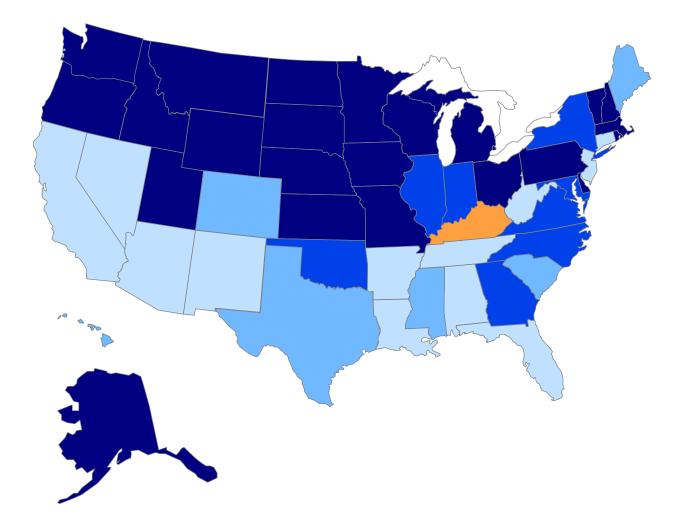
School Foods Report Card

A State-by-State Evaluation of Policies for Foods and Beverages Sold through Vending Machines, School Stores, A La Carte, and Other Venues Outside of School Meals



Center for Science in the Public Interest (CSPI)

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CSPI and the Nutrition Policy Project

The Center for Science in the Public Interest (CSPI) is a nonprofit organization based in Washington, D.C. Since 1971, CSPI has been working to improve the public's health through its work on nutrition, food safety, and alcohol issues. CSPI is supported primarily by the 900,000 subscribers to its *Nutrition Action Healthletter* and by philanthropic foundations.

CSPI's Nutrition Policy Project is working with concerned citizens, health professionals, government officials, and other nonprofit organizations to strengthen national, state, and local policies and programs to promote healthy eating and physical activity. Our goal is to help reduce the illnesses, disabilities, deaths, and high health-care costs caused by diet- and inactivityrelated diseases and conditions such as heart disease, cancer, high blood pressure, diabetes, and obesity. For more information on current projects and other policy goals to promote healthy eating and physical activity, visit <www.cspinet.org/nutritionpolicy>.

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The School Foods Report Card is available online (free of charge) at <www.cspinet.org/schoolreportcard.pdf>.

Executive Summary

A school foods reform movement is sweeping the country, fueled by concerns about childhood obesity and children's poor diets. In recent years, a number of states have strengthened their school nutrition policies in response to the soaring childhood obesity rates. Such policies are important for children's health and supporting parents' efforts to feed their children a healthy diet.

To determine the progress states have made in improving the nutritional quality of school foods, the Center for Science in the Public Interest (CSPI) evaluated the school nutrition policies of all 50 states and the District of Columbia regarding foods and beverages sold outside of the school meal programs through vending machines, a la carte (i.e., foods sold individually in the cafeteria), school stores, and fundraisers. Each state policy was graded based on five key considerations: 1) beverage nutrition standards; 2) food nutrition standards; 3) grade level(s) to which policies apply; 4) time during the school day to which policies apply; and 5) location(s) on campus to which policies apply.

The changes occurring at the state level, while positive, are fragmented, incremental, and not happening quickly enough to reach all schools in a timely way. The nation has a patchwork of policies addressing the nutritional quality of school foods and beverages and the majority of states have weak policies. No states received an A grade, though one state (Kentucky) received an A-. Twelve states received a B grade. Fifteen states received Cs or Ds. Twenty-three states received a failing grade.

Given the rising rates of childhood obesity and the poor state of children's diets, the time has come for Congress to have USDA update its national nutrition standards for foods and beverages sold out of vending machines, school stores, a la carte, fundraisers, and other school venues. The sale of junk food and sugary drinks in schools is a national problem that needs a national solution.

More states have policies to address soda sales in schools than to address any other nutritional consideration. Twenty-two states limit the sale of sugary soft drinks in schools in at least some grade levels. Of those 22 states, 41% (nine states) limit the sale of soda only during the meal periods or up through the end of the last lunch period. (No state is allowed to let schools sell soda in the cafeteria during meal times due to USDA's national policy.)

Only ten states have any school food and/or beverage nutrition standards that apply to the whole campus and the whole school day at all grade levels. The majority of states have school nutrition standards that only apply to foods and beverages sold in the cafeteria during the meal period, or that apply only to foods and beverages sold up until the end of the last lunch period. Even for states with stronger nutrition standards, most failed to include sodium limits for foods (82%) and most did not limit the sale of sports drinks (57%) or high-fat milks (86%) at any grade level.

Only four states limit the sale of high-fat whole and 2% milk in schools. Twelve states limit the sale of sports drinks in schools. Ten states limit portion sizes for beverages, and 11 states limit portion sizes for snacks. While nine states limit the saturated-fat content of school snacks, only seven address trans fat, which, gram-forgram, is even worse for children's hearts and health. Just five states set limits on sodium. Nineteen states limit added sugars.

Four states -- Georgia, Illinois, Indiana, and South Carolina -- only have school nutrition policies for elementary schools (and received low grades as a result). Three states – Arizona, Oklahoma, and Tennessee – have school nutrition policies for elementary and middle schools, but not for high schools.

Over the last two decades, rates of obesity have tripled in children and adolescents, and only 2% of children eat a healthful diet. Nationally, 83% of elementary schools, 97% of middle/junior high schools, and 99% of senior high schools sell foods and beverages out of vending machines, school stores, or a la carte in the cafeteria.¹ The most common items sold include soft drinks, sports drinks, imitation fruit juices, chips, candy, cookies, and snack cakes.^{2,3,4}

Federally-subsidized school meals are required to meet detailed nutrition standards set by Congress and the U.S. Department of Agriculture (USDA). However, USDA's policy regarding foods sold outside of meals is weak and out of date. Also, USDA does not have authority to regulate foods sold outside the cafeteria or outside of meal times. USDA's policy does not allow "foods of minimal nutritional value" (FMNV) to be sold in the food service area during meal times. USDA defines FMNV as foods that provide less than 5% of the Reference Daily Intake (RDI) for each of eight specified nutrients per serving.

Nutrition science has evolved since USDA implemented its FMNV standards in 1979. Over the past several decades, over-consumption of calories, saturated fat, trans fat, refined sugars, and sodium have increasingly become problems in children's diets. Those constituents are not addressed by USDA's school nutrition standards. Those standards no longer make sense from the standpoint of science, current dietary patterns, and health. Congress should call upon USDA to update its FMNV nutrition standards and should have USDA extend those standards to cover the whole school campus for the entire school day.

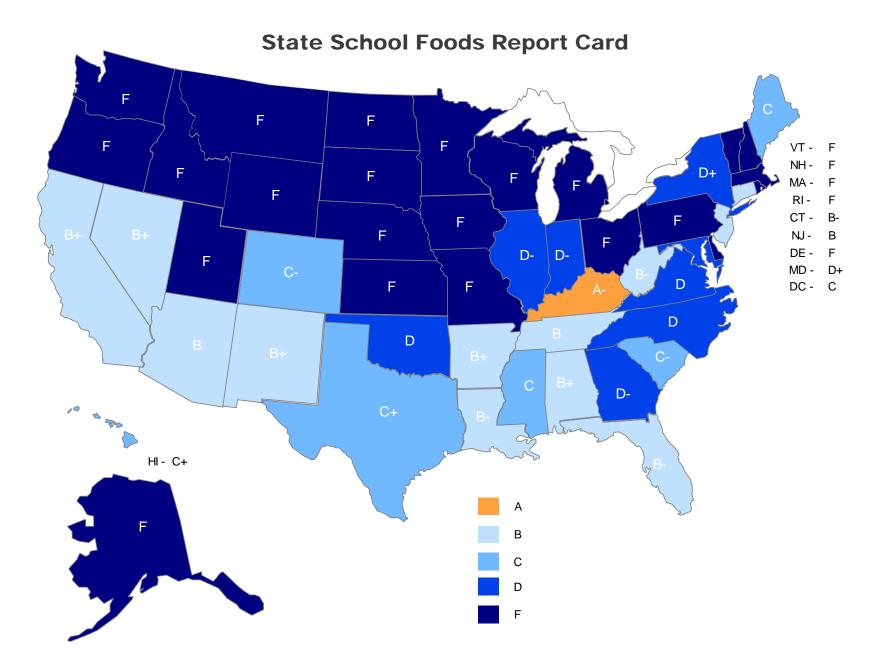
Stronger school nutrition policies at the federal, state, and local levels are needed to prevent childhood obesity, protect children's overall health, and support parents' efforts to feed their children a healthy diet. Since the Truman administration, school meals have been regulated primarily at the federal level. There are strong national standards for meals. There also should be national nutrition standard for foods and beverages sold in schools outside of reimbursable meals. States and local school districts would be free to exceed those standards and to choose which healthful foods and beverages appeal to the students in their schools.



STATE SCHOOL FOODS Report Card

A -	Kentucky (1) ¹
B +	Nevada (2), Arkansas (3), New Mexico (4), Alabama (5), California (6)
В	New Jersey (7), Arizona (8), Tennessee (8)
B-	Louisiana (10), West Virginia (11), Connecticut (12), Florida (13)
C+	Hawaii (14), Texas (15)
С	Maine (16), Mississippi (17), District of Columbia (18)
C-	Colorado (19), South Carolina (20)
D+	New York (21), Maryland (22)
D	Oklahoma (23), Virginia (24), North Carolina (25)
D-	Indiana (26), Illinois (27), Georgia (28)
F	Alaska, Delaware, Idaho, Iowa, Kansas, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, New Hampshire, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Washington, Wisconsin, Wyoming (All ranked 29)

1 The numbers in parentheses give the state's rank as compared to the school nutrition policies in other states, with (1) being the strongest policy.



