

Competitive Food Nutritional Standards

Section 20 Update Guide

August 1, 2014

Updated *Section 23 Competitive Food Nutrition Standards* to incorporate the following United States Department of Agriculture (USDA) memos and guidance:

- *Texas Administrative Code (TAC), Title 4 Agriculture, Part 1 Texas Department of Agriculture, Chapter 1 General Procedures, § 26.10, § 26.12 (June 26, 2014)*
- *USDA Memo, SP 23-2014 (v. 2), Questions and Answers Related to the “Smart Snacks” Interim Final Rule (June 5, 2014)*
- *USDA Memo, SP 40-2014, Smart Snacks Nutrition Standards and Culinary Education Programs (April 22, 2014)*
- *USDA Memo, SP 36-2014, Smart Snacks Nutrition Standards and Exempt Fundraisers (April 17, 2014)*
- *USDA Memo, SP 35-2014, Grain Entrees Related to the Smart Snacks in School Standards (April 17, 2014)*
- *USDA Memo, Consolidated Appropriations Act Report Language on Waivers for School Breakfast and Smart Snacks (March 21, 2014)*
- *USDA Notification, Alliance Smart Snacks Calculator for Food Sold to Students in Schools (February 24, 2014)*
- *Interim Final Rule, National School Lunch Program and School Breakfast Program: Nutrition Standards for All Foods Sold in School as Required by Healthy, Hunger-Free Kids Act of 2010 (June 28, 2013)*

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**Contact Information for the
Texas Department of Agriculture (TDA), Food and Nutrition**

When contacting TDA by phone, Contracting Entities (CEs) need to have their CE Identification Number (CE ID) (and site ID if applicable). CEs should include their name and CE ID (and site name and ID if applicable) in all communication or documentation.

Website: <http://www.squaremeals.org>

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Physical Address: 1700 N. Congress, 11th Floor, Austin, TX 78701

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Seamless Summer Option:

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Competitive Food Nutrition Standards

The Competitive Food Nutrition Standard's guidance in this section applies to all contracting entities (CEs)¹ operating the National School Lunch Program (NSLP) and School Breakfast Program (SBP) in which food and/or beverage items are sold to students during the school day on a school campus beginning July 1, 2014.

CEs that sell for food and beverages that are not part of a reimbursable meal during the school day on the school campus must use the following standards for competitive foods.

Beverage Standards

A set of criteria that establish beverage types, sizes, and nutrient values to ensure that students are able to purchase healthy beverages.

General Food Nutrition Standards

A set of general characteristics for food items sold—type of food item and nutritional values for the food item—that determine if a food item is allowable as a competitive food.

Nutrient Standards

A set of nutritional values for calories, saturated or trans fats, sodium, and sugar that determine if food items can be sold under the competitive rule.

Entrée Criteria

A set of criteria that establish the Competitive Food Nutritional Standards for entrée items that are exempt from the nutritional standards when served the day an entrée is included on the planned menu as part of reimbursable meal or the day after an entrée is included on the planned menu as part of reimbursable meal.

¹ For some requirements, residential child care institutions (RCCIs) may not be required to follow a regulation. In those instances, the exception will be noted in the guidance or in a footnote.

When Competitive Food Nutrition Standards Apply

The Competitive Food Nutrition Standards apply only to food or beverages *sold* during the *school day* on the *school campus*.

Transactions that Constitute a Sale. A sale of a food or beverage item includes all situations where students are (1) given tokens, currency, or tickets to exchange for food and beverages or (2) make a contribution for food and beverages. If there is any form of payment or contribution in exchange for a student receiving a food or beverage item, sale of the item must meet the Competitive Food Nutrition Standards.

However, if the student is given the food and/or beverage at no charge (i.e., no exchange or contribution), items are not subject to the Competitive Food Nutrition Standards.

(NOTE: An accompaniment or condiment intended to be used with a competitive beverage or food item is considered to be part of the competitive beverage or food item—even if the accompaniment or condiment is provided at a different location in the serving area.)²

School Day. School day is defined as the period from the midnight before to 30 minutes after the end of the official instructional day.

Afterschool Programs. The Competitive Food Nutrition Standards do not apply to afterschool programs, events, or activities unless they take place within the 30 minutes after the end of the official instructional day.

School Campus. School campus is defined as all areas of the property under the jurisdiction of the school that are accessible to students during the school day.

Combined Campuses. Combined campuses must follow guidance for the youngest age/grade group unless access to food and beverages are separated by age/grade group.

Locations Other Than the Cafeteria. If food and beverages are sold in any location where students have access, the food and beverages must meet the Competitive Food Nutrition Standards. This includes performing arts centers and sports facilities. This does not include any area restricted to adults or staff as long as students are not allowed to have access to the area.

