

## **SMART SNACKS IN SCHOOLS - QUICK REFERENCE**

### **I. Background**

- a. Portion of a package of policy standards enacted in the Healthy Hunger-Free Kids Act of 2010.
- b. Implementation began July 1, 2014.

### **II. Locating the Law**

- a. <https://www.gpo.gov/fdsys/pkg/FR-2016-07-29/pdf/2016-17227.pdf>

### **III. Definitions and Applicability**

- a. *Competitive Foods*: All foods and beverages sold to students outside the school meal programs, on the school campus, and at any time during the school day.
  - i. *Sold* refers to the exchange of money, tokens, or the use of some type of prepaid account to purchase an item.
  - ii. Includes: Items sold a la carte, in vending machines, at school stores, during fundraisers, or at any other venue that sells food/beverages to students during the school day.
  - iii. *School Campus*: All areas of the property under the jurisdiction of the school that are accessible to students during the school day.
  - iv. *School Day*: Period from the midnight before to 30 minutes after the end of official school day.

### **IV. Nutrition Standards for Foods**

- a. Apply the same to all grade levels.
- b. Must meet two sets of standards:
  - i. General Standard - must meet ONE of the following:
    1. Be a whole grain-rich product (i.e., contains 50 percent or more whole grains by weight or have whole grains as the first ingredient); OR
    2. Contain one of the other major food groups (fruits, vegetables, dairy product, or protein food) as the first ingredient; OR
    3. Be a “combination food” with at least ¼ cup fruit and/or vegetable.
  - ii. Nutrient Standards - must meet ALL of the following:
    1. Total Fat: ≤ 35 percent of total calories per item as packaged/served.
    2. Saturated Fat: < 10 percent of total calories per item as packaged/served.
    3. Trans Fat: Zero grams per portion as packaged/served.
    4. Sodium:
      - a. Snack and side items: ≤ 200 mg sodium per item packaged/served.
      - b. Entrée items: ≤ 480 mg sodium per item as packaged/served.
    5. Calories:
      - a. Snack or side items: ≤ 200 calories per item as packaged/served.
      - b. Entrées items: ≤ 350 calories per item as packaged/served.
    6. Sugar: ≤ 35 percent of weight from total sugar per item as packaged/served.
- c. Broad exemptions to Smart Snacks standards include:
  - i. Fruits and Vegetables:
    1. Fresh, frozen and canned fruit with no added ingredients except water, or packed in 100 percent juice, light syrup or extra light syrup.
    2. Fresh, frozen and canned vegetables with no added ingredients except water, and canned vegetables that are low sodium or no salt added and contain no added fats.
    3. Canned vegetables that contain a small amount of sugar for processing purposes.
    4. Combinations of fresh, frozen or canned fruits and vegetables are exempt as long as there are no other added ingredients except for water.

- ii. NSLP/SBP Entrée Items Sold a la Carte: Entrée items offered as part of the reimbursable breakfast or lunch are exempt from all competitive food standards if it sold a la carte on the day of service or on the following school day.
  - iii. Sugar-Free Chewing Gum
  - iv. Paired Exemptions: Combination foods containing two exempt items are exempt from all nutrient standards, except calories and sodium. (Examples include peanut butter with celery, or reduced fat cheese served with apples.)
- d. Specific exemptions to Nutrient Standards
- i. Exemptions to total fat standard:
    - 1. Reduced fat cheese (including part-skim mozzarella)
    - 2. Nuts and seeds and nut/seed butters
    - 3. Products consisting of only dried fruit with nuts and/or seeds with no added nutritive sweeteners or fats
    - 4. Seafood with no added fat
    - 5. Whole eggs with no added fat
  - ii. Exemptions to saturated fat standard:
    - 1. Reduced fat cheese (including part-skim mozzarella)
    - 2. Nuts and seeds and nut/seed butters
    - 3. Products consisting of only dried fruit with nuts and/or seeds with no added nutritive sweeteners or fats
  - iii. Exemptions to sugar standard:
    - 1. Dried whole fruits or vegetables
    - 2. Dried whole fruit or vegetable pieces
    - 3. Dehydrated fruits or vegetables with no added nutritive sweeteners
    - 4. Dried whole fruits or fruit pieces with nutritive sweeteners that are required for processing and/or palatability purposes (i.e., cranberries, tart cherries or blueberries)

