

**Food Sales Other than National School Lunch Program**

Only food or drinks which meet the minimal nutritional values and requirements for a la carte foods set by the Food and Nutrition Service of the United States Department of Agriculture (USDA) (Section 17 of Public Law 95-166 amending Section 10 of the Child Nutrition Act of 1966) and Connecticut statutes and regulations may be sold or made available for sale in the school between the beginning of the school day, but is prohibited from thirty (30) minutes before and thirty (30) minutes after the close of the last lunch period at the school. No food or drink distributing machine shall be accessible to students during those hours unless the food or drink being sold meets the minimal nutritional values specified and fulfills the requirement of Connecticut statute and USDA requirements. When any food is available for purchase during the day, nutritious low-fat foods and drinks, as defined by state law, must also be available for purchase by students during the regular school day.

Promotional candy sales shall be limited to the period before the beginning of the school day and after the close of the school day. Such sales require approval of the Principal.

Sale of food or drinks anywhere on campus from thirty (30) minutes before and after the end of the last lunch period is regarded as being competitive with the National School Lunch Program. Food or drinks which do meet or exceed the minimal nutritional values of the USDA and which are sold during the period above are, however, not considered as being competitive with those programs. These may be sold during the times cited above, but all profits from such sales must go to the school's nonprofit meal program or to student organizations approved by the Principal.

The Secretary of the United States Department of Agriculture has approved a list of competitive foods which may be sold, and the State of Connecticut has extended that list, but only foods approved by the State of Connecticut and/or the Secretary may be sold in the school during the hours cited.

**Categories of Foods of Minimal Nutritional Value (FMNV)**

Federal regulations define four (4) categories of FMNV, listed below, that cannot be sold during the USDA meal periods. However, Connecticut's healthy food certification statute and Sections 10-215b-1 and 10-215-23 or the Regulations of State Agencies superseded the federal requirements by mandating additional requirements for those foods.

1. Soda Water.
2. 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.
3. Chewing Gum - Flavored products from natural or synthetic gums and other ingredients which form an insoluble mass for chewing.

4. Certain Candies - Processed foods made predominantly from sweeteners or artificial sweeteners with a variety of minor ingredients which characterