Saturated fat</b>                             | ≤ 10% of total calories  | No standard   |
| <b>Trans fat</b>                                 | Zero grams   | No standard   |
| <b>Sugar (per item as packaged or served)</b>    | ≤ 35% of weight from total sugars in foods   | No standard   |
| <b>Sodium (per item as packaged or served)</b>   | <p>≤ 230 mg of sodium for snack items (July 2014-June 30, 2016)</p> <p>≤ 200 mg of sodium for snack items (as of July 1, 2016)</p> <p>≤ 480 mg of sodium for entree items</p>  | No standard   |
| <b>Other</b>                                     | <p>NSLP and SBP entrees sold a la carte are exempt from the rule's nutrient standards if sold on the day that they are offered as part of a reimbursable meal, or sold on the following school day.</p> <p>Accompaniments, such as condiments or salad dressing, must be included in the nutrient profile as a part of the item served.</p>  | No standard   |

| Beverages                         |  |                   |
|-----------------------------------|--|-------------------|
|                                   | USDA interim final rule  | Georgia standards |
| <b>General</b>                    | Elementary and middle schools may only sell low-fat or nonfat milk, 100 percent fruit and/or vegetable juice, and water per USDA's portion guidelines. High schools may sell additional beverages meeting calorie and serving size limits. |                   |
| <b>Juice</b>                      |  |                   |
| <b>Elementary</b>                 | 100% fruit/vegetable juice ≤ 8 fl oz<br><br>100% fruit/vegetable juice diluted with water (with or without carbonation), and no added sweeteners ≤ 8 fl oz   | No standard       |
| <b>Middle</b>                     | 100% fruit/vegetable juice ≤ 12 fl oz<br><br>100% fruit/vegetable juice diluted with water (with or without carbonation), and no added sweeteners ≤ 12 fl oz   | No standard       |
| <b>High</b>                       | 100% fruit/vegetable juice ≤ 12 fl oz<br><br>100% fruit/vegetable juice diluted with water (with or without carbonation), and no added sweeteners ≤ 12 fl oz   | No standard       |
| <b>Milk and milk alternatives</b> |  |                   |
| <b>Elementary</b>                 | Low-fat milk, unflavored ≤ 8 fl oz<br><br>Nonfat milk, plain or flavored ≤ 8 fl oz<br><br>Nutritionally equivalent milk alternatives ≤ 8 fl oz   | No standard       |
| <b>Middle</b>                     | Low-fat milk, unflavored ≤ 12 fl oz<br><br>Nonfat milk, plain or flavored ≤ 12 fl oz<br><br>Nutritionally equivalent milk alternatives ≤ 12 fl oz  | No standard       |
| <b>High</b>                       | Low-fat milk, unflavored ≤ 12 fl oz<br><br>Nonfat milk, plain or flavored ≤ 12 fl oz<br><br>Nutritionally equivalent milk alternatives ≤ 12 fl oz  | No standard       |
| <b>Water</b>                      |  |                   |
| <b>All grades</b>                 | Potable water must be available at no charge during meal service where breakfast and lunches are served.<br><br>There is no ounce restriction on plain water for sale (carbonated or noncarbonated).                                       | No standard       |

| Beverages                    |   |                   |
|------------------------------|---|-------------------|
|                              | USDA interim final rule   | Georgia standards |
| <b>Other beverages</b>       |   |                   |
|                              | <p>Other beverages allowed only in high school:</p> <p>Calorie-free, flavored and/or carbonated water and other calorie-free beverages that comply with the Food and Drug Administration's requirement of <math>\leq 5</math> calories per 8 fluid oz serving (or <math>\leq 10</math> calories per 20 fluid oz), in no more than 20 oz servings.</p> <p>Beverages <math>\leq 40</math> calories per 8 fluid oz serving (or <math>\leq 60</math> calories per 12 fluid oz serving) in no more than 12 oz servings are also allowed.</p> | No standard       |
| <b>Caffeine</b>              |   |                   |
| <b>Elementary</b>            | Not allowed   | No standard       |
| <b>Middle</b>                | Not allowed   | No standard       |
| <b>High</b>                  | Caffeinated beverages allowed   | No standard       |
| <b>Artificial sweeteners</b> |   |                   |
|                              | No standard   | No standard       |

