

Wellness Policy: Food Sales - FDEA

[Note: All school districts which participate in the National School Lunch Program and receive funds under that program thereby become subject to the regulations upon which this policy is based. If a school district has discontinued its participation in the National School Lunch Program it may be able to avoid the obligation to comply with those underlying regulations and may not need to adopt this policy.]

Definitions

The following definitions apply in this policy:

1. "School day" means the period from midnight before a school day to thirty minutes after the end of a school's calendared class time.
2. "School campus" means all areas of the school property which are accessible to students during the school day.
3. "Available for sale" means the item may be exchanged for currency (in any form), tokens, or tickets.
4. "Competitive food" means all food and beverages available for sale to students on the school campus during the school day except for meals reimbursed under the federal child nutrition laws.

[7 CFR § 210.11\(a\)](#)

[Utah Admin. Rules R277-719-2 \(April 9, 2018\)](#)

Required Nutrition Standards

All competitive food (as defined above) must meet the USDA nutrition standards unless it falls within one of the exemptions below. A summary of the competitive food nutrition standards is attached as Appendix A. District employees may use a Smart Snacks calculator to evaluate whether a competitive food meets nutrition standards. (See <https://foodplanner.healthiergeneration.org/calculator.>)

[7 CFR § 210.11\(c\)](#)

[Utah Admin. Rules R277-719-4\(4\) \(April 9, 2018\)](#)

Exemptions from Standards

The following are exempt from compliance with the competitive food nutrition standards:

1. Any entrée item which is offered as part of the school lunch or school breakfast program, when offered as competitive food on the day, or on the following school day, that it is also offered as part of the school lunch or school breakfast program. Such competitive food offerings must be offered in the same or smaller portion sizes as the lunch or breakfast program offerings. However, side dishes offered as part of the lunch or breakfast program and served à la carte must meet the competitive food nutrition standards.
2. Sugar free chewing gum
3. Specially exempted fundraisers. Competitive food may be sold as part of an infrequent fundraiser sponsored by the school, subject to the following restrictions. The allowed number of such exempted fundraisers is three times per year per

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school. (Upon written request of a career and technical education program, the State Superintendent may grant permission to exempt additional fundraisers.) The exempted fundraiser may not last more than five consecutive days. Any competitive food sold as part of a fundraiser which is not exempted must meet the competitive food nutrition standards.

[7 CFR § 210.11\(b\)\(4\), \(c\)\(3\)](#)

[Utah Admin. Rules R277-719-5\(2\), \(3\) \(April 9, 2018\)](#)

Food and Beverages Not Subject to Regulation

The Smart Snacks in Schools regulations apply to food and beverages sold to students on the school campus during the school day. The following are not within the scope of this regulation and are not required to meet the competitive food nutrition standards:

1. Food and beverages which are not sold. This includes food or beverages which are brought to school by students (home lunches, for example). It also includes food or beverages which are given to students without the exchange of any currency, tokens or tickets (for example, snacks or treats given out in connection with a birthday celebration).
2. Food and beverages sold after the school day. This includes food and beverages sold during the time period beginning 30 minutes after the end of a school's calendared class time until midnight (a common example would be concessions sold during an evening athletic event).
3. Food and beverages not sold on the school campus. The school campus is defined as all areas which are accessible to students. Food or beverages sold in areas which are not accessible to students (which might for example include a teacher's lounge) are not required to meet the nutrition standards.
4. Food and beverages not sold to students. Food or beverages sold to persons other than students (for example, parents or school staff) are not required to meet the nutrition standards.

Food Sales: Appendix A

Summary of Competitive Food Standards

Food/Nutrient	Standard	Exemptions to the Standard
General Standard for Competitive Food.	To be allowable, a competitive FOOD item must: (1) meet all of the proposed competitive food nutrient standards; and (2) be a grain product that contains 50% or more whole grains by weight or have whole grains as the first ingredient*; or	<ul style="list-style-type: none">● Fresh fruits and vegetables with no added ingredients except water are exempt from all nutrient standards.● Canned and frozen fruits with no added ingredients except water, or are packed in 100% juice, extra light syrup, or light syrup are exempt from all nutrient standards.

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	<p>(3) have as the first ingredient* one of the non-grain main food groups: fruits, vegetables, dairy, or protein foods (meat, beans, poultry, seafood, eggs, nuts, seeds, etc.); or</p> <p>(4) be a combination food that contains at least 1/4 cup fruit and/or vegetable.</p> <p>*If water is the first ingredient, the second ingredient must be one of items 2, 3 or 4 above.</p>	<ul style="list-style-type: none"> ● Canned vegetables with no added ingredients except water or that contain a small amount of sugar for processing purposes to maintain the quality and structure of the vegetable are exempt from all nutrient standards.
NSLP/SBP Entrée Items Sold A la Carte.	Any entrée item offered as part of the lunch program or the breakfast program is exempt from all competitive food standards if it is sold as a competitive food on the day of service or the day after service in the lunch or breakfast program.	
Sugar-Free Chewing Gum	Sugar-free chewing gum is exempt from all competitive food standards.	
Grain Items	Acceptable grain items must include 50% or more whole grains by weight, or have whole grains as the first ingredient.	
Total Fats	Acceptable food items must have \leq 35% calories from total fat as served.	<ul style="list-style-type: none"> ● Reduced fat cheese (including part-skim mozzarella) is exempt from the total fat standard. ● Nuts and seeds and nut/seed butters are exempt from the total fat standard. ● Products consisting of only dried fruit with nuts and/or seeds with no added nutritive sweeteners or fats are exempt from the total fat standard.

