



Arizona Department of Education
Tom Horne, Superintendent of Public Instruction

The Arizona Nutrition Standards

Arizona Revised Statute 15-242
Final Release January 2006



Health and Nutrition Services - School Health and Nutrition Programs
1535 West Jefferson Street - Bin #7
Phoenix, AZ 85007



State of Arizona
Department of Education

Tom Horne

Superintendent of
Public Instruction

January 25, 2006

To the School Districts and Communities of Arizona:

I would like to take this opportunity to present the Arizona Department of Education Nutrition Standards for Kindergarten through Eighth grade. The standards were developed using the latest research and recommendations in nutrition for school age children. When the proposed standards were released, we requested your comments and suggestions. All public comments received equal consideration from an independent panel comprised of eight members representing a variety of stakeholders. These included individuals from the Parent Teacher Organization of Arizona, School Nutrition Association of Arizona, school administration, Arizona teachers, healthcare and industry. With an outside facilitator, the panel reviewed and voted on each suggestion submitted during the public comment period. A total of 45 different categories were discussed. Panel members came to a consensus on all but one category.

ADE received the recommendations made by the panel and they were implemented to the extent permitted by law. While the Arizona Department of Education did not agree with all of the panel's recommendations, out of respect for the agreed upon process, the outcome of the final standards will reflect most of their recommendations.

I want to thank everyone who submitted a comment over the past few months. We appreciate your feedback and comments such as the one we received from a teacher, who also is a parent, said, "I can see first hand the direct impact that poor nutrition choices can make for educational progress as well as lifelong living." Another parent wrote, "Three cheers for a change in the nutrition that is offered to our children in the public school system." We also received comments from a few students who said things such as, "At home we eat healthy and we don't want to eat healthy at school too." This last statement reinforces my stance that schools should support the choice of most parents, that their child eat healthy and shall not undermine parental choice by promoting sugar and fat in schools.

The health and well being of Arizona students is our priority at the Department of Education. We strive for academic performance as well as preparing our students for a successful and healthy future.

Sincerely,

Tom Horne
Superintendent of Public Instruction

Office of the Attorney General
Education and Health Section
MEMORANDUM
CONFIDENTIAL Attorney/Client Privilege

Direct: (602) 542-8892
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TO: Tom Horne, Superintendent
FROM: Debra G. Sterling
Assistant Attorney General
DATE: January 23, 2006
RE: A.R.S. §15-242 (Nutritional Standards)

Your office has requested a written response to the following question pertaining to the development of the Arizona Nutrition Standards per A.R.S. §15-242.

Is the department allowed to authorize carbonated beverages to be sold and/or served to Middle/Jr. High Schools pursuant to ARS 15-242?

After reviewing the statute, we have concluded that pursuant to A.R.S. §15-242(A), ADE is required to develop minimum nutrition standards that at least meet, if not exceed, federal guidelines for food and beverages for elementary schools, middle schools and junior high schools (collectively "schools"). Carbonated drinks (with a few exceptions) are on the Foods with Minimal Nutritional Value (FMNV) list and therefore, according to the federal guidelines, cannot be served in schools. As these drinks are on the FMNV, they will not meet the minimum nutrition standards set by ADE and cannot be served in the schools.

Pursuant to A.R.S. §15-242(E), ADE has the discretion to approve a carbonated drink, if it meets the minimum nutrition standards. By this statute, that can only occur if the said carbonated drink is not classified by the federal guidelines as a FMNV. However, even if the carbonated drink is not on the FMNV, ADE has the discretion as to whether to approve the drink. Additionally, ADE has the discretion to set more stringent standards.

Please feel free to contact me if you have any questions.

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Purpose of ARS 15-242

Over the last thirty years, the number of overweight children ages 6-17 have doubled. More than 25% of children ages 6-11 are obese. Among children ages 12-17, 25% of girls and 18% of boys, are obese. Obesity is common enough among children that it is now considered an epidemic.

In addition, the prevalence of Pre-diabetes, Type 2 Diabetes, high blood pressure and premature cardiovascular disease in children is at an all time high. A recent survey among 1,700 eighth grade children in Texas, North Carolina and California found that more than half of the children surveyed had one or more risk factors associated with Pre-diabetes, Type 2 Diabetes, high blood pressure and premature cardiovascular disease. The risk factors were defined as being overweight or having elevated cholesterol, blood pressure or blood glucose abnormalities.

