

# New Jersey School Nutrition Policy – Questions and Answers

(Updated August 2007, revisions are highlighted)

## FOR ALL GRADE LEVELS:

### **Items that are prohibited to be served, sold or given out as free promotion anywhere on school property at anytime before the end of the school day:**

#### **1) Foods of minimal nutritional value (FMNV) as per USDA definition.**

*Q: What are the specific FMNV defined by USDA?*

*A: Soda water, water ices, chewing gum, hard candy, jellies and gums, marshmallow candies, fondants, licorice, spun candy, and candy coated popcorn.*

*Q: Can items on the USDA FMNV exemption list be sold?*

*A: Yes, but only if they meet the NJ policy standards. The exemption list can be accessed from a link on the Model School Nutrition Policy page, under the Division of Food and Nutrition on the Department of Agriculture's website.*

#### **2) All food and beverage items listing sugar, in any form, as the first ingredient.**

*Q: What are the forms of sugar that might be listed?*

*A: The forms of sugar may include, but are not limited to: corn syrup, dextrin, fructose, high fructose corn syrup, galactose, glucose, honey, lactose, malt, maltose, maple syrup, molasses and sucrose.*

*Q: What if the first ingredient listed is a component of the product, such as "filling"?*

*A: The label will then define the ingredients in the filling, usually in parenthesis immediately following the word filling. If the first ingredient of the filling is a sugar, then the product cannot be sold. [Example: Ingredients: Filling (high fructose corn syrup, corn syrup, apple puree concentrate, etc.)]*

*Q: Can products that contain artificial sweeteners be sold?*

*A: Yes. However, due to limited research on possible long-term effects of artificial sweeteners, the Division does not recommend their use.*

*Q: Does this sugar restriction apply to items offered as a reimbursable meal component?*

*A: Yes. The sugar standard applies to meal components and to all other food or beverage items.*

*Q. Can condiments that list sugar as the first ingredient, like pancake syrup or jelly, be served?*

*A. Yes, condiments served as an accompaniment to a meal component, or as part of a recipe, are allowable, even though they may not, in of themselves, meet the standards.*

#### **3) All forms of candy.**

*Q: Are gummy fruit snacks considered to be candy?*

*A: Yes. These products cannot be served or sold.*

**Q:** *If a fruit snack meets the criteria to qualify as a meal component of the reimbursable meal, can it be sold?*

**A:** *Yes, if there is proper documentation from the manufacturer's President or Director of Research or Technology to verify that the product does meet the USDA criteria.*

**Q:** *Does this restriction apply to school fundraisers?*

**A:** *Yes. Candy cannot be sold on school property during the school day. However, it is acceptable to distribute items that have been sold off school property for students to take home. Schools are encouraged to seek other products to sell for fundraising in order to give a consistent message to their students.*

**Q:** *How is the end of the school day defined?*

**A:** *The end of the school day refers to the end of the regular, academic day.*

### **Snack and beverage standards, including those served in the After School Snack Program**

**1) No more than 8 grams of total fat per serving, with the exception of nuts and seeds.**

**2) No more than 2 grams of saturated fat per serving.**

**Q:** *What is the definition of a snack?*

**A:** *A snack is considered to be a small portion of food eaten to supplement meals, meal components and entrees.*

**Q:** *Are these standards based on the contents of a package or on a serving size?*

**A:** *The standards are based on the serving size. Nutritional information on the nutrient facts labels is always based on serving size.*

**Q:** *Can packaged items containing more than one serving per package/container be sold?*

**A:** *Yes, as long as the product meets the fat and saturated fat standards per serving. However, the Division recommends that schools try to be consistent with using only single size serving packages/containers.*

**Q:** *Are there resources available to identify snacks and beverages that meet these standards?*

**A:** *Yes. Many companies have already developed snacks to meet the standards. Contact the vendor, company website or local sales representative for the availability of products and nutrition information.*

**Q:** *Do school baked desserts have to meet the fat standards, also?*

**A:** *Yes, the recipes used must be nutritionally analyzed and schools may not serve baked desserts that exceed the Policy fat standards, per serving.*

**Q:** *Since nuts and seeds are exempt from the fat standard, would products that contain nuts or seeds such as granola bars with nuts, also be exempt from the standards?*

**A:** *No. This exemption only applies to nuts and seeds in their natural or shelled state.*

**Q:** *Is trail mix that contains nuts exempt from the fat standards?*

**A:** *Yes, if it does not contain candy.*

**Q:** *Why do these standards apply to snacks provided as an after school snack, if this policy is only applicable to items sold or served during the school day?*

**A:** *The standards apply to snacks served within the federally funded After School Snack Program because this is a reimbursable program under the jurisdiction of the NJ Department of Agriculture.*

