

# Snack Foods and Beverages In Pennsylvania Schools

A comparison of state policy with USDA's nutrition standards

On July 20, 2007, legislation was enacted to change Pennsylvania's School Code to provide a supplemental state reimbursement for each breakfast and lunch served as part of the National School Lunch Program (NSLP) and School Breakfast Program (SBP) for those adopting and implementing, as part of their wellness policy, the Department of Education's nutrition guidelines for food and beverages on each school campus. The additional reimbursement is no longer available, and participation in the standards remains voluntary. The U.S Department of Agriculture's Smart Snacks in Schools standards will largely replace Pennsylvania's policies.

Policy Applications		
	USDA interim final rule	Pennsylvania 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 provided and sold in elementary, middle, and high schools. However, participation in the Nutrition Standards for Competitive Foods in Pennsylvania Schools is voluntary.
<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.	No standard
<b>Definition of "school day"</b>	The period from 12:01 a.m. until 30 minutes after the end of the instructional day.	No standard
<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 school premises. School stores will not sell food and food-based fundraisers may not begin until 30 minutes after the last meal period. <sup>*</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	Pennsylvania 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>Foods of Minimal Nutritional Value, or FMNV, as defined by USDA, will not be available during the school day.</p> <p>Whenever a la carte foods are for sale:</p> <ul style="list-style-type: none"> <li>• At least half of grains must be whole grain.</li> <li>• A minimum of 3 fruits and 3 vegetables must be offered daily a la carte, and must be available in at least one vending area and in all vending areas where refrigerated vending is available.</li> <li>• Foods offered through the NSLP and SBP may qualify toward this requirement if they are also for sale as a la carte items.</li> </ul> <p>Vending machines must contain at least 50% of grains as whole grains.</p> <p>Vending for elementary students must offer only fruit, vegetables, yogurt, low-fat yogurt, and reduced-fat cheese.</p> <p>Ala carte items that are not reimbursable meal components must be packaged in single-serving sizes and meet the following criteria.</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>	< 250 calories per serving
<b>Total fat</b>	≤ 35% of total calories	< 35% of total calories
<b>Saturated fat</b>	≤ 10% of total calories	< 10% of total calories
<b>Trans fat</b>	Zero grams	Minimal to no trans fats
<b>Sugar (per item as packaged or served)</b>	≤ 35% of weight from total sugars in foods	< 35% of weight from total sugars in foods and must not contain sugar as the first ingredient
<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>No on-site, deep-fat-fried foods will be sold a la carte, even if they are reimbursable meal components. Pre-fried and flash-fried food will not be offered a la carte more than three times per week.</p> <p>No fried items allowed in vending machines or school stores.</p>

Beverages		
	USDA interim final rule	Pennsylvania 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.	<p>75% of beverage offerings must be water, 100% juice, or milk, and meet the guidelines below (75% of the choices available or 75% of sleeves or shelves or slots in a vending machine).</p> <p>The remaining 25% or less of beverages cannot exceed:</p> <ul style="list-style-type: none"> <li>• 150 calories per package</li> <li>• 35 grams of sugar per packaged</li> </ul> <p>In elementary school vending machines all offerings must be water, 100% juice, and milk.</p>
<b>Juice</b>		
<b>Elementary</b>	<p>100% fruit/vegetable juice ≤ 8 fl oz</p> <p>100% fruit/vegetable juice diluted with water (with or without carbonation), and no added sweeteners ≤ 8 fl oz</p>	<p>100% fruit/vegetable juice ≤ 8 fl oz</p> <p>Carbonated beverages with 70-100% pure juice, no added ingredients except water ≤ 8 fl oz (a la carte only)</p>
<b>Middle</b>	<p>100% fruit/vegetable juice ≤ 12 fl oz</p> <p>100% fruit/vegetable juice diluted with water (with or without carbonation), and no added sweeteners ≤ 12 fl oz</p>	<p>100% fruit/vegetable juice ≤ 12 fl oz</p> <p>Carbonated beverages with 70-100% pure juice, no added ingredients except water ≤ 12 fl oz</p>
<b>High</b>	<p>100% fruit/vegetable juice ≤ 12 fl oz</p> <p>100% fruit/vegetable juice diluted with water (with or without carbonation), and no added sweeteners ≤ 12 fl oz</p>	<p>100% fruit/vegetable juice ≤ 12 fl oz</p> <p>Carbonated beverages with 70-100% pure juice, no added ingredients except water ≤ 12 fl oz</p>
<b>Milk and milk alternatives</b>		
<b>Elementary</b>	<p>Low-fat milk, unflavored ≤ 8 fl oz</p> <p>Nonfat milk, plain or flavored ≤ 8 fl oz</p> <p>Nutritionally equivalent milk alternatives ≤ 8 fl oz</p>	<p>75% of milk offered must be:</p> <p>Reduced-fat, low-fat, and nonfat milk, plain or flavored ≤ 8 fl oz, ≤ 30 g of sugar per 8 fl oz, no artificial sweeteners</p>
<b>Middle</b>	<p>Low-fat milk, unflavored ≤ 12 fl oz</p> <p>Nonfat milk, plain or flavored ≤ 12 fl oz</p> <p>Nutritionally equivalent milk alternatives ≤ 12 fl oz</p>	<p>75% of milk offered must be:</p> <p>Reduced-fat, low-fat, and nonfat milk, plain or flavored ≤ 12 fl oz, ≤ 30 g of sugar per 8 fl oz, no artificial sweeteners</p>
<b>High</b>	<p>Low-fat milk, unflavored ≤ 12 fl oz</p> <p>Nonfat milk, plain or flavored ≤ 12 fl oz</p> <p>Nutritionally equivalent milk alternatives ≤ 12 fl oz</p>	<p>75% of milk offered must be:</p> <p>Reduced-fat, low-fat, and nonfat milk, plain or flavored ≤ 12 fl oz, ≤ 30 g of sugar per 8 fl oz, no artificial sweeteners</p>
<b>Water</b>		
<b>All grades</b>	<p>Potable water must be available at no charge during meal service where breakfast and lunches are served.</p> <p>There is no ounce restriction on plain water for sale (carbonated or noncarbonated).</p>	<p>Plain water with no ounce restriction</p> <p>Flavored water with no sugars or artificial sweeteners with no ounce restriction</p> <p>Flavored water with artificial sweeteners ≤ 17 fl oz (not allowed for sale in elementary school vending)</p> <p>Artificially sweetened water may not make up more than 25% water and juice selections</p>

