

Snack Foods and Beverages In Louisiana Schools

A comparison of state policy with USDA's nutrition standards

Louisiana Statute 17:197.1, approved by the state legislature in 2003, established nutrition standards for competitive foods and beverages sold in schools. It also required the state Board of Elementary and Secondary Education to establish a rule addressing the placement of competitive foods in public elementary and secondary schools, and a process for enforcement of those rules. As a result, Administrative Code Title 28, Ch. XLIX, Section 741, was promulgated.

Policy Applications		
	USDA interim final rule	Louisiana 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 statewide to snack food and beverages sold outside of the school breakfast and lunch programs in public elementary and secondary schools.
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.	School districts are required to establish local rules or regulations to control the sale of foods in competition with meals under the National School Lunch Program or the School Breakfast Program.
Definition of "school day"	The period from 12:01 a.m. until 30 minutes after the end of the instructional day.	The period from 30 minutes before the school day begins until 30 minutes after the school day ends. This policy does not apply to the extended school day, so after-school activities are not affected.
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 school grounds

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	Louisiana 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>Foods of minimal nutritional value, such as water ices, chewing gum, and certain candies, may not be sold during the defined school day.</p> <p>A la carte meal service is prohibited to students, however, extra meal items may be sold to those students who have received a complete meal, and must occur when the meal is received. Extra items must meet component requirements for the Child Nutrition Programs or be an item offered on the menu that day.</p> <p>Exceptions include: milkshakes, frozen yogurt, yogurt, ice cream, and ice milk.</p>
Calories (per item as packaged or served)	<p>≤ 200 calories for snacks and side dishes</p> <p>≤ 350 calories for entree items</p>	≤150 calories per serving ⁷
Total fat	≤ 35% of total calories	≤35% calories from fat
Saturated fat	≤ 10% of total calories	No standard
Trans fat	Zero grams	No standard
Sugar (per item as packaged or served)	≤ 35% of weight from total sugars in foods	≤ 30 grams per serving
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>	No standard
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>Fresh pastries may not be sold, outside of the school meal programs, during the defined school day.</p> <p>Beginning the last 10 minutes of each lunch period in high schools (defined as any school whose grade structure falls within the 6-12 range and includes grades 10-12 or only grade 9), at least 50% of the items offered must meet nutrition standards.</p>

Beverages		
	USDA interim final rule	Louisiana 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.	100% fruit/vegetable juice, milk, and plain bottled water may be sold a la carte at any time during the school day whether or not students have purchased a full meal.
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/vegetable juice, with no added natural or artificial sweeteners ≤ 16 fl oz
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 with no added natural or artificial sweeteners ≤ 16 fl oz
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 with no added natural or artificial sweeteners ≤ 16 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 skim, plain or flavored milk Non-dairy milk (any size)
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 skim, plain or flavored milk Non-dairy milk (any size)
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 skim, plain or flavored milk Non-dairy milk (any size)
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).	Flavored or unflavored, unsweetened water allowed; no size restrictions. School principals are required to determine if students may possess drinking water in classrooms.

Beverages		
	USDA interim final rule	Louisiana 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 only allowed in high school (defined as a school whose structure falls within grades 6-12 range and includes grades 10-12 or only grade 9) from the last 10 minutes of the lunch period and beyond:</p> <ul style="list-style-type: none"> No-calorie or low-calorie beverages containing no more than 10 calories per 8 fl oz Beverages that contain 100% fruit/vegetable juice with no added natural or artificial sweeteners, and up to 120 calories per 8 fl oz; max portion size of 12 fl oz Beverages that contain no more than 66 calories per 8 ounces; max portion size of 12 fl oz <p>At least 50% of non-milk beverages shall be water and no-calorie or low-calorie beverages that contain up to 10 calories per eight ounces.'</p> <p>School Food Authorities are encouraged to develop a policy that prohibits adults and students from taking carbonated beverages into the cafeteria during meal service.</p>
Caffeine		
Elementary	Not allowed	No standard
Middle	Not allowed	No standard
High	Caffeinated beverages allowed	No standard
Artificial sweeteners		
	No standard	Artificial sweeteners prohibited in juice'

Other		
	USDA interim final rule	Louisiana 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>No exemptions for school-sponsored fundraisers conducted on campus during the school day. Fundraisers intended for sale off the campus are exempt.</p>
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	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.	No standard
Time for lunch		The state Board of Elementary and Secondary Education recommends schools provide at least 30 minutes per lunch period.
Other		Meal reimbursements may be withheld if concessions, canteens, snack bars, or vending machines are operated for profit before the end of the last lunch period for grades K-6, and before the last 10 minutes of each lunch period for grades 7-12.

Exemptions to food and beverage standards		
	USDA interim final rule	Louisiana 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>	Unsweetened or uncoated nuts
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>	
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>	Unsweetened or uncoated nuts

^{*} 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).

Louisiana State Legislature (2009), RS 17:197.1, <http://www.legis.la.gov/Legis/Law.aspx?d=321557>.

Louisiana Administrative Code Bulletin 1196 (2011), 737, 739, 753, <http://www.doa.louisiana.gov/osr/lac/28v49/28v49.doc>.

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.