Exceptions to the Competitive Food Nutrition Standards

Food or beverages sold or served in the following special situations are not required to meet the Competitive Food Nutrition Standards:

Accommodating Students with Special Needs. The requirements in this section do not apply to special needs students whose Individualized Education Program (IEP) plan indicates the use of a food or beverage item of any type for behavior modification (or other suitable need).

² See the *Accompaniments or Condiments* subsection in this section for additional information on this topic.

Competitions and Other Events. The requirements in this section do not apply to students who leave campus to travel to competitions or other events if the school nutrition program (SNP) does not provide meals for the students once they leave the school campus.

Food Brought from Home or Food Given to Students. The Competitive Food Nutrition Standards do not restrict (1) food or beverages that parents provide for their own children’s lunches or snacks or (2) food or beverages that are given to students, including food and beverages provided for birthday parties or special events.

Acting on Behalf of a Parent. It is not uncommon for a parent to designate another adult to act for the child in the place of the parent. This authority is granted for the best interests of the child and the parent. However, there are instances when it may be difficult for school staff to determine when a parent has given “official” authority to another adult. CEs may establish policies to clearly define how and when a parent gives authority to another adult to provide food or beverages to a child on behalf of the parent during the school day on the school campus.

School Nurses. The requirements in this section do not apply to school nurses using a food or beverage item of any type during the course of providing health care to individual students.

Supporting Students’ Nutritional Needs Outside of the School Day. If a CE participates in a program that is designed to support students’ nutritional needs outside of the school day (i.e., over the weekend or during extended breaks), the food and beverage items sent home with these children are not intended to be consumed during the school day or at school campus. Therefore, these food packets are not subject to the Competitive Food Nutrition Standards.

Definitions for This Section

For this section, the following terms will be used:

<i>A La Carte</i>	<i>Individually priced food or beverage items sold during the meal service by the school nutrition program. These items may or may not be included in a reimbursable meal.</i>
<i>Beverage Standards</i>	<i>A set of criteria that establish beverage types, sizes, and nutrient values to ensure that students are able to purchase healthy beverages.</i>
<i>Combination Food</i>	<i>Products that contain two or more components representing two or more of the recommended food groups: fruit, vegetable, dairy, protein, or grains</i>
<i>Competitive Food</i>	<i>Foods and beverages sold to students that compete with the school’s operation of the NSLP and/or SBP. This definition includes, but is not limited to, food and beverages sold in a meal service line, in vending machines, in school stores, or as part of fundraisers. Competitive food items are not sold as part of reimbursable meal.</i>

Competitive Food Nutrition Standards	Standards established by USDA to ensure that students are able to purchase healthy meals and snacks. There are four types of Competitive Food Nutritional Standards: beverage standards, entrée criteria, general competitive food standards, and Nutrient Standards for food and beverage items.
Daily Value (DV)	The percentage of a nutrient provided in a food product based on the recommended dietary allowance (RDA).
DGA	Dietary Guidelines for Americans, a set of science-based recommendations for Americans two years and older that have been used by USDA to establish dietary specifications, nutrition standards and policies for breakfast, lunch, snacks, and competitive foods under NSLP and SBP.
Entrée Criteria	A set of criteria that establish the Competitive Food Nutritional Standards for entrée items that are exempt from the nutritional standards when served the day an entrée is included on the planned menu as part of reimbursable meal or the day after an entrée is included on the planned menu as part of reimbursable meal.
Fried Foods:	Foods that are cooked by total immersion into hot oil or other fat, commonly referred to as deep-fat frying. This definition does not include foods that are stir-fried or sautéed or foods that are pre-fried, flash-fried, or par-fried.
Fruit or Vegetable Juice:	Beverages labeled as containing 100 percent fruit or vegetable juice.
Fundraisers	Activities where food or nonfood items may be sold by school administrators or staff, students or student groups, parents or parent groups, or any other person, company or organization to raise money for school or non-school needs.
General Food Nutrition Standards	A set of general characteristics for food items sold—type of food item and nutritional values for the food item—that determine if a food item is allowable as a competitive food.
Main Food Group Categories	Four food groups designated by USDA as the main categories of food under the competitive food rules: protein, dairy, fruit, and vegetables
Nutrient Standards	A set of nutrient values for calories, saturated or trans fats, sodium, and sugar that determine if food items can be sold under the competitive rule.
Nutrient Values	Amount of calories, saturated or trans fats, sodium, and sugar in a food or beverage. These values establish the Nutrient Standards for allowable food and beverages under the competitive food rules.
Protein Food	Term used in Competitive Food Nutrition Standards for meat/meat alternates.
Recommended Dietary Allowance (RDA)	The average amount of a nutrient that is recommended for a person in generally good health in a 24-hour period, used to establish the Nutrient Standards and dietary specifications for breakfast, lunch, snacks, and competitive foods.
School Campus	All areas of the property under the jurisdiction of the school that are accessible to students during the school day.
School Day:	The period from the midnight before to 30 minutes after the end of the official instructional day. (NOTE: Does not include the afterschool meal programs, events, or activities as long as these activities do not start during the 30 minutes after the end of the official instructional day.)

