

Snack Foods and Beverages In Massachusetts Schools

A comparison of state policy with USDA's nutrition standards

Massachusetts General Law Chapter 111, Section 223, which was passed in 2010, requires the Department of Public Health to establish nutrition standards for competitive foods and beverages sold or provided in public schools during the school day. An amendment to this act was passed in June 2012. As a result, the state's Department of Public Health and Department of Elementary and Secondary Education have issued joint guidance.

Policy Applications		
	USDA interim final rule	Massachusetts 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 requires the Department of Public Health to develop regulations for competitive foods and beverages sold or provided in elementary, middle, high, charter, innovation, or comparable school operated by a public school district. Full implementation in effect as of Aug. 1, 2013. ¹
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 have the discretion to go beyond these standards and establish local policies that apply to all settings and/or at all times promote a healthy school environment throughout the school day.
Definition of "school day"	The period from 12:01 a.m. until 30 minutes after the end of the instructional day.	Standards apply to food and beverages sold or provided 30 minutes before the beginning or 30 minutes after the end of the school day. Vending machines must comply at all times. ¹
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.	Competitive foods and beverages are those sold or provided in school cafeterias, offered as a la carte items, in school stores, school snack bars, and vending machines.

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	Massachusetts 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>Fresh fruit and non-fried vegetables must be available wherever competitive foods are sold, except for non-refrigerated or beverage-only vending machines.*</p> <p>The use of fryolaters, or other kitchen equipment used for the purpose of frying foods, to prepare competitive foods is prohibited.*</p> <p>All bread and other grain-based products must be whole grain—whole grain must be listed as the first ingredient.</p>
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 snack items</p> <p>A la carte entrees shall not exceed the calorie count of entree items offered as a part of the National School Lunch Program (e.g., equivalent portion size)</p>
Total fat	≤ 35% of total calories	≤ 35% of total calories
Saturated fat	≤ 10% of total calories	≤ 10% of total calories
Trans fat	Zero grams	Trans-fat free (≤0.5 g of trans fat per item)
Sugar (per item as packaged or served)	≤ 35% of weight from total sugars in foods	≤ 35% of calories from total sugars
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>≤ 200 mg of sodium for snack items*</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>	

Beverages		
	USDA interim final rule	Massachusetts 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 with no added sugar ≤ 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 with no added sugar ≤ 4 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 with no added sugar ≤ 4 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 (1% or less) or nonfat milk, ≤ 8 fl oz ¹ Alternative milk beverages such as lactose-free and soy, ≤ 8 fl oz ¹
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 (1% or less) or nonfat milk, ≤ 8 fl oz ¹ Alternative milk beverages such as lactose-free and soy, ≤ 8 fl oz ¹
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 (1% or less) or nonfat milk, ≤ 8 fl oz ¹ Alternative milk beverages such as lactose-free and soy, ≤ 8 fl oz ¹
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).	Plain potable water must be available to all students during the day at no cost. Water with no added sugars, sweeteners, or artificial sweeteners is allowed with no ounce restriction. May contain natural flavorings and/or carbonation.

Beverages		
	USDA interim final rule	Massachusetts 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>	No beverages other than juice, milk, milk substitutes, and water shall be sold or provided.
Caffeine		
Elementary	Not allowed	No food or beverage may contain more than trace amounts of caffeine
Middle	Not allowed	No food or beverage may contain more than trace amounts of caffeine
High	Caffeinated beverages allowed	No food or beverage may contain more than trace amounts of caffeine*
Artificial sweeteners		
	No standard	No food or beverage may contain an artificial sweetener*

Other		
	USDA interim final rule	Massachusetts 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>The standards do not apply to food or beverages sold or provided at booster sales, concession stands, and other school-sponsored or school-related fundraisers.</p>
Class parties/school celebrations	No standard	School districts have the discretion to determine if nutrition standards apply to classroom lessons and parties.
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	Schools must make nutrition information available for non-packaged competitive foods and beverages served in the cafeteria.
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

Exemptions to food and beverage standards		
	USDA interim final rule	Massachusetts 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>	1 oz servings of nuts, seeds, nut butters, and reduced-fat cheese
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>	1 oz servings of nuts, seeds, nut butters, and reduced-fat cheese
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>100% fruit with no added sugar</p> <p>Low-fat or nonfat yogurt (including drinkable yogurt) with no more than 30 grams of total sugars, per 8-ounce serving</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).

State of Massachusetts (2010). HB 4459, <http://www.mass.gov/legis/bills/house/186/ht04pdf/ht04459.pdf>.

Massachusetts General Law (2010). Chapter 111, Section 223, <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXVI/Chapter111/Section223>.

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Massachusetts Department of Public Health (2012). "Students, Healthy Schools: Revised Guidance for Implementing the Massachusetts School Nutrition Standards for Competitive Foods and Beverages," <http://www.mass.gov/eohhs/docs/dph/mass-in-motion/school-nutrition-guide.pdf>.

Kathleen Millett, Massachusetts Department of Education, email message to author, August 28, 2014.

**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.