

July 28, 2003

Subject: Amended Foods of Minimal Nutritional Value Policy

There continues to be considerable national emphasis about obesity in the general population and particularly in children. The Centers for Disease Control (CDC) has classified obesity as a national epidemic and the Surgeon General issued a Call to Action to Prevent and Decrease Overweight and Obesity. The increasing consumption of “junk food” and carbonated beverages by children is being blamed for an alarming increase in obesity and Type II diabetes. Schools are identified as one of the key settings for public health strategies to address this concern. The United States Department of Agriculture (USDA) has launched efforts to foster healthy school nutrition environments that support proper nutrition and the development of healthy eating habits to counteract these national health concerns and to improve the quality of students’ dietary intake.

To further these efforts a Child Nutrition Program policy memorandum was issued in 2002 which emphasized the requirements prohibiting serving Food of Minimal Nutritional Value (FMNV). That policy pertained to the availability of FMNV in school food service and eating areas. The problem of obesity and Type II diabetes among Texas school children is increasing and has become a public health crisis in the state. The Texas Department of Agriculture is concerned about the health of all Texans and school children in particular. To combat this problem and further reinforce USDA's efforts to improve school nutrition environments, TDA is amending the current FMNV policy effective with the start of the 2003-04 school year.

### **AMENDED FMNV POLICY**

**1. An elementary school campus may not serve or provide access for students to FMNV at any time anywhere on school premises during the school day.** For purposes of this policy, an elementary school campus is defined as any campus containing a combination of grades EE - 6. Examples: EE, PK - 3, 5 - 6, and 6th grade centers. Middle schools with grade levels including one grade in this range would not be covered by this policy. Example: a 6 – 8<sup>th</sup> grade middle school.

Schools must prevent students’ from accessing FMNVs on school premises. Such food and beverages may not be sold or given away on school premises by the school, school or non-school organizations, teachers, parents, or any other person or group during the school day.

**2. A middle school campus may not serve or provide access for students to FMNV anywhere on school premises during meal periods (breakfast, lunch and snack). For purposes of this rule, a middle school campus is defined as any campus containing a combination of grades 6 - 8. High schools with grade levels including one grade in this range would not be covered by the policy. Example: a high school with grades 8-12.**

**3. In addition, a middle school campus may not serve or provide access for students to prohibited carbonated beverages with volumes in excess of 12 ounces anywhere on school premises during the school day.** This provision does not apply where existing contracts require the vending of larger volume containers; contracts and contract renewals executed after the effective date of this policy, however, must expressly prohibit the sale of prohibited carbonated beverages in containers larger than 12 ounces.

### **Penalties for Violation of FMNV Policy**

The TDA will aggressively enforce and diligently monitor this policy to ensure continued compliance. When violations of this policy are noted the TDA will disallow all meal reimbursement for the day and require the school to reimburse the food service account for the lost reimbursement. A documented corrective action plan will be required and will be diligently monitored to ensure continued compliance.

This policy is effective August 1, 2003.

The following contact information is provided for questions or program information:

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### **Amended FMNV Policy Questions and Answers:**

1. Do vending machines have to be relocated or removed from the school? **No, the policy does not address vending machines or other methods of service and does not require that schools remove or relocate vending machines. If vending machines are located in an area that is accessible to students they may be re-stocked with more nutritious items, such as water, juice or sports drinks that are not prohibited by the policy.**
2. May a student bring prohibited FMNV from home? **This policy does not address a student bringing such items to school as long as the student is not selling, or providing the items to other students. However, the school is encouraged to prohibit this by local policy.**
3. Does this policy cover sales or give away by teachers, school organizations or other individuals? **Yes, in elementary schools the policy prohibits the sale or give away of prohibited food and beverages by anyone or any organization, anywhere on school premises during the school day. Middle school campuses may not serve or provide access to FMNV anywhere on school premises during meal periods.**
4. If meals are prepared for student field trips, may FMNV be provided on the bus? **No, during a field trip the bus becomes an extension of the school and FMNV may not be made available.**
5. Does this policy include sports drinks, tea, or other similar beverages? **No, the policy only covers prohibited carbonated beverages. Sports drinks, bottled waters, and tea are not carbonated and therefore not covered by the policy.**