School Meals:	Meals provided under the school nutrition program for which schools receive reimbursement in accordance with all applicable federal regulations, policies, instructions, and guidelines.
Smart Snacks:	Another term USDA uses in reference to the Competitive Food Nutrition Standards for foods sold during the school day on the school campus that are not part of the reimbursable meal.
Soft Drink	A non-juice, carbonated beverage that contains natural or artificial sweetener(s) as defined in Texas Administrative Code (TAC), Title 4 Agriculture, Part 1 Texas Department of Agriculture, Chapter 1 General Procedures, § 26.10.
Trans Fat:	A type of fat that occurs in food when manufacturers use hydrogenation, a process in which hydrogen is added to vegetable oil to turn the oil into a more solid (saturated) fat. Trans fats may be found in such foods as margarine, crackers, candies, cookies, snack foods, fried foods, baked goods, salad dressings and other processed foods.

Fundraisers

There is no limit on fundraisers that meet the Competitive Food Nutrition Standards. Any food or beverage item that meets the standards may be sold on the school campus; any non-food item may be sold at any time on the school campus.

Food Sold During the School Day Not Intended for Consumption in Schools. Competitive Food Nutrition Standards do not apply to fundraising activities that include the ordering and distribution of food not intended to be consumed during the school day on the school campus.

For Example: Cookie dough or frozen sausage.

Activity Concession Stands or Other Events Where Food and Beverages Are Sold During the School Day. Foods and/or beverages sold to students at concession stands or other events must meet the Competitive Food Nutrition Standards if the sale occurs during the school day on the school campus as defined in this section.

CEs may find that providing training or assistance to concession operators about acceptable products to sell to students will help to ensure that the Competitive Food Nutrition Standards are met. See the *Records Retention* and the *Compliance* subsections in this section for additional information related to concession activities or other events that operate under the Competitive Food Nutrition Standards.

USDA’s Competitive Food Nutrition Standards

All food items sold during the school day on the school campus that are not part of the reimbursable meal must meet the Beverage Standards, General Food Nutrition Standards, and the Nutrient Standards:

Information Box 1	
Common Nutrition Measurement Abbreviations	
fl = fluid	≤ = equal to or less than
g = gram	≥ = equal to or greater than
mg = milligram	
oz = ounce	

Competitive Food Nutritional Standards Chart			
<i>Beverage Standards</i>			
Type of Beverage	School Level		
	Elementary	Middle	High
<i>Water</i>			
• Plain water	Any Size	Any Size	Any Size
• Plain Carbonated Water	Any Size	Any Size	Any Size
<i>Milk</i>			
• Plain low fat milk	≤8 fl oz	≤12 fl oz	≤12 fl oz
• Plain or flavored fat-free milk and approved milk alternatives	≤8 fl oz	≤12 fl oz	≤12 fl oz
<i>Fruit or Vegetable Juice</i>			
• 100% Fruit or vegetable juice	≤8 fl oz	≤12 fl oz	≤12 fl oz
• 100% fruit or vegetable juice diluted with water – <u>with or without carbonation</u> – with no added sweeteners	≤8 fl oz	≤12 fl oz	≤12 fl oz
<i>Other Beverages for High School Students³</i>			
<i>Non-carbonated Beverages</i>			
• Other flavored beverages without carbonation with a label indicating ≤5 calories per 8 fl oz or ≤10 calories per 20 fl oz	–	–	≤20 fl oz
• Other flavored beverages without carbonation with a label indicating ≤40 calories per 12 fl oz or ≤60 calories per 8 fl oz	–	–	≤12 fl oz
<i>Carbonated Beverages⁴</i>			
• Other carbonated beverages with a label indicating ≤5 calories per 8 fl oz or ≤10 calories per 20 fl oz without natural or artificial sweeteners	–	–	≤20 oz
• Other carbonated beverages with a label indicating ≤40 calories per 12 fl oz or ≤60 calories per 8 fl oz without natural or artificial sweeteners	–	–	≤12 fl oz

³ Residential Child Care Centers (RCCIs) only, at the high school level: calorie-free may serve flavored and/or carbonated water and other calorie-free beverages that comply with the USDA requirement of less than five calories per 8 oz serving (or less than or equal to 10 calories per 20 fl oz), in no more than 20 oz servings. Beverages of up to 40 calories per 8 fl oz (or 60 calories per 12 fl oz) in no more than 12 oz servings are also allowed.