The causes of obesity includes the over consumption of calories, inactivity, and environmental influences. Obesity and the related risk factors such as Pre-Diabetes may be corrected and/or prevented by incorporating a healthy living model into the lives of children.

To prevent obesity we must focus on energy balance, which is defined as calories consumed versus calories expended. Many children consume more calories than needed for proper growth and development and often the calories are of minimal nutritional value. This is mirrored in adult research which indicates that the average American consumes about 3,600 calories a day but needs only 2000 calories per day, on average. To ensure energy balance it is important the children are in an environment that offers healthy food selections that support the nutrition education provided by schools and parents.

The Arizona Department of Education (ADE) is dedicated to helping fight obesity and the diseases associated with obesity. In addition, the department is committed to providing adequate nutrition for proper growth and development of the mind and the body. Children with adequate nutrition are able to better focus on learning, improved behavior, improved test scores and have fewer absences. As a result, the ADE has developed the Arizona Nutrition Standards to assist schools, parents, and communities in providing a model of healthy living that decreases the risk of obesity and allows our children to excel in school.

The energy needs for children by age with moderate activity level

| Age Group (years) | Female | Male |
|-------------------|------------------------|------------------------|
| 4-8 | 1400-1600 calories/day | 1400-1600 calories/day |
| 9-13 | 1600-2000 calories/day | 1800-2200 calories/day |
| 14-18 | 2000 calories/day | 2400-2800 calories/day |

*Dietary Guidelines 2005



The Arizona Nutrition Standards

Introduction to the Nutrition Standards

Pursuant to Arizona Revised Statute 15-242, all Kindergarten through Eighth grade schools are required to abide by the Arizona Nutrition Standards set forth by the Arizona Department of Education effective July 1, 2006. The foundation for the Arizona Nutrition Standards is based on the 2005 Dietary Guidelines for Americans and the United States Department of Agriculture's Federal Child Nutrition Program regulations.

In addition to federal guidelines, several test pilots and research programs conducted throughout the country contributed to the development of the nutrition standards. These studies were designed to assist in setting limits for foods that insignificantly contribute to a healthy lifestyle. The developers consisted of a wide variety of education and health professionals, government agencies, and community members (please see the resource page for more information).

ARS 15-242 requires the ADE to develop and monitor the compliance of the Arizona Nutrition Standards. The Arizona Nutrition Standards will apply to all foods and beverages sold in vending machines, snack bars, a la carte, fundraisers and school events during the normal school day. The standards are not applicable to classroom parties.

As each standard was developed, other factors such as food cost, food storage, preparation and labor costs were considered. In reviewing the standards it is critical to remember and re-visit the purpose of ARS 15-242 stated in page 3 and its benefits for all school aged children in Arizona.

Implementing these standards successfully will help maintain children and adolescent health and ensure that they are ready to learn. In addition, this will foster healthy school environments that are supporting parents and teachers as they encourage children to establish healthy eating behaviors which should be maintained throughout their lives.

There are three sections to the Arizona Nutrition Standards:

- Section 1: Written Standards-** This section defines the food and beverage standards.
- Section 2: Maximum Portion Sizes-** This section details the maximum portion sizes.
- Section 3: Guidelines and Classifications-** This section summarizes the standards for popular food or beverage types and lists the maximum portion sizes for the specific grade groups.



Section 1: Written Standards

Food Standards:

- 35% or less of total calories from fat
- 10% or less of total calories from saturated and trans fatty acids (combined)
- No more than 35% total sugar by weight
- Must contain at least 1 gram of fiber
- Maximum 400 calories per serving for entrée items sold as a la carte
- Maximum 300 calories per serving for all other items
- Maximum 800 mg of sodium for entrée items sold as a la carte
- Maximum 600 mg of sodium for all other snack items

Beverage Standards:

