

Snack Foods and Beverages In Mississippi Schools

A comparison of state policy with USDA's nutrition standards

This policy was established by the Mississippi legislature through the Healthy Students Act (Senate Bill 2369) in 2006. The state Board of Education adopted regulations to implement the legislative requirements later that year (Policies 4004, 4003, and 2002). The state Board of Education policies for snacks and beverages are currently under revision in order to align them with the U.S. Department of Agriculture's Smart Snacks in Schools nutrition standards. In the interim, the Department of Education has issued guidance to assist with implementation of USDA's standards, "MS Smart Snack Standards for ALL Foods Sold in Schools." These policies and related guidance are outlined in this document.

Policy Applications		
	USDA interim final rule	Mississippi 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 all snack foods and beverages sold statewide in elementary, middle, and high schools. Competitive foods meeting state regulations may be sold to students in grades 7-12. Vending to K-6 students may be appropriate in districts where school lunches are sold early in the day (10:30-11:00 a.m.), and competitive foods may be sold to K-6 students at the discretion of the school district.
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.	Local school districts may adopt more stringent rules and regulations provided they are not in conflict with those adopted by the state Board of Education.
Definition of "school day"	The period from 12:01 a.m. until 30 minutes after the end of the instructional day.	This policy does apply to the extended school day. ² The school day is defined as the period during the regular and extended day between 7 a.m. and 4 p.m. The extended day includes activities such as clubs, yearbook, band and choir practice, student government, drama and childcare/latchkey programs, but does not apply to events in which parents and other adults make up a significant portion of the audience. ³ Competitive foods may not be sold on the school campus for one hour before the start of any meal service period. ⁴ Standards do not apply at school-related events, such as sporting events, school plays, band concerts or family events.

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

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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.	<p>All areas of the campus including vending machines, student stores, snack bars, fundraisers and other sales available to students.</p> <p>The school food service staff shall serve only foods that are components of the approved federal meal patterns being served (or milk products), and such additional food as necessary to meet the caloric requirements of the age group being served.</p> <p>Except for milk products, a student may buy individual components of the meal only if the full meal unit also is being purchased.'</p> <p>For areas inaccessible to students, at least 50 percent of the vended items shall meet these standards.'</p>

Foods		
	USDA interim final rule	Mississippi 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>	All foods sold in schools must meet the USDA Smart Snacks general requirements
Calories (per item as packaged or served)	<p>≤ 200 calories for snacks and side dishes</p> <p>≤ 350 calories for entree items</p>	<p>≤ 200 calories for snacks</p> <p>≤ 350 calories for entrees</p>
Total fat	≤ 35% of total calories	≤ 35% of total calories
Saturated fat	≤ 10% of total calories	≤ 10% calories from saturated and/or trans fat
Trans fat	Zero grams	≤ 10% calories from saturated and/or trans fat*
Sugar (per item as packaged or served)	≤ 35% of weight from total sugars in foods	≤ 35% added sugar by weight
Sodium (per item as packaged or served)	<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>	<p>≤ 230 mg for snack items</p> <p>≤ 480 mg for entree items</p>
Other	<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>	

Beverages		
	USDA interim final rule	Mississippi 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% juice with no added sweeteners ≤ 8 fl oz <ul style="list-style-type: none"> • Must contain at least 10% of recommended DV for three or more vitamins and minerals¹ • ≤ 120 calories per 8 fl oz²
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% juice with no added sweeteners ≤ 10 fl oz ³ <ul style="list-style-type: none"> • Must contain at least 10% of recommended DV for three or more vitamins and minerals¹ • ≤ 120 calories per 8 fl oz²
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% juice with no added sweeteners ≤ 12 fl oz <ul style="list-style-type: none"> • Must contain at least 10% of recommended DV for three or more vitamins and minerals¹ • ≤ 120 calories per 8 fl oz²
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 and nonfat, plain or flavored ≤ 8 fl oz Milk alternatives ≤ 8 fl oz <ul style="list-style-type: none"> • ≤ 160 calories per 8 fl oz²
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 and nonfat, plain or flavored ≤ 10 fl oz ³ Milk alternatives ≤ 10 fl oz ³ <ul style="list-style-type: none"> • ≤ 160 calories per 8 fl oz²
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 and nonfat, plain or flavored ≤ 12 fl oz Milk alternatives ≤ 12 fl oz <ul style="list-style-type: none"> • ≤ 160 calories per 8 fl oz²
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 size restriction