⁴ See the definition for *soft drink* in the *Definitions* subsection in this section.

<i>General Food Nutrition Standards</i>						
Meet all of the proposed competitive food nutrition standards						
<i>and</i>						
Be a grain product that contains 50% or more of whole grains by weight or have whole grains as the first ingredient. ⁵	<i>or</i>	Have one of the non-grain major food groups as a first ingredient* (fruit, vegetable, dairy, or protein food).	<i>or</i>	Be a combination food that contains at least ¼ cup fruit and/or vegetable.	<i>or</i>	Be a food that contains 10% of the Daily Value of a nutrient of public health concern from the <i>Dietary Guidelines for Americans (DGA)</i> (i.e., calcium, potassium, Vitamin D, or dietary fiber). ⁶
<i>Nutrient Standards</i>						
Calorie limits:	<i>and</i>	Sodium limits:	<i>and</i>	Fat limits:	<i>and</i>	Sugar limits:
<ul style="list-style-type: none"> ▪ <i>Snack Items:</i> ≤ 200 calories ▪ <i>Entrée Items:</i> ≤ 350 calories 		<ul style="list-style-type: none"> ▪ <i>Snack Items:</i> ≤ 230 mg per portion as packaged⁷ ▪ <i>Entrée Items:</i> ≤ 480 mg per portion as packaged 		<ul style="list-style-type: none"> ▪ <i>Total Fat:</i> ≤ 35% of calories ▪ <i>Saturated Fat:</i> < 10% of calories ▪ <i>Trans Fat:</i> 0 g (≤ 0.5 g) 		<ul style="list-style-type: none"> ▪ ≤ 35% of <i>weight</i> from total sugars in foods

Additional Competitive Food Standards. CEs may also establish additional competitive food standards that apply locally as long as the local standards do not conflict with the Competitive Food Nutrition Standards described in this section.

⁵ If water is the first ingredient, the second ingredient must be a grain product that contains 50% or more of whole grains by weight; have fruits, vegetables, dairy, or protein foods as a first ingredient; or be a combination food that contains at least ¼ cup fruit and/or vegetable.

⁶ Effective July 1, 2016, this criterion is obsolete and may not be used to qualify as a competitive food.

⁷ On July 1, 2016, the sodium standard will move to 200 mg per item as packaged or served.

Combination Food

The *Combination Food Criteria Chart* provides a detail description of a combination food item as well as a detailed list of criteria that establish the designation of a combination food. Combination food items must also meet the nutrient standards specified for competitive foods.

Combination Food Criteria Chart

Combination foods must meet the following criteria:

- Contain two or more components representing two or more of the recommended food groups: fruit, vegetable, dairy, protein, or grains.

And meet one the of the following criteria:

- Be a grain product that contains 50% or more of whole grains by weight or have whole grains as the first ingredient.⁸
or
- Have one of the non-grain major food groups as a first ingredient* (fruit, vegetable, dairy, or protein food).
or
- Contain ¼ cup of fruit and/or vegetable.
or
- Be a food that contains 10% of the Daily Value of a nutrient of public health concern from the *Dietary Guidelines for Americans (DGA)* (i.e., calcium, potassium, Vitamin D, or dietary fiber).⁹

For Example:

Blueberry muffin, containing refined grains and an appropriate serving of blueberries

Harvest stew, containing a least one appropriate serving of vegetables

Cheese sandwich, containing a whole grain-rich bread and a protein food

⁸ If water is the first ingredient, the second ingredient must be a grain product that contains 50% or more of whole grains by weight; have fruits, vegetables, dairy, or protein foods as a first ingredient; or be a combination food that contains at least ¼ cup fruit and/or vegetable.

⁹ Effective July 1, 2016, this criterion is obsolete and may not be used to qualify as a competitive food.

Special Situations, Combination Foods or Foods Served As a Unit

The following guidance provides additional information on combination foods or foods served as a unit:

Two Items Packaged Together. Two items that are packaged together are considered to be a combination food. The items must be sold together as one unit and must meet the criteria for a combination food.

