

Section 22

Competitive Foods

Section 22, Competitive Foods

Update Guide

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| January 4, 2022 | <p>Updated <i>Section 22, Competitive Foods</i> to correct minor typos and clarify guidance on the following topics:</p> <ul style="list-style-type: none">- Flavored milk |
| August 12, 2020 | <p>Updated <i>Section 22, Competitive Foods</i> to apply new title and updated the <i>Administrator's Reference Manual (ARM)</i> section references.</p> <p>Clarified information on the following topics:</p> <ul style="list-style-type: none">- Defining food and/or beverages to be sold or given away- Flavored milk- Fundraisers- Grains |
| June 28, 2017 | <p>Updated <i>Section 20, Competitive Food Nutrition Standards</i> to update the calories allowed for Other Beverages per 8 fluid ounces offered at the high school level and to provide information on 100% juiced products.</p> |
| September 23, 2016 | <p>Updated <i>Section 20, Competitive Food Nutrition Standards</i> to incorporate the following guidance:</p> <ul style="list-style-type: none">- <i>National School Lunch Program and School Breakfast Program: Nutrition Standards for All Foods Solid in School as Required by the Healthy, Hunger-free Kids Action of 2010, Final Rule for 7 CFR Parts 201 and 220, Federal Register, Vol 81, No. 146 (July 29, 2016)</i> <p>Clarified information on the following topics:</p> <ul style="list-style-type: none">- Combination Foods- Entrée items- Exempt entrée criteria- Fundraisers- Grain product- Resources |
| August 26, 2015 | <p>Updated <i>Section 20, Competitive Food Nutrition Standards</i> to incorporate the following guidance:</p> <ul style="list-style-type: none">- <i>Title 4. Agriculture, Part 1. Texas Department of Agriculture, Chapter 26. Food and Nutrition Division, Subchapter A. Texas School Nutrition Policies</i>- <i>USDA Memo, SP 23-2014 (v. 3), Questions and Answers Related to the "Smart Snacks" Interim Final Rule (March 31, 2015)</i> <p>Clarified information on the following topics:</p> <ul style="list-style-type: none">- Alliance Product Calculator- Beverages sold to high school students- Child nutrition (CN) labels- Combination foods- Dairy products- Extended traditional National School Lunch Programs (NSLP) or School Breakfast Programs (SBP)- Food or beverages given to students- Fundraisers |

- Fruit or vegetable juice
- Non-traditional grain products
- Nutrient values
- Records retention
- School campus
- Smoothies

February 9, 2015

Updated *Section 20, Competitive Food Nutrition Standards* to incorporate the following guidance:

- *USDA Factsheet Fundraisers and Smart Snacks: Foods Not Intended for Consumption at School* (January 9, 2015)
- *Title 4. Agriculture, Part 1. Texas Department of Agriculture, Chapter 26. Food and Nutrition Division, Subchapter A. Texas School Nutrition Policies*
- *USDA Memo SP 11-2015, CN Labels Copied with a Watermark* (November 26, 2014)
- *USDA Memo TA 07-2010 (v.3), Guidance for Accepting Processed Product Documentation for Meal Pattern Requirements* (November 26, 2014)
- *USDA Memo SP 63-2014, Smart Snack Standards for Exempt Foods When Paired Together* (September 11, 2014)

Clarified information on the following topics:

- Accompaniments and condiments
- Alliance calculator
- Circumstances in which Competitive Food Nutrition Standards apply
- Classroom funds
- CN labeling
- Deep fat frying
- Entrée criteria
- Exemptions from Competitive Food Nutrition Standards
- Food not intended to be consumed on the school campus
- Fried foods
- Fruit concentrate and fruit concentrate puree
- Fruit juice
- Fundraisers
- Records retention, including for concession stands or other events
- School day
- School campus
- Time and place restrictions as defined by Texas Administrative Code, including Alternative Time and Place Restrictions and Standard Time and Place Restrictions

August 1, 2014

Updated *Section 20 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 the site name and ID if applicable) in all communication or documentation.

General Contact Information

| Physical Address | | Mailing Address | |
|--|-------------------------------|-------------------------------------|--|
| 1700 N. Congress, 11th Floor, Austin, TX 78701 | | PO Box 12847, Austin, TX 78711-2847 | |
| Phone | 877-TEX-MEAL, (877) 839 -6325 | Email Contact | SquareMeals@TexasAgriculture.gov |
| Fax | (888) 203-6593 | Website | www.SquareMeals.org |

Questions about Program Applications

Child & Adult Care Food Program

CACFP.BOps@TexasAgriculture.gov

National School Lunch Program, School Breakfast Program, & Special Milk Program

NSLP-SBP.BOps@TexasAgriculture.gov

Seamless Summer Option

SSO.BOps@TexasAgriculture.gov

Summer Food Service Program

SFSP.BOps@TexasAgriculture.gov

Questions about Program Flexibility

SNPWaivers@TexasAgriculture.gov for questions about

- Breakfast Waiver
- Child Nutrition Program Requirement Waivers
- Gender Exception
- Hiring Standards, CEs with Less Than 500 Students
- Lunch Mealtime
- Paid Lunch Equity (not currently available)
- RCCI Age/Grade Group Meal Pattern
- Seamless Summer Operation (SSO) Age/Grade
- Summer Mandate
- Technology-Based Confirmation
- Universal Breakfast Mandate
- Vending Machine to Dispense Reimbursable Meals

