

COMPETITIVE FOOD SALES/VENDING MACHINES

Code **EFE-R** Issued **3/20**

In an effort to promote student wellness, prevent and reduce childhood obesity, and provide assurance that school meals and snacks meet the minimum federal standards, the district implements this rule governing the sale of competitive foods within the district.

Competitive foods means all foods and beverages sold to students during the school day other than food sold under the breakfast and lunch programs. The school day is the period from midnight to thirty (30) minutes after the end of the school day.

This rule applies to all properties under the jurisdiction of the school that are accessible to students during the day. The venues include, but are not limited to, á la carte in the cafeteria, school stores, snack bars, and vending machines.

The competitive food standards do not apply under the following situations:

- food sold during non-school hours, weekends, or off-campus fundraising events (e.g. athletic events, or school concerts)
- food sold for off-campus consumption (e.g. cookie dough or frozen pizza)
- food sold exclusively to adults who are not students
- food given to students at no charge without suggesting a donation
- food brought from home by students for personal consumption
- foods donated for classroom celebrations
- emergency medical situations

Definitions

Á la carte. An individually priced food item.

Combination food. A product that contains two or more components representing two or more of the recommended food groups (fruit, vegetable, dairy, protein, or grains). Examples include yogurt and fruit parfait, hummus with vegetables, and cheese and crackers.

Entrée. A combination food of meat/meat alternative and whole grain rich food; a combination food of vegetable or fruit and meat/meat alternative; or a meat/meat alternative alone, with the exception of yogurt, low-fat or reduced fat cheese, nuts, seeds and nut/seed butters, and meat snacks (such as dried beef jerky and meat sticks).

Food. Food and beverages, including side items and condiments.

Food service area. Any centralized location on a school campus where breakfast and lunch are normally prepared, served and/or consumed by students. This includes a “commons” area if students are expected to eat meals there.

Nutritive sweetener. A sweetener that provides energy (calories) in the form of simple carbohydrates such as sugars and syrups (e.g. brown sugar, corn sweetener, corn syrup, dextrose, fructose, fruit juice concentrates, glucose, high-fructose corn syrup, honey, invert sugar, lactose, malt syrup, maltose, molasses, raw sugar, sucrose, sugar, or syrup).

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Entrée Items (Sold only *À La Carte*) and Side Dishes

The nutrition requirements for food apply to all grade levels and must meet one of the following standards:

- Be a grain product that contains 50 percent or more whole grains by weight or have whole grains as the first ingredient.
- Have as the first ingredient one of the non-grain main food groups; fruits, vegetables, dairy, or protein foods (e.g. meat, beans, poultry, seafood, eggs, nuts, seeds).
- Be a combination food that contains at least 25 percent fruit and/or vegetable.
- Contain 10 percent of the daily value (DV) of a nutrient of public health concern (e.g. calcium, potassium, vitamin D, or dietary fiber)*

**Effective July 1, 2016, this will no longer qualify as a competitive food.*

If water is the first ingredient, the second ingredient must be one of the above.

Exemptions include the following:

- fresh fruits and vegetables with no added ingredients except water
- canned and frozen fruits with no added ingredients except water, or those that are packed in 100 percent juice, extra light syrup, or light syrup
- canned vegetables with no added ingredients except water or that contain a small amount of sugar for processing purposes to maintain the quality and structure of the vegetable

Total fat in entrée items and side dishes

Acceptable food items must have no more than 35 percent of calories from total fat as served including any added accompaniments. **Under state regulations, foods sold at any K-5 public school cannot have more than 30 percent calories from fat.**

Exemptions to the total fat requirement include the following (combination foods are not exempt):

- reduced-fat cheese (including part-skim mozzarella)
- nuts and seeds and nut/seed butters
- dried fruit with nuts and/or seeds with no added nutritive sweeteners or fats
- seafood with no added fat

Saturated fat in entrée items and side dishes

Acceptable food items must have less than 10 percent of calories from saturated fat as served including any condiments.

Exemptions to the saturated fat requirement include the following (combination foods are not exempt):

- reduced-fat cheese (including part-skim mozzarella)
- nuts and seeds and nut/seed butters
- dried fruit with nuts and/or seeds with no added nutritive sweeteners or fats

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Trans fat in entrée items and side dishes

Acceptable food items must have zero grams of trans fat as served (no more than .5 grams per portion) including any added accompaniments.

Sugar in entrée items and side dishes

Acceptable food items must have no more than 35 percent of weight from total sugar served.

Exemptions to the sugar requirement include the following (combination foods are not exempt):

- dried whole fruits or vegetables
- dried whole fruit or vegetable pieces
- dehydrated fruits or vegetables with no added nutritive sweeteners
- dried whole fruits or pieces with nutritive sweeteners that are required for processing and/or palatability purposes (e.g. cranberries, tart cherries, or blueberries)
- products consisting of only exempt dried fruit with nuts and/or seeds with no added nutritive sweeteners or fats

Sodium in entrée items and side dishes

- Entrée items cannot exceed 480 milligrams of sodium per item as served including any added accompaniments.
- Snack items and side dishes cannot exceed 230 milligrams of sodium per item as served.*

* *Effective July 1, 2016, snack items and side dishes cannot exceed more than 200 milligrams of sodium as served, including added accompaniments.*

Calories in entrée items and side dishes

- Entrée items cannot exceed 350 calories per item as served including any added accompaniments.
- Snack items and side dishes cannot exceed 200 calories per item as served including any added accompaniments such as butter, cream cheese, and salad dressing.