For Example: A 100-calorie pouch containing a small chocolate chip cookie and a small banana. The cookie contains grain and the banana contains about a ½ cup of fruit and the following nutrient values:

- 190 calories
- 3 g of fat (14% calories from fat)
- 1 g of saturated fat (5% calories from saturated fat)
- 0 g trans fat
- 95 mg sodium
- 20 g of sugar (17% sugar by weight)

Yogurt. When yogurt is combined with fruit or vegetables or a whole grain food such as granola, it becomes a combination food and is an acceptable entrée at lunch. However, yogurt alone, without fruit or vegetables or a whole grain food, cannot be an entrée item.

Entrée Items

If offered in the same or smaller portion on the same day or the day after it was offered as part of a reimbursable meal, an NSLP or SBP entrée item is exempt from the Competitive Food Nutritional Standards. A breakfast entrée may be served as a lunch competitive food entrée, and a lunch entrée may be served as a breakfast competitive food entrée.

An entrée item must be designated on the planned menu as an entrée item in order for it to be considered an entrée item under the Competitive Food Nutrition Standards.

Lunch Entrée Item

A lunch entrée item under the Competitive Food Nutrition Standards must be one of the following categories of main dish food items:

- A combination food of meat or meat alternate and whole grain rich food
or
- A combination food of vegetable or fruit and meat or meat alternate
or
- A meat or meat alternate alone with the exception of yogurt, low-fat or reduced fat cheese, nuts, seeds and nut or seed butters, and meat snacks (i.e., dried beef jerky).

Breakfast Entrée Item

Under the Competitive Food Nutrition Standards, the CE may designate any appropriate food item as the breakfast entrée item.

Nutrient Standards, Calculation of Fat and Sugar Nutrient Values

By determining the nutrient values for foods and beverages sold in competition with the reimbursable meal, CEs will ensure that students are served health meals and snacks. To assist CEs in the process, USDA has announced that the Alliance Product Calculator created by the Alliance for a Healthier Generation will help CEs in determining if a specific food item meets the total fat, saturated fat, and sugar Nutrient Standards. This calculator can be accessed through the SquareMeals website at <http://www.squaremeal.org>.

(NOTE: The CE will need the product label in order to record the product specifications in the calculator.

For products that have more than one serving in a package, the nutrition facts are reported for one serving. The CE will need to account for this when recording information in the calculator.

If the CE sells a package with more than one serving as a unit, the CE will need to multiply the nutrition values on the package by the number of servings in the package before entering the values in the calculator.

For Example: If the package states that there are three servings and reports a sodium value of 25 mg, the CE would multiply 3 times 25 mg to get the total amount of sodium in the package. The CE would record 75 mg of sodium, not 25 mg, in the calculator.)

When recording the amounts in the Alliance Product Calculator, enter zero if there is no amount listed on the Nutrition Facts label.

If a CE is unable to access a web-based calculator, the following guidance demonstrates how to calculate the Nutrient Standards for a food or beverage item.

Calculating Calories from Total Fat and Saturated Fat

The nutrition facts panel includes total fat in two places:

1. listed as calories from fat near the top and
2. listed as grams (g) on the list of nutrients in the product.

Sample Nutrient Fact Label

Nutrition Facts	
Serving Size 1 oz (28g)	
Serving Per Container 1	
Amount Per Serving	
Calories 140	Calories from Fat 50
% Daily Values*	
Total Fat 5g	8%
Saturated Fat 0.5g	3%
Trans Fat 0g	
Sodium 200mg	8%
Total Carbohydrate 18g	6%
Dietary Fiber 3g	12%
Sugars 2g	
Protein 3g	6%

*Percent Daily Values are based on a 2,000 calorie diet.

Calories from Total Fat

A CE may choose whether to use the calories from fat method or the grams of fat method for this calculation even though each may yield slightly different results. The result of either method should not be rounded.

Percentage of Calories from <u>Total Fat</u> Per Serving Calculation Chart					
<i>Calories from Fat Method – Per Serving</i>					
Calories from Fat Per Serving		Total Calories Per Serving		100	Percentage of Calories from Fat Per Serving
50	÷	140	=	.357	x 100 = 35.7%
<i>Grams of Total Fat Method – Per Serving</i>					
Number of Grams of Fat Per Serving		9 [^]		Total Calories Per Serving	
5	x	9	=	45	÷ 140 = .3214 x 100 = 32.14 %

[^] There are 9 calories in each gram of fat

Percentage of Calories from Saturated Fat Per Serving

Percentage of Calories from <u>Saturated Fat</u> Per Serving Calculation Chart					
<i>Grams of Total Fat Method – Per Serving</i>					
Number of Grams of Saturated Fat Per Serving		9 [^]		Total Calories Per Serving	100
0.5	x	9	=	4.5	÷ 140 = .0321 x 100 = 3.2%

[^] There are 9 calories in each gram of fat

Calculating Percentage of Sugar Per Serving

The nutrition facts panel includes grams (g) of sugar on the nutrition facts label. CEs may use the following formula to calculate the percentage of sugar by weight.

