

# Snack Foods and Beverages In New Jersey Schools

A comparison of state policy with USDA's nutrition standards

The State Legislature approved a policy to regulate the items sold, served, and given away on school property in 2007 (Statute 18A:33-16). The Department of Agriculture expanded on this policy in 2007 to include nutrient standards for some items (NJAC 2:36-1.7 and 36-1.11). The State Board of Education promotes the policy, provides technical assistance and training, and monitors compliance.

Policy Applications		
	USDA interim final rule	New Jersey 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 snack food and beverages served, sold, or given away as a free promotion, by public schools and non-public schools participating in any federally funded child nutrition programs. <sup>1</sup>
<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.	Local districts may adopt additional or stricter standards, but may not establish ones less restrictive than in this policy.
<b>Definition of "school day"</b>	The period from 12:01 a.m. until 30 minutes after the end of the instructional day.	The period before the end of the regular academic day.  This policy does not apply to the extended school day, meaning after-school activities are not covered.
<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 school property that are accessible to students during the school day, including items sold in a la carte lines, vending machines, snack bars, school stores and fundraisers, or served in the reimbursable Afterschool Snack Program. <sup>1</sup>

<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	New Jersey 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>This policy prohibits foods of minimal nutritional value, which include water ices; chewing gum, etc.; all food items listing sugar, in any form, as the first ingredient; and candy to be served, sold, or given away on school property during the school day.</p>
<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>	No standard
<b>Total fat</b>	≤ 35% of total calories	≤ 8 grams total fat per serving
<b>Saturated fat</b>	≤ 10% of total calories	≤ 2 grams saturated fat per serving
<b>Trans fat</b>	Zero grams	Schools should reduce the purchase of products containing trans fats
<b>Sugar (per item as packaged or served)</b>	≤ 35% of weight from total sugars in foods	Any food listing sugar, in any form, as the first ingredient is prohibited.
<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>	No standard
<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>In middle and high schools, no more than 40% of ice cream and frozen desserts shall be allowed to exceed standards for sugar, fat, and saturated fats.</p> <p>Accompaniments do not need to be included in the nutrient profile as a part of the item served.</p>

Beverages		
	USDA interim final rule	New Jersey 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.	In elementary schools, only milk, water, and 100% juice may be served.
<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% fruit/vegetable juice ≤ 12 fl oz
<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% fruit or vegetable juice ≤ 12 fl oz
<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% fruit or vegetable juice ≤ 12 fl oz
<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	Reduced-fat, low-fat and nonfat allowed, no portion size limit  Allows whole milk ≤ 8 fl oz
<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	Reduced-fat, low-fat and nonfat allowed, no portion size limit  Allows whole milk ≤ 8 fl oz
<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	Reduced-fat, low-fat and nonfat allowed, no portion size limit  Allows whole milk ≤ 8 fl oz
<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).	There is no ounce restriction on water for sale.  Water flavored with natural or artificial sweeteners is allowed in all grades.

Beverages		
	USDA interim final rule	New Jersey 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>Middle and high schools may allow beverages other than milk and water, but at least 60% of those available must be 100% fruit or vegetable juice.</p>
<b>Caffeine</b>		
<b>Elementary</b>	Not allowed	Not allowed
<b>Middle</b>	Not allowed	Allowed
<b>High</b>	Caffeinated beverages allowed	Allowed
<b>Artificial sweeteners</b>		
	No standard	Artificial sweeteners are allowed, but their use is not recommended by the Department of Agriculture because of limited research on possible long-term effects.

Other		
	USDA interim final rule	New Jersey 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>	This policy applies to all fundraisers on school property during the school day with no exemptions allowed.
<b>Class parties/school celebrations</b>	No standard	Food and beverages served during school celebrations or curriculum-related activities are exempt.
<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.	Each school district/sponsor is required to implement a policy consistent with New Jersey School Nutrition/Wellness Policy.

Exemptions to food and beverage standards		
	USDA interim final rule	New Jersey 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>	A reimbursable meal component that does not meet the nutrition standards may be sold as a la carte if it is sold in the same portion size as offered in the meal and is sold as a meal component at least once per month.
<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 and seeds
<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).

New Jersey Permanent Statutes (2007). NJAC 18A:33-16, [http://lis.njleg.state.nj.us/cgi-bin/om\\_isapi.dll?clientID=177332&depth=2&expandheadings=off&headingswithhits=on&infobase=statutes.nfo&softpage=TOC\\_Frame\\_Pg42](http://lis.njleg.state.nj.us/cgi-bin/om_isapi.dll?clientID=177332&depth=2&expandheadings=off&headingswithhits=on&infobase=statutes.nfo&softpage=TOC_Frame_Pg42).

New Jersey Permanent Statutes (2005). NJAC 2:36-1.7, [http://lis.njleg.state.nj.us/cgi-bin/om\\_isapi.dll?clientID=177332&depth=2&expandheadings=off&headingswithhits=on&infobase=statutes.nfo&softpage=TOC\\_Frame\\_Pg42](http://lis.njleg.state.nj.us/cgi-bin/om_isapi.dll?clientID=177332&depth=2&expandheadings=off&headingswithhits=on&infobase=statutes.nfo&softpage=TOC_Frame_Pg42).

State of New Jersey Department of Agriculture (2005). "New Jersey School Nutrition/Wellness Policy," [http://www.nj.gov/agriculture/divisions/fn/childadult/school\\_model.html](http://www.nj.gov/agriculture/divisions/fn/childadult/school_model.html).

State of New Jersey Department of Agriculture (2007). "New Jersey School Nutrition Policy – Questions and Answers," <http://www.nj.gov/agriculture/divisions/fn/childadult/PolicyQA.pdf>.

School Nutrition Association (2014). "Smart Snacks: State Agency Fundraising Exemptions," [http://schoolnutrition.org/uploadedFiles/News\\_and\\_Publications/News/SmartSnacksFundraisingExemption.pdf](http://schoolnutrition.org/uploadedFiles/News_and_Publications/News/SmartSnacksFundraisingExemption.pdf).

**KIDS' SAFE &  
HEALTHFUL  
FOODS PROJECT**

  
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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.