Introduction

A school foods reform movement is sweeping the country. Many states have adopted laws or regulations establishing nutrition standards for foods sold in vending machines, fundraisers, school stores, a la carte (foods sold individually in the cafeteria alongside reimbursable meals), and other foods outside of the federally-funded and nutritionally-regulated school meals. In 2005, legislators in 42 states introduced about 200 bills to address the nutritional quality of school foods.⁵ Those policies vary widely in their strength and effectiveness.

In addition, there has been tremendous activity at the local level to improve school foods. Large school systems, such as New York City, Los Angeles, Chicago, and Philadelphia, have strengthened their school foods policies. Additional momentum to improve school foods at the local level has been sparked by the 2004 Child Nutrition and WIC Reauthorization Act, which requires local school districts to develop and implement wellness policies on nutrition and physical activity by fall 2006.

Concerns about childhood obesity and children's poor diets are fueling the school foods reform movement. Over the last two decades, rates of obesity have tripled in children and adolescents aged 6 to 19 years.⁶ One in seven young people is obese and one in three is overweight.

In addition, even most children at a healthy weight are not eating a healthful diet. Only 2% of children (2 to 19 years) meet the USDA's five main recommendations for a healthy diet.⁷ Children's diets are too high in soda, unhealthy snacks, fatty meats and dairy foods, calories, saturated and trans fat, sodium, and added sugars and too low in fruits, vegetables, whole grains, calcium, and fiber. Such diets contribute to obesity, heart disease, high blood pressure, cancer, diabetes, osteoporosis, and other costly and potentially disabling diseases. Because of the rising obesity rates, this may be the first generation of children who live shorter lives than their parents.⁸

The adverse health consequences of children's poor diets are not just a future concern, but are evident now. One-quarter of children ages five to 10 years show early warning signs for heart disease, such as elevated blood cholesterol or high blood pressure.⁹ Type 2 diabetes can no longer be called "adult onset" diabetes because of rising rates in children. For individuals born in 2000, the chance of developing diabetes during their lifetime is 39% for girls and 33% for boys.¹⁰ High blood pressure in children is rising, increasing their risk of adult high blood pressure, heart attacks, and stroke.11

One important way to teach healthy eating to help shape children's current and lifelong eating patterns is to provide healthy food choices in schools. Children spend many of their waking hours at school, and many children consume about 35-50% of their calories there.¹² All foods and beverages sold in schools should make a positive contribution to children's diets. All foods sold in schools should reinforce the message that good nutrition is important and support what is taught in nutrition education.

Strong school nutrition policies also support parents' efforts to feed their children a healthy diet. Parents entrust schools with the care of their children during the school day. They should not have to worry that their children will spend their lunch money on Flamin' Hot Cheetos and a Gatorade from a vending machine, instead of on a balanced school lunch. A national poll by the Robert Wood Johnson Foundation found that 90% of parents and teachers support the conversion of school vending machine contents to healthy beverages and foods.¹³

School meals must meet detailed nutrition standards set by Congress and the U.S. Department of Agriculture (USDA) in order for a school food service program to receive federal subsidies. Although there is still room for improvement, the meals typically are balanced (i.e., provide food from each of the major food groups) and contain recommended amounts of vitamins and minerals.¹⁴ Over the last ten vears, USDA's efforts through its School Meals Initiative have led to reductions in the fat, saturated fat, cholesterol, and sodium content of school meals and to increases in the number of servings of fruits and vegetables in the meals.

Unfortunately, USDA's policy regarding foods sold outside of meals is weak and out of date. The only federal nutritional standard for school foods sold outside of meals is that "foods of minimal nutritional value" (FMNV) may not be sold in the food service area during meal times. USDA defines FMNV as foods that provide less than 5% of the Reference Daily Intake (RDI) for each of eight specified nutrients per serving. Nutrition science has evolved since USDA implemented its FMNV standards in 1979. The standards no longer make sense from the standpoint of science, current dietary patterns, and health. Over the past several decades, overconsumption of calories, saturated fat, trans fat, refined sugars, and sodium have increasingly become problems in children's diets. Those constituents are not addressed by USDA's school nutrition standards. Many low-nutrition foods are not considered FMNV despite their high contents of calories, saturated or trans fat, salt, or added sugars, and thus can be sold anywhere on school campuses, including in the cafeteria. Also, USDA lacks the authority to extend nutrition standards for foods outside of meals to the whole campus and the whole school day.

As a result, many low-nutrition foods and beverages are sold in our nation's schools. Nationally, 83% of elementary schools, 97% of middle/junior high schools, and 99% of senior high schools sell foods and beverages out of vending machines, school stores, or a la carte in the cafeteria. (Those foods are sometimes referred to as "competitive foods," since they often compete with school lunches for children's lunch money.) The most common items sold include soft drinks, sports drinks, imitation fruit juices, chips, candy, cookies, and snack cakes (see Figure 1).^{2,3,4} School food policies that limit access to high-fat, high-sugar foods have been associated with fewer purchases of those items by students.

While policies for school meals are determined at the federal level, states have broad authority to address the nutritional quality of foods sold outside of meals. Thus, we analyzed state policies for foods sold outside of meals through vending, a la carte, school stores, and fundraisers.



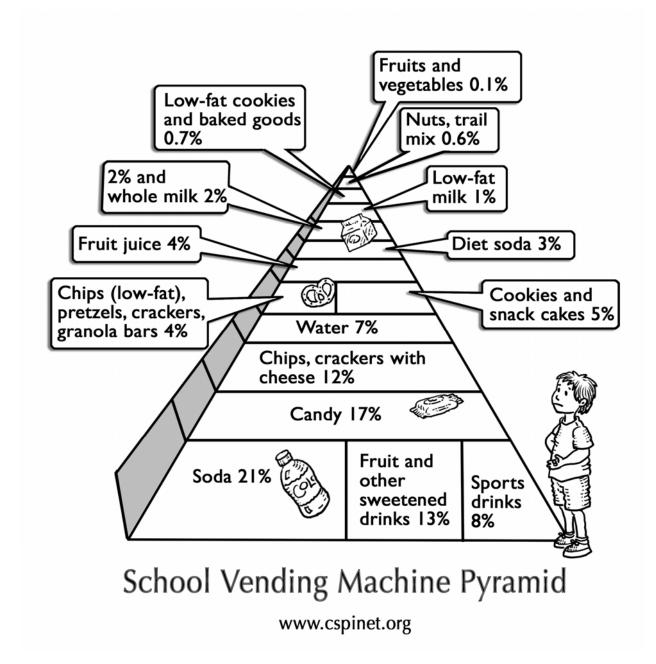


Figure 1. The results of a study conducted in fall 2003 in which 120 volunteers in 24 states surveyed the contents of 1,420 vending machines in 251 middle, junior high, and high schools found that in both middle and high schools, 75% of beverage options and 85% of snacks were of poor nutritional quality.

Methods

CSPI assessed policies for foods and beverages sold through vending machines, school stores, a la carte, fundraisers, and other venues outside of the federally reimbursable school lunch and breakfast programs in all 50 states and the District of Columbia. To obtain state school nutrition policies, we searched state legislative and administrative websites for relevant statutes and regulations. We also consulted the USDA's website on State Competitive Foods Policies, 15 the National Conference of State Legislatures' website on Vending *Machines in Schools*,¹⁶ and the Thompson West Health Policy Tracking Service's Legislative

Overview of State Actions to Promote Nutrition, Increase Physical Activity, and Prevent Obesity. After analyzing the states' written policies, we called or emailed each state child nutrition program office to confirm their school nutrition policy.

Each state policy was assessed according to five key considerations (see Box 1): 1) beverage nutrition standards; 2) food nutrition standards; 3) grade level(s) to which policies apply; 4) time during the school day to which policies apply; and 5) location(s) on campus to which policies apply. Subsequently, states were ranked and graded.



Box 1. Evaluation Criteria for State School Foods Policies

• Nutrition Standards for Beverages

- o No sugary sodas
- o No sports drinks
- Milk only low-fat or fat-free
- Fruit juice content at least 50% OR does not contain added caloric sweeteners
- Limits on portion sizes

• Nutrition Standards for Food

- o Limits on fat, saturated fat, and trans fat content
- o Limits on added or total sugars content
- Limits on sodium content
- o Limits on portion sizes

• Grade Level(s) to Which Policies Apply

- o Elementary Schools
- o Middle Schools
- High Schools

• Times During Which Policies Apply

- Only during meal times
- Through the end of the last meal period OR through one-half hour after the last meal period
- o For the entire school day

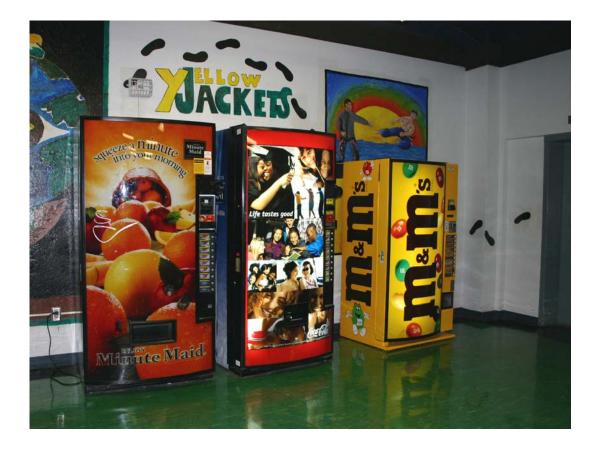
• Location(s) on Campus to Which Policies Apply

- o Vending
- o A la carte
- o School stores
- Other fundraisers
- Entire campus/all venues outside of school meals

We used the model nutrition standards developed by the National Alliance for Nutrition and Activity (NANA) (see Appendix A) as the basis for the nutrition standards against which state school nutrition policies were assessed. Those standards were developed through a collaborative process and are supported by more than 50 national, state, and local organizations with expertise in health, nutrition, and education. (Policies reasonably close to the NANA nutrition standards also were given credit.) We evaluated nutrition standards for foods and beverages sold outside of school meals to students on school campus during the school day. Foods and

beverages available only to teachers and staff (such as items sold in teachers' lounges) were not included in the grades. We used states' policies that have been passed or finalized, even if the implementation date for the policies has not yet been reached. State policies were evaluated based on what is required by law or regulation, not by how well those policies have been implemented.