Percentage of <u>Sugar by Weight</u> Per Serving Chart					
Number of Grams of Sugar Per Serving		Item Total Weight (Grams) Per Serving		100	Percentage Sugar by Weight Per Serving
2	÷	28	=	.0714	x 100 = 7.14%

Sodium

Sodium is reported by milligrams (mg) for each serving on the nutrition facts label for each product. No further calculation is needed to determine if the sodium meets the sodium nutrition standard.

(NOTE: If the food or beverage item is in a unit package and contains more than one serving, the CE will need to multiply the number of servings by the reported sodium amount in order to get the correct amount of sodium for the packaged item.)

Items Exempt from Competitive Food Nutrition Standards

The following food or beverage items are exempt from the Competitive Food Nutrition Standards:

Combination Foods

- Items which include a combination of only dried fruit, nuts, and seeds as long as the product contains no added nutritive sweeteners or fats
- Items which include a combination of fruits and/or vegetables as long as there are no added ingredients except water

Fruits and Vegetables

- Fruits¹⁰ and vegetables that are fresh, canned, or frozen that have no added ingredients except water
- Fruit packed in 100 percent juice, extra light, or light syrup
- Canned vegetables that contain a small amount of sugar for processing purposes

Proteins

- Reduced fat cheese and part skim mozzarella cheese
- Nuts and seeds and nut/seed butters, exempt from total fat standard only
- Dried fruit with nuts and/or seeds with no added nutritive sweeteners or fat
- Seafood with no added fat, exempt from total fat standard only

Other Items

- Sugar-free chewing gum

¹⁰ Any fruit product with sugar that meets the Nutrient Standards and has fruit as the first ingredient may still be sold if it meets all Competitive Food Nutrition Standards.

Special Situations, Food and Beverage Items

The following guidance provides additional information on special situations related to the nutrient values of food and beverage items under the Competitive Food Nutrition Standards:

Accompaniments or Condiments. The nutrient profile for any accompaniment must be included in a food or beverage item’s nutrient values—that is, the accompaniment counts toward the item’s total nutrient values.

Calculating the Portion Size for an Accompaniment. In cases where the CE uses bulk accompaniment products instead of individually packaged accompaniments, the CE must establish an average amount used—that is dividing the total amount served by the number of servings taken.¹¹

After calculating the average portion size, the CE will determine the nutrient values for the portion size and add the average portion’s nutrient values to that amount to get the nutrient values for the item.¹²

Calculation Accompaniment Nutrient Value Chart		
<i>Average Portion Size</i>		
<i>Total Amount for All Portions Served</i>	<i>Number of Servings</i>	<i>Average Accompaniment Portion Size</i>
48 oz	÷ 55	= .818
<i>Total Item Nutrient Value (Calculate for Each Nutrient Value in the Item)</i>		
<i>Nutrient Value for Average Portion Size</i>	<i>Nutrient Value for Food or Beverage Item</i>	<i>Total Nutrient Value for Food or Beverage Item</i>
2 mg sodium	+ 100 mg sodium	= 102 mg sodium

Caffeinated Beverages. CEs may serve caffeinated beverages to high school students as long as all Competitive Food Nutrition Standards are met. However, research on the effect of caffeine on adolescents is only beginning to emerge; schools should exercise caution when selecting caffeinated items for sale to students.

The Competitive Food Nutrition Standards do not allow food or beverage items with caffeine to be served to elementary or middle schools students with the exception of trace amounts of naturally occurring caffeine.

¹¹ See the *When Competitive Food Nutrition Standards Apply* subsection in this section for additional information related to accompaniments or condiments intended to be used with a beverage or food item that is sold.

¹² CEs must retain calculations records that demonstrate established averages with meal production records.

Cheese and Crackers. If the cheese and crackers are packaged separately and sold as separate items, cheese and crackers are not considered a combination item. Therefore, each item must meet the nutritional standards individually.

Cheese and Crackers as a Combination Item. To be a combination item, the item must be

1. listed on the planned menu as a combination item,
2. served as a unit, and
3. have either a dairy food or whole grain as the first ingredient.

Coffee and Tea, High School Only. Coffee and tea are classified as *Other Beverages* and must meet the Nutrient Standards for *Other Beverages*.

Culinary Education Programs. The Competitive Food Nutrition Standards have no impact on the curriculum for culinary education programs. The culinary program may continue to sell any food prepared to adults or the larger community during the school day on the school campus and to students outside of the school day. However, if the culinary program prepares and sells food to students during the school day, the Competitive Food Nutrition Standards do apply to food and/or beverages sold to students.

Espresso with Steamed Milk. Espresso with steamed milk may be served at the high school level if the following requirements are met:

1. Steamed milk is made from skim flavored/unflavored milk or 1% unflavored milk.
2. No more than a 12 fl oz beverage is served.

Espressos may also be served over ice or blended with ice.

Fruit Concentrate. When *fruit concentrate* is listed as an ingredient on a nutrition fact label or manufacturer's statement, it is not considered to be fruit or fruit juice. In this case, the fruit concentrate ingredient is considered to be an added sweetener and, therefore, must be counted as an additive sweetener when calculating the nutritional values for a food or beverage item.

However, a fruit juice product may be packaged in a concentrated form that is intended to be diluted as described in the product directions to make a fruit juice. In this case, the concentrated fruit juice, once it has been diluted as described in the directions, is a considered to be a *fruit juice*.

Fried Foods. Deep-fat frying may not be utilized as a method of preparation for food served as part of a reimbursable meal or for food sold or provided to students on the school campus during the school day.

Foods that have been pre-fried, flash-fried, or par-fried by the manufacturer may be served if the item is baked or heated by a method other than deep-fat frying when prepared for meal service. These items must also meet the Nutrient Standards.¹³

Frozen Fruit Product. A CE has the option to serve a frozen fruit product (i.e., slushy, fruit bar) as a food item or a beverage item. The CE must designate whether the frozen fruit product is a food or beverage item on its planned menu.

Frozen Fruit, Food Item. If a CE serves a frozen fruit product as a food item, the product must (1) contain one of the main food groups (protein, dairy, fruit, or vegetable) as the first ingredient and (2) meet the appropriate nutrient standards.

Frozen Fruit, Beverage Item. If a CE serves a frozen fruit product as a beverage, the following guidance must be used.

- Elementary and Middle Schools—The product must have no added sweeteners since only 100 percent juice and water are allowed.
- High Schools—The product may be served as (1) a juice item if it is 100 percent juice and water or as (2) an *Other Beverage* if the frozen fruit product contains added sweeteners or other ingredients. In either case, the product must meet the nutrient standards for the type of beverage.

Popcorn. Popcorn is considered a whole grain if the ingredient label lists the first ingredient as popcorn. Popcorn may be sold as a competitive food item if the product meets the Competitive Food Nutrition Standards.

Salad. CEs have the option to menu a salad in the way that best meets their needs. Therefore, a salad may be served as a vegetable food item or a combination food.

Side Dish from Reimbursable Meal. When a side dish from the reimbursable meal is offered as a competitive food item, the side dish must meet the Competitive Food Nutrition Standards. Side dishes are not exempt from nutritional standards.

Smoothie. Smoothies may be sold as a food item or beverage item, depending on the ingredients used to make the smoothie.

Smoothie, Beverage Item. A smoothie is considered to be a beverage when it is comprised of 100 % juice, low fat or nonfat milk (including milk alternatives), and water (or ice). To be served as a competitive food, a smoothie beverage item must meet the Beverage Standards for the school level in which it is served—elementary, middle, or high school.

¹³ RCCIs are not required to adhere to this rule.

Smoothie, Breakfast Entrée. If a smoothie meets the breakfast meal pattern and was offered the day of or day after service as a reimbursable meal item, it may be designated as a breakfast entrée.¹⁴

Smoothie, Food Item. A smoothie is considered to be a food item if the smoothie meets the General Food Nutrition Standards: (1) contains one of the main food groups (protein, dairy, fruit, and vegetables) as a first ingredient and (2) meets the Nutrient Standards for calories, saturated or trans fats, sodium, and sugar.

If the smoothie also meets the criteria for a food entrée item, it may be sold as an entrée.

If the smoothie does not meet the criteria for a food entrée item, but does meet the General Competitive Food Nutritional Standards and Nutrient Standards, it may be sold as a snack.

Soy Products. Soy products, such as tofu and textured vegetable protein (TVP), are considered protein foods. If tofu, TVP, or soybean is listed as the first ingredient, the product meets the criterion for a protein food and may be served as a competitive food if the item meets the nutrient standards.

Soy Nuts, Protein Food Item. Soy nuts are dried soybeans that fall into both the protein¹⁵ group and vegetable group. When listed on the planned menu as a protein food item, the vegetable exemption for the Competitive Food Nutrition Standards does not apply.