Nutrition@TexasAgriculture.gov for questions about

- Milk Substitute Notification

Questions about Program Operation

USDA Foods Operations

CommodityOperations@TexasAgriculture.gov

Community Operations (Child & Adult Care Food Program & Summer Food Service Program)

Community.Ops@TexasAgriculture.gov

School Operations (National School Lunch Program, School Breakfast Program, & Special Milk Program)

School.Operations@TexasAgriculture.gov

Texas Eligibility List Management System (Texas ELMS)

DirectCertification@TexasAgriculture.gov

Farm Fresh Initiative (Local Products)

FarmFresh@TexasAgriculture.gov

Questions about Financial Issues

Capital Expenditures

NSLP-SBP.BOps@TexasAgriculture.gov

Claims

BCT.BOps@TexasAgriculture.gov

Procurement, Including Sole Source and Emergency Procurement

CE.ProcurementReviews.BOps@TexasAgriculture.gov

Excessive Balance Plan

School.Operations@TexasAgriculture.gov

Questions about USDA Foods

USDA Foods Carryover Inventory

CommodityOperations@TexasAgriculture.gov

USDA Foods Transfer

CommodityOperations@TexasAgriculture.gov

June 22, 2020

Competitive Foods

The Competitive Food Nutrition Standards 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 that are not part of a reimbursable meal. The Competitive Food Nutrition Standards are also called Smart Snacks or the competitive rule. For guidance on the dietary specifications that apply to reimbursable meals, see the *Administrator's Reference Manual (ARM)*, *Section 7, Breakfast Meals* and *Section 8, Lunch Meals*.

A competitive food is defined as

Foods and/or 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/or beverages sold a la carte in a meal service line, in vending machines, in school stores, or as part of fundraisers.

Four Competitive Food Nutrition Standards

CEs that sell food and/or beverages that are not part of a reimbursable meal during the school day on the school campus—*competitive foods*— must use the following Competitive Food Nutrition Standards.

Beverage Standards for Competitive Foods (Beverage Standards)

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 for Competitive Foods (General Food Nutrition Standards)

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 for Competitive Foods (Nutrient Standards)

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 for Competitive Foods

Set of criteria that establish the Competitive Food Nutrition Standards for entrée items.

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

Definitions for This Section

For this section, the following terms will be used:

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| A La Carte | Individually priced food and/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. |
| Beverage Standards for Competitive Foods (Beverage Standards) | Set of criteria that establish beverage types, sizes, and nutrient values for competitive foods in NSLP and SBP to ensure that students are able to purchase healthy beverages. These standards apply to sites operating NSLP and SBP. These standards do not apply to the dietary specifications required for a reimbursable meal. |
| Child Nutrition Labels (CN Labels) | USDA program working directly with commercial food processing firms and in cooperation with agencies of USDA and the United States Department of Commerce (USDC) to provide standardized food crediting statements on product labels. ² |
| CN Label | Product label that contains a statement that clearly identifies the crediting contribution that the product makes toward the meal pattern. CN labels also provide ingredient information needed to assess whether items meet the Competitive Food Nutrition Standards. |
| Combination Food | Products that contain two or more components representing two or more of the recommended food groups: fruit, vegetable, dairy, protein, or grains. |
| Competitive Food (Includes Both Food and Beverages) | Foods and/or 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/or beverages sold in a meal service line, in vending machines, in school stores, or as part of fundraisers. |
| Competitive Food Nutrition Standards (Also Called Smart Snacks and Competitive Food Rule) | 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, exempt entrée criteria, general competitive food standards, and Nutrient Standards for food and beverage items. These standards apply to food sold at any sites operating NSLP and SBP. These standards do not apply to the dietary specifications required for a reimbursable meal. |
| Competitive Food Rule | Another term used 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. The Competitive Food Nutrition Standards are based on the Recommended Dietary Allowance (RDA) which is designed to help consumers use food label information to plan a healthy diet. |
| Daily Value (DV) | Percentage of a nutrient provided in a food product based on the recommended dietary allowance (RDA). |

² See *Administrator's Reference Manual (ARM), Section 23, Food Product Labeling* for more information on this topic.

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| 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 Item | <p>Item that is intended to be a main dish and is either</p> <ol style="list-style-type: none"> 1. A combination food of meat/meat alternate and whole grain <u>or</u> 2. A combination food of vegetable or fruit and meat/ meat alternate <u>or</u> 3. 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 (such as dried beef jerky) <u>or</u> 4. A grain only, whole-grain rich entrée that is served as the main dish of the SBP reimbursable meal. |
| Exempt Entrée Criteria for Competitive Foods | <p>Set of criteria used to identify exempt entrée items under the Competitive Food Nutrition Standards</p> <ul style="list-style-type: none"> – served a la carte on the same day that an entrée item served as a main dish is included on the planned menu as part of reimbursable meal <u>or</u> – the next operating day after the entrée item served as a main dish is included on the planned menu as part of reimbursable meal. <p>An exempt entrée item must be in the same serving size or smaller than the entrée item offered in the NSLP or SBP reimbursable meal.</p> |
| Exempt Fundraiser | Fundraising event where the Competitive Food Nutrition Standards do not apply. Each campus may have up to six exempt fundraising days per year. Food and beverage items sold for exempt fundraisers cannot be sold in competition with school meals in the food service area during the school meal service. |
| Food Buying Guide for Child Nutrition Programs (FBG) | USDA resource which contains information to assist CEs in determining (1) the number of serving portions for specific products and (2) whether a product fulfills the requirements for a designated food component. ³ |
| Fruit or Vegetable Juice | Beverages labeled as containing 100 percent fruit or vegetable juice. The U.S. Food and Drug Administration (FDA) requires beverage labels for products that contain juice to include a percentage of juice stated on the product carton. If the label states that the product is 100 percent juice, the juice product meets the 100 percent juice requirement. |
| 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. For more information, see the definition for <i>exempt fundraiser</i> in this section. |
| General Food Nutrition Standards for Competitive Foods (General Food Nutrition Standards) | Set of general characteristics for food items sold that are based on the food item type and nutritional values—these characteristics determine if a food item is allowable as a competitive food. These standards apply to food sold at any sites operating NSLP and SBP. These standards do not apply to the dietary specifications required for a reimbursable meal. |