State school nutrition policies are evolving rapidly; this *Report Card* represents the state policies in place as of May 2006. A few states may have developed or finalized new policies since then.



Results and Discussion

A number of states have strengthened their school nutrition standards over the last five years. (See Appendix B for each state's grade and Appendix C for a summary of each state's school foods policy.) Despite that progress, the overwhelming majority of states still allow schools to sell foods of poor nutritional quality or sugary drinks.

The only state to earn an A in our Report Card was Kentucky, which got an A-. Kentucky only allows vending machines and school stores to sell food (other than meals) on campus in the afternoon, a halfhour after the last lunch period. During that afternoon period, the state has strong nutrition standards for the foods and drinks sold in all schools. Drinks allowed include 1 percent or fat-free milk, waters, 100 percent fruit or vegetable juice, or other drinks with fewer than 10 grams of sugars per serving. For foods, Kentucky set reasonable standards for portion sizes, saturated fat, sugars, and sodium.

Kentucky got an A- rather than an A because of its weak beverage portion size standards, lack of limits on trans fat, and a loophole for a la carte foods. (It allows any item that is a part of a reimbursable meal to be sold through a la carte. Since school meal nutrition standards are averaged over the course of a week, some individual items sold through school meals can be high in saturated or trans fat, sodium, and added sugars, even if the overall meal pattern meets reasonable nutrition standards.)

Nevada, Arkansas, New Mexico, Alabama, and California all received a B+. Seven states got a B or B-. Fifteen states got Cs or Ds.

Twenty-three states (45%) received a failing grade in this study, because they do not have any policy on foods sold outside of school meals beyond the weak and outdated USDA policy. That policy only limits the sale of foods of minimal nutritional value (FMNV), such as soda, jelly beans, and lollipops, in the cafeteria during meal times. States with that policy received a failing grade because the policy does not have any nutrition standards for foods or beverage sold *outside* of the cafeteria or that are sold at times other than meal times. Also, for the foods and beverages sold *inside* the cafeteria, it does not address major nutritional considerations, such as calories, saturated fat, trans fat, and sodium.

Thirteen states (Alabama, Arizona, Arkansas, Georgia, Louisiana, Maine, Maryland, Nevada, New Jersey, New York, Oklahoma, Texas, and Virginia) use the outdated USDA standards in their school nutrition policies for at least some grade levels, but they extend the USDA standards to areas of the school campus outside the cafeteria or to more of the school day than just meal times. Some of those states also have set other nutrition standards in addition to the FMNV standard.

The states scoring the highest grades in our *Report Card* have strong nutrition standards for both beverages and snacks throughout the school day and school campus at all grade levels. Only thirteen states (26%) received a grade above a C. Even for those states with stronger nutrition standards, most failed to include sodium limits for foods (82%) and most did not limit the sale of sports drinks (57%) or artery-clogging high-fat milks (86%) at any grade level.

Several of the states that received high grades, including Kentucky and Arkansas, prohibit the sale of *any* foods or beverage outside the school meal programs until half an hour after the end of the last lunch period. (In Arkansas elementary schools, the policy extends throughout the entire school day.) That approach is one way to reduce the amount of junk food sold in schools.

Many of the strongest state nutrition policies have been implemented in the last several years, or have yet to be fully implemented. Therefore, their effects on children's health have not yet come to fruition. Thus, an association between strong school nutrition policies and reductions in child obesity are not yet evident. (What is evident is that several states concerned with high levels of childhood obesity in their state have taken a step to address it by implementing stronger school food and beverage policies.)

State Policies on Soda in Schools.

More states have policies to address soda sales in schools than for any other nutritional concern that we assessed. Twenty-two states limit the sale of sugary soft drinks in schools in at least some grade levels. Of those 22 states, 41% limit the sale of soda only during the meal periods or through the end of the last lunch period. (No state is allowed to let schools sell soda in the cafeteria during meal times due to USDA's national policy.)



Sodas and fruit drinks combined are the biggest single source of calories and added sugars in the diets of teenagers.¹⁷ Boys aged 12 to 19 consume an average of 19 ounces of non-diet soft drinks per day, and girls aged 12 to 19 drink an average of 12 ounces of non-diet soft drinks per day.¹⁸ Children who consume more soft drinks consume more calories (about 55 to 190 per day) than kids who drink fewer soft drinks^{19,20} and are more likely to become overweight.²¹ Limits on sugary drinks should include fruit drinks, which are no more than

sugar water with a tablespoon or two of added fruit juice. Nutritionally, they are just soda pop without bubbles.

In May 2006, the American Beverage Association (ABA) announced that it will work with its bottlers and schools to remove sugary sodas from schools by 2009.²² Soft drink companies agreed to sell only water, low-fat and non-fat milk, and 100% juice with no added sweeteners in elementary and middle schools. In high schools, additional beverages will be sold: no or low-calorie drinks (with up to 10 calories per 8 oz.) and sports drinks and light juices (with no more than 66 cal per 8 oz.). At least 50% of beverages in high schools should be water, no-calorie options, or low-calorie options.

The ABA policy is limited in that it is voluntary and, thus, unenforceable. In addition, schools have not agreed to ABA's announced policy on beverage sales, and it remains to be seen whether and to what extent they will accept and comply with it. Another limitation of the ABA's policy is that it permits the sale of sugary drinks such as sports drinks and fruit drinks in high schools. (Also, it does not address snack foods in schools.)

Limits on Sports Drinks (like Gatorade or PowerAde) in Schools.

Twelve states limit the sale of sports drinks in schools for at least some grade levels. Despite marketing campaigns to the contrary, sports drinks are not healthy options for most children. Though sports drinks have about 25%-45% fewer calories than sodas, nutritionally, they are basically sugar water with added salt. Most children consume more sodium than is recommended (see below).

The American College of Sports Medicine concluded that electrolytereplacement (sports) drinks improve performance only for vigorous physical activity that lasts for more than one hour.²³ Typically, physical education and even many intramural or interscholastic sports do not provide that level of physical activity.

State Policies on Milk in Schools.

All milk served to children in schools should be low-fat (1%) or fat-free (skim). Only four states address that issue in their policies. Yet, milk is, by far, the biggest source of saturated fat (the type of fats that clog arteries and contribute to coronary heart disease) in children's diets.²⁴ One-quarter of children ages 5 to 10 years show early warning signs for heart disease, such as elevated blood cholesterol or blood pressure.⁹ Low-fat and fat-free milk is recommended in the *Dietary* Guidelines for Americans 2005.25 Unfortunately, most of the milk sold with school meals is still the higher fat types – either 2% or whole milk.



Limits on Portion Sizes for Snacks and Beverages. NANA recommends that school food portions sizes be set close to the Food and Drug Administration's (FDA) reference amounts used for food labels and that beverage portion sizes (other than for water) be no larger than 12 oz. Ten states set portion-size limits for beverages, and 11 states limit portion sizes for snacks. Snacking is providing more calories to children's diets than it did in the past. The number of calories children consume from snacks increased by 120 calories per day between 1977 and 1996, from 363 calories to 484 calories.²⁶ Portion-size limits for beverages and snacks help to limit calories (as well as saturated fat, trans fat, sodium, and added sugars) and to counter the trend toward big portion sizes.

Saturated and Trans Fats Limits

for School Foods. While nine states have policies to limit the saturated-fat content of school snacks, only seven address trans fat, which, gram-for-gram, is even worse for children's hearts and health. Saturated and trans fat raise blood lipid levels and contribute to heart disease,²⁵ the leading cause of death for American men and women.²⁷

Sodium Limits for School Foods.

Just five states set limits on sodium for at least some grade levels. The prevalence of high blood pressure in children is rising, increasing their adult risk of heart disease and stroke. High sodium intakes are directly associated with high blood pressure. The Dietary Reference Intake for sodium for children (depending upon their age and race) is no more than 1,500 mg to 2,300 mgⁱ of sodium a day.²⁸ However, between 75% and 91% of children (depending upon their age) consume more than 2,300 mg of sodium a dav.²⁹

Added Sugars Limits in School

Foods. Nineteen states' school foods policies limit added sugars (or total sugars). NANA recommends that school foods contain no more than 35% sugars by weight. That standard is a compromise to balance limiting sugars intake with allowing schools to include some granola bars, yogurt, cereal bars, animal crackers, graham crackers, sports bars, and other sweets. Added sugars provide empty calories that many children cannot afford. Increases in children's calorie intake during the 1990s were driven by increased intakes of foods and

ⁱ Older children have a higher Dietary Reference Intake for sodium than younger children.

beverages high in added sugars.³⁰ Also, foods and beverages high in added sugars can displace more nutrient-dense items in children's diets.

According to the USDA Food Guide (based on estimated calorie, nutrient, and food group requirements and estimated discretionary calorie allowances), the estimated maximum added sugars allowance for 4-18 year old girls is 16 to 48 grams a day. The average 6-11 year old (girl or boy) consumes 92 grams (19 teaspoons) a day of added sugars.³¹ The average 12-17 year old girl consumes 96 grams (20 teaspoons) a day of added sugars. The estimated maximum added sugars allowance for 4-18 year old boys is between 16 to 96 grams per day. The average 12-17 year old boy consumes 140 grams (30 teaspoons) a day of sugars.

