

Snack Foods and Beverages In Ohio Schools

A comparison of state policy with USDA's nutrition standards

The Healthy Choices for Healthy Children Act, effective July 2011, was established by the Ohio General Assembly. This law (ORC 3313.814 and 817) requires school districts to adopt standards governing the types of food and beverages that may be sold on school premises. At a minimum, these standards must meet the requirements outlined in this document, or the school may comply with the most recent guidelines for competitive foods issued by the Alliance for a Healthier Generation. The state Department of Education issued updated guidance in 2014 to help schools align with the U.S. Department of Agriculture's Smart Snacks in Schools interim final rule.

Policy Applications		
	USDA interim final rule	Ohio 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.	The policy applies to all food and beverages sold in public and non-public chartered schools in the state, regardless of participation in the National School Lunch Program. Schools that operate the National School Lunch Program, or NSLP, are required to follow the more-restrictive provisions between the Smart Snacks and Ohio policies.
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.	The statute allows local boards of education or governing bodies to adopt more-stringent standards for the types of food and beverages that may be sold, and when and where.
Definition of "school day"	The period from 12:01 a.m. until 30 minutes after the end of the instructional day.	<p>This policy applies to the regular school day for all snacks and beverages sold and the extended school day for sales that are not considered fundraisers or interscholastic athletic events.'</p> <p>The regular school day is defined as the period from 12:01 a.m. until 30 minutes after the end of the instructional period.</p> <p>Extended school day refers to the period before and after the regular school day, which students participate in school-sponsored extracurricular activities, latchkey programs, or other academic or enrichment programs.'</p>

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

Policy Applications		
	USDA interim final rule	Ohio standards
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.	For the purpose of implementing competitive food standards, any area of the property under the jurisdiction of the school that is accessible to students during the school day. Any food and beverage sales that are strictly for adults or accessible only to adults (such as teachers lounges) are exempt from the nutrition standards.

Foods		
	USDA interim final rule	Ohio 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>The policy requires schools either to follow the most recent guidelines for competitive foods issued by the Alliance for a Healthier Generation² or to use the Snackwise software program to conduct a nutrient analysis of products sold. Snackwise is free and has been identified as meeting the snack food and beverage standards as outlined in the Ohio Revised Code.</p> <p>Guidance from the Ohio DOE issued in May 2014 states that the requirements for schools are:</p> <p>Any food sold in schools must:</p> <ul style="list-style-type: none"> be a “whole grain-rich” product; or have as the first ingredient a fruit, a vegetable, a dairy product, or a protein food (meat, beans, poultry, seafood, eggs, nuts, seeds, etc.); or be a combination food that contains at least 1/4 cup of fruit and/or vegetable; or contain 10% of the Daily Value of one of the nutrients of public health concern in the 2010 <i>Dietary Guidelines for Americans</i> (calcium, potassium, vitamin D, or dietary fiber). This option valid through June 30, 2016.
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 and side dishes</p> <p>≤ 350 calories for entree items not in the NSLP or School Breakfast Program.</p>
Total fat	≤ 35% of total calories	≤ 35% of calories
Saturated fat	≤ 10% of total calories	< 10% of total calories (<i>excludes egg or cheese packaged for individual sale in middle and high school</i>)
Trans fat	Zero grams	Zero grams
Sugar (per item as packaged or served)	≤ 35% of weight from total sugars in foods	≤ 35% of weight from total sugars in foods
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 of sodium for snack items (July 2014-2016)</p> <p>≤ 200 mg of sodium for snack items (as of July 1, 2016)</p> <p>≤ 480 mg of sodium for entree items</p>
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>	<p>Foods meeting the definition of entree are exempt from the nutrition standards on the day of and the day after they are offered on the NSLP or SBP menu. Exempt entree items offered as a competitive food must be offered in the same or smaller portion sizes as in the NSLP or SBP.</p> <p>Side items sold a la carte must meet the Smart Snacks nutrition standards.</p> <p>Accompaniments must be included in the nutrient profile as part of the food item sold</p>

² As of January 2014, the Alliance for a Healthier Generation standards were aligned with USDA Smart Snacks regulation.

Beverages		
	USDA interim final rule	Ohio 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 juice ≤ 8 fl oz 100% fruit juice/ water blend, and no added sweeteners ≤ 8 fl oz ≤ 160 calories per 8 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 juice ≤ 10 fl oz ¹ 100% fruit juice/ water blend, no added sweeteners, ≤ 10 fl oz ¹ ≤ 160 calories per 8 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 juice, ≤ 12 fl oz 100% fruit juice/ water blend, no added sweeteners, ≤ 12 fl oz ≤ 160 calories per 8 fl oz ¹
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 milk, unflavored ≤ 8 fl oz Nonfat milk, plain or flavored ≤ 8 fl oz Nutritionally equivalent milk alternatives ≤ 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 milk, unflavored ≤ 12 fl oz Nonfat milk, plain or flavored ≤ 12 fl oz Nutritionally equivalent milk alternatives ≤ 12 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 milk, unflavored ≤ 12 fl oz Nonfat milk, plain or flavored ≤ 12 fl oz Nutritionally equivalent milk alternatives ≤ 12 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).	There is no ounce restriction on plain water for sale

Beverages		
	USDA interim final rule	Ohio 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>Other beverages allowed only in high school:</p> <ul style="list-style-type: none"> • Calorie-free beverages that comply with the USDA requirement of ≤ 5 calories per 8-oz serving (or ≤ 10 calories per 20 fluid oz), in no more than 20-oz servings. These may include caffeinated beverages and beverages with added sweeteners, carbonation, or artificial flavoring. • Calorie-free, flavored water (with or without carbonation) in servings of no more than 20 oz; • 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.
Caffeine		
Elementary	Not allowed	Not allowed
Middle	Not allowed	Not allowed
High	Caffeinated beverages allowed	Caffeinated beverages allowed
Artificial sweeteners		
	No standard	No standard

Other		
	USDA interim final rule	Ohio 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>As of July 1, 2014, all fundraisers will be required to meet USDA's Smart Snacks nutrition standards, with no exemptions allowed.</p> <p>Food and beverages sold outside of the defined regular school day and/or food and beverages given to students at no cost/no medium of exchange are exempt from the nutrition standards.</p>
Class parties/school celebrations	No standard	The policy addresses only food and beverages sold. Standards do not apply to items offered or provided for free to students.
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	If a school uses the Snackwise software for nutrition analysis, each a la carte item not in the highest-rated category of foods designated by the software must meet at least two of the following criteria: (a) at least five grams of protein, (b) at least 10% of the recommended daily value, or RDV, of fiber, (c) at least 10% of the RDV of calcium, (d) at least 10% of the RDV of iron, Vitamin A, or Vitamin C.
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.	The local school board or governing body is required to adopt a policy outlining the nutrition standards. No standard on local wellness policies overall.
Other		Vending machines are prohibited in any classroom where instruction is provided, unless the classroom is also used to serve meals. Vending machines that sell only milk, reimbursable meals, or components of the reimbursable meal are exempt from this requirement.

Exemptions to food and beverage standards		
	USDA interim final rule	Ohio 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>	<p>Fresh, canned, and frozen fruits 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 standards.</p> <p>Canned vegetables that contain a small amount of sugar for processing purposes, to maintain the quality and structure of the vegetable, are also exempt from the interim final rule's standards.</p> <p>Sugar-free chewing gum is exempt from the competitive food standards.</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>The exemptions for the below products do not apply to combination foods:</p> <ul style="list-style-type: none"> Nuts, seeds, nut/seed butters Reduced-fat and part-skim mozzarella cheeses Products consisting of only dried fruits with nuts and or seeds with no added nutritive sweetener or fat Seafood with no added fat
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>The exemptions for the below products do not apply to combination foods:</p> <ul style="list-style-type: none"> Nuts, seeds, nut/seed butters Reduced-fat and part-skim mozzarella cheeses Products consisting of only dried fruits with nuts and or seeds with no added nutritive sweetener or fat
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>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.</p> <p>Products consisting of only dried fruit 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

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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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**KIDS' SAFE &
HEALTHFUL
FOODS PROJECT**


Robert Wood Johnson
Foundation

 **THE
PEW**
CHARITABLE TRUSTS

Contact: Michelle Mendes, associate, communications **Email:** mmendes@pewtrusts.org **Project website:** healthyschoolfoodsnow.org

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.