³ Available at www.foodbuyingguide.fns.usda.gov/

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| Local Wellness Policy | Set of policies established by the CE to establish goals for nutrition education, physical activity, and other school-based activities that promote student wellness, as well as nutrition guidelines to promote student health and reduce childhood obesity for all foods available on each school campus. Local wellness policies must be approved by the local school board or governing board for the CE. ⁴ |
| Main Food Group Categories | Four food groups designated by USDA as the main categories of food under the Competitive Food Nutrition Standards: protein, dairy, fruit, and vegetables. In USDA guidance this term is sometimes called the <i>Non-grain Main Food Groups</i> . |
| Nutrition Fact Label | The U.S. Food and Drug Agency (FDA) label that is added to food and beverage products to provide information about the product's crediting contribution and nutritional profile. |
| Nutrient Standards for Competitive Foods (Nutrient Standards) | Set of nutrient values for calories, saturated or trans fats, sodium, and sugar that determine if food items can be sold under Competitive Food Nutrition Standards for sites operating NSLP and SBP. |
| Nutrient Values for Competitive Foods (Nutrient Values) | Amount of calories, fat (including total fat, saturated fat, and trans fat), sodium, and sugar in a food and/or beverage. These values establish the nutrient standards for allowable food and/or beverages under the Competitive Food Nutrition Standards for sites operating NSLP and SBP. These standards do not apply to the dietary specifications required for a reimbursable meal. |
| Product Formulation Statement | Also called the product analysis sheet or manufacturer's product statement, documentation that provides product specific information on the product's potential crediting contribution toward meal pattern or Competitive Food or Beverage Nutritional Standards. |
| Protein Food | Term used in Competitive Food Nutrition Standards for food items high in protein such as meat, beans, poultry, seafood, eggs, nuts, and seeds. |
| Recommended Dietary Allowance (RDA) | 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 for sites operating NSLP and SBP. |
| School Campus | Under the Competitive Food Nutrition Standards, 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 the beginning of the official instructional day to 30 minutes after the end of the official instructional day. [NOTE: The school day requirement does not include the afterschool meal and snack programs, events, or other activities as long as food service for these activities does not occur 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 used 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. |
| Trans Fat | 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. Trans fats may also occur naturally in some meat products. |

⁴ See *Administrator's Reference Manual (ARM)*, Section 29, *Local Wellness Policy & Stakeholder Engagement* for additional information on this topic.

When Competitive Food Nutrition Standards Apply

The Competitive Food Nutrition Standards apply only to food and/or beverages sold during the school day on the school campus. CEs may establish local policies or rules that are more restrictive than Texas or USDA regulations as long as those policies and rules are not in conflict with Texas or USDA regulations.

Definition for Transactions that Constitute a Sale

Sale of a food and/or beverage includes all direct or indirect sales such as (1) cash or credit transactions; (2) tokens, tickets, or other representations of value in exchange for cash or credit that a student may use to purchase food and/or beverages; or (3) food and/or beverages given to students in exchange for donations, whether those donations occur by cash or credit. If a student receives a food and/or beverage as a result of any form of payment, donation, or other contribution, the food and/or beverage item must meet the Competitive Food Nutrition Standards.

Food and/or Beverages Given to Students

If a student is given food and/or beverage items at no charge (no form of payment, donation, or other contribution exchanged for the item), these items are not subject to the Competitive Food Nutrition Standards. Food given to students is a transaction that does not result from a payment, donation of funds, or a contribution of value by the student or parent.

Food Provided by Parents or Guardians

Food provided by parents or guardians is considered to be food given to students and is not subject to the Competitive Food Nutrition Standards.⁵

Accompaniments or Condiments

An accompaniment or condiment intended to be used with a competitive beverage and/or food item is considered to be part of the competitive food and/or beverage item—even if the accompaniment or condiment is provided at a different location in the serving area.⁶

Food and/or Beverages Purchased with Classroom Funds

When the parents of students in a classroom agree to donate funds toward the purchase of treats to be shared by all children in the classroom for special occasions, food and beverage items served are not subject to the Competitive Food Nutrition Standards.

Food and/or Beverages Purchased with Tickets or Tokens Given as a Reward

If a ticket or token is given to a student for good behavior or good grades—i.e., a behavioral or performance award—and no money or other form of payment is exchanged in order to acquire the ticket or token, the exchange of the reward ticket or token is not considered a sale to the student.

⁵ See the *Food and/or Beverages Brought from Home or Food Given to Students* subsection in this section for additional information on parents or guardians providing food to their children.