School Nutrition Policies Should

Cover All Grade Levels. Four states – Georgia, Illinois, Indiana, and South Carolina – only have school nutrition policies for elementary schools (and received low grades as a result). Three states – Arizona, Oklahoma, and Tennessee – have school nutrition policies for elementary and middle schools, but not for high schools.

Good nutrition is important for children of all ages. Many children lack the skills and maturity to comprehend the complexities of good nutrition or to appreciate the long-term consequences of their actions. Older children, who still do not have fully developed logical thinking, have considerable spending money and more opportunities to make food choices and purchases in the absence of parental guidance than younger children. Also, teens receive more calories from snacks than younger children and consume more soft drinks. Parents of teenagers especially need to be supported in their efforts to feed their children a healthy diet.

The sale of unhealthy foods is a bigger problem in secondary schools than in elementary schools. Nationally, 91% of high schools and 87% of middle schools have vending machines, compared to 46% of elementary schools. It does not make sense to have the weakest nutrition policy in the schools with the biggest problem.



School Nutrition Policies Should Apply to the Entire Campus and the Whole School Day. Only 10 states have any school food and/or beverage nutrition standards that apply to the whole campus and the whole school day at all grade levels. Many states have school nutrition standards that apply to foods sold in the cafeteria during the meal period or up until the end of the last lunch period. Such policies seem to focus on whether or not low-nutrition foods compete with school meals. While that is an important issue, it is not the only concern. The sale of junk food in schools at any time undermines children's diets and health. In addition, the sale of any low-nutrition foods in schools undercuts parents' efforts to feed their children a healthful diet. Schools should not only teach nutrition in the classroom; they should model it throughout the school campus, during the whole school day. Selling low-nutrition foods in schools sends children the message that good nutrition is not important, when in fact, what they eat is critical to their long-term health and well-being.

Nutrition standards that apply to the entire school day send clear and consistent health messages to kids. It is confusing to students for schools to have policies that imply that candy bars are not a healthy choice at 10 AM but are a healthy snack at 1 PM. The nutritional quality of candy does not change at the end of the last lunch period.

School nutrition policies need to address foods sold throughout the

school campus. Since the 1970s, when the USDA developed its nutrition standards for school foods, the number of venues where food is sold in schools has increased. Schools used to sell primarily school meals. Now, kids can buy food out of large banks of vending machines, school stores, a la carte in the cafeteria, frequent fundraisers, and other venues.

"50/50" Policies Are Ineffective.

Ten states have policies under which 50% (or another specified percentage) of vending machine contents or food items sold as fundraisers are required to be products of sound nutritional value. We did not give states any credit for such policies in our grading system. In a 2004 study of the contents of 1,420 school vending machines in 251 schools in 24 states, we found that 42% of beverage slots in vending machines contained soft drinks. A policy requiring that no more than 50% of beverages in vending machines be soft drinks is not progress (and sales of the junk food could be disproportionately larger than the percentage of choices that they constitute).

While advocates of such policies stress that they ensure the availability of more healthful options in schools, we are concerned that, under such policies, too many of the foods offered to children in schools would be unhealthy. While lownutrition foods have a place in children's diets as occasional treats, they should not make up half of their food choices.



The Costs to Society of Unhealthy Eating and Obesity are Staggering.

The sale of nutritionpoor foods in schools is likely to contribute to the high costs to state and federal taxpayers through the Medicaid

and Medicare programs and employee health insurance for treating obesity and diet-related diseases, such as heart disease, cancer, diabetes, stroke, and osteoporosis. Those diseases have their roots in childhood.

According to the USDA, healthier diets could prevent at least \$90 billionⁱⁱ per year in medical costs, lost productivity, and lost lives.³² U.S. health-care costs due to obesity are \$78 billionⁱⁱ a year, half of which (\$40 billion)ⁱⁱ is paid through Medicare and Medicaid.³³ Costs of obesity for individual states range from \$87 million to \$7.7 billion.³³ From 1979 to 1999, annual hospital costs for treating obesity-related diseases in children rose three-fold (from \$38 millionⁱⁱ to \$137 millionⁱⁱ).³⁴

School administrators and the food industry often suggest that there would be dire financial consequences if states set stronger nutrition standards for foods and beverages sold in schools. Schools should not jeopardize their students' health to balance their budgets. While school vending contracts appear lucrative, they usually provide only a small percentage of a school district's budget. On a perstudent basis, school vending contracts typically do not raise large amounts of revenue. A Government Accountability Office study found that schools raised between \$3 and \$30 per student *per year* from their soft drink contracts.³⁵

Nevertheless, across the country, many schools have switched to selling healthier foods without losing revenue. According to USDA and the Centers for Disease Control and Prevention (CDC), "students will buy and consume healthful foods and beverages – and schools can make money from selling healthful options." 36 Their survey of 17 schools and school districts found that, after improving school foods, 12 schools and districts increased revenue and four reported no change. In the one school district that lost revenue after changes were made, the food service department was still able to operate in the black. If some schools do lose revenue when they stop selling junk food, there are many alternative fundraisers available to offset any losses.

ⁱⁱ Based on 2005 constant U.S. dollar value.



Conclusion: Federal Leadership on Improving School Foods is Needed

While progress is being made, the majority of states still allow for the sale of junk food in schools. Thirteen states base their school nutrition policies, at least in part, on the federal "food of minimal nutritional value" standards, which are weak and out of step with science and current concerns regarding child nutrition. Another 23 states have <u>no</u> policies on foods and beverages sold outside of school meals and, thus, rely solely on USDA's outdated regulations.

Since the Truman administration, school meals have been regulated primarily at the federal level. Congress and USDA set detailed standards for school lunches and breakfasts – down to the level of the number of ounces of milk or meat served. The federal government invests large amounts of money – \$9.4 billion in FY 2004 – in school lunches and breakfasts.³⁷ Selling low-nutrition foods in schools undermines that investment.

States generally leave the development of dietary guidance to federal agencies. They rely on the federal *Dietary Guidelines for Americans*. There is no scientific basis for nutrition standards to differ for children in different states.

There should be national nutrition standards for foods and beverages sold in schools outside of the meal programs. States and local school districts would be free to exceed those standards and to choose which healthful foods and beverages appeal to the students in their schools.

Currently, the nation has a patchwork of policies addressing the nutritional quality of school foods and beverages. While 12 states received a B grade and one received an A-, almost two-thirds (31 states) received Ds or Fs. Given the rising rates of childhood obesity and the poor state of children's diets, the time has come for Congress to have USDA update its national nutrition standards for foods and beverages sold out of vending machines, school stores, a la carte, fundraisers, and other school venues. **The sale of junk food and sugary drinks in schools is a national problem that needs a national solution.**

Appendix A

Model School Nutrition Standards for Foods and Beverages Sold Outside Meals – developed by the National Alliance for Nutrition and Activity (NANA)

Elementary Schools. The school food service program will approve and provide all food and beverage sales to students in elementary schools. Given young children's limited nutrition skills, food in elementary schools should be sold as balanced meals. If available, foods and beverages sold individually should be limited to low-fat and non-fat milk, fruits, and non-fried vegetables.

Middle/Junior High and High Schools. In middle/junior high and high schools, all foods and beverages sold individually outside the reimbursable school meal programs (including those sold through a la carte [snack] lines, vending machines, student stores, or fundraising activities) during the school day, or through programs for students after the school day, will meet the following nutrition and portion-size standards:

Beverages

- <u>Allowed</u>: water or seltzer waterⁱⁱⁱ without added caloric sweeteners; fruit and vegetable juices and fruit-based drinks that contain at least 50% fruit juice and that do not contain additional caloric sweeteners; unflavored or flavored low-fat or fat-free fluid milk and nutritionallyequivalent nondairy beverages (to be defined by USDA);
- <u>Not allowed</u>: soft drinks containing caloric sweeteners; sports drinks; iced teas; fruit-based drinks that contain less than 50% real fruit juice or that contain additional caloric sweeteners; beverages containing caffeine, excluding low-fat or fat-free chocolate milk (which contain trivial amounts of caffeine).

Foods

- A food item sold individually:
 - will have no more than 35% of its calories from fat (excluding nuts, seeds, peanut butter, and other nut butters) and 10% of its calories from saturated and trans fat combined;
 - \circ $\,$ will have no more than 35% of its weight from added sugars; ^iv

ⁱⁱⁱ Surprisingly, seltzer water may not be sold during meal times in areas of the school where food is sold or eaten because it is considered a "Food of Minimal Nutritional Value" (Appendix B of 7 CFR Part 210). ^{iv} If a food manufacturer fails to provide the *added* sugars content of a food item, use the percentage of weight from *total* sugars (in place of the percentage of weight from *added* sugars), and exempt fruits, vegetables, and dairy foods from this total sugars limit.

- will contain no more than 230 mg of sodium per serving for chips, cereals, crackers, French fries, baked goods, and other snack items; will contain no more than 480 mg of sodium per serving for pastas, meats, and soups; and will contain no more than 600 mg of sodium for pizza, sandwiches, and main dishes.
- A choice of at least two fruits and/or non-fried vegetables will be offered for sale at any location on the school site where foods are sold. Such items could include, but are not limited to, fresh fruits and vegetables; 100% fruit or vegetable juice; fruit-based drinks that are at least 50% fruit juice and that do not contain additional caloric sweeteners; cooked, dried, or canned fruits (canned in fruit juice or light syrup); and cooked, dried, or canned vegetables (that meet the above fat and sodium guidelines).^v

Portion Sizes:

- Limit portion sizes of foods and beverages sold individually to those listed below:
 - Chips, crackers, popcorn, cereal, trail mix, nuts, seeds, dried fruit, or jerky: 1¹/₄ ounces;
 - o Cookies: 1 ounce;
 - Cereal bars, granola bars, pastries, muffins, doughnuts, bagels, and other bakery items: 2 ounces;
 - Frozen desserts, including, but not limited to, low-fat or fat-free ice cream: 4 fluid ounces;
 - Non-frozen yogurt: 8 ounces;
 - o Beverages, excluding water: 12 ounces; and
 - The portion size of a la carte entrees and side dishes, including potatoes, will not be greater than the size of comparable portions offered as part of school meals.
 - Fruits and non-fried vegetables are exempt from portion-size limits.

^v Schools that have vending machines are encouraged to include refrigerated snack vending machines, which can accommodate fruits, vegetables, yogurts, and other perishable items.

Appendix B

State School	Foods Re	port Card ⁺
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State	Rank#	Grade
Alabama	5	B+
Alaska	29	F
Arizona	8	В
Arkansas	3	B+
California	6	B+
Colorado	19	C-
Connecticut ^{vi}	12	B-
Delaware	29	F
District of		
Columbiavii	18	С
Florida	13	B-
Georgia	28	D-
Hawaii	14	C+
Idaho	29	F
Illinois ^{viii}	27	D-
Indiana	26	D-
Iowa	29	F
Kansas	29	F
Kentucky	1	A-
Louisiana	10	B-
Maine ^{ix}	16	С
Maryland	22	D+
Massachusetts	29	F
Michigan	29	F
Minnesota	29	F
Mississippi	17	С

State	<u>Rank</u> #	<u>Grade</u>
Missouri	29	F
Montana	29	F
Nebraska	29	F
Nevada	2	B+
New Hampshire	29	F
New Jersey	7	В
New Mexico	4	B+
New York	21	D+
North Carolina	25	D
North Dakota	29	F
Ohio	29	F
Oklahoma	23	D
Oregon	29	F
Pennsylvania	29	F
Rhode Island	29	F
South Carolina	20	C-
South Dakota	29	F
Tennessee	8	В
Texas	15	C+
Utah	29	F
Vermont	29	F
Virginia	24	D
Washington	29	F
West Virginia	11	B-
Wisconsin	29	F
Wyoming	29	F

vⁱ Connecticut is developing snack standards that will be voluntary with significant incentives.

^{vii} D.C. has proposed strong nutrition standards through its wellness policy, which is expected to be finalized soon. ^{viii} In Illinois, stronger nutrition standards were adopted by the Illinois State Board of Education on March 16, 2006. However, the Joint Committee on Administrative Rules (JCAR) prohibited the filing of these amendments on April 11, 2006. The rulemaking process cannot be concluded without further action by either JCAR or the Illinois General Assembly. ^{ix} The Maine Department of Education is required by law to update its nutrition standards for foods and beverages sold outside of school meals.

+ See Appendix C for a summary of each state's school foods policy.

Within the same grade, some states are ranked higher than others according to the strength of their policies.

Appendix C

Summary of State Policies for Foods and Beverages Sold Out of Vending Machines, School Stores, and Other Venues Outside School Meals

State	Policy
Alabama	All schools during meal times, anywhere on campus must: * Prohibit the sale of foods of minimal nutritional value (FMNV). * Restrict student access to concessions, extra sales, vending, and fundraisers that are in competition with the Child Nutrition Program. If income from such sales occurs, the revenue is required to be deposited in the Child Nutrition account.
	 Outside of meal times: * No carbonated beverages are allowed in elementary schools. * In middle schools: no more than 30% of beverage choices may be carbonated beverages. Of that 30%, no less than half must be diet-carbonated beverages. * In high schools: no more than 50% of beverage choices may be carbonated beverages. Of that 50%, no less than half must be diet-carbonated beverages. * Fundraising activities may not sell FMNV during the school day, for all schools, anywhere on campus (except when contracts have been executed by August 5, 2005).
	* A state review during 2005-06 school year of school/school system plans for healthy choices in vending machines and other recommendations shall occur with possible additional recommendations by the State Superintendent in the spring of 2006 applicable to the 2006-2007 school year.
	 Beginning the 2006-07 school year, the following additional standards go into effect: * No one on the school campus will provide access to FMNV for sale or free. This includes any food and beverage listing sugar or high fructose corn syrup as the first ingredient on all school premises until after the end of the last scheduled class (excluding carbonated beverages outside of meal times in middle and high school as described above). * Only 1% or less milk allowed. * Schools are not allowed to use Child Nutrition Program funds to purchase new fryers. * Existing contracts for fundraising that involve FMNV are no longer valid.

Alabama (cont.)	 Also beginning in the 2006-2007 school year, foods sold separately through the vending machines, cafeteria snack items (a la carte), and school stores will follow the Alabama's Action for Healthy Kids standards: * Snack foods, 1.5 ounce servings: Low or moderate in fat (less than 10% DV of total fat). Less than 30 grams of carbohydrate. Less than 360 mg of sodium. * Contain 5% DV of either vitamin A, vitamin C, iron, calcium or fiber. * Sets limits for portion sizes for food and beverages.
Alaska	USDA Regulations ^A
Arizona	 Effective July 1, 2006: * Prohibits elementary, middle, and junior high schools from serving or selling any FMNV during the school day on campus. <u>Additional Beverage Standards for Grades K-8</u>: * Water may contain natural or non-caloric sweeteners but cannot contain caffeine or a caffeine derivative. * Fruit and/or vegetable juice must contain no less than 100% fruit and/or vegetable juice for elementary schools and no less than 50% juice, no sugar added, with nutrient values equal to 100% juice for middle and junior high schools. * Yogurt or ice based fruit smoothies must not exceed 400 calories, must contain 100% fruit juice for elementary schools and no less than 50% fruit juice for middle and junior high schools. * 2% or less milk; reduced-fat enriched rice, nut or soy beverages; and flavored milk with no more than 4 grams of sugar per ounce allowed. * Sports drinks/electrolyte-replacement drinks are allowed to be served in middle and junior high schools and may not exceed 12 ounces.

^AUnder USDA regulations, the sale of "foods of minimal nutritional value" (FMNV) is prohibited during meal times in areas of the school where USDA school meals are sold or eaten. However, FMNV can be sold anywhere else on-campus – including just outside the cafeteria – at any time. A FMNV provides less than 5% of the Reference Daily Intake (RDI) for eight specified nutrients per serving. FMNV include chewing gum, lollipops, jelly beans, and carbonated sodas. Many junk foods are not considered FMNV, such as chocolate candy bars, chips, and fruitades (containing little fruit juice), and therefore are allowed to be sold in the school cafeteria during meal times (and everywhere else on campus throughout the school day).

	Additional Food Standards for Grades K-8:
Arizona	* 35% or less calories from fat (not including nuts, seeds and
(cont.)	reduced-fat cheese).
	* 10% or less calories from saturated fat and trans fat (not
	including nuts, seeds and reduced-fat cheese).
	* No more than 35% total sugars by weight (excluding dairy, fruits
	and vegetables).
	* Must contain at least 1 gram of fiber (not including dairy and
	jerky).
	* Calories:
	* Maximum 400 calories per serving for entrée items sold as a la
	carte and fruit-based smoothies.
	* Maximum 300 calories per serving for all other items.
	* Sodium:
	* Maximum 800 mg of sodium for entrée items sold as a la
	carte.
	* Maximum 600 mg of sodium for all other snack items.
	* All deep-fat fried chips and crackers are prohibited (not
	including in program meals).
	* Final preparation method cannot be deep-fat fried (includes
	program meals).
	* Portion size restrictions on food and beverages.
	rordon size restrictions on rood and severages.
Arkansas	Elementary Schools:
Arkansas	
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Arkansas	 * No access to food or beverages sold or given away outside meals anytime, including vending, a la carte items, anywhere on school premises during the school day. * French fries can only be served in elementary schools 1 time per week and then must meet portion size limit. * The only additional foods and/or beverages that may be sold are food items sold in the cafeteria, during meal periods that are already offered as a component of a reimbursable meal during the school year, including extra milk, fresh fruits, vegetables and/or an extra meal meeting the same requirement as the reimbursable meal. Extra servings of desserts, French fries or ice cream are not allowed. <u>Middle/Junior and High Schools</u>: * FMNV and competitive food are prohibited anywhere on campus
Arkansas	 * No access to food or beverages sold or given away outside meals anytime, including vending, a la carte items, anywhere on school premises during the school day. * French fries can only be served in elementary schools 1 time per week and then must meet portion size limit. * The only additional foods and/or beverages that may be sold are food items sold in the cafeteria, during meal periods that are already offered as a component of a reimbursable meal during the school year, including extra milk, fresh fruits, vegetables and/or an extra meal meeting the same requirement as the reimbursable meal. Extra servings of desserts, French fries or ice cream are not allowed. <u>Middle/Junior and High Schools</u>: * FMNV and competitive food are prohibited anywhere on campus for middle, junior high and high schools until ½ hour after the last
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Arkansas	 * No access to food or beverages sold or given away outside meals anytime, including vending, a la carte items, anywhere on school premises during the school day. * French fries can only be served in elementary schools 1 time per week and then must meet portion size limit. * The only additional foods and/or beverages that may be sold are food items sold in the cafeteria, during meal periods that are already offered as a component of a reimbursable meal during the school year, including extra milk, fresh fruits, vegetables and/or an extra meal meeting the same requirement as the reimbursable meal. Extra servings of desserts, French fries or ice cream are not allowed. <u>Middle/Junior and High Schools</u>: * FMNV and competitive food are prohibited anywhere on campus for middle, junior high and high schools until ½ hour after the last lunch period ends, the following nutrition standards apply for middle and high schools:
Arkansas	 * No access to food or beverages sold or given away outside meals anytime, including vending, a la carte items, anywhere on school premises during the school day. * French fries can only be served in elementary schools 1 time per week and then must meet portion size limit. * The only additional foods and/or beverages that may be sold are food items sold in the cafeteria, during meal periods that are already offered as a component of a reimbursable meal during the school year, including extra milk, fresh fruits, vegetables and/or an extra meal meeting the same requirement as the reimbursable meal. Extra servings of desserts, French fries or ice cream are not allowed. <u>Middle/Junior and High Schools</u>: * FMNV and competitive food are prohibited anywhere on campus for middle, junior high and high schools until ½ hour after the last lunch period ends. * Beginning ½ hour after the last lunch period ends, the following nutrition standards apply for middle and high schools: * At least 50% of beverages in vending machines, school stores
Arkansas	 * No access to food or beverages sold or given away outside meals anytime, including vending, a la carte items, anywhere on school premises during the school day. * French fries can only be served in elementary schools 1 time per week and then must meet portion size limit. * The only additional foods and/or beverages that may be sold are food items sold in the cafeteria, during meal periods that are already offered as a component of a reimbursable meal during the school year, including extra milk, fresh fruits, vegetables and/or an extra meal meeting the same requirement as the reimbursable meal. Extra servings of desserts, French fries or ice cream are not allowed. <u>Middle/Junior and High Schools</u>: * FMNV and competitive food are prohibited anywhere on campus for middle, junior high and high schools until ½ hour after the last lunch period ends. * Beginning ½ hour after the last lunch period ends, the following nutrition standards apply for middle and high schools:

