



# Guide to Competitive Foods

The USDA has recently proposed national nutrition-related restrictions on “competitive foods” sold in schools (read the full proposal [here](#)). The USDA defines “competitive foods” as all foods and beverages sold to students on the school campus during the school day, other than those meals reimbursable under federal meal programs. Therefore, “competitive foods” are typically foods and drinks sold in vending machines, à la carte and in student stores.

## A Brief History

- 1979 - The USDA passes competitive food rules for the first time. Regulations only limit the sale of foods of minimal nutritional value (FMNV). FMNV are defined in federal regulations as having less than 5 percent of the RDA per serving for eight key nutrients and include soft drinks, water ices, chewing gum and certain sugar-based candies (such as jelly beans). FMNV cannot be sold in foodservice areas during meal periods but may be sold anywhere else in a school at any time. (Source: School Foods Sold Outside of Meals Research Brief, May 2007, Prepared by Nicole Larson, M.P.H., R.D., and Mary Story, Ph.D., R.D., University of Minnesota).
- 2010 - The Healthy Hunger Free Kids Act comes in to revise the aforementioned guidelines and requires the USDA to establish national nutrition standards for all food sold and served in schools at any time during the school day. It allows for exemptions for school-sponsored fundraisers if the fundraisers are approved by the school and are infrequent.
- 2013 - USDA releases proposed updates to competitive food rules and opens them to public comment for 60 days.

**Now that the proposed rules have been published, there is a 60-day comment period during which time the USDA reads and organizes all suggestions (there were 130,000 comments during the review period for the school lunch revisions suggested in 2011!). The rules should be finalized late this year, or early 2014, with schools potentially implementing them in spring/summer 2015.**

## Proposed Changes Would:

- Encourage consumption of healthful products that have whole grains, low-fat dairy, protein (such as nuts & nut butters), fruits and vegetables as their main ingredients
- Set limits on calories: 200 for snacks, 350 for entrees
- Set limits on fats: total fat must be less than or equal to 35% of calories; saturated fat must be less than or equal to 10% of calories per portion as packaged; and trans fat must be 0g as stated on the label. Some exemptions apply.
- Set limits on sugars: total per serving must be less than or equal to 35% of calories or less than or equal to 35% of weight. Exemptions are provided for fruits and vegetables packed in juice or extra-light syrup, dried whole fruits, and low-fat yogurt with less than 30g of sugar per 8 ounces
- Set limits on sodium: snack items shall contain less than or equal to 200 milligrams of sodium. For entrée items, sodium levels must be less than or equal to 480mg of sodium per portion for meals outside federal meal programs
- Allow for water, low-fat milk and 100% juice in all schools, plus lower-calorie beverages in high schools
- Allow flexibility by permitting variations between elementary, middle & high schools when it comes to beverage portion sizes and caffeine content (i.e. caffeine, other than trace amounts from natural sources, is allowed only in high schools)
- Make potable water available to children at no charge in the place where lunches are served during the meal service

- Allow flexibility for occasional fundraisers and special events
- Allow flexibility for state and local communities to supplement these guidelines or maintain their own policies, as long as these proposed minimum requirements are met
- Give schools time to transition to healthy vending. The standards will not go into effect until at least one full school year after public comment is considered (60 days from now) and after a final rule is published

## Quick Facts

- High school students in CA reported less in-school intake of fat, sugar, and total calories compared to students in states that do not regulate competitive food nutritional content (Source: Taber, Chriqui, and Chaloupka, *Arch Ped and Adol Med*, 2012)
- About \$2.3 billion worth of snack foods and beverages are sold annually in schools nationwide (source: The National Academy of Sciences)
- Children consume 19-50% of their daily food intake at school (Source: The U.S. Department of Agriculture, Food and Nutrition Service)
- 80% percent of American voters favored national standards that would limit calories, fat, and sodium in snack and à la carte foods sold in U.S. schools and encourage the consumption of fruits, vegetables and low fat dairy items (Source: Kids' Safe and Healthful Foods Project, 2012)
- The Centers for Disease Control and Prevention (CDC) recently issued a report that analyzed state policies for food and beverages served outside the school lunch line, which noted that 39 states already have a state law, regulation or policy in place related to the sale or availability of snack foods and beverages in schools. In many cases, local level (district and school) policies and practices exceeded state requirements or recommendations. USDA's proposal would establish "minimum standards"
- 82% of all schools - and 92% of middle and high schools - offered a la carte foods at lunch (Source: Gordon, et al., 2007; SNDA-III, Volume 1, pp 102-114)
- Vending machines were available in 52% of all schools and 26% of elementary schools, 87% of middle schools and 98% of high schools (Source: Gordon, et al., 2007; SNDA-III, Volume 1, pp 102-114)
- 34 percent of the U.S. adult population is obese and an additional 34 percent are overweight (Source: Ogden and Carroll, 2010).
- 33 percent of U.S. children and adolescents are now considered overweight or obese (Source: Beydoun and Wang, 2011), with current childhood obesity rates four times higher in children ages 6 to 11 than they were in the early 1960s (19 vs. 4 percent), and three times higher (17 vs. 5 percent) for adolescents ages 12 to 19 (Source: IOM, 2007b, p. 24)

## Need a Subject Matter Expert?

**Want to learn more about these guidelines? Want to know how they will affect the vending industry and schools across the nation?**



*Please meet Sean Kelly, CEO and Co-Founder of HUMAN Healthy Vending*

In 2008, Sean co-founded HUMAN Healthy Vending to make healthy food more convenient than junk food while turning the \$42B vending industry on its head. HUMAN is now an award-winning franchisor of high-tech and eco-friendly healthy vending machine businesses with nearly 1500 machines in the field and nearly 200 franchisees across the nation, Puerto Rico and Canada.

Sean has been named in *Forbes'* "Top 30 Under 30" (2012), *CNN Money's* "Top 10 Generation Next Entrepreneurs" list, *Business Week's* "Top 25 Young Entrepreneurs" list and *Mother Nature Network's* "Innovation Generation: 30 Fresh Thinkers Helping Humanity Adapt to What's Next."

**Please contact Annabel Adams at [annabela@healthyvending.com](mailto:annabela@healthyvending.com) or 562.852.3338 should you like to speak with Sean.**