⁶ See the *Accompaniments or Condiments* subsection in this section for additional information on this topic.

School Day

School day is defined as the period from the midnight before the beginning of the official instructional day to 30 minutes after the end of the official instructional day. Competitive Food Nutrition Standards apply during this time period.

Afterschool Programs

The Competitive Food Nutrition Standards do not apply to afterschool programs, events, or activities except during the 30 minutes after the end of the official instructional day.

Operating Extended NSLP or SBP in the Summer

If a CE extends the operation of the traditional NSLP or SBP into the summer, the Competitive Food Nutrition Standards do apply to all food and/or beverages sold on the school campus during the school day. The Competitive Food Nutrition Standards do not apply to sites where the CE is operating the Seamless Summer Option (SSO) or Summer Food Service Program (SFSP) and is not operating extended traditional NSLP or SBP.

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. Competitive Food Nutrition Standards apply to these places.

Combined Campuses

Combined campuses must follow the Competitive Food Nutrition Standards for the youngest age/grade group unless access to food and/or beverages is separated by age/grade group.

Locations Other Than the Cafeteria

If food and/or beverages are sold in any location where students have access, the food and/or beverages must meet the Competitive Food Nutrition Standards. This includes, but is not limited to, 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.

Restricted Areas

If students are allowed access to an area that is labeled *staff only*, the area is considered to be accessible by students and is, therefore, subject to the Competitive Food Nutrition Standards.

Exceptions to the Competitive Food Nutrition Standards

Food and/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 and/or beverage item of any type for behavior modification (or other suitable need).

Competitions and Other Events

The requirements in this section do not apply to any location students travel to for competitions or other events if a school nutrition program (SNP) does not provide the students with meals as long as the competitive or event location is not an extended area of a school campus that operates NSLP or SBP.

Food and/or Beverages Brought from Home or Food Given to Students

The Competitive Food Nutrition Standards do not restrict (1) food and/or beverages that parents provide for their own children's lunches or snacks or (2) food and/or beverages that are given to students. This includes, but is not limited to, food and/or 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 to act on his/her behalf.

CEs may establish policies to clearly define how and when a parent gives authority to another adult to provide food and/or beverages to a child on behalf of the parent during the school day on the school campus.

Food and/or Beverages Ordered and Paid for Off Campus

If the CE allows students to have food and/or beverages delivered to them on campus, students or their parents may order and pay for food and/or beverages off campus that do not meet the competitive rules and have the food and/or beverages delivered to the students to consume on the school campus during the school day. In these cases, the delivery of food or beverages must meet local policies or regulations.

CEs should include information on whether they do or do not allow food and/or beverage deliveries on campus and any applicable policies or rules in their local wellness policy.⁷

School Nurses

The requirements in this section do not apply to school nurses or another school official permitted by local policy to assist school nurses using a food and/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/or beverage items sent home with these children are not intended to be consumed during the school day or on school campus. Therefore, these food packets are not subject to the Competitive Food Nutrition Standards.

For Example: Weekend backpack program

⁷ See *Administrator's Reference Manual (ARM)*, Section 29, *Local Wellness Policy & Stakeholder Engagement* for additional guidance on this topic.

Fundraisers

A fundraiser is an event that includes any activity during which currency, tokens, tickets, donation for, or other forms of payment are exchanged for the sale or purchase of a product. Giving away food but suggesting a donation would be considered a fundraiser since funds will be raised as a result. A vending machine for which profits are used to support a school-sponsored club or activity such as the school band or football team is a fundraiser. Purchasing tickets or tokens to be exchanged later during the school day for food items would also be considered to be a sale of food for a fundraiser.

There is no limit on fundraisers that meet the Competitive Food Nutrition Standards. Any food and/or beverage item that meets the standards may be sold on the school campus during the school day.

CEs must define what types of food and/or beverages are allowed to be sold on campus.⁸

Exempt Fundraisers

Texas public, charter, and private schools that participate in NSLP or SBP may sell food and/or beverages as part a fundraiser that does not meet the Competitive Food Nutrition Standards during the school day for up to six (6) days per school year on each school campus. Food and/or beverages sold during an exempt fundraiser must not be sold in competition with school meals in the food service area during the school meal service.

CEs should include information on exempt fundraisers in their local wellness policies to ensure that students, parents, and staff understand when fundraising exemptions apply.

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 and/or beverages not intended to be consumed during the school day on the school campus. This includes ordering food items that will be picked up a later time in the future. Typically, these food items need further preparation before they can be served.

For Example: Cookie dough or frozen sausage.

Concession Stands or Other Events Where Food and/or 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.

⁸ See *Administrator's Reference Manual (ARM)*, Section 29, *Local Wellness Policy & Stakeholder Engagement* for additional guidance on the requirements in the local wellness policy that must address all food sold and given away on the school campus.