Arkansas (cont.)	 *Whenever competitive foods are sold, a choice of two fruits and/or 100% fruit juices must be offered for sale at the same time and place. * Limits portion sizes. * The Child Nutrition Program may only sell food items in the cafeteria, during meal periods that are already offered as a component of a reimbursable meal during the school year, including extra milk, fruits, vegetables, unsweetened unflavored water, other food/beverage items that meet portion size limits and/or an extra meal meeting the same requirements as the reimbursable meal. * Reimbursable meals in all grade levels and a la carte items in
	 middle and high schools must meet the following nutrition standards: * All foods sold or offered to students can contain no more than 23 grams of fat/serving. * Flavored milks may contain no more than 30 grams total sugars/8 ounce serving. * Fruits and/or vegetables should be offered daily at all points of service. * French fries and fried potato products are limited by portion size and frequency served/week.
California	Elementary Schools Beverage standards currently in effect: Regardless of the time of day, only the following can be sold to pupils: * Drinking water with no added sweeteners. * Milk (2%, 1%, nonfat; soy, rice, or other similar nondairy beverages). * Fruit- and vegetable-based drinks with no less than 50% fruit or vegetable juice and no added sweeteners. Food standards effective July 1, 2007: The only foods that may be sold to a pupil in elementary school during the school day are: * Full meals. * Individually sold portions of nuts, nut butters, seeds, eggs, cheese packaged for individual sale, fruit or vegetables that have not been deep fried, and legumes. * An individually sold dairy or whole grain item may be sold if it meets all of the following standards: * Not more than 35% calories from fat. * Not more than 35% sugars (naturally occurring and added sugars) by weight. * Not more than 175 calories per individual food item.

California (cont.)	* Noncompliant foods and beverages may be sold for fundraising events if the items are sold by pupils and the sale either takes place off school premises or the sale takes place at least one-half hour after the end of the school day.
	Middle and Junior High Schools
	 Beverage standards currently in effect: From one-half hour before to one-half hour after the end of the school day, only the following can be sold to pupils: * Drinking water with no added sweeteners. * Milk (2%, 1%, nonfat, soy, rice, or other similar nondairy beverages). * Fruit and vegetable-based drinks with at least than 50% fruit or vegetable juice and no added sweeteners. * Electrolyte replacement beverages with no more than 42 g of added sweetener/20-ounce serving.
	 Food standards effective July 1, 2007: * Snacks (generally regarded as supplementing a meal) sold to a pupil, except food served as part of a USDA meal program, must meet all of the following standards: * Not more than 35% calories from fat (excluding nuts, nut butters, seeds, eggs, cheese packaged for individual sale, fruit, vegetables that have not been deep fried, and legumes). * Not more than 10% calories from saturated fat (excluding eggs or cheese packaged for individual sale). * Not more than 35% weight from sugars, including naturally occurring and added sugars (excluding fruits or non-fried vegetables). * Not more than 250 calories per individual food item.
	 * Entrée items (foods generally regarded as being the primary component in a meal) sold to a pupil, except food sold as part of a USDA meal program, must meet all the following standards: * No more than 400 calories per entrée. * No more than 4 g of fat/100 calories * Foods categorized as entrée items in the School Breakfast or National School Lunch Programs.
	* Noncompliant foods may be sold if the sale takes place off of and away from school premises, or the sale takes place at least one- half hour after the end of the school day, or during a school- sponsored pupil activity after the end of the school day.
	High Schools
	Beverage standards specified for middle and junior high schools are phased in between July 1, 2007 (when 50% of beverages sold to pupils must meet standards) and July 1, 2009 (at which point 100%

California (cont.)	 of beverages sold to pupils must meet middle and junior high school standards.) Food standards effective July 1, 2007: Same as food standards stated under Middle and Junior High section. Until 2007 (when the standards will become stronger), the following standard for school fundraisers are in effect for elementary schools: Fifty percent of all food items offered for sale by any organization during school hours must be selected from the list of nutritious foods as set forth in California Education Code Section 38085. The sale of foods by student organizations is permitted only if the governing board approves the sale of not more than one food item, and * The sale is conducted after the noon meal service. * The food is not prepared on school premises. * There are no more than four such sales per year per site. * The food item is not sold in the food service program that day at that site. For middle and high schools:
	The governing board may permit a student organization to sell foods during or after school if the following conditions are met: * The sale can occur any time during the school day. * Only one student organization can sell per day per site. * The organization can not sell more than three types of foods or beverages per sale. * Multiple student organizations can sell on any given four days per year per site. * The food is not prepared on school premises. * The food item is not sold in the food service program that day at that site.
Colorado	Competitive foods (not including a la carte foods) may not be offered on campus in schools participating in the federal meal programs beginning ½ hour prior to ½ hour after the last regular school lunch or breakfast. This may be waived for competitive, mechanically-vended beverages offered to high school students (outside the cafeteria or outside of meal times).
Connecticut	Candy may not be sold anywhere on campus from ½ hour before to ½ hour after school meal programs. Income from sales of any foods served on campus during this time period must accrue to the food service account.

Connecticut (cont.)	 Beginning July 1, 2006 each local and regional board of education and the governing authority for each state charter school, interdistrict magnet school and endowed academy may only allow the following beverages be sold to students from any source, including school stores, vending machines, school cafeterias, and fundraising activities on school premises, whether or not school-sponsored: * Milk that does not contain artificial sweeteners and has no more
	 than 4 grams of sugar/ounce. * Non-dairy beverages such as soy or rice milk that do not contain artificial sweeteners, has no more than 4 grams of sugar/ounce, no more than 35% calories from fat, and no more than 10% calories from saturated fat. * 100% fruit or vegetable juice with no added sugars, sweeteners
	 * 100% fruit of Vegetable Juice with no added sugars, sweeteners or artificial sweeteners. * Beverages that contain only water and fruit or vegetable juice and have no added sugars, sweeteners or artificial sweeteners * Water (may be flavored but may not contain added sugars, sweeteners, artificial sweeteners or caffeine). * Beverages except for water may not exceed 12 ounces. * Requires the State Department of Education to set recommended nutritional standards for food sold to students outside of meals by August 1, 2006, and by January first of each year thereafter. Schools are not required to meet the standards, however, the vocational-technical system, boards of education, and governing authorities whose schools participate in the meal program must certify in their annual application for funding whether the non-exempted food items they serve for that year will meet the standards. If the schools meet the standards, they will receive 10 cents extra per lunch served.
	* Requires governing authorities for state charter schools, interdistrict magnet schools, and endowed academies to make available for purchase by students nutritious and low-fat foods, including low-fat dairy products and fresh or dried fruits, at all times when food is available to students for purchase during the regular school day.
Delaware	USDA Regulations ^A
District of Columbia	DC Public Schools is implementing nutrition standards for all foods and beverages in vending machines campus-wide, for all grade levels. Only the following beverages and snacks are allowed for sale in vending machines until ½ hour after the end of the school day:
	 * 100% fruit juices, water/seltzer water, and low-fat or fat-free milk. * All food items must have 30% or less calories from fat, 10% or less calories from saturated fat plus trans fat, and 35% or less of weight from added sugars, excluding those that are naturally found in the food.