**Q:** *Do these standards apply to the school meal components?*

**A:** *No. The standards are for snacks and beverages. The school meals are already required to meet nutritional standards established by the US Department of Agriculture.*

**Q:** *Can a reimbursable meal component that may not meet the policy's standards, such as French Fries or peanut butter and jelly sandwiches, be sold a la carte?*

**A:** *Yes, as long as the item is sold in the same portion size as offered in the meal. The Division strongly recommends that every effort be made to select menu items that are lower in fat and saturated fat, as recommended by the U.S. Dietary Guidelines.*

**Q:** *If a cookie that does not meet the fat standards is served as a component of the lunch, can that cookie be sold a la carte?*

**A:** *Yes, as long as it is offered in the same portion size as it is offered with the lunch. Cookies can meet a grain component of the school meal, which is nutritionally analyzed under the School Meals Initiative.*

**Q:** *How often does a meal component have to be on the menu in order to be exempted from the standards, if that item is sold a la carte?*

**A:** *At least once a month.*

**Q:** *Do condiments, like salad dressing, have to meet the fat standards?*

**A:** *Condiments served as an accompaniment to a meal component or as part of a recipe would not be required to meet these standards.*

**4) Beverage sizes, other than water, or other than milk containing 2 percent or less fat, shall not exceed twelve (12) ounces.**

**Q:** *Why are beverages being restricted in size?*

**A:** *Oversized portions encourage students to consume more calories, which can contribute to them becoming overweight and undernourished. Larger drinks may replace calories that could otherwise be consumed from eating healthier foods.*

**Q:** *Since 100% juice is considered a healthy beverage option, why is it being restricted in size?*

**A:** *Although 100% juices proved a good source of vitamins, current research recommends limiting the quantities of these beverages for children because of their naturally high sugar content.*

**5) Whole milk shall not exceed 8 ounces.**

**Q:** *Why is whole milk restricted to an 8- ounce portion?*

*A: The Dietary Reference Intake recommends that children consume no more than 25-35% of calories from fat. Because of the high fat content of whole milk, larger portions could easily result in exceeding these recommendations.*

*Q: Does this apply to all flavors of whole milk?*

*A: Yes. However, any flavor of milk that contains 2% or less fat may be offered in any size.*

**Schools shall reduce the purchase of any products containing trans fats.**

*Q: Does this trans fat recommendation apply to oil used in fryers?*

*A: Yes. Every effort should be made to reduce the use of any products containing trans fats.*

**FOR ELEMENTARY SCHOOLS:**

- **100 percent of all beverages offered shall be milk, water or 100 percent fruit or vegetable juices.**

*Q: Can flavored waters, either naturally or artificially sweetened, be sold?*

*A: Yes, any type of water may be sold. However, the Division strongly recommends that schools examine the products' ingredient and nutrient facts labels and limit the offering of waters containing sugars and artificial sweeteners.*

*Q: Can individual portion pack mixers (liquid or powder form) designed to be added to water, be sold?*

*A: No, not in elementary schools.*

*Q: Can sparkling waters be sold?*

*A: Yes, only if USDA has exempted the product from being classified as a Food of Minimal Nutritional Value (FMNV). Again, though, the Division strongly recommends that schools limit the offering of waters that contain added sugars or artificial sweeteners.*

*Q: Can frozen, "slushy" beverages be offered?*

*A: Only if the product contains 100% fruit juice and the portion size would be limited to 12 ounces or less.*

**FOR MIDDLE AND HIGH SCHOOLS:**

- **At least 60 percent of all beverages offered, other than milk and water, shall be 100 percent fruit or vegetable juices.**

*Q: When determining these percentages of beverages offered, do standard principles of rounding apply?*

*A: No. Refer to the Division's Beverage Reference Chart for determining the mix of beverages that can be offered. The chart is posted on the Division's Forms page that is on the Department of Agriculture's website.*

*Q: If the district offers the following products: peach tea, lemon tea, raspberry tea, and diet lemon tea, would that count as one variety toward the 60%/40% beverage standard?*

*A: No, it would not count as one variety. Each tea would be considered a flavor/variety, thus, in that scenario the district would have four varieties.*

*Q: Does this 60/40 percent mix of beverages apply to the entire school, or to each location where beverages are offered?*

*A: Each location (i.e. serving line, vending machine, store) must apply the 60/40 percent mix of beverages.*

*Q: Can individual portion pack mixers (liquid or powder form) designed to be added to water, be sold?*

*A: Yes, but they must be included as part of the 40% of “other” beverages that can be offered. However, if mixed with 20 oz. water, it will exceed the 12 oz. portion size limit.*

*Q: Can coffee be sold or served?*

*A: Yes. Coffee would be part of the 40% of “other” beverages that a school could sell.*