- Water
 - May contain natural or non-caloric sweeteners
 - Cannot contain caffeine or a caffeine derivative
- Juice
 - Must contain 100% fruit and/or vegetable juice for Elementary Schools*
 - Must contain no less than 50% fruit and/or vegetable juice, no sugar added, with nutrient values equal to 100% juice for Middle and Junior High Schools*
- Fruit Smoothie (yogurt or ice based)
 - Must contain 100% fruit juice for Elementary Schools*
 - Must contain no less than 50% fruit juice for Middle and Junior High Schools*
 - Must not exceed 400 calories
- Milk and Alternatives
 - Fat free, low fat (1% milk fat), and reduced fat milk (2% milk fat)
 - Reduced fat enriched rice, nut or soy milk
 - Flavored milk may contain no more than 4 grams of sugar per ounce
- Sports Drinks, Electrolyte-Replacement Drinks
 - Only Middle and Junior High Schools may serve*

* If a school has grades K-6 then they must follow the Elementary School Standards. If a school has grades K-8, then grades K-5 must follow the Elementary School Standards and grades 6-8 may follow the Middle/Junior High School Standards.



Arizona Department of Education Nutrition Standards continued

Specific Prohibited Foods and Beverages on Campus:

- Prohibited foods and cooking methods
 - All deep-fat fried chips and crackers
 - Final preparation method cannot be deep-fat fried
- Prohibited beverages
 - Fruit/Vegetable drinks containing less than 100% juice for Elementary Schools and less than 50% juice for Middle and Junior High Schools*
 - Whole fat milk (4% milk fat); flavored or regular
 - Caffeine/Energy drinks
 - Sports drinks, Electrolyte-Replacement drinks for Elementary Schools only*
 - Carbonated beverages

Exceptions to the Food Standards:

- 35% or less of total calories from fat
 - Cheese in any form may exceed total fat standard, however must be in a reduced fat form
 - Nuts and seeds may exceed total fat standard
- 10% or less of total calories from saturated and trans fatty acids (combined)
 - Cheese in any form may exceed total saturated fat standard, however must be in a reduced fat form
 - Nuts and seeds may exceed total saturated fat standard
- No more than 35% total sugar by weight
 - Dairy (solid) may exceed sugar by weight standard (does not include fluid milk)
 - Fruits and vegetables may exceed sugar by weight standard
- Must contain at least 1 gram of fiber
 - Dairy is exempt from fiber standards
 - Jerky is exempt from fiber standards
- Maximum 400 calories per serving for entrée items sold as a la carte, and a maximum of 300 calories per serving for all other items
 - Fruit-based smoothies may contain up to 400 calories

* If a school has grades K-6 then they must follow the Elementary School Standards. If a school has grades K-8, then grades K-5 must follow the Elementary School Standards and grades 6-8 may follow the Middle/Junior High School Standards.



Arizona Nutrition Standards
Section 2: Maximum Portion Sizes

| Chips and other snacks | Max Portion Size |
|-------------------------------|-------------------------|
| Chips, crackers, popcorn | 1.5 oz |
| Trail mix, nuts, seeds, jerky | 2 oz |

| Juice | Max Portion Size |
|----------------------------------|-----------------------------|
| 100% juice for Elementary | 8 oz (Elementary) |
| 50% juice for Middle/Junior High | 12 oz (Middle/Junior High)* |

| Baked Goods | Max Portion Size |
|--------------------|-------------------------|
| Cookies, brownies | 2 oz |
| Muffins | 3 oz |

| Fluid milk and alternatives | Max Portion size |
|------------------------------------|-------------------------|
| Fat free, 1% and 2% milk | 12 oz |
| Enriched rice, nut or soy milk | 12 oz |

| Fruit Smoothie | Max Portion Size |
|-----------------------|-------------------------|
| Yogurt based | 12 oz |
| Ice Based | 12 oz |

| Dairy Products | Max Portion Size |
|-------------------------------------|-------------------------|
| Low fat, non-frozen yogurt | 8 oz |
| Frozen desserts, ice cream, pudding | 3 oz |
| Cheese | 2 oz |

| Entrée | Max Portion Size |
|---|-------------------------|
| Cannot exceed the served portion size of the NSLP reimbursable meal | |

| Isotonic Sports Drinks | Max Portion Size |
|---|-----------------------------|
| Sports and electrolyte-replacement drinks | 12 oz (Middle/Junior High)* |

*If a school has grades K-6 then they must follow the Elementary School Portion Sizes. If a school has grades K-8, then grades K-5 must follow the Elementary School Portion Sizes and grades 6-8 may follow the Middle/Junior High School Portion Sizes.