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Florida	* Competitive foods may not be sold in elementary schools all day on the whole campus.
	* Competitive food and beverage sales from vending machines,
	school stores and other food sales in secondary schools may only
	take place one hour after the last lunch period, with the approval
	of the school board.
	* Carbonated beverages may be sold in high schools at all times
	(not including where breakfast and lunch is served or eaten) if
	100% fruit juice is sold at each location where carbonated
	beverages are sold.
	* Noncarbonated beverages in high schools, including 100% fruit
	juice, may be sold at all times during the day at any location.
Georgia	* The sale of foods of minimal nutritional value is not allowed in
C	elementary schools anywhere on campus until the end of the last
	lunch period.
	* Middle and high schools follow USDA policy.
Hawaii	The sale of food in all elementary and secondary schools shall be
	limited to the School Breakfast Program, School Lunch Program
	and approved cafeteria supplementary food items. Schools shall
	not permit anywhere on campus the sale of other foods from the
	beginning of the school day to the end of the school day except
	certain beverages through vending machines. These beverages
	may not be sold during meal service periods. Vending machines
	on school campuses:
	* Must not sell coffee and coffee-based beverages.
	* 80% of vended beverages shall be healthy beverages such as
	milk, flavored milk, water, and fruit juices containing at least 50%
	juice. (The School Community Council and the principal shall
	determine the combination of beverages to be sold including the
	remaining 20% of beverage selections in each vending machine
	and shall have the discretion to ban caffeinated products).
	* Beverage vending machines should not be accessible to
	elementary students on campus unless the machine contains only
	healthy beverages.
	Additional regulation:
	* It is unlawful for any public school, without the written
	permission of the department, to operate stores or sell
	merchandise except for school lunches, milk, ice cream, candy,
	and products made from the school.
Idaho	USDA Regulations ^A
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Illinois	 * No competitive foods allowed in elementary schools during regular breakfast and lunch periods. *Competitive foods include all confections, candy, potato chips, carbonated beverages, fruit drinks containing less than 50% pure fruit juice, tea, coffee, and any other foods or beverages designated as such by the State Board of Education.
Indiana	In elementary schools, food and beverage vending machines may not be accessible to students. Beginning July 1, 2006, 35%, and by September 1, 2007, 50% of all food and beverages sold outside of the meal program to students during the school day must meet the following nutrition standards: <i>Beverage standards:</i> * Fruit- or vegetable-based drinks with no less than 50% fruit or vegetable juice with no added caloric sweeteners. * Water and seltzer water with no added caloric sweeteners. * Low fat and fat free milk, including chocolate milk, soy, rice and other similar nondairy beverages. * Isotonic beverages. <i>Food standards:</i> * Not more than 30% calories from fat. * Not more than 35% weight from sugars that do not occur naturally in fruits, vegetables, or dairy products. * Food and beverage portion sizes.
Iowa	USDA Regulations ^A
Kansas	USDA Regulations ^A
Kentucky	 * No foods or beverages may be sold outside the school meal program (except a la carte) on campus until ½ hour after last lunch period. * Currently in <u>elementary schools</u>: Only water, 100% fruit juice, low-fat milk, and any beverage that contains no more than 10 g of sugars/serving are allowed to be sold ½ hour after the last lunch period until the end of the school day in vending machines, school stores, canteens, or fundraisers. * Beginning the 2006-2007 school year, the following minimum nutrition standards for beverages and food offered for sale through a vending machine, school store, canteen, or fundraiser on all public school campuses during the period of time beginning 30 minutes after the last lunch may include only:

Kentucky (cont.)	Beverages:* 1% or fat-free milk (flavored or unflavored).* Plain or flavored, noncaloric, noncarbonated water.* 100% fruit or vegetable juice or any combination of both totaling100% (may exceed 10 grams of sugar per serving).* Any other beverage that contains no more than 10 grams ofsugars per serving.* Portion size limit of 17 ounces for elementary school beveragesand 20 ounces for middle and high school beverages (not includingwater).
	Food: * Calories from fat shall not exceed 30% (not including 2% or less milk-fat cheese, nuts, seeds, and nut butters). * Calories from saturated fat shall not exceed 10%. * Sugars shall not exceed 32% by weight and grams of sugars shall not exceed 14 grams (including naturally-occurring and added sugars) and excluding fruits and vegetables. * Sodium:
	 * Chips, cereals, crackers, baked goods, and other snack items shall not contain more than 300 mg of sodium per serving. * Pastas, meats, and soups shall not contain more than 450 mg of sodium per serving. * Pizza, sandwiches, and main dishes shall not contain more than 600 mg of sodium per serving. * Portion size restrictions for foods.
	* Food and beverage standards apply to a la carte items offered for sale on the cafeteria line during the serving of breakfast or lunch. Schools may offer for a la carte sale any food item that is creditable under the federal school program meal patterns.
	* Each school must limit access to retail fast food in the cafeteria (contract, commercial vendor, or otherwise) to no more than one day each week.
	* A school shall follow the minimum standards specified unless a waiver has been requested by the school district for the school from the Kentucky Board of Education. Any waiver approved by the Board of Education shall be reviewed on an annual basis.
Louisiana	No FMNV (such as soda) can be sold anywhere on campus the entire day for all elementary and middle schools.
	A la carte meal service is prohibited for all grades. All meals are priced as a unit. Items such as milk, full strength fruit juice and unflavored water can be sold without the purchase of a meal.

Louisiana (cont.)	 <u>In public elementary and secondary schools</u> the following beverages may be sold at any time during the school day: * Water (unsweetened flavored or unflavored drinking water) and milk (low-fat, skim, flavored and non-dairy) of any size. * Allow 100% fruit and vegetable drinks that do not contain added natural or artificial sweeteners and do not exceed sixteen ounces in size. Food items that can be sold to <u>elementary and middle schools after</u> the end of the last lunch period include: * Snacks or desserts (not including unsweetened or uncoated seeds or nuts) that: * Have less than 150 calories/serving. * Have less than 35% of calories from fat. * Have less than 30 g of sugar/serving. * Fresh pastries may not be sold on the school grounds during the school day. <u>In high schools</u>, beginning the last 10 minutes of each lunch shift: * The selection of beverages offered for sale to students shall be comprised of no less than 50% water, milk, and 100% fruit and vegetable drinks. * 50% of the selection of foods offered for sale to students shall meet the following standards (not including unsweetened or uncoated seeds or nuts): * Have less than 35% of calories from fat. * Have less than 35% of calories for sale to students shall meet the following standards (not including unsweetened or uncoated seeds or nuts): * Have less than 35% of calories from fat. * Have less than 35% of calories from fat. * Have less than 35% of calories from fat.
Maine	 * Any food or beverage sold at any time on school property of a school participating in the federal meal programs must be a planned part of the total foodservice program. * Foods of minimal nutritional value may not be sold at schools at any time (with exceptions available for staff and community events). Bill LD 796 enacted in June 2005 requires the Department of Education to establish standards for food and beverages sold or distributed outside school meal programs on school grounds. These standards must include maximum portion sizes (except for milk) that are consistent with single-serving standards established by the U.S. Food and Drug Administration. By September 1, 2008, food service programs must post calorie information for prepackaged a la carte items at the point of decision.
Maryland	Prohibits the sale of FMNV anywhere on campus from 12:01 a.m. until the end of the last lunch period for all schools.

Massachusetts	USDA Regulations ^A
Michigan	USDA Regulations ^A
Minnesota	USDA Regulations ^A
Mississippi	No food items outside of the meal programs will be sold on the school campus for one hour before the start of breakfast or lunch until the end of the meal services periods in all schools. School food service shall sell only those foods that are components of the approved federal meal patterns being served (or milk products). With the exception of milk products, a student may purchase the individual components of the meal only if the full meal also is being purchased.
Missouri	USDA Regulations ^A
Montana	USDA Regulations ^A
Nebraska	* USDA Regulations. In addition, no food or beverage can be sold to children anywhere on school premises of schools participating in the federal meal programs beginning one half hour before breakfast and lunch until one half hour after meal service unless all proceeds earned during these time periods go to the school nutrition program.
Nevada	Requires the following nutrition guidelines for all foods made available to elementary, middle/junior high and high school students, whether given away, earned, or sold, on the school campus during the school day:
	 * No FMNV. * Fat limited to 30% of calories (not including nuts, seeds, fluid milk products containing 2% or less fat, and cheese or yogurt made from reduced-fat, low-fat, or fat-free milk). * Saturated fat limited to 10% of calories. * Sodium: no more than 600 mg/serving. * Sugars: no more than 35% by weight (not including sugars from
	 fruits and vegetables when used as additives). * Electrolyte replacement beverages are not allowed in elementary schools and may not exceed 12 ounces for middle/junior and high schools. * Snacks and beverages must meet portion size limits.
	* Each local educational agency may establish a policy that allows exemptions for food that exceed the established nutrition parameters in observance of state or national holidays, established religious observances, school community observances such as birthday parties, as part of a learning experience related to the reinforcement of established lesson plans in the classroom (this exemption does not allow for an exemption toward the sale of foods as part of a business enterprise or fundraising activity).

Nevada (cont.)	* Each district must develop and implement their wellness policy by July 1, 2006. The local policy may be more restrictive than the state policy, but may not be less restrictive.
New Hampshire	USDA Regulations ^A
New Jersey	State-wide policy effective September 1, 2007, requires anywhere on school property, during the school day, all public schools K-12 with breakfast/lunch programs to meet the policy below:
	* Not serve, sell, or give out as free promotion FMNV, items listing sugar in any form as the first ingredient, and candy.
	 * Snacks and beverages sold must have no more than 8 g of fat/serving (not including nuts and seeds) and no more than 2 g of saturated fat/serving. * In middle and high schools, no more than 40% of all ice cream/frozen desserts may exceed sugar, fat, and saturated fat standards.
	 * Beverages may not exceed 12 ounces (not including water or milk containing 2% or less fat). Whole milk may not exceed 8 ounces. * The only beverages that may be sold in elementary schools are milk, water and 100% fruit or vegetable juices. * In middle and high schools, at least 60% of all beverages offered (other than milk and water) must be 100% fruit or vegetable juice. No soda. * Schools must reduce the purchase of any products containing trans fats.
New Mexico	Foods and beverages sold in schools during the school day in vending machines, a la carte and fundraising can include the following:
	Elementary Schools: * Beverages sold in vending machines may only be sold after the last lunch period and may only include 2% or less milk, soy beverages and water. These are also the only a la carte beverages allowed during the lunch period and are the only beverages allowed as a fundraiser during the school day (not including during the lunch period). * No carbonated drinks allowed. * No food products may be sold to students from vending machines.
	Middle & High Schools: * Only the following beverages may be sold to students from vending machines: water, 2% or less milk, soy beverages and 50% fruit juice in high schools and 100% fruit juice in middle schools (juices in high and middle schools cannot contain added

New Mexico (cont.)	 sweeteners, have more than 125 calories/container, or have serving sizes exceeding 20 ounces). * The beverages above are the only a la carte beverages allowed during the lunch period and are the only beverages allowed as a fundraiser during the school day (not including the lunch period). * Carbonated beverages may not be sold to students in middle schools. * High schools also may sell sugar-free/caffeine-free soft drinks, non-carbonated flavored water with no added sweeteners, and
	sports drinks in vending machines only after the last lunch period is completed.
	* Foods meeting the following guidelines may be sold in vending machines after the last lunch period is completed for middle schools and at any time in high schools (nuts, seeds, cheese, yogurt, and fruit may be sold at any time in middle and high school):
	 * Foods with no more than 200 calories per container, per package, or amount served; no more than 8 g of fat/serving with no more than 2 g of saturated plus trans fat/serving; and no more than 15 g of sugars/package. * These food items are also allowed as fundraisers except during the lunch period.
	 * Food products sold in elementary, middle and high schools during the lunch period as a la carte sales must meet the following guidelines (nuts, seeds, cheese, yogurt and fruit do not have to meet the standards and can be sold): * No more than 400 calories per container, per package, or amount served; no more than 16 grams of fat with no more than 2 grams from saturated and trans fat combined; and no more than 30 g of total sugars.
	* Food and beverages may be sold as fundraisers outside of normal school hours for elementary, middle and high schools as long as at least 50% of the choices/offerings meet the nutrition standards for high school vending.
New York	Prohibits the sale of FMNV and all other candy from the beginning of the school day until the end of the last scheduled meal in any public school within the state.
North Carolina	Requires products sold in vending machines outside the school cafeteria during the school day to meet the following standards:
	Beverages: * Soft drinks may not be sold in elementary schools and may not be sold in middle and high schools during breakfast and lunch periods.