*Q: Are milkshakes and smoothies considered to be beverages?*

*A: Yes. They must meet the beverage standards within the Policy.*

*Q: What if there is a 60/40 mix on the serving line, but students only take the 40% of “other” beverages?*

*A: The 60/40 mix is based on what is offered, not on what is taken.*

- **No more than 40 percent of all ice cream/frozen desserts shall be allowed to exceed the above standards for sugar, fat and saturated fat.**

*Q: When calculating the 40% of “other” ice cream products that can be offered, do standard principles of rounding apply?*

*A: No. Refer to the Division’s Ice Cream Reference Chart for determining the mix of items that can be offered. The chart is posted on the Division’s Forms page that is on the Department of Agriculture’s website.*

*Q: Can elementary schools sell ice cream products?*

*A: Yes, but 100% of all ice cream products must meet the standards.*

### **EXCEPTIONS TO THE NUTRITION STANDARDS:**

- **Food and beverages served during special school celebrations or during curriculum related activities, except for Foods of Minimal Nutritional Value as defined by USDA.**

*Q: Can teachers use food for incentives or rewards?*

*A: Yes, but the items must meet the policy’s standards. The Division recommends that teachers not use food in this way, but rather that they find alternatives such as stickers or tokens that can be redeemed for prizes. Research has shown that using food items for rewards can negatively impact students’ healthy attitudes toward eating. (Fit, Healthy, and Ready to Learn: A School Health Policy Guide, Part 1, Chapter E, pages 15-16).*

*Q: What is considered to be a special school celebration or a curriculum related activity?*

*A: An example of a school celebration would be a classroom party for a student's birthday celebration or for a special holiday. An example of a curriculum related activity would be a lesson on foods from other cultures, where food items related to a particular culture may be prepared/tasted by the class.*

*Q: School stores can be curriculum-related, so would items they sell be exempt from the standards?*

*A: No. Curriculum related activities refer to occasional activities, not something that runs everyday, all day long.*

*Q: Can candy be given to the students in the classrooms on Halloween or for other holidays?*

*A: Yes, as a classroom celebration, except for candy that is included on the USDA's list of Foods of Minimal Nutritional Value. However, the Division strongly recommends that teachers look for healthier options to offer their students as much as possible, to give the students a consistent message throughout the school environment.*

*Q: Can Home-Ec classes make items that do not meet the standards?*

*A: Yes, if they are not making the items available to the rest of the students. However, to provide a consistent message for students, we recommend classes focus on preparing healthier items that would follow the intent of these regulations.*

- **Medically authorized special needs diets and items given during the course of health care or as part of a student's Individualized Education Plan (IEP).**

*Q: What are some examples of this exception?*

*A: Cough drops given by a nurse; a high sugar product given to a diabetic student who's sugar has dropped too low; candy given for behavior modification for a special needs student, per the student's IEP.*

#### **OTHER RELATED POLICY STANDARDS:**

- **Incorporate nutrition education and physical activity consistent with the New Jersey Department of Education Core Curriculum Standards.**

*Q: Who will be monitoring for compliance with these curriculum standards?*

*A: The NJ Department of Education during their regular education monitoring of school districts.*

- **Allow adequate time for student meal service and consumption.**

*Q: What is considered "adequate time"?*

*A: The National Association of School Boards of Education (NASBE) recommends 10 minutes, after the student is served, for consuming breakfast and 20 minutes, after the student is served, for consuming lunch. (Fit, Healthy, and Ready to Learn: A School Health Policy Guide, Part 1, Chapter E, page 18).*

- **Whenever possible, schedule physical education or recess before lunch.**

*Q: What if the school facility is not large enough to allow for this?*

*A: The Division realizes that this may not always be possible to do. Research has shown that students eat better when recess is scheduled before lunch and the Division encourages schools to do this whenever possible.*

- **Promote the Policy with all food service personnel, teachers, nurses, coaches and other school administrative staff.**

*Q: Why do all these people have to be involved with the policy?*

*A: Successful implementation of this policy, to provide a healthier environment for students, requires cooperation from everyone in the school. The goal is to provide a consistent, healthy message to students throughout the school environment, not just in the cafeteria.*

- **Expand awareness about this policy among students, parents, teachers and the community at large.**

*Q: Why should the community be involved?*

*A: It is important that a consistent message of healthier eating and increased physical activity is given to students not only in school, but also outside of school hours. Informing parents and the community of standards used in school will help to garner their support for carrying out the goals of this policy into their home and community lives as well.*

## **OTHER REGULATORY Q & A'S**

### **Timeline:**

*Q: When does this policy have to be in place?*

*A: A policy consistent with the Department's Model School Nutrition Policy must be implemented by September 2007.*

### **The effect of the nutrition regulations:**

*Q: Which schools must follow these nutrition regulations?*

*A: The nutrition regulations, now included in Public Law 2007, Chapter 45, apply to all public schools, and also to non-public schools that participate in any of the federally funded child nutrition programs.*