Arizona Nutrition Standards
Section 3: Guidelines and Classification for K-8

| Food Type | Elementary (K-5) | Junior High (6-8) |
|--|---|---|
| Chips and Crackers | <p>Food Standard: If chips or crackers are deep-fat fried and/or exceed the nutrition standards they are prohibited. Portion Size: Cannot exceed 1.5 oz.</p> | <p>Food Standard: If chips or crackers are deep-fat fried and/or exceed the Nutrition Standards they are prohibited. Portion Size: Cannot exceed 1.5 oz.</p> |
| French Fries and other potato products | <p>Food Standard: If a food has the final preparation method of deep-fat frying, then that food is prohibited. Portion Size: Must meet the Arizona Nutrition Standards</p> | <p>Food Standard: If a food has the final preparation method of deep-fat frying, then that food is prohibited. Portion Size: Must meet the Arizona Nutrition Standards</p> |
| Baked Goods: Muffins, Sweet Rolls, Donuts and Pastries | <p>Food Standard: All muffins, sweet rolls, donuts and pastries must meet all nutrition standards. Portion Size: Cannot exceed 3 oz.</p> | <p>Food Standard: All muffins, sweet rolls, donuts and pastries must meet all nutrition standards. Portion Size: Cannot exceed 3 oz.</p> |
| Baked Goods: Cookies, Bars, Brownies | <p>Food Standard: All cookies, bars and brownies must meet all nutrition standards. Portion Size: Cannot exceed 2 oz.</p> | <p>Food Standard: All cookies, bars and brownies must meet all nutrition standards. Portion Size: Cannot exceed 2 oz.</p> |
| Nuts and Seeds | <p>Food Standard: All nuts and seeds must meet all nutrition standards and are exempt from the total fat standard. Portion Size: Cannot exceed 2 oz.</p> | <p>Food Standard: All nuts and seeds must meet all nutrition standards and are exempt from the total fat standard. Portion Size: Cannot exceed 2 oz.</p> |
| Dairy Products | <p>Food Standards: All dairy products (excluding fluid milk) are exempt from the fiber and sugar standard. Cheese may exceed total fat standard, however must be in a reduced fat form. Portion Size: Cheese cannot exceed 2 oz, non-frozen yogurt cannot exceed 8 oz, frozen desserts and puddings cannot exceed 3 oz, and smoothie drinks cannot exceed 12 oz.</p> <p>Foods Standards: All candy bars and similar products, including energy/sports bars must meet all standards. Portion Size: Must meet the Arizona Nutrition Standards</p> | <p>Food Standards: All dairy products (excluding fluid milk) are exempt from the fiber and sugar standard. Cheese may exceed total fat standard, however must be in a reduced fat form. Portion Size: Cheese cannot exceed 2 oz, non-frozen yogurt cannot exceed 8 oz, frozen desserts and puddings cannot exceed 3 oz, and smoothie drinks cannot exceed 12 oz.</p> <p>Foods Standards: All candy bars and similar products, including energy/sports bars must meet all standards. Portion Size: Must meet the Arizona Nutrition Standards</p> |
| Candy Bars, Sports Bars and similar products | <p>Foods Standards: All candy bars and similar products, including energy/sports bars must meet all standards. Portion Size: Must meet the Arizona Nutrition Standards</p> | <p>Foods Standards: All candy bars and similar products, including energy/sports bars must meet all standards. Portion Size: Must meet the Arizona Nutrition Standards</p> |