North Carolina (cont.)	 * Sugared carbonated soft drinks, including mid-calorie carbonated soft drinks, may not be sold in middle schools (diet sodas are allowed). * Not more than 50% of the offerings for sale to students in high school may be sugared carbonated soft drinks (diet sodas are not counted in the 50%). * Bottled water products must be available in every school that has beverage vending. Effective by the 2006-2007 school year, <u>snacks</u> will meet the following standards for vending: * No snack vending will be available to students in elementary schools. * In middle and high schools, 75% of snacks may not have more than 200 calories per portion or package.
	 * Revenues from the sale of all foods and beverages sold to students before the last child is served lunch must accrue to the Child Nutrition Program. * The State Board of Education, in direct consultation with a cross section of local directors of child nutrition services, shall establish statewide nutrition standards for school meals, a la carte foods and beverages, and items served in the After School Snack Program. The nutrition standards will promote gradual changes to increase fruits and vegetables, increase whole grain products, and decrease foods high in total fat, trans fat, saturated fat, and sugar. The nutrition standards adopted by the State Board of Education shall be implemented initially in elementary schools. All elementary schools shall achieve a basic level by the end of the 2007-2008 school year, followed by middle schools and then high schools. * Public schools cannot use cooking oils in their school food
	programs that contain trans fat or sell processed foods that contain trans fat that were formed during the commercial processing of the foods.
North Dakota	USDA Regulations ^A
Ohio	USDA Regulations ^A
Oklahoma	 Each district board of education shall ensure by July 1, 2007 that: * FMNV are not accessible to students in elementary schools except on special occasions. * FMNV (other than diet soda) are not accessible to students in middle and junior high school except after school, at events which take place in the evening, and on special occasions. * In middle and junior high schools, diet soda with less than 10 calories per bottle or can is allowed during the school day.

Oklahoma (cont.)	* Each district shall provide incentives, such as lower prices or other incentives, to encourage healthy food choices for high school students and ensure that healthy options are available at school.
Oregon	USDA Regulations ^A
Pennsylvania	USDA Regulations ^A
Rhode Island	USDA Regulations ^A
South Carolina	The State Board of Education established the following nutrition standards for foods and beverages sold outside of school meals in elementary schools (K-5) to be implemented by July 1, 2006:
	* Low-fat, fat-free, and 2% milk, water, and 100% juices that do not contain added sugars or sweeteners must be available to all students.
	* Soda, soft drinks, sports drinks, punches, iced teas and coffees, and fruit-based drinks that contain less than 100% real fruit juice or that contain added sweeteners may not be sold or served during the school day.
	* Only water, nonfat, low-fat or reduced-fat milk beverages may be sold in portions larger than 12 ounces.
	* Snacks, sweets, and side dishes (excluding nuts, seeds, and some cheeses) must have no more than 30% calories from fat, less than 10% calories from saturated fat, no more than $\sim 1\%$ calories from trans fat, and no more than 35% added sugars by weight.
South Dakota	USDA Regulations ^A
Tennessee	Requires the following minimum nutrition standards for individual food items offered for sale to students in grades pre-kindergarten through eighth grade, anywhere on campus, during the school day. Standards must be implemented by July 1, 2006 for pre-K thorough grade 5. For grades 6-8, foods must meet 50% of the nutrition standards by July 1, 2006 and must meet 100% of standards by July 1, 2007:
	 * Beverages may only include milk (flavored or unflavored; reduced-fat, low-fat or fat-free milk; USDA approved alternative dairy beverages); 100% fruit and vegetable juices; water that is non-flavored, non-sweetened, and non-carbonated; and low-calorie beverages (includes flavored, sweetened, and non-carbonated beverages containing no additional caloric sweeteners and no more than 15 calories/serving). * Food items must have 35% or less calories from fat (excluding nuts, seeds and nut butters), 10% or less calories from saturated fat, and 35% or less sugars by weight (not including fruits and
	vegetables). * Chips, cereals, crackers, French fries, baked goods, and other snack items may contain no more than 230 mg of sodium/serving; pastas, meats, and soups may contain no more than 480 mg per

Tennessee (cont.)	serving; and pizza, sandwiches, and main dishes may contain no more than 600 mg of sodium. * Limits portion sizes for foods and beverage (except for fruits and vegetables).
Texas	 <u>Elementary schools</u>: * FMNV, carbonated beverages, candy or any food or beverage that is not provided by the school food service are not permitted, anywhere on campus until the end of the last scheduled class. * Flavored milks may contain no more than 30 grams total sugars per 8 ounce serving. * By the beginning of 2006-2007 school year, all beverages served in elementary schools will be milk, unflavored water, and 100% fruit and/or vegetable juices. * Food items containing more than 28 g of fat/serving cannot be sold more than twice/week. * Fried potato products may not exceed 3 ounces and are limited to one day/week. * No food fundraising is allowed on campus during the school day. * Foods otherwise restricted by the policy are permitted at student birthday parties.
	* Elementary classrooms may allow one nutritious snack per day under the teacher's supervision. The snack may be in the morning or afternoon but may not be at the same time as the regular meal periods for that class. The snack may be provided by the school food service, the teacher, parents or other groups and should be at no cost to students. The snack must comply with the fat and sugar limits of the Public School Nutrition Policy and may not contain any FMNV or consist of candy or dessert type items (cookies, cakes, cupcakes, pudding, ice cream or frozen desserts, etc.).
	 <u>Middle schools</u>: * FMNV, candy, and carbonated beverages may not be sold anywhere on campus until after the last lunch period. * Flavored milks may contain no more than 30 grams total sugars per 8 ounce serving. * Any food or beverage that is not provided by food service may not be sold anywhere on campus during meal periods. * Food items containing more than 28 g of fat/serving may not be sold more than twice per week. * Fried potato products may not exceed 3 ounces and may be served three times a week. * Nutrition standards apply to food fundraising during the school day.
	High Schools: * Carbonated beverages may not be sold in containers that exceed twelve ounces. No more than 30% of beverages in vending machines can be sugared, carbonated drinks.

Texas	* Flavored milks may contain no more than 30 grams total sugars per 8 ounce serving.
(cont.)	* Any food or beverage that is not provided by food service may not be sold during meal periods in areas where school meals are served
	and consumed. * Food items containing more than 28 g of fat/serving may not be
	served more than twice per week. * Fried potato products may not exceed 3 ounces and may only
	be purchased one serving at a time.
	* The nutrition standards apply to food fundraising during the school day.
	 * Limits portion sizes for food and beverages sold outside of meals in elementary, middle, and high schools. * The nutrition standards do not apply to up to three school-wide events pre-approved by campus officials.
	* Elementary, middle, and high schools should eliminate frying as a method of on-site preparation for foods served as part of school meals, a la carte, snack lines and competitive foods. The policy should have been implemented by 2005-06 school year, but all
	schools must be in compliance by the 2009-2010 school year. * Beginning with the 2007-08 school year, elementary, middle, and high schools should reduce the purchase of any products containing trans fat.
Utah	USDA Regulations ^A
Vermont	USDA Regulations ^A
Virginia	All foods and beverages sold in all Virginia schools during meal periods, on the whole campus, must either be a recognized component of the food-based meal pattern or must not be a FMNV. Iced/hot coffee or tea may not be sold to students. Non-carbonated water may be sold.
Washington	USDA Regulations ^A
West Virginia	* Only meal components may be sold as a la carte for breakfast. Only fluid milk, milkshakes and bottled water (100% natural spring water containing no additives) may be served as a la carte items during lunch for all grades.
	* No food may be sold outside school meals in elementary schools until 20 minutes after all students are served lunch.
	 <u>Beverages:</u> * County boards may permit the sale of soft drinks in county high schools except during breakfast and lunch periods as follows: * Soft drinks may not be sold in elementary schools through vending machines, school stores, canteens or fundraisers.

West Virginia (cont.)	* In middle schools, only water, 100% fruit and vegetable juice and low-fat milk may be sold through vending machines, school canteens, fundraising, or by any other means.
	* In high schools selling soft drinks during the school day, 50% of beverages offered for sale must be water, 100% fruit and vegetable juice and low-fat milk.
	<u>All foods sold outside of the meal program during the school day</u> <u>must:</u>
	 * Not be candy, chewing gum, or flavored ice bars. * Contain no more than 40% sugars by weight. * Have no more than 8 grams of fat per one ounce serving or, must have no more than 30% of calories from fat and no more than 10% of calories from saturated fat.
Wisconsin	USDA Regulations ^A
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³⁷ USDA. Federal Costs of School Food Programs. Accessed at

<http://www.fns.usda.gov/pd/cncosts.htm> on February 21, 2003.