

## **Business/Non-Instructional Operations**

### **Food Sales Other than National School Lunch Program**

Only food or drinks which do meet the minimal nutritional values and requirements for a la carte foods set by the Food and Nutrition Service of the United States Department of Agriculture (Section 17 of Public Law 95-166 amending Section 10 of the Child Nutrition Act of 1966) and Connecticut statutes and regulations may be sold or made available for sale in any school of the district between the beginning of the school day, but is prohibited from 30 minutes before and 30 minutes after the close of the last lunch period at that school. No food or drink distributing machine shall be accessible to students during those hours unless the food or drink being sold meets the minimal nutritional values specified and fulfills the requirement of Connecticut statute and USDA requirements. When any food is available for purchase during the day, nutritious low fat foods and drinks, as defined by state law, must also be available for purchase by students during the regular school day.

Promotional candy sales shall be limited to the period before the beginning of the school day and after the close of the school day. Such sales require approval of the school Principal. (The CSDE strongly encourages districts to promote consistent health messages to students by prohibiting the sale and serving of candy on school premises at all times, or at least during the entire school day.)

Sale of food or drinks anywhere on campus from ½ hour before and after the end of the last lunch period is regarded as being competitive with the National School Lunch Program or the School Breakfast Program. Food or drinks which do meet or exceed the minimal nutritional values of the USDA and which are sold during the period above are, however, not considered as being competitive with those programs. These may be sold during the times cited above, but all profits from such sales must accrue to the food service account.

The Secretary of the United States Department of Agriculture has approved a list of competitive foods which may be sold, and the State of Connecticut has extended that list, but only foods approved by the State of Connecticut and/or the Secretary may be sold in the schools of the District during the hours cited.

The listing of categories of foods of less than minimal nutritional value shall be used as a guide to sales of competitive foods and drinks in the schools, with the understanding that the listing may be modified by the USDA and/or the State of Connecticut. The list follows:

#### **Categories of Foods of Minimal Nutritional Value (FMNV)**

Federal regulations define four categories of FMNV, listed below, that cannot be sold during the USDA meal periods. However, Connecticut's healthy food certification statute and sections 10-215b-1 and 10-215-23 of the Regulations of State Agencies superseded the federal requirements by mandating additional requirements for those foods.

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#### Categories of Foods of Minimal Nutritional Value (continued)

1. **Soda Water** – (not permitted by Connecticut law)
2. **Water Ices** -- As defined by 21 CFR 135.160 FDA regulations except that water ices which contain fruit or fruit juices are not included in this definition.
3. **Chewing Gum** -- Flavored products, regular and sugarless, from natural or synthetic gums and other ingredients which form an insoluble mass for chewing.
4. **Certain Candies** -- Processed foods made predominantly from sweeteners or artificial sweeteners with a variety of minor ingredients which characterize the following types:
  - A. Hard candy, such as sour balls, fruit balls, candy sticks, lollipops, starlight mints, after dinner mints, sugar wafers, rock candy, cinnamon candies, breath mints, jaw breakers and cough drops.
  - B. Jellies and gums, such as gum drops, jelly beans, jellied and fruit-flavored slices, and “Gummi-Bear” type products.
  - C. Marshmallow candies.
  - D. Fondant, such as candy corn, soft mints.
  - E. Licorice -- a product made mostly from sugar and corn syrup which is flavored with an extract made from the licorice root.
  - F. Spun candy.
  - G. Candy coated popcorn, a product made by coating popcorn with a mixture made predominantly from sugar and corn syrup.

The federal definition of FMNV does not include any other competitive foods or beverages of low nutrient density (e.g., cake, cookies, chips, chocolate and sweetened beverages) except for the categories listed above.

Candy, water ices and gum do NOT meet the Connecticut Nutrition Standards. They cannot be sold to students in schools implementing the healthy food certification unless the Board of Education votes to allow food exemptions and they are sold at the location of events that occur after the school day or on the weekend provided they are not sold from a vending machine or school store.

State statute prohibits the sale of soda (regular and diet), coffee, tea, (regular, herbal, iced), hot chocolate and cocoa, sports drinks, energy drinks, juice drinks or beverages that are not 100% juice, (e.g., lemonade, punch drinks, cranberry cocktail), waters (with added sugars, artificial sweeteners or non-nutritive sweeteners), beverages containing only water and juice with added sugars, artificial sweeteners or non-nutritive sweeteners. These prohibited beverages can be sold to students only if the Board of Education votes to allow exemptions and the beverages are sold at the location of the events that occur after the school day or on the weekend, provided they are not sold from a vending machine or school store.

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### **Food Sales Other than National School Lunch Program**

#### **Categories of Foods of Minimal Nutritional Value** (continued)

- (cf. 3542 – School Lunch Program)
- (cf. 3542.31 – Participation in the Nutritional School Lunch Program)
- (cf. 3542.34 – Nutrition Program)
- (cf. 3542.43 – Charging Policy)
- (cf. 6142.101 – Student Nutrition and Physical Wellness, School Wellness)

Legal Reference: National School Lunch Program and School Breakfast Program; Competitive Foods. (7 CFR Parts 210 and 220, Federal Register, Vol.45, No. 20, Tuesday, January 29, 1980, pp. 6758-6772)

P.L. 111-296 Healthy, Hunger-Free Kids Act of 2010 (HHFKA), 42 U.S.C. 1751

7 CFR Parts 210 & 220 – Nutrition Standards in the National School Lunch & School Breakfast Programs.

Nondiscrimination on the Basis of Handicap in Programs or Activities Receiving Federal Assistance, 7 C.F.R. Part 15b (2001)

Connecticut General Statutes

10-215e Nutrition standards for food that is not part of lunch and breakfast program

10-215f Certification that food meets nutrition standards

10-221p Boards to make available for purchase nutritious low-fat foods and drinks

10-221q Sale of beverages

PA 06-63 An Act Concerning Healthy Food and Beverages in Schools

P.L. 111-296 Healthy, Hunger-Free Kids Act of 2010 42 U.S.C. 1751

7 CFR Parts 210 & 220 – Nutrition Standards for all Foods Sold in School as Required by the Healthy, Hunger-Free Kids Act of 2010 Federal Register Vol. 78, No. 125, June 28, 2013

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NEWTOWN PUBLIC SCHOOLS  
Newtown, Connecticut