**Arizona Nutrition Standards
Section 3: Guidelines and Classification for K-8**

| Beverage Type | Elementary (K-5) | Junior High (6-8) |
|------------------------|---|--|
| Dairy: Fluid Milk | <p>Beverage Standard: Cannot exceed 2% milk fat (fat free, low fat (1%), and reduced fat (2%) are within standards). Flavored milk cannot contain more than 4 grams of sugar per ounce. Whole fat milk (4%) is prohibited.</p> <p>Portion Size: Cannot exceed 12 oz</p> | <p>Beverage Standard: Cannot exceed 2% milk fat (fat free, 1% and 2% are within standards). Flavored milk cannot contain more than 4 grams of sugar per ounce. Whole fat milk (4%) is prohibited.</p> <p>Portion Size: Cannot exceed 12 oz</p> |
| Milk Alternative | <p>Beverage Standard: All milk alternative products must be in a reduced fat form.</p> <p>Portion Size: Cannot exceed 12 oz</p> | <p>Beverage Standard: All milk alternative products must be in a reduced fat form.</p> <p>Portion Size: Cannot exceed 12 oz</p> |
| Juice | <p>Beverage Standard: Must contain 100% fruit and/or vegetable juice.</p> <p>Portion Size: Cannot exceed 8 oz</p> | <p>Beverage Standard: Must contain at least 50% fruit and/or vegetable juice, no added sugar, with nutrient values equal to 100% fruit juice.</p> <p>Portion Size: Cannot exceed 12 oz</p> |
| Water | <p>Beverage Standard: All water products, including fitness water may contain natural or artificial sweeteners. All products containing caffeine are prohibited.</p> <p>Portion Size: No portion size restriction</p> | <p>Beverage Standard: All water products, including fitness water may contain natural or artificial sweeteners. All products containing caffeine are prohibited.</p> <p>Portion Size: No portion size restriction</p> |
| Carbonated Beverages | <p>Beverage Standard: All beverages containing carbonation are prohibited.</p> | <p>Beverage Standard: All beverages containing carbonation are prohibited.</p> |
| Isotonic Sports Drinks | <p>Beverage Standards: All isotonic sports drinks/electrolyte replacement drinks are prohibited.</p> | <p>Beverage Standards: Isotonic sports drinks/electrolyte replacement drinks are allowed to be served.</p> <p>Portion Size: Cannot exceed 12 oz</p> |



References and Resources

| | | |
|---|--|--|
| U.S. Dietary Guidelines For Americans | The <i>Guidelines</i> provide authoritative advice for people two years and older about how good dietary habits can promote health and reduce risk for major chronic diseases. | www.healthierus.gov/dietaryguidelines |
| California Center For Public Health Advocacy | California Center For Public Health Advocacy has mobilized teams of community residents in legislative districts in Los Angeles County to educate policy makers about the growing childhood obesity epidemic. | www.publichealthadvocacy.org |
| Texas Public School Nutrition Policy | The purpose of the nutrition guidelines are to promote a healthier environment in Texas schools and help ensure a healthier future for Texas children. | www.squaremeals.org |
| North Carolina: Weight Initiative | The mission of the NC Healthy Weight Initiative is to shape the eating and physical activity patterns of North Carolina children and youth in ways that leads to healthy weight and reduce the risk for chronic disease. | www.nchealthyweight.com |
| National Alliance for Nutrition and Activity (NANA) | NANA convened a work group of more than 50 health, physical activity, nutrition, and education professionals from a variety of national and state organizations to develop a set of model policies for local school districts. | www.schoolwellnesspolicies.org |
| Center for Health Improvement | The Health Policy Guide provides evidence-based, peer-reviewed policy guidance and resources to support advocacy and decision-making at the state and local levels. | www.healthpolicycoach.org |
| The Center for Health and Health Care in Schools | The Center for Health and Health Care in Schools (CHHCS) is a nonpartisan policy and program resource center located at The George Washington University School of Public Health and Health Services. | www.healthinschools.org www.healthinschools.org/parents/lunch.htm |



Appendix A: Panel Recommendations

Summary of Recommendations from the HB2544/ARS 15-242 Stakeholder Panel

The Stakeholder consisted of a total of 8 panel members; Vending Machine Representative, Dairy Council Representative, Parent Teacher Association Representative, a Physician, a Food Service Director, Beverage Association Representative, a Principal, and a Superintendent. The panelists were given a summary of all the public comments (300+) and had access to copies of each comment submitted for their own review. The panel was lead by a facilitator not affiliated with the Arizona Department of Education (ADE).

The Stakeholder Panel reviewed each comment submitted by the public in attempt to reach a consensus on all of the Arizona Nutrition Standards. A consensus was reached on all but one category. The following represents the panel consensus. The ADE has incorporated the following panel recommendations into the final draft of the Arizona Nutrition Standards.

