

# Snack Foods and Beverages In Nebraska Schools

A comparison of state policy with USDA's nutrition standards

The Nebraska Department of Education has included a competitive foods policy, based on the U.S. Department of Agriculture's foods of minimal nutritional value, or FMNV, regulations, in the program agreement between the department and school food authorities that participate in the National School Lunch or Breakfast programs. The policy is clarified in a memo from the department dated Jan. 1, 2011. Additional recommended nutrition standards for foods and beverages were developed by the Nebraska Action for Healthy Kids and are also available through the department.

Policy Applications		
	USDA interim final rule	Nebraska 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.	The policy applies to all snack food and beverages sold statewide in elementary schools, middle schools, and high schools. It requires schools to prohibit sale of foods in competition with the NSLP and SBP during meal service.  The nutrition standards below for foods and beverages are recommendations, not requirements.
<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.	Participating school food authorities are allowed, and are encouraged to set firmer policies.
<b>Definition of "school day"</b>	The period from 12:01 a.m. until 30 minutes after the end of the instructional day.	No food or beverages may be sold on-campus beginning 30 minutes before breakfast and/or lunch service until 30 minutes after service unless all proceeds go to the school nutrition program.  The voluntary guidelines recommend that nutrition standards apply to the extended school day. However, there are no requirements to do so.
<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.	All areas of the campus including a la carte sources such as vending, a la carte lines or kiosks, school stores, snack bars located in the cafeteria and athletic events, or as part of school fundraising.

<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	Nebraska 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>	<p>No FMNV can be sold in the food service areas beginning a half-hour before breakfast and/or lunch service until a half-hour after meal service.</p> <p>The following competitive food nutrient standards are recommended (not mandatory) guidelines:</p> <ul style="list-style-type: none"> <li>Choose whole grains, in no more than 1-ounce portions, which meet the nutrient standards below.</li> <li>Make quality fruits and vegetables available (prepared/packaged without added fat, sugar, or sodium) wherever a la carte foods are served.</li> <li>Provide food in suggested portion sizes.</li> </ul>
<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>	<p>≤100 calories for dried fruit</p>
<b>Total fat</b>	<p>≤ 35% of total calories</p>	<p>≤ 35% of total calories or</p> <p>7 grams maximum per 1-ounce serving</p>
<b>Saturated fat</b>	<p>≤ 10% of total calories</p>	<p>≤ 10% of total calories or</p> <p>2 grams maximum per 1-ounce serving</p>
<b>Trans fat</b>	<p>Zero grams</p>	<p>Zero grams per serving</p>
<b>Sugar (per item as packaged or served)</b>	<p>≤ 35% of weight from total sugars in foods</p>	<p>≤ 35% of weight from total sugars in foods or</p> <p>15 grams maximum per 1-ounce serving</p> <p>Flavored nonfat and low-fat yogurt with no more than 30 grams of total sugars per 8-ounce serving.</p>
<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>	<p>No standard</p>
<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>	<p>Whole-grain products will have at least 2 grams fiber per 1-ounce serving</p> <p>Recommended portion sizes:</p> <ul style="list-style-type: none"> <li>6 to 8 ounces for yogurt</li> <li>1 ounce for cheese</li> <li>1 ounce for trail mix, nuts, and seeds</li> <li>≤ 1 Tbsp. for nut butters</li> <li>¼ cup for bean and cheese dips</li> </ul>

Beverages		
	USDA interim final rule	Nebraska 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.	The following competitive beverage nutrient standards are recommended but not mandatory.
<b>Juice</b>		
<b>Elementary</b>	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 ≤ 4 fl oz <sup>1</sup>
<b>Middle</b>	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 ≤ 4 fl oz <sup>1</sup>
<b>High</b>	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 ≤ 8 fl oz <sup>1</sup>
<b>Milk and milk alternatives</b>		
<b>Elementary</b>	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 milk, plain or flavored ≤ 8 fl oz  Flavored milk ≤ 22 grams of sugar per 8 fl oz portion <sup>1</sup>  Soy beverages meeting USDA guidelines for milk alternatives
<b>Middle</b>	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 milk, plain or flavored ≤ 8 fl oz <sup>1</sup>  Flavored milk ≤ 22 grams of sugar per 8 fl oz portion <sup>1</sup>  Soy beverages meeting USDA guidelines for milk alternatives
<b>High</b>	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 milk, plain or flavored ≤ 8 fl oz <sup>1</sup>  Flavored milk ≤ 22 grams of sugar per 8 fl oz portion <sup>1</sup>  Soy beverages meeting USDA guidelines for milk alternatives
<b>Water</b>		
<b>All grades</b>	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).	Water without flavoring, additives or carbonation

Beverages		
	USDA interim final rule	Nebraska 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>	<p>Other beverages allowed only in high school:</p> <p>Non-caffeinated, non-fortified beverages with <math>\leq 5</math> calories per portion as packaged (with or without nonnutritive sweeteners, carbonation or flavoring)</p>
<b>Caffeine</b>		
<b>Elementary</b>	Not allowed	Caffeine-free with the exception of trace amounts of naturally occurring caffeine
<b>Middle</b>	Not allowed	Caffeine-free with the exception of trace amounts of naturally occurring caffeine
<b>High</b>	Caffeinated beverages allowed	Caffeine-free with the exception of trace amounts of naturally occurring caffeine
<b>Artificial sweeteners</b>		
	No standard	Allowed in high schools

Other		
	USDA interim final rule	Nebraska 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>	<p>As of July 1, 2014, the state Department of Education is allowing two exemptions per organization per semester. Each exempted fundraiser may last up to two days. All other food-related, school-sponsored fundraisers must meet the USDA Smart Snacks guidelines.</p>
<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	No standard
<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	Nebraska 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>†</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>	Nuts, seeds, and nut butters (portion-size recommendations apply)
<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>\*</sup> Components of the standards that are considered to be stronger than the USDA standards.

<sup>†</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).

Nebraska Action for Healthy Kids (2007). "Nebraska Guidelines for Competitive Foods in Schools," [http://www.banpac.org/pdfs/sfs/2011/comp\\_foods\\_guide\\_3\\_8\\_11.pdf](http://www.banpac.org/pdfs/sfs/2011/comp_foods_guide_3_8_11.pdf).

Nebraska Department of Education. "Competitive Foods Guidance," accessed on Aug. 1, 2014, <http://nde.ne.gov/NS/forms/nslpforms/CompetitiveFoods.html>.

Nebraska Department of Education (2011), Memorandum: "Clarification of the Competitive Food Policy Memo."

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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.