## V. Nutrition Standards for Beverages

- a. Standards vary by grade level:
- i. Plain water or plain carbonated water with no added ingredients may be sold to all students with no limits on size
  - ii. Unflavored or flavored low-fat milk and unflavored or flavored non-fat milk (including nutritionally equivalent milk alternatives as permitted in the school meal programs)
    - a. Elementary schools (K-5):  $\leq 8$  fluid ounces
    - b. Middle and high schools (6-12):  $\leq 12$  fluid ounces
  - iii. 100% fruit and/or vegetable juice
    - a. Elementary schools (K-5):  $\leq 8$  fluid ounces
    - b. Middle and high schools (6-12):  $\leq 12$  fluid ounces
  - iv. 100% fruit and/or vegetable juice diluted with water, with or without carbonation, and with no added sweeteners
    - a. Elementary schools (K-5):  $\leq 8$  fluid ounces
    - b. Middle and high schools (6-12):  $\leq 12$  fluid ounces
- b. Additional beverages for high school students (9-12):
- i. Calorie-Free Beverages (up to 0.5 calories per fluid ounce): maximum serving size 20 fluid ounces
    - 1. Calorie-free flavored water, with or without carbonation
    - 2. Other "calorie-free" beverages with less than 5 calories per 8 fluid ounce container, or up to 10 calories per 20 fluid ounce container.
  - ii. Lower Calorie Beverages (up to 5 calories per fluid ounce): maximum serving size 12 fluid ounces
    - 1. Up to 60 calories per 12 fluid ounce container
    - 2. Up to 40 calories per 8 fluid ounce container

- c. Caffeine:
  - i. Only caffeine-free beverages are allowed for elementary and middle school students, with the exception of trace amounts of naturally-occurring caffeine substances, such as in chocolate milk.
  - ii. Caffeine-containing products are not prohibited in high schools.

## **VI. Fundraisers**

- a. All foods/beverages that meet the Smart Snacks standards may be sold for fundraising purposes on the school campus during the school day without a limit on frequency or location of sale.
- b. Smart Snacks standards do not apply to items sold during non-school hours, weekends, or off-campus fundraising events.
- c. PDE permits a maximum of five exempt fundraisers to occur in each elementary school and middle school building, and a maximum of ten exempt fundraisers to occur in each high school building per school year.
  - i. *Exempt fundraisers*: Fundraisers that do not meet the Smart Snacks standards.
  - ii. Each exempt fundraiser may last up to one school week, or five consecutive school days.
  - iii. Items sold for exempt fundraisers may not be sold in the meal service area during meals. See PDE-SNP-400 on PEARS, Download Forms for more information.

## **VII. Administrative Provisions**

- a. Recordkeeping
  - i. School food authorities (SFAs) are responsible for maintaining records documenting compliance with the competitive food standards for items sold in the meal service area during meal service periods.
  - ii. Local education agencies (LEAs) are responsible for maintaining records documenting compliance with the competitive food standards for items sold in areas outside of the school food service operation.
  - iii. LEAs are responsible for ensuring that any organizations selling competitive foods at the various venues in the school are maintaining records documenting compliance with the competitive food standards.
  - iv. Required records include receipts, nutrition labels and/or product specifications for items available for sale. In addition, a record that substantiates that each item offered for sale meets the standards is required and includes evaluating the Nutrition Facts label and/or using the Alliance for a Healthier Generation Calculator and retaining copies in the files.
- b. Monitoring and Compliance
  - i. State agencies are responsible for monitoring compliance with the requirements of the competitive food nutrition standards through periodic reviews of local educational agency records and operations.

## **VIII. Resources**

- a. PEARS, Download Forms, Smart Snacks in School section
- b. Alliance for a Healthier Generation's Smart Snacks Calculator: <http://rdp.healthiergeneration.org/calc/calculator/>
- c. USDA/FNS Smart Snacks in School Resource Page: <http://www.fns.usda.gov/cnd/governance/legislation/allfoods.htm>
- d. Alliance for a Healthier Generation's Smart Food Planner page: <https://foodplanner.healthiergeneration.org/>

## **IX. PDE Contacts:**

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