

Snack Foods and Beverages In Vermont Schools

A comparison of state policy with USDA's nutrition standards

In accordance with Act 203 section 16 (2008), the state Department of Education, Department of Health, and Agency of Agriculture convened a working group of partners to update Vermont's nutrition policy guidelines created in 2005. The group revised the guidelines for food sold outside of the school meals program, using current science-based standards as a guide. The revised guidelines were distributed to schools in October 2008. Each school district is required to adopt a school wellness policy, and these nutrition standards are one possible component of that policy. They are not required.

Policy Applications		
	USDA interim final rule	Vermont standards ¹
What is covered by the policy?	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.	This policy applies to snack food and beverages sold in elementary, middle, and high schools outside of the federally reimbursable school meal programs. Each school district is required to adopt a school wellness policy, and these guidelines are recommended to enhance that policy.
Does the policy address preemption?	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.	No standard
Definition of "school day"	The period from 12:01 a.m. until 30 minutes after the end of the instructional day.	This policy applies to the period during the school day only; it does not apply to the extended school day.
Definition of "school campus"	All areas of the school's property accessible to students during the school day are considered part of the school campus.	All areas where food and beverages are sold, including a la carte on the cafeteria line, in vending machines, in school stores, and at fundraisers that occur during the school day.

¹ 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	Vermont standards
General	<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"> be a whole-grain product containing 50% or more whole grains by weight or have whole grains listed as the first ingredient, or have as the first ingredient one of the non-grain major food groups: a fruit, vegetable, dairy product, protein food, or be a combination food that contains at least ¼ cup of fruit and/or vegetable, or 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). <p>If water is the first ingredient, the second must be one of the food items above.</p>	<p>Food pricing is designed to encourage students to buy nutritious items.</p> <p>Food service program should establish procedures to include locally grown foods and beverages.</p> <p>During meal service times:</p> <ul style="list-style-type: none"> No foods sold from vending machines Elementary schools - no foods sold outside of the breakfast and lunch programs Middle/High schools - limit foods to those that supplement the meal, not compete with it. Entrees that qualify as a meal component should not be sold as a la carte items
Calories (per item as packaged or served)	<p>≤ 200 calories for snacks and side dishes</p> <p>≤ 350 calories for entree items</p>	<p>Snacks may not exceed:</p> <ul style="list-style-type: none"> Elementary ≤ 150 calories¹ Middle ≤ 180 calories¹ High ≤ 200 calories <p>Soups and vegetables with sauce:</p> <ul style="list-style-type: none"> ≤ 100 calories with 1 nutrient¹ ≤ 150 calories with 2 nutrients¹ <p>(see positive nutritional value below)</p> <p>Yogurt:</p> <ul style="list-style-type: none"> ≤ 100 calories for 4-oz portion¹ ≤ 150 calories for 6-oz portion¹ ≤ 200 calories for 8-oz portion (high school only)
Total fat	≤ 35% of total calories	≤ 35% of total calories
Saturated fat	≤ 10% of total calories	≤ 10% of total calories or ≤ 1 gram of saturated fat
Trans fat	Zero grams	Zero grams

Foods		
	USDA interim final rule	Vermont standards
Sugar (per item as packaged or served)	≤ 35% of weight from total sugars in foods	≤ 35% of weight from total sugars in foods and No more than 30 grams per 8 oz portion
Sodium (per item as packaged or served)	≤ 230 mg of sodium for snack items (July 2014-June, 30 2016) ≤ 200 mg of sodium for snack items (as of July 1, 2016) ≤ 480 mg of sodium for entree items	≤ 230 mg of sodium < 480 for low-fat and nonfat dairy products < 480 for vegetables with sauce and soups
Other	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. Accompaniments, such as condiments or salad dressing, must be included in the nutrient profile as a part of the item served.	Regular or reduced-fat cheese portion size cannot exceed 1.5 oz Elementary and middle: yogurt portion ≤ 6 oz High: yogurt portion ≤ 8 oz