Beverages		
	USDA interim final rule	Pennsylvania 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>	Carbonated beverages prohibited unless exempted by USDA from FMNV restrictions, such as carbonated water/juice beverages
<b>Caffeine</b>		
<b>Elementary</b>	Not allowed	No standard
<b>Middle</b>	Not allowed	No standard
<b>High</b>	Caffeinated beverages allowed	No standard
<b>Artificial sweeteners</b>		
	No standard	Artificial sweeteners allowed in water, prohibited in milk

Other		
	USDA interim final rule	Pennsylvania standards
<b>Fundraisers</b>	<p>Exemptions allowed for infrequent school-sponsored fundraisers.</p> <p>Frequency to be defined by state agency.</p> <p>Exempt fundraiser foods or beverages may not be sold in competition with school meals in the food service area during the meal service.</p>	<p>Beginning July 1, 2014, a maximum of five exempt fundraisers will be permitted in each elementary and middle school building per year, and a maximum of 10 exempt fundraisers will be permitted in each high school building per year. Each fundraiser may not exceed one school week.</p> <p>Exempt fundraisers may not be sold in the food service area during the meal period.</p> <p>Each Local Education Agency must have a process for ensuring the number of exempt fundraisers does not exceed the maximum. Schools may choose to establish a lower number of exemptions, and this could be documented in the Local Wellness Policy. The state Department of Education will not approve the aforementioned policies or processes. However, during an administrative review to monitor compliance, the department will ensure that schools are compliant with fundraiser exemptions.</p>
<b>Class parties/school celebrations</b>	No standard	<p>Classroom parties must provide fresh fruits and vegetables, water, 100% fruit juice or milk, and offer a maximum of 2-3 items that contain added sugar as the first ingredient.*</p> <p>In addition, food service departments will offer party lists/menus that include food and beverage choices that*:</p> <ul style="list-style-type: none"> <li>• Are moderate in sodium content.</li> <li>• Provide minimal to no trans-fatty acids.</li> <li>• Provide items that contain &gt; 2 grams of fiber/ serving.</li> <li>• Offer fresh fruits and vegetables.</li> <li>• Offer water, 100% fruit juice, or milk as the beverage choices.</li> <li>• Do not offer FMNV</li> </ul>
<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.	Marketing, pricing, and nutrition education strategies will be used to encourage the selection of foods and beverages allowable.
<b>Positive nutritional value</b>	No standard	No standard
<b>Nutrition labeling requirements</b>	No standard	No standard

Other		
	USDA interim final rule	Pennsylvania standards
<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.	This policy requires NSLP sponsors to indicate, through their Local Wellness Policy, whether they will adopt the state Department of Education's nutrition standards.
<b>Food rewards</b>		Food will not be used as a reward for classroom or school activities unless the reward promotes a positive nutrition message (i.e. guest chef, field trip to a farm or farmers market, etc.).
<b>Exclusive contracts</b>		A governing board of a school district cannot enter into or renew an exclusive advertising or vending contract for carbonated beverages, or non-nutritious beverages and foods (defined above) unless the board holds a hearing to ensure public funds are secure and to allow comment.

Exemptions to food and beverage standards		
	USDA interim final rule	Pennsylvania 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 minimum of 75% of a la carte items available must meet nutrition standards.
<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>	<ul style="list-style-type: none"> <li>• Nuts, seeds, nut/seed butters</li> <li>• Reduced-fat cheese</li> </ul>
<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>	<ul style="list-style-type: none"> <li>• Reduced-fat cheese</li> </ul>
<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>	<ul style="list-style-type: none"> <li>• Naturally occurring sugars</li> <li>• Low-fat yogurt</li> </ul>

<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).

Pennsylvania General Assembly (2005). Pennsylvania House Bill 185, <http://www.legis.state.pa.us/CFDOCS/Legis/PN/Public/btCheck.cfm?txtType=PDF&sessYr=2005&sessInd=0&billBody=H&billTyp=B&billNbr=0185&pn=0189>.

Pennsylvania Department of Education (2007). "School Nutrition Incentive Program," [http://www.portal.state.pa.us/portal/server.pt/community/school\\_nutrition\\_incentive\\_program/7489](http://www.portal.state.pa.us/portal/server.pt/community/school_nutrition_incentive_program/7489).

Pennsylvania Department of Education (2012). "Memo: School Nutrition Incentive Program."

Pennsylvania Department of Education (2014). "Memo: Fundraiser Exemptions."

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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.