*Q: If a school is only in the Special Milk Program, do these regulations apply?*

*A: Yes. They apply to public schools and to any non-public schools that participate in any of the federally funded Child Nutrition Programs*

*Q: How do the policy standards apply to schools participating only in the Special Milk Program?*

*A: All snack and beverage items offered throughout the school at any time before the end of the school day must comply with the Policy standards. If the school provides breakfasts or lunches, these meals must either meet the standards required for the federal school lunch program, or all food and beverage items offered would have to meet the Policy standards.*

*Q: Why do the regulations apply to public schools that do not participate in any of the federally funded Child Nutrition Programs?*

*A: Since Public Law 2007 Chapter 45 was signed by Gov. Corzine in February 2007, all of the nutrition standards in the New Jersey Model School Nutrition Policy now apply to ALL public schools. However, for non-public schools these regulations only apply if the school participates in any of the federally funded Child Nutrition Programs.*

*Q: How do the standards apply to items available to teachers or other school staff?*

*A: Food or beverage items available to school staff are not bound by the nutrition standards in this policy, **as long as they are located in an area that is not accessible to students.** However, the Division recommends that school staff set the example for students to provide a consistent message of healthier eating habits.*

*Q: Do the standards apply to vending machines or school stores located outside of the cafeteria area?*

*A: Yes. The standards apply to all snack and beverage items sold or served anywhere on school property **at any time before the end of the school day.***

*Q: Do the standards apply to food or beverage items sold at sports events?*

*A: No, as long as the events are after the end of the academic school day. The standards do not apply to items sold after the end of the school day. However, the Division recommends that local Boards of Education consider regulating further during these times to provide a consistent message to students.*

*Q: Do the standards apply to items students bring in from home?*

*A: No. These standards only apply to items made available to students by or through the school. Items brought from home would not be bound by these standards, unless the local board of education chooses to further regulate in this area.*

*Q: How does this policy apply to schools containing grades K-8?*

*A: If the middle school students can be segregated, then the middle school standards can be used for those students. If all students are integrated during meal service, then the elementary standards must be used for everyone. Vending machines accessible to all students in other areas of the schools would need to comply with the elementary standards.*

*Q: How does the Policy apply to vocational programs that have retail stores and/or bake shops?*

*A: All food/beverage items from these stores or shops, that are available to the general student body during the school day, would be required to meet the policy standards.*

*Q: Do the standards apply to catering items provided for meetings or other special functions?*

*A: Yes, if the functions involve students and are held during the school day; no if it only includes adults or if it is held after the end of the school day.*

*Q: If a school DECA program is selling food after the end of the last lunch period, do the items have to meet the Policy standards?*

*A: Yes*

*Q: Do the standards apply during summer school programs?*

*A: Yes, if the summer school participates under the National School Lunch Program or the Seamless Summer Option.*

*Q. If a school has a completely a la carte deli line, do all the items have to comply with the standards?*

*A. Yes, the standards apply to all items offered a la carte that are not offered as components on the menus for the federally funded reimbursable meals.*

*Q: If a school has a completely a la carte breakfast program, do the items offered have to comply with the standards?*

*A: Yes, the standards apply to all items offered a la carte, that are not offered as components on the menus for federally funded reimbursable meals. As an alternative, schools may submit menus verifying that their breakfasts meet all of the requirements of the federally funded School Breakfast Program.*

### **Regulatory compliance:**

*Q: How will schools be monitored for compliance with these regulations?*

*A-1. For districts that participate in any of the federally funded Child Nutrition Programs:*

*Districts are required to certify that they have adopted the NJ Model School Nutrition Policy, and also send a copy of their Nutrition Policy, approved by the Board of Education, with their school nutrition program agreement packet due by September 30, 2007. Compliance with the regulations will also be monitored during the administrative review process.*

**A-2. For districts that do NOT participate in any of the federally funded Child Nutrition Programs:**

**Districts are required to sign a certification form verifying that they are in compliance with the standards of the NJ Model School Nutrition Policy (and Public Law 2007 Chapt. 45), and they will be periodically monitored for compliance by the Department.**

**Q: Can schools use the Model School Nutrition Policy as their Local Wellness Policy required by USDA?**

**A: Yes. The New Jersey Model School Nutrition Policy meets all of the requirements for USDA's Local Wellness Policy regulation.**

**Q: By September 2007, must schools adopt the Model Policy exactly as written?**

**A: Yes, at a minimum. Local districts may adopt additional or stricter standards, but may not establish any standards less restrictive than in this Policy.**

**Q: Is there any exception for schools that are currently under a beverage contract?**

**A: No, the implementation dates for these regulations have allowed sufficient time for applying the standards within the Model Policy.**