1. **Sodium:** The original proposed nutrition standards did not include a standard for sodium. The stakeholder panel recommendation was to include a sodium standard for all foods sold on school grounds outside of the National School Lunch Program. The ADE supports the stakeholders' recommendation and added a sodium standard of a maximum of 800 mg for program meal items sold as a la carte items and a maximum of 600 mg for all other food items sold as a la carte.
2. **Milk fat:** The proposed standards allowed for Low fat 1% milk or Fat Free milk only. The stakeholders recommended that the ADE allow up to Reduced fat 2% milk. The panel believes that the allowance of 2% milk will increase the student's variety of milk and milk flavors. The ADE supports the movement of offering only 1% milk fat and fat free milk which is recommended by the Department of Health Service and other health advocate organizations. Whole milk and 2% milk have significantly higher fat and saturated fat than 1% milk fat or fat free milk. The ADE will incorporate the panels' recommendation to allow 2% milk fat into the nutrition standards, however the ADE will continue to encourage schools to offer 1% milk fat or fat free milk.
3. **Sugar in flavored milk:** The stakeholder panel recommended the sugar content in flavored milk be increased to 4 grams of sugar per ounce, an increase from the proposed 2.33 grams of sugar per ounce. The panel felt that allowing an increased amount of sugar will increase the number of milk choices students may select from. Essentially increasing their consumption of all the vitamins and minerals contained in milk. While the ADE supports the increased consumption of milk, including flavored milk, ADE is not in favor of increasing the sugar content. However, to honor the agreed process of receiving and



implementing recommendations submitted by the panel, ADE will allow flavored milk to be increased to 4 grams per ounce.

4. **Total fat:** The Dietary Guidelines for Americans recommends total calories from fat should be between 25-35%. The stakeholder panel suggested that the ADE increase the total fat calories from 30% to 35%. In addition, the panel proposed that ADE put a plan in place to phase in stricter fat guidelines over a period of time with the eventual goal of 30% of total fat from calories. The ADE is in full support of this decision and will increase the fat standard to less than 35% of total calories from fat.
5. **Calorie and portion size restriction for a la carte entrees:** The original proposed standards stated all a la carte items would be subject to a 300 calorie per serving restriction. The panel took into consideration the comments made on this topic and recommended to increase the calorie restriction to 400 calories per serving for all “entrées” served as an a la carte item. All “entrées” served in the National School Lunch Program may be an a la carte item, but cannot be served in a larger portion size. The ADE supports this recommendation and believes that this will also increase the variety of meal options to the students.
6. **Isotonic sports drinks:** The stakeholder panel agreed with the original proposed standards for the K-5 age group, which would restrict all isotonic sports drinks for those grades. They also supported the suggestion of allowing Middle and Junior High Schools (grades 6-8) to serve isotonic sports drinks with a maximum portion size of 12 oz. The ADE supports this conclusion to allow 12 ounces or less of sports drinks for grades 6-8. Allowing sports drinks will increase the variety of beverages offered to Middle School students.*
7. **Pastry restriction:** The proposed standards did not allow any pastry items to be sold during the school day. The stakeholder panel concluded that pastries will be allowed as long as they meet the nutrition standards. The purpose of the Arizona Nutrition Standards is to assist in providing a healthy living model and by serving pastries it sends a mixed message that pastries are a part of a healthy diet. The ADE supports foods and beverages that are a part of a healthy diet that contributes to a healthy living model. While ADE does not support pastry items as a good healthy diet model, they will be allowed in schools if they meet the nutrition standards.
8. **Artificial sweeteners:** The stakeholder panel determined artificial sweeteners would be allowed if all products containing artificial sweeteners were labeled. The ADE supports this decision to allow artificial sweeteners in snack and beverage items as part of the nutrition standards.

* If a school has grades K-6 then they must follow the Elementary School Standards. If a school has grades K-8, then grades K-5 must follow the Elementary School Standards and grades 6-8 may follow the Middle/Junior High School Standards.