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		<ul style="list-style-type: none"> ● Seafood with no added fat is exempt from the total fat standard. <p>Combination products are not exempt and must meet all the nutrient standards.</p>
Saturated Fats	Acceptable food items must have < 10% calories from saturated fat as served.	<ul style="list-style-type: none"> ● Reduced fat cheese (including part-skim mozzarella) is exempt from the saturated fat standard. ● Nuts and seeds and nut/seed butters are exempt from the saturated fat standard. ● Products consisting of only dried fruit with nuts and/or seeds with no added nutritive sweeteners or fats are exempt from the saturated fat standard. <p>Combination products are not exempt and must meet all the nutrient standards.</p>
Trans Fats	Zero grams of trans fat as served (\leq 0.5 g per portion).	
Sugar	Acceptable food items must have \leq 35% of weight from total sugar as served.	<ul style="list-style-type: none"> ● Dried whole fruits or vegetables; dried whole fruit or vegetable pieces; and dehydrated fruits or vegetables with no added nutritive sweeteners are exempt from the sugar standard. ● Dried whole fruits, or pieces, with nutritive sweeteners that are required for processing and/or palatability purposes (i.e., cranberries, tart cherries, or blueberries) are exempt from the sugar standard.

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		<ul style="list-style-type: none"> • Products consisting of only exempt dried fruit with nuts and/or seeds with no added nutritive sweeteners or fats are exempt from the sugar standard.
Sodium	<p>Snack items and side dishes sold a la carte: ≤ 230 mg sodium per item as served. Snack items and side dishes sold a la carte must be: ≤ 200 mg sodium per item as served, including any added accompaniments.</p> <p>Entrée items sold a la carte: ≤ 480 mg sodium per item as served, including any added accompaniments.</p>	
Calories	<p>Snack items and side dishes sold a la carte: ≤ 200 calories per item as served, including any added accompaniments.</p> <p>Entrée items sold a la carte: ≤ 350 calories per item as served including any added accompaniments.</p>	<ul style="list-style-type: none"> • Entrée items served as an NSLP or SBP entrée are exempt on the day of or day after service in the program meal.
Accompaniments	Use of accompaniments is limited when competitive food is sold to students in school. The accompaniment must be included in the nutrient profile as part of the food item served and meet all proposed standards.	
BEVERAGES		
Beverages in Elementary School	<ul style="list-style-type: none"> • Plain water or plain carbonated water (no size limit); • Low fat milk, flavored or unflavored (≤ 8 fl oz); • Non fat milk, flavored or unflavored (≤ 8 fl oz), including nutritionally equivalent milk 	<ul style="list-style-type: none"> • By July 1, 2025, flavored milk must contain no more than 10 grams of added sugars per 8 fluid ounces.

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	<p>alternatives as permitted by the school meal requirements;</p> <ul style="list-style-type: none"> • 100% fruit/vegetable juice (≤ 8 fl oz); and • 100% fruit/vegetable juice diluted with water (with or without carbonation), and no added sweeteners (≤ 8 fl oz). 	
Beverages in Middle School	<ul style="list-style-type: none"> • Plain water or plain carbonated water (no size limit); • Low-fat milk, flavored or unflavored (≤ 12 fl oz); • Non-fat milk, flavored or unflavored (≤ 12 fl oz), including nutritionally equivalent milk alternatives as permitted by the school meal requirements; • 100% fruit/vegetable juice (≤ 12 fl oz); and • 100% fruit/vegetable juice diluted with water (with or without carbonation), and no added sweeteners (≤ 12 fl oz). 	<ul style="list-style-type: none"> • By July 1, 2025, flavored milk must contain no more than 15 grams of added sugars per 12 fluid ounces.
Beverages in High School	<ul style="list-style-type: none"> • Plain water or plain carbonated water (no size limit); • Low-fat milk, flavored or unflavored (≤ 12 fl oz); • Non-fat milk, flavored or unflavored (≤ 12 fl oz), including nutritionally equivalent milk alternatives as permitted by the school meal requirements; • 100% fruit/vegetable juice (≤ 12 fl oz); • 100% fruit/vegetable juice diluted with water (with or without carbonation), and no added sweeteners (≤ 12 fl oz); 	<ul style="list-style-type: none"> • By July 1, 2025, flavored milk must contain no more than 15 grams of added sugars per 12 fluid ounces.

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	<ul style="list-style-type: none">• calorie-free, flavored water (with or without carbonation) (\leq 20 fl oz);• Other flavored and/or carbonated beverages (\leq 20 fl oz) that are labeled to contain \leq 5 calories per 8 fl oz, or \leq 10 calories per 20 fl oz (\leq 20 fl oz); and• Other flavored and/or carbonated beverages (\leq 12 fl oz) that are labeled to contain \leq 40 calories per 8 fl oz, or \leq 60 calories per 12 fl oz (\leq 12 fl oz).	
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