| Other                                    |   |  |
|--|---|--|
|  | USDA interim final rule   | Georgia standards  |
| <b>Fundraisers</b>                       | <p>Exemptions allowed for infrequent school-sponsored fundraisers.</p> <p>Frequency to be defined by state agency.</p> <p>Exempted fundraiser foods or beverages may not be sold in competition with school meals in the food service area during the meal service.</p> | The State Board of Education has adopted a policy to allow 30 exemptions per year, per building, each lasting no more than three days. |
| <b>Class parties/school celebrations</b> | No standard   | No standard  |
| <b>Food marketing</b>                    | No standard included in the USDA Smart Snacks interim final rule; however, USDA's proposed rule on Local Wellness Policies addresses this component.  | No standard  |
| <b>Positive nutritional value</b>        | No standard   | Prohibits the sale of FMNV as described by federal statute   |
| <b>Nutrition labeling requirements</b>   | No standard   | No standard  |
| <b>Local Wellness Policy</b>             | No standard included in the USDA Smart Snacks interim final rule; however, school districts are required by federal law to have a Local Wellness Policy.  | No standard  |

| Exemptions to food and beverage standards                     |   |                   |
|---|---|-------------------|
|   | USDA interim final rule   | Georgia standards |
| <b>General</b>  |   |                   |
| <b>General exemptions</b>                                     | <p>Fresh, canned, and frozen fruit or vegetables with no added ingredients except water, or in the case of fruit, packed in 100 percent juice, extra light, or light syrup are exempt from the interim final rule's nutrient standards.</p> <p>Canned vegetables that contain a small amount of sugar to maintain the quality and structure of the vegetable are exempt from the rule's nutrient standards.</p> <p>Sugar-free chewing gum is exempt from competitive food standards and may be sold to students at the discretion of the local educational agency.</p> <p>"Paired exemptions" are items designated as exempt from one or more of the nutrient requirements individually and packaged together without any additional ingredients. These items retain their individually designated exemption for total fat, saturated fat, and/or sugar when packaged together and sold. "Paired exemptions" are required to meet the calorie and sodium limits for Smart Snacks.</p> |                   |
| <b>Exemptions from total fat</b>                              | <p>Nuts, seeds, nut/seed butters</p> <p>Reduced-fat and part-skim mozzarella cheeses</p> <p>Products consisting of only dried fruits with nuts and/or seeds, with no added nutritive<sup>1</sup> sweetener or fat</p> <p>Seafood with no added fat</p> <p>Combination foods are not exempt and must meet all nutrient standards.</p>  |                   |
| <b>Exemptions from saturated fat</b>                          | <p>Nuts, seeds, nut/seed butters</p> <p>Reduced-fat and part-skim mozzarella cheeses</p> <p>Products consisting of only dried fruits with nuts and or seeds, with no added nutritive sweetener or fat</p> <p>Combination products are not exempt and must meet all nutrient standards.</p>  |                   |
| <b>Exemptions from sugar (per item as packaged or served)</b> | <p>Dried whole fruit or vegetables; dried whole fruit or vegetable pieces; and dehydrated fruit or vegetables with no added nutritive sweeteners</p> <p>Dried fruit with added nutritive sweeteners required for processing and/or palatability purposes</p> <p>Products consisting of only dried fruits with nuts and or seeds with no added nutritive sweeteners or fat.</p>  |                   |

<sup>1</sup> Nutritive and non-nutritive sweeteners enhance the flavor and/or texture of food. Nutritive sweeteners provide the body with calories, whereas non-nutritive sweeteners are low in calories or contain none. They can be added to both food and beverages.

## References

Federal Register, 2013, 7 CFR Parts 210 and 220, *National School Lunch Program and School Breakfast Program: Nutrition Standards for All Foods Sold in Schools as Required by the Healthy, Hunger-Free Kids Act of 2010; Interim Final Rule*, U.S. Department of Agriculture, 78 (125) (June 28, 2013).

Federal Register, 2014, 7 CFR Parts 210 and 220, *Local School Wellness Policy Implementation under the Healthy, Hunger-Free Kids Act of 2010: Proposed Rule*, U.S. Department of Agriculture, 79 (38) (February 26, 2014).

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[http://archives.gadoe.org/\\_documents/doe/legalservices/160-5-6-.01.pdf](http://archives.gadoe.org/_documents/doe/legalservices/160-5-6-.01.pdf).

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**KIDS' SAFE &  
HEALTHFUL  
FOODS PROJECT**

  
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**The Kids' Safe and Healthful Foods Project**, a collaboration between The Pew Charitable Trusts and the Robert Wood Johnson Foundation, provides nonpartisan analysis and evidence-based recommendations to make sure that all foods and beverages sold in U.S. schools are safe and healthful.