- 9. Carbonated beverages, including non-calorie beverages:** State law restricted what the department could approve. Those matters prohibited by the federal government, referred to as foods of minimal nutritional value, could not be approved by the department. The federal government describes carbonated beverages, including diet soda, as a food of minimal nutritional value, and therefore, under the statute, the department has no authority to approve diet soda. At the stakeholders meeting, industry representatives argued that A.R.S. § 15-242(E) provided an exception. Without resolving that disagreement, the department indicated that the stakeholders group could discuss that item, and the legal issue would be resolved later. The stakeholders group did approve diet soda for middle school if permissible by law. The attached opinion of the Attorney General indicates that this is not permitted by law. Therefore, the department has no legal authority to approve diet soda.
- 9. Energy drinks:** The stakeholder panel was concerned with beverages containing caffeine. In addition, the panel recommended the term energy drink be clarified and defined. The ADE has included a thorough definition of an energy drink and has restricted them in the final Arizona Nutrition Standards.
- 10. Fruit juice:** The proposed standards stated all fruit juice must contain 100% fruit or vegetable juice for grades K-8. The stakeholder panel agreed that this standard should be maintained for grades K-5, but in grades 6-8, the standard should be no less than 50% juice, with no added sugar and have nutrient values equal to 100% fruit or vegetable juice. The ADE supports this decision as the United States Department of Agriculture (USDA) allows 50% juice to be served in at least 8 oz portions under the traditional and enhanced meal patterns. *

* If a school has grades K-6 then they must follow the Elementary School Standards. If a school has grades K-8, then grades K-5 must follow the Elementary School Standards and grades 6-8 may follow the Middle/Junior High School Standards.



The stakeholder panel was provided a survey at the end of the meeting to allow for feedback. The survey was comprised of six statements that the panelists ranked from either strongly agree to strongly disagree. The percentage of panelists that answered is listed next to the panelists corresponding answer.

Summary of Stakeholders Survey

| | | | | |
|---|--------|-----------|--------------------|------------|
| Q1- The information for the consideration was presented in a concise, understandable way. | | | | |
| Strongly Agree- | Agree- | Disagree- | Strongly Disagree- | |
| 86% | 14% | 0% | 0% | |
| Q2- The information for consideration was presented in an unbiased way. | | | | |
| Strongly Agree- | Agree- | Disagree- | Strongly Disagree- | |
| 86% | 14% | 0% | 0% | |
| Q3- Panelists were able to express their opinions about the requests for consideration. | | | | |
| Strongly Agree- | Agree- | Disagree- | Strongly Disagree- | |
| 100% | 0% | 0% | 0% | |
| Q4- The facilitator was fair and unbiased. | | | | |
| Strongly Agree- | Agree- | Disagree- | Strongly Disagree- | |
| 100% | 0% | 0% | 0% | |
| Q5- The process used for considering the requests was efficient and effective. | | | | |
| Strongly Agree- | Agree- | Disagree- | Strongly Disagree- | |
| 86% | 14% | 0% | 0% | |
| Q6- Overall I am satisfied with the decisions reached by the panel. | | | | |
| Strongly Agree- | Agree- | Disagree- | Strongly Disagree- | No Answer- |
| 72% | 14% | 0% | 0% | 14% |



Appendix B: Definitions

A la carte: Any individual food sold in a school cafeteria. Also known as supplemental sales.

Baked Goods: A sweet baked food made of flour, liquid, eggs, and other ingredients, such as raising agents and flavorings that are baked. Example: cookies, cupcakes, cakes, tortes, brownies, pastries, snaps, bars, cannoli, wafers, scone, empanadas.

Certain Candies: Processed foods made predominantly from sweeteners or artificial sweeteners with a variety of minor ingredients that characterize the following types:

Candy Bar: Candy shaped as a bar and the primary ingredient is a form of sugar, containing all or one of the following: chocolate, nougat or nuts.

Candy Coated Popcorn: Popcorn that is coated with a mixture made predominantly from sugar or corn syrup.

Chewing Gum: Flavored products from natural or synthetic gums and other ingredients that form an insoluble mass for chewing.

Fondant: A product consisting of microscopic sized sugar crystals which are separated by a thin film of sugar and/or invert sugar in solution such as candy corn or soft mints.

Hard Candies: A product made predominantly from sugar (sucrose) and corn syrup which may be flavored and colored, is characterized by a hard, brittle texture, and includes such items as sour balls, fruit balls, candy sticks, lollipops, starlight mints, after dinner mints, sugar wafers, rock candy, cinnamon candies, breath mints, jaw breakers and cough drops.