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 and/or beverage 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 for Competitive Foods:⁹

Information Box 1

Common Nutrition Measurement Abbreviations

| | |
|----------------|------------------------------|
| fl = fluid | ≤ = equal to or less than |
| g = gram | |
| mg = milligram | ≥ = equal to or greater than |
| oz = ounce | |

⁹ See the *Exceptions to the Competitive Food Nutrition Standards* and the *Items Exempt from Competitive Food Nutrition Standards* subsections in this section for additional information on situations, contexts, and specific food and/or beverage items that are not subject to the Competitive Food Nutrition Standards.

| Competitive Food Nutrition Standards Chart | | | |
|--|---|---|--|
| (Competitive food or beverage items sold during the school day must meet the standards as described in this chart.) | | | |
| Beverage Standards | | | |
| Type of Beverage | School Level | | |
| | Elementary | Middle | High |
| Water (With No Added Ingredients) | | | |
| • Plain water | Any Size | Any Size | Any Size |
| • Plain Carbonated Water | Any Size | Any Size | Any Size |
| Milk | | | |
| • Plain, unflavored low-fat (1%) 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 |
| Fruit or Vegetable Juice | | | |
| • 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 |
| Other Beverages for High School Students | | | |
| • Other lower calorie flavored and/or carbonated beverages that are labeled to contain ≤40 calories per 8 fl oz, or ≤60 calories per 12 fl oz. | – | – | ≤12 fl oz |
| • Other very low calorie flavored and/or carbonated beverages that are labeled to contain ≤5 calories per 8 fl oz, or ≤10 calories per 20 fl oz | – | – | ≤20 fl oz |
| General Food Nutrition Standards | | | |
| Meet all of the Competitive Food Nutrition Standards | | | |
| <u>and</u> Be a grain product that contains 50% or more of whole grains by weight or have whole grains as the first ingredient. ¹⁰ <u>or</u> Have one of the non-grain major food groups as a first ingredient* (fruit, vegetable, dairy, or protein food). <u>or</u> Be a combination food that contains at least ¼ cup fruit and/or vegetable. | | | |
| Nutrient Standards | | | |
| Calorie limits: <u>and</u> <ul style="list-style-type: none"> ▪ <u>Snack Items:</u> ≤ 200 calories ▪ <u>Entrée or Main Dish Items:</u> ≤ 350 calories | Sodium limits: <u>and</u> <ul style="list-style-type: none"> ▪ <u>Snack Items:</u> ≤ 200 mg per portion as packaged¹¹ ▪ <u>Entrée or Main Dish Items:</u> ≤ 480 mg per portion as packaged | Fat limits: <u>and</u> <ul style="list-style-type: none"> ▪ <u>Total Fat:</u> ≤ 35% of calories ▪ <u>Saturated Fat:</u> < 10% of calories ▪ <u>Trans Fat:</u> 0 g (≤ 0.5 g) | Sugar limits: <ul style="list-style-type: none"> ▪ ≤ 35% of weight from total sugars in foods |

¹⁰ If water is the first ingredient, the second ingredient must be one of the following: (1) grain product that contains 50% or more of whole grains by weight; (2) fruit, vegetable, dairy, or protein foods as a first ingredient; or (3) be a combination food that contains at least ¼ cup fruit and/or vegetable.

¹¹ On July 1, 2016, the sodium standard will move to 200 mg per item as packaged or served.

| General Food Nutrition Standards | | | |
|--|------------|---|--|
| Meet all of the Competitive Food Nutrition Standards | | | |
| <u>and</u> | | | |
| Be a grain product that contains 50% or more of whole grains by weight or have whole grains as the first ingredient. ¹² | <u>or</u> | Have one of the non-grain major food groups as a first ingredient* (fruit, vegetable, dairy, or protein food). | <u>or</u> |
| | | | Be a combination food that contains at least ¼ cup fruit and/or vegetable. |
| Nutrient Standards | | | |
| Calorie limits: | <u>and</u> | Sodium limits: | <u>and</u> |
| <ul style="list-style-type: none"> ▪ <u>Snack Items:</u> ≤ 200 calories ▪ <u>Entrée or Main Dish Items:</u> ≤ 350 calories | | <ul style="list-style-type: none"> ▪ <u>Snack Items:</u> ≤ 200 mg per portion as packaged¹³ ▪ <u>Entrée or Main Dish Items:</u> ≤ 480 mg per portion as packaged | <u>and</u> |
| | | | Fat limits: |
| | | | <ul style="list-style-type: none"> ▪ <u>Total Fat:</u> ≤ 35% of calories ▪ <u>Saturated Fat:</u> < 10% of calories ▪ <u>Trans Fat:</u> 0 g (≤ 0.5 g) |
| | | | Sugar limits: |
| | | | <ul style="list-style-type: none"> ▪ ≤ 35% of weight from total sugars in foods |

Entrée Items for Competitive Foods

For competitive foods, an entrée item is intended to be a main dish and is either

1. A combination food of meat/meat alternate and whole grain.¹⁴
or
2. A combination food of vegetable or fruit and meat/ meat alternate.
or
3. 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 (such as dried beef jerky).
or
4. A grain only, whole-grain rich entrée that is served as the main dish of the SBP reimbursable meal.

See the *Exempt Entrée Items* subsection in this section for information on entrees that are exempt from the Competitive Food Nutrition Standards.

Combination Foods for Competitive Foods

The *Combination Food Criteria for Competitive Chart* provides a detailed 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 for Competitive Foods Chart

Combination foods must meet the following criteria:

- ¹² If water is the first ingredient, the second ingredient must be one of the following: (1) grain product that contains 50% or more of whole grains by weight; (2) fruit, vegetable, dairy, or protein foods as a first ingredient; or (3) be a combination food that contains at least ¼ cup fruit and/or vegetable. The whole grain flexibility allowed for reimbursable meals does not apply to competitive foods.
- ¹³ On July 1, 2016, the sodium standard will move to 200 mg per item as packaged or served.
- ¹⁴ The whole grain flexibility allowed for reimbursable meals does not apply to competitive foods.