Soy Nuts, Vegetable Food Item. When the soy nuts or dried soybeans are listed on the planned menu as a vegetable, the soy nuts are exempt from the total fat and saturated fat under the nut/seeds exemption. However, soy nuts are still subject to the Nutrient Standards for calorie, trans fat, sugar, and sodium.

Soy-Beverages. Fortified soy-beverages are an allowable milk alternative in schools. Therefore, if the soy-beverage meets the Nutrient Standards for milk, these products are allowable as a competitive food item.

Yogurt with Fruit. Yogurt is a dairy product; however, when yogurt is combined with fruit, vegetables, or whole grain rich food (i.e., granola), it becomes a combination food entrée.¹⁶

¹⁴ See the *Special Situations, Combination Foods* subsection in this section for additional information on this topic.

¹⁵ Meat/Meat Alternate

¹⁶ See the *Combination Food* subsection in the section for additional information on this topic.

Records Retention Requirements

CEs must retain documentation about food production and service. CEs have the option to maintain records on paper or electronically. CEs are encouraged to develop a system of document retention that allows them to readily retrieve documentation. TDA may request documentation as part of the administrative review processes.

All documentation or records must be kept on file for a minimum of five years for public and charter schools or three years for private schools, nonprofit organizations, and residential child care institutions after the end of the fiscal year to which they pertain.

The CE must retain the following types of documentation related to food production in its record retention system:¹⁷

- Administration of the program
- Counting and claiming
- Food purchase and production
- Program review as well as onsite monitoring forms

Information Box 2 Records Retention

Public and charter schools are required to keep documentation related to school nutrition programs for 5 years.

Private schools, other organizations, and residential child care institutions (RCCIs) are required to keep documentation for 3 years.

For more information on the specific types of documentation that is required, see *Administrator's Reference Manual, Section 3, Records Retention*.

Food Production Records

The CE must keep complete and accurate food production and menu records for the meals they produce—a la carte and reimbursable meals. Food production records are the CE's only records that demonstrate that food or beverage items served met the requirements. Documentation includes, but is not limited to, child nutrition labels (CN labels), manufacturer certified product formulation statements, menus, food production records, nutrition value calculations, and planned menus.

Alliance Calculator Tool. CEs may use a printed (or electronic) copy of the results from the Calculator tool to demonstrate that a product meets the nutrient standards; however, relevant nutrition fact labels or product/manufacturer's statement must also be retained to demonstrate the information recorded in the calculator was entered correctly.

¹⁷ See *Administrator's Reference Manual, Section 3, Records Retention* for additional information on this topic.

While there is no one specific strategy for maintaining food production records, TDA recommends that each CE develop a system that aligns to its menu cycle.

For Example: A CE uses a four-week menu cycle. For each week, the CE has created a notebook that has a divided section for each serving day of week. In each daily section, the CE has collected that day's food production documentation, standardized recipes, product labels or manufacturer certified product formulation statements, and other information.

CEs should use the following guidance in maintaining production records:

- This requirement applies to records for all lunches including salad and other food bars, quick lines, sack meals, field trips, a la carte, in-school suspension (ISS), etc.
- These records must show how the food and beverage items offered meet nutritional standards including, but not limited to,
 - Complete record of items included in the planned menu –reimbursable meals and a la care
 - Itemized lists of items offered through a la carte lines
 - Nutrient values or profiles for all items
- Production records should be organized in an easily accessible format on a daily basis with cumulative accounting weekly or monthly as appropriate and ready for review on request.

Records for Concessions Stands or Other Events Where Food and Beverages Are Sold During the School Day. If food or beverage items are sold during the school day on the school campus for a concession stand or other event, the CE must have a system in place to retain records that demonstrate that the beverage and food items sold met the Competitive Food Nutrition Standards. While there is no one required method for keeping this records, TDA recommends that the CE establish a CE-wide policy for how these records are maintained.

(NOTE: The requirement for the CE to retain appropriate records for all food and beverage items sold does not mean that the school nutrition program is required to establish a system to create and retain appropriate records for sales not made by the school nutrition program. It is the responsibility of the entity that is contracted to administer the program to establish a system to retain appropriate records for the sale of all beverage and food items that take place on the school campus during the school day.)

CEs may find it helpful to provide training to operators of concession stands or other events so that operators understand the requirements.

Compliance

TDA will assess compliance with the Competitive Food Nutrition Standards during an administrative review (AR) or at other times as appropriate. This assessment will include an analysis of food and beverage items sold in competition with the reimbursable meal.

TDA has the discretion to take fiscal action for violations for the following:

- Not meeting the Competitive Food Nutrition Standards
- Inadequate or unavailable documentation related to competitive foods

CEs with findings in these areas will be required to complete adequate Corrective Action Documentation (CAD).