Sugar-free gum is exempt from all competitive food standards.

Use of accompaniments is limited when competitive food is sold to students in school. The accompaniment must be included in the nutrient profile as part of the food item served and meet all proposed standards. Examples include, but are not limited to, butter, cream cheese, syrup, ketchup, mustard, and salad dressing.

Any entrée item offered as part of the breakfast or lunch program is exempt from all competitive food standards if it is sold as a competitive food on the day of service or the day after service in the breakfast or lunch program. Exempt entrées that are sold as competitive foods must be offered in the same or smaller portion sizes as the breakfast or lunch program with the same accompaniments.

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Beverages

Elementary school

- plain water, with or without carbonation (no size limit)
- one percent milk, unflavored (no more than eight fluid ounces)
- nonfat milk, flavored or unflavored (no more than eight fluid ounces), including nutritionally equivalent milk alternatives as permitted by the school meal requirements
- 100 percent fruit/vegetable juice (no more than eight fluid ounces)
- 100 percent fruit/vegetable juice diluted with water (with or without carbonation) and no added sweeteners (no more than 8 fluid ounces)

Middle school

- plain water, with or without carbonation (no size limit)
- low fat or one percent milk, unflavored (no more than 12 fluid ounces)
- nonfat milk, flavored or unflavored (no more than 12 fluid ounces), including nutritionally equivalent milk alternatives as permitted by the school meal requirements
- 100 percent fruit/vegetable juice (no more than 12 fluid ounces)
- 100 percent fruit/vegetable juice diluted with water (with or without carbonation) and no added sweeteners (no more than 12 fluid ounces)

High school

- plain water, with or without carbonation (no size limit)
- low fat or one percent milk, unflavored (no more than 12 fluid ounces)
- nonfat milk, flavored or unflavored (no more than 12 fluid ounces), including nutritionally equivalent milk alternatives as permitted by the school meal requirements
- 100 percent fruit/vegetable juice (no more than 12 fluid ounces)
- 100 percent fruit/vegetable juice diluted with water (with or without carbonation) and no added sweeteners (no more than 12 fluid ounces)
- other flavored and/or carbonated beverages (no more than 20 fluid ounces) that are labeled to contain no more than five calories per eight fluid ounces or no more than 10 calories per 20 fluid ounces
- other flavored and/or carbonated beverages (no more than 12 fluid ounces) that are labeled to contain no more than 40 calories per eight fluid ounces or no more than 60 calories per 12 fluid ounces

Caffeine

In elementary and middle schools, foods and beverages must be caffeine-free with the exception of trace amounts of naturally occurring caffeine substances. In high schools, foods and beverages may contain caffeine.

Fundraisers

All foods that meet the competitive food standards may be sold at fundraisers on the school campus during school hours. Food or beverages that do not meet the standards may only be sold in occasional fundraisers if they are not sold in competition with school meals in the food serving area during the meal programs. This rule governs the sale of food using payment options including, but not limited to, money, tokens, and coupons, or where a donation is expected or suggested.

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The number of fundraisers exempt from the nutrition requirements will be determined by the South Carolina State Board of Education. The exemptions do not apply to food sold in canteens, vending machines, or school stores that regularly sell food throughout the school year. Food sold by culinary arts programs or other curriculum offerings do not qualify for an exemption.

Code of Conduct Form 13-A

The following Code of Conduct is expected of all persons who are engaged in the award and administration of contracts supported by school Child Nutrition Program funds. (2CFR200.318)

No employee, officer, or agent of Dillon District Three will participate in the selection or in the award or administration of a contract supported by program funds if a conflict of interest, real or apparent, would be involved.

Conflicts of interest arise when an employee:

- has a financial or other interest in the firm selected for the award
- is an employee, officer, or agent of the firm selected for the award
- has a member of the immediate family who is an employee, officer, or agent of the firm selected for the award
- has a financial interest in the firm selected for the award
- is about to be employed by the firm selected for the award
- has an immediate family member who is about to be employed by the firm selected for the award

To ensure objective contractor performance and eliminate unfair competitive advantage, however, a person that develops or drafts specifications requirements, statements of work, invitations for bids, requests for proposals, contract terms and conditions, or other documents for use by the Child Nutrition Program in conducting procurement will be excluded from competing for such procurements. Such persons are ineligible for contract awards resulting from such procurements regardless of the procurement method used.

The Dillon District Three employees, officers, or agents will neither solicit nor accept gratuities, favors, or anything of material monetary value from contractors, potential contractor, or parties to sub-agreements.

The purchase during the school day of any food or service from a contractor for individual use is prohibited.

The removal of any food, supplies, equipment, or school property, such as official records, recipe books, and the like is prohibited.

The outside sale of such items as used oil, empty cans, and the like will be sold by contract between Dillon District Three and the outside agency. Individual sales by any school person to an outside agency or other school person are prohibited.

Failure of any employee to abide by the above stated code could result in a fine, suspension, or both or dismissal. Interpretation of the code will be given at any time by contacting the superintendent at 843-752-7101. The Dillon District Three will not be responsible for any other explanation or interpretation which anyone presumes to make. This institution is an equal opportunity provider.

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Latta School District