1. Contain two or more components representing two or more of the recommended food groups: fruit, vegetable, dairy, protein, or grains.
2. Meet one the of the following criteria:
 - Meet all of the nutrient standards specified for a competitive food
or
 - Be a combination food that contains ¼ cup of fruit and/or vegetable that meets the nutrient standards for a competitive food

For Example:

- Blueberry muffin, containing refined grains and at least a ¼ cup of blueberries
 - Harvest stew, containing a least ¼ cup of vegetables
 - Cheese sandwich, containing a whole grain-rich bread and a protein food
-

Special Situations, Combination Foods or Foods Served as a Unit

The following guidance provides 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 together they contain 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 item at lunch if it meets the Competitive Food Nutrition Standards. However, yogurt alone, without fruit or vegetables or a whole grain food, cannot be an entrée item or main dish.

Exempt Entrée Items

If offered in the same or smaller portion on the same day or the next operating day after it was offered as part of a reimbursable meal, an NSLP or SBP entrée item served as a main dish is exempt from the Competitive Food Nutrition Standards.

Moreover, a breakfast entrée item served as main dish may be a lunch exempt entrée item, and a lunch entrée item served as a main dish may be a breakfast exempt entrée item.

To qualify as an exempt entrée item, the entrée must meet the following criteria.

Exempt Lunch Entrée

To qualify as an exempt entrée item, a lunch entrée item must be designated as a main dish on the planned menu and must be one of the following.

- 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).

Exempt Breakfast Entrée

To qualify as an exempt entrée item, a breakfast entrée item must be designated as a main dish on the planned menu. This includes, but is not limited to, a grain only, whole-grain rich entrée that is served as the main dish of the SBP reimbursable meal.

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 healthy 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 calories, total fat, saturated fat, sodium, and sugar Nutrient Standards. This calculator can be accessed through the SquareMeals website at www.SquareMeals.org.

Alliance Product Calculator Accuracy

In order for the calculator tool to provide accurate information, the amounts recorded into the calculator must be correct and must be entered into the correct field. The CE will need the product's nutrition facts label in order to record the product specifications in the calculator.

Combination Foods

If the nutrition fact label ingredient information for a combination food item is entered incorrectly, the calculator result may be incorrect. CEs should read the directions carefully to ensure that all information is entered correctly.

Multiple Servings in One Package

For products that have more than one serving in a package, the calculator will automatically report the nutrition facts for one serving when the CE enters the total number of servings from the nutrition fact label in the calculator.

Zero Amount

When recording the amounts in the Alliance Product Calculator, enter zero if there is no amount listed on the Nutrition Fact 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 and/or beverage item.

See *Administrator's Reference Manual (ARM), Section 23, Food Product Labeling* for additional guidance on how to calculate total fat, saturated fat, sugar per serving, and sodium per serving.

Items Exempt from Competitive Food Nutrition Standards

The following food and/or beverage items are exempt from some or all of 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 are exempt from the total fat, saturated fat, and sugar standards.
- Items which include a combination of fruits and/or vegetables as long as there are no added ingredients except water are exempt from all Nutrient Standards.

Fruits and Vegetables

- Fruits¹⁵ and vegetables that are fresh, canned, pureed, or frozen that have no added ingredients except water are exempt from all Nutrient Standards.
- Fruit packed in 100 percent juice, extra light, or light syrup are exempt from all Nutrient Standards.
- Canned vegetables with no added ingredients except water that contain a small amount of sugar for processing purposes are exempt from all Nutrient Standards.
- Canned vegetables that are low sodium or have no salt added that contain no added fat.
- Dried or dehydrated whole fruit or vegetables or pieces of fruit or vegetables with no added nutritive sweeteners are exempt from the sugar standard.
- Dried whole fruit or pieces of fruit with nutritive sweetener required for processing and palatability are exempt from the sugar standard. At this time, the only types of dried fruit that may have added nutritive sweeteners and be exempt from the sugar standard are dried cranberries, dried tart cherries, and dried blueberries.

Paired Exempt Foods

- When two or more food items that are exempt from the Competitive Food Nutrition Standards are paired or packaged together without additional

¹⁵ 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.

ingredients, the paired exempt items retain their individually designated exemption for total fat, saturated fat, and/or sugar.

For Example:

- Reduced Fat Cheese Served with Apples. Reduced fat cheese is exempt from the total fat and saturated fat limits. When it is paired with a vegetable or fruit, such as apples, the paired snack is only required to meet the calorie and sodium limits.
- Celery with Peanut Butter and Unsweetened Raisins. Peanut butter is exempt from the total fat and saturated fat requirements. When it is paired with a vegetable or fruit, such as celery, the paired snack retains the fat exemptions and may be served if it meets the calorie and sodium limits. Dried fruit, such as unsweetened raisins, are exempt from the sugar limit. However, calorie and sodium limits still apply to the snack as a whole.

Proteins

- Reduced fat cheese and part skim mozzarella cheese are exempt from total fat and saturated fat standards.
- Nuts and seeds and nut/seed butters are exempt from total fat and saturated fat standards.
- Dried fruit with nuts and/or seeds with no added nutritive sweeteners or fat are exempt from the total fat and saturated fat standards.
- Seafood with no added fat is exempt from total fat standard only.
- Whole eggs with no added fat are exempt from the total fat and saturated fat standards but are subject to the trans fat, calorie, and sodium standards.