Beverages		
	USDA interim final rule	Vermont standards
General	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.	
Juice		
Elementary	100% fruit/vegetable juice ≤ 8 fl oz 100% fruit/vegetable juice diluted with water (with or without carbonation), and no added sweeteners ≤ 8 fl oz	100% fruit or vegetable juice ≤ 4 fl oz ¹
Middle	100% fruit/vegetable juice ≤ 12 fl oz 100% fruit/vegetable juice diluted with water (with or without carbonation), and no added sweeteners ≤ 12 fl oz	100% fruit or vegetable juice ≤ 10 fl oz ¹
High	100% fruit/vegetable juice ≤ 12 fl oz 100% fruit/vegetable juice diluted with water (with or without carbonation), and no added sweeteners ≤ 12 fl oz	100% fruit or vegetable juice ≤ 12 fl oz
Milk and milk alternatives		
Elementary	Low-fat milk, unflavored ≤ 8 fl oz Nonfat milk, plain or flavored ≤ 8 fl oz Nutritionally equivalent milk alternatives ≤ 8 fl oz	Low-fat or nonfat, plain or flavored ≤ 8 fl oz • ≤ 150 calories per 8 fl oz
Middle	Low-fat milk, unflavored ≤ 12 fl oz Nonfat milk, plain or flavored ≤ 12 fl oz Nutritionally equivalent milk alternatives ≤ 12 fl oz	Low-fat or nonfat, plain or flavored ≤ 10 fl oz • ≤ 150 calories per 8 fl oz
High	Low-fat milk, unflavored ≤ 12 fl oz Nonfat milk, plain or flavored ≤ 12 fl oz Nutritionally equivalent milk alternatives ≤ 12 fl oz	Low-fat or nonfat, plain or flavored ≤ 12 fl oz • ≤ 150 calories per 8 fl oz
Water		
All grades	Potable water must be available at no charge during meal service where breakfast and lunches are served. There is no ounce restriction on plain water for sale (carbonated or noncarbonated).	Bottled water allowed with no portion limit

Beverages		
	USDA interim final rule	Vermont standards
Other beverages		
	<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 ≤ 5 calories per 8 fluid oz serving (or ≤ 10 calories per 20 fluid oz), in no more than 20 oz servings.</p> <p>Beverages ≤ 40 calories per 8 fluid oz serving (or ≤ 60 calories per 12 fluid oz serving) in no more than 12 oz servings are also allowed.</p>	<p>Drinkable yogurt</p> <ul style="list-style-type: none"> Elementary: ≤ 8 fl oz and less than 150 calories per 8 fl oz Middle: ≤ 10 fl oz and less than 150 calories per 8 fl oz High: ≤ 12 fl oz and less than 200 calories per 8 fl oz
Caffeine		
Elementary	Not allowed	No standard
Middle	Not allowed	No standard
High	Caffeinated beverages allowed	No standard
Artificial sweeteners		
	No standard	No standard

Other		
	USDA interim final rule	Vermont standards
Fundraisers	<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>	As of July 1, 2014, all fundraisers conducted on campus during the school day must comply with the Smart Snacks rule.
Class parties/school celebrations	No standard	No standard
Food marketing	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
Positive nutritional value	No standard	<p>Vegetables with sauce and soups must be < 480 mg sodium and contain one or more of the following:</p> <ul style="list-style-type: none"> • 2 grams of fiber; • 5 grams of protein; • 10% Daily Value of vitamins A, C, and E, as well as folate, calcium, magnesium, potassium, or iron; or • 1/2 serving (1/4 cup) of fruit or vegetables
Nutrition labeling requirements	No standard	No standard
Local Wellness Policy	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.	Each school district is required to adopt a school wellness policy. These nutrient standards are a suggested, but not required, component.

Exemptions to food and beverage standards		
	USDA interim final rule	Vermont standards
General		
General exemptions	<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>	<ul style="list-style-type: none"> Fruit and vegetables exempt from calorie standards
Exemptions from total fat	<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>Seafood with no added fat</p> <p>Combination foods are not exempt and must meet all nutrient standards.</p>	<ul style="list-style-type: none"> Nuts, nut butters, and seeds
Exemptions from saturated fat	<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>	<ul style="list-style-type: none"> Fruit
Exemptions from sugar (per item as packaged or served)	<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>	

^{*} Components of the standards that are considered to be stronger than the USDA standards.

[†] 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).

Vermont Department of Health (2008). "The Nutrition Guidelines for Competitive Food and Beverage Sales in Schools," <http://www.leg.state.vt.us/reports/2009ExternalReports/240670.pdf>.

School Nutrition Association (2014), "Smart Snacks: State Agency Fundraising Exemptions," http://schoolnutrition.org/uploadedFiles/News_and_Publications/News/SmartSnacksFundraisingExemption.pdf.

**KIDS' SAFE &
HEALTHFUL
FOODS PROJECT**


Robert Wood Johnson
Foundation

 **THE
PEW**
CHARITABLE TRUSTS

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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.