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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>Other beverages allowed only in high school:</p> <ul style="list-style-type: none"> No-calorie or low-calorie beverages with no portion restriction, ≤ 10 calories per 8 fl oz serving Light drinks and sports drinks ≤ 12 fl oz, ≤ 66 calories per 8 fl oz <p>At least 50% of beverages must be water and be no-calorie or low-calorie options*</p>
Caffeine		
Elementary	Not allowed	Caffeine-free
Middle	Not allowed	Caffeine-free
High	Caffeinated beverages allowed	
Artificial sweeteners		
	No standard	

Other		
	USDA interim final rule	Mississippi 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>	<p>Standards apply to all on-campus fundraisers during the normal school day; no exemptions will be granted.</p> <p>However, the sale or distribution of any food or beverage item through fundraisers conducted by students, teachers, school groups, or parent groups when the items are intended for sale off-campus is exempt.</p>
Class parties/school celebrations	No standard	Foods given to students do not have to comply with standards.
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	No standard
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 local school board shall, consistent with regulations adopted by the state Board of Education, adopt a school wellness plan which will promote increased physical activity, healthy eating habits, and abstinence from tobacco and illegal drugs through programs that incorporate healthy lifestyle choices into core subject areas.
Time for lunch		Schools shall schedule at least 24 minutes to ensure enough time for lunch. Factors influencing the lunch period are wait time, consumption time, standard deviation/variability, and social time.

Exemptions to food and beverage standards		
	USDA interim final rule	Mississippi 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>	
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>	<p>Nuts, seeds, and peanut and other nut butters</p> <p>Cheese</p>
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>	<p>Nuts, seeds, and peanut and other nut butters</p> <p>Cheese</p>
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>	<p>Naturally occurring sugar in:</p> <ul style="list-style-type: none"> • Fruit • Vegetables • Dairy products

^{*} 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).

Mississippi Legislature (2007). "Mississippi Healthy Students Act,"
<http://billstatus.ls.state.ms.us/documents/2007/html/SB/2300-2399/SB2369SG.htm>.

Mississippi State Board of Education (2006). "Beverage Regulations,"
<http://www.mde.k12.ms.us/mississippi-board-of-education/board-of-education-policy-manual/policy-4000-healthy-and-safe-schools/policy-4003-beverage-regulations>.

Mississippi State Board of Education (2007). "Mississippi Healthy Students Act" (Senate Bill 2369),
http://www.healthyschoolsms.org/documents/MississippiHealthyStudentsActSenateBill2369NutritionStandards_000.pdf.

Mississippi Office of Healthy Schools, Policies and Procedures, accessed on August 27, 2014,
http://www.healthyschoolsms.org/nutrition_services/policies_procedures.htm.

Mississippi State Board of Education (revised 2007). "Policy on Competitive Foods and Extra Food Sales,"
<http://www.mde.k12.ms.us/mississippi-board-of-education/board-of-education-policy-manual/policy-2000-child-nutrition/policy-2002-competitive-food>.

Mississippi Department of Education, Office of Child Nutrition (2014). State Conference: "Smart Snacks in Schools."

Mississippi Department of Education (2014). "Mississippi Smart Snacks Standards for ALL Foods Sold in Schools: Implementation Plan,"
<http://www.mde.k12.ms.us/docs/child-nutrition/ms-smart-snacks-implementation-plan.pdf?sfvrsn=2>

Mississippi Department of Education (2014). "Vending Regulations for Food and Beverages,"
<http://www.mde.k12.ms.us/child-nutrition/resources/vending-regulations>.

**KIDS' SAFE &
HEALTHFUL
FOODS PROJECT**


Robert Wood Johnson
Foundation

 **THE
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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.