Other Items

- Sugar-free chewing gum is exempt from the 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 or condiment must be included in a food and/or beverage item's nutrient values—that is, the accompaniment or condiment counts toward the item's total nutrient values. Accompaniments or condiments include, but are not limited to, dressings or toppings, i.e., food items added to a food and/or beverage.

Calculating the Portion Size for an Accompaniment or Condiment

In cases where the CE uses bulk accompaniment or condiment products instead of individually packaged accompaniments or condiments, the CE must establish an

average amount used—that is dividing the total amount served by the number of servings taken.¹⁶

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.¹⁷

| Calculation Accompaniment or Condiment Nutrient Value Chart | | |
|---|--|--|
| Average Portion Size | | |
| Total Amount for All Portions Served | Number of Servings | Average Accompaniment or Condiment Portion Size |
| 48 oz | ÷ 55 | = .818 |
| Total Item Nutrient Value (Calculate for Each Nutrient Value in the Item Using Information from the Nutrition Fact Label) | | |
| Nutrient Value for Average Portion Size | Nutrient Value for Food and/or beverage Item | Total Nutrient Value for Food and/or beverage Item |
| 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 and/or beverage items with caffeine to be served to elementary or middle schools students with the exception of trace amounts of naturally occurring caffeine.¹⁸

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 cheese and cracker 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.

¹⁶ 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 food and/or beverage or item that is sold.

¹⁷ CEs must retain calculations documentation or records that demonstrate established average serving sizes for accompaniments or condiments with meal production documentation.

¹⁸ Chocolate milk has naturally occurring caffeine.

Coffee and Tea, High School Only

Coffee and tea are classified as Other Beverages and must meet the Nutrient Standards for Other Beverages.

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.

Culinary Education Programs

The Competitive Food Nutrition Standards have no impact on the curriculum for culinary education programs. Food/menu items prepared and tasted in the culinary program classes do not have to meet Competitive Food Nutrition Standards if they are not sold. 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.

Dairy, Milk Beverages

Allowable milk beverages for all grade levels under the competitive rule include flavored or unflavored nonfat milk, unflavored low-fat (1%) milk, Kefir (cultured milk), buttermilk, acidified milk, acidophilus milk, or nutritionally equivalent milk alternatives as permitted by the school meal requirements.

Dairy, Deviated Identity Milk Beverages

A deviated identity milk beverage is beverage labeled by the manufacturer as a *milk product* but cannot be counted as milk product because the product profile does not meet the federal standards for identifying the product ingredients as a dairy product. Deviated identity milk beverages cannot be served as a competitive food. Since probiotic dairy drinks, drinkable yogurt, milk shakes, and/or high protein low-fat milk have a deviated statement of identity, these products cannot be served as a dairy product.

Non-Dairy Food and/or Beverages

Under the competitive rules, a dairy product must meet the specific federal standards for identification as a dairy product to count as a dairy product or as one of the non-grain major food groups.¹⁹ Products that do not meet the federal standards might include nut butters, margarine, or rice milk even if the product contains one of the nutrient components of a milk product such as milk fat or milk protein. However, if the product container or the ingredient declaration specifies that the product is *ice cream*, which is a

¹⁹ See the *Competitive Food Nutritional Standards Chart*, *General Food Nutritional Standards* subsection in this section. Non-grain major food groups are fruit, vegetable, dairy, or protein food.

standard identity for dairy food, and has an ingredient list that includes milk fat, milk solids, or cream, the product is a dairy product or one of the non-grain major food groups.

Fruit Concentrate

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 100 percent fruit juice. In this case, once the concentrated fruit juice has been diluted as described in the directions, it is *100 percent fruit juice*.

However, when *fruit concentrate* or *fruit concentrate puree* is listed as an ingredient on a nutrition fact label or manufacturer's statement for a product that is not intended to be diluted to make 100 percent fruit juice, the *fruit concentrate* or *fruit concentrate puree* 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 and/or beverage item.

[NOTE: Typically, when fruit concentrate or fruit concentrate puree is an additive sweetener, it is not the first ingredient listed on the nutrition fact label.]

Fruit Juice Labeled 100% Juiced

Juice products labeled *100% juiced* are not 100% juice products.

Frozen Fruit Product

A CE has the option to serve a frozen fruit product (i.e., slushy, frozen fruit bar) as a food item or a beverage item. The CE must designate whether the frozen fruit product is a food and/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. The product must meet the Nutrient Standards for the type of beverage.
- 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 calorie requirement for the beverage type.

Non-traditional Grain Products

Non-traditional grain products—such as pasta, tortilla chips, or crackers—made with meat alternates with first ingredients such as beans or bean powder are not considered

an entrée item²⁰ for competitive foods unless they are combined with a meat/meat alternate, a meat/meat alternate and a vegetable, or a meat/meat alternate and a fruit.

When sold by themselves, non-traditional grain products which have grain as the first ingredient must meet the General Food Nutrition Standards for food items with a non-grain-food group as the first ingredient.

When sold as part of a combination food, the combination food must meet the Entrée Criteria for competitive foods or qualify as an exempt entrée item.

For Example: Lentil crackers combined with hummus may be sold as an entrée item, assuming the combined item meets the Entrée Criteria.