Jellies and Gums: A mixture of carbohydrates which are combined to form a stable gelatinous system of jelly-like character, and are generally flavored and colored, and include gum drops, jelly beans, jellied and fruit-flavored slices.

Licorice: A product made predominantly from sugar and corn syrup that is flavored with an extract made from the licorice root.

Marshmallow Candies: An aerated confection composed of sugar, corn syrup, invert sugar, 20% water and gelatin or egg white to which flavors and colors may be added.

Spun Candy: A product that is made from sugar that has been boiled at a high temperature and spun at a high speed in a special machine.

Chips: Starch based products that have been cut into thin slices, deep-fried or baked until crisp, and then salted or seasoned. Examples: potato chips, corn chips.

Dairy Products: Any foods made from milk. Examples: Milk (fluid), yogurt, cheese, ice cream, pudding, sour cream, butter, half and half.



Appendix B: Definitions Continued

Energy Drinks: A beverage containing caffeine and labeled as, but not limited to an energy drink, mood stimulant, or metabolism enhancer.

Entrée: A school lunch menu item that is a combination of foods or a single food item offered as the main course, as defined by the menu planner. The entrée is the central focus of the meal and forms the framework around which the rest of the meal is planned.

Foods of Minimal Nutritional Value (FMNV): Foods and beverages that do not provide at least 5% of the Recommended Daily Intake (RDI) for any one of several key nutrients. Soda water (carbonated beverages), water ices, chewing gum, and certain candies are included.

Fried Foods: Foods that are cooked by total immersion into hot oil or other fat, commonly referred to as “deep fat frying.” This definition does not include foods that are stir-fried or sautéed.

Fundraisers: Activities in which students or others sell products to raise money for a school.

House Bill 2544: All Arizona schools participating in the National School Lunch Program are required to follow the Arizona Nutrition Standards for foods and beverages sold on school grounds during the normal school day.

Juice, 100%: Undiluted liquid fraction of a whole vegetable, fruit or vegetable/fruit blend.

Milk: Pasteurized, homogenized fluid cow’s milk.

Skim/Fat Free Milk: Containing less than .5% milk fat

Low fat Milk: Containing 1% milk fat

Reduced fat Milk: Containing 2% milk fat

Whole Milk: Containing 4% milk fat

National School Lunch Program (NSLP): Program under which participating schools operate a nonprofit lunch program authorized by 7 CFR 210 of the National School Lunch Act.

Portion Size: A quantity of food or beverage intended for consumption by one individual.

School Day: Beginning with the start of the first breakfast period until the end of the last instruction period (last bell).

Soda Water: As defined by 21 CFR 165.175 Food and Drug Administration Regulations, (class of beverages made by absorbing carbon dioxide in potable water, etc.) except no product shall be excluded from this definition because it contains artificial sweeteners or discrete nutrients added to the food such as vitamins, minerals, and proteins.

Water Ices: As defined by 21 CFR 135.160 Food and Drug Administration Regulations, except that water ices which contain fruit or fruit juices are not included in this definition.



Appendix C: Current Restricted Items

USDA's Foods of Minimal Nutritional Value Regulation

The United States Department of Agriculture (USDA) developed the Foods of Minimal Nutrition Value (FMNV) regulations in 1977 (7 CFR 210.11.) Currently, schools are required to follow FMNV regulations when participating in the National School Lunch Program (NSLP). A goal of the FMNV regulation is to limit the amount of competitive foods that can be offered to students during the breakfast and lunch period.

Competitive foods are any foods sold in competition with meals served under the National School Lunch and School Breakfast Programs. Current federal regulations state that FMNV cannot be sold in the food service area where a reimbursable meal is sold or eaten.

The list of FMNV includes but is not limited to soda, water ices, chewing gum, and certain candies. The listed products are in no way meant to be all inclusive or definitive, but rather to be used as an example that provides guidance when making determinations on new products or products not specifically listed.

Arizona Revised Statute 15-242 restricts all FMNV for the entire School day. All foods and beverages served/sold in vending machines, snack bars, a la carte, fundraisers and school events will be subject to the Arizona Nutrition Standards regardless if they are exempt from the FMNV food list by USDA.



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