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 a 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 Competitive Food Nutrition 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 or substitutes),²¹ and water (or ice). To be served as a competitive food, a smoothie beverage item must meet the Beverage Standards for the school level for which it is served—elementary, middle, or high school.

If a beverage smoothie sold at the high school level contains added sweeteners, it would fall in the Other Beverage category, and, therefore, must meet the Other Beverage requirements.

Smoothie, Breakfast Entrée

If a smoothie meets the breakfast meal pattern and was offered the day of or the next operating day after service as a reimbursable meal item, it may be designated as a breakfast entrée which can be served as an exempt entrée item.²²

²⁰ See Entrée Items for Competitive Foods subsection in this section for additional information on entrée items.

²¹ See the *Administrator's Reference Manual, Section 8, Breakfast or Section 9, Lunch* for additional information on appropriate milk alternatives or substitutes.

²² See the *Special Situations, Combination Foods* subsection in this section for additional information on this topic.

Smoothie, Food Item

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

If a smoothie also meets the criteria for a food entrée item or main dish item—that is, contains a meat alternate (i.e., yogurt, peanut butter) in addition to a fruit or vegetable, it may be sold as an exempt entrée.

If a smoothie does not meet the criteria for a food entrée item or main dish but meets the General Competitive Food Nutrition 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 in a food item, the product meets the criterion for a protein food and may be served as a competitive food if the item meets Nutrient Standards.

Soy Nuts, Protein Food Item

Soy nuts are dried soybeans that fall into both the protein²³ 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 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.²⁴

²³ Meat/Meat alternate

²⁴ See the *Combination Foods for Competitive Foods* subsection in the section for additional information on this topic.

TDA Resources

The following TDA resources may assist CEs in meeting the requirements for the Competitive Food Nutrition Standards:²⁵

- *Competitive Food (Smart Snacks) Worksheet*

Records Retention

CEs have the option to maintain documentation or 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.

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

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 records retention system:²⁶

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

For more information on the specific types of documentation that is required, see *Administrator's Reference Manual (ARM), Section 30, Records Retention*.

Documentation for Competitive Foods

The CE must keep complete and accurate documentation or records for competitive beverages and foods sold. This documentation is the CE's method to demonstrate that food and/or beverage items sold met the Competitive Food Nutrition Standards. Documentation includes, but is not limited to, child nutrition labels (CN labels), nutrition fact labels, *USDA Food Fact Sheets for Schools & Child Nutrition Institutions*, manufacturer product formulation statements, menus, nutrition value calculations, nutrition fact labels, invoices, and forms or records indicating portion sizes and number of servings.

Alliance Calculator Tool

CEs may use a printed or electronic copy of the results from the calculator tool to demonstrate that a product meets 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.

²⁵ Available at www.SquareMeals.org.

²⁶ See *Administrator's Reference Manual (ARM), Section 30, Records Retention* for additional information on this topic.

While there is no one specific strategy for maintaining documentation on competitive foods, TDA recommends that each CE develop a system that aligns to its menu cycle, particularly if the CE is selling breakfast and/or lunch entrée items or main dishes as competitive food items.

CEs should use the following guidance in maintaining documentation or records:

- Document or form providing information about beverage or food items that includes
 - Serving/portion size information for a la carte beverage and food sales
 - Number of sales for each beverage or food item
- Menus for reimbursable meals, including information on breakfast or lunch entrees to be sold as exempt items
- Invoices for beverage and food products purchased
- Documentation that demonstrates the nutrition profile for competitive food beverage or food that includes, but not limited to,
 - Child nutrition labels (CN Labels)
 - Nutrition facts labels
 - *USDA Food Fact Sheets*
 - Product formulation statements to demonstrate the nutritional profile of all a la carte items²⁷
 - Print out from the USDA competitive food calculator with appropriate product documentation

Documentation 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.

If a CE chooses to hold exempt fundraisers, the CE must maintain adequate documentation to indicate the dates for each site's exempt fundraisers.

Documentation or Records for Concession Stands or Other Events Where Food and/or Beverages Are Sold During the School Day on the School Campus

If food and/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 documentation or records demonstrating that the food and beverage items sold at the concession stand or other event met the Competitive Food Nutrition Standards. The CE, not the school nutrition program, is responsible for the retention of all documentation or records relating to the sale of food and/or beverages during school day on the school campus that are not sold by the SNP. This responsibility is not assigned to the SNP.²⁸

²⁷ See *Administrator's Reference Manual, Section 24, Child Nutrition (CN) Labeling and Product Documentation* for additional information on this topic.

²⁸ 7 Code of Federal Regulations (CFR) 210.11 (b)(2), Recordkeeping, Federal Register, Volume 78, Number 125, June 28, 2013, Page 39091.

Currently, there is no state or federally required method for keeping this documentation, TDA recommends that the CE establish a CE-wide policy about maintenance of documentation or records for a concession stand or other event.

[NOTE: Although the CE is required to retain appropriate documentation or records for all food and beverage items sold, the school nutrition program itself is not responsible for maintaining documentation or records related to the sale of food and beverage items during the school day on the school campus when those food and beverage items are not sold by the school nutrition program.]

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 Competitive Food Nutrition Standards during an administrative review (AR) or at other times as appropriate. TDA's assessment will include an analysis of food and/or beverage items sold in competition with reimbursable meals.

TDA will take fiscal action, as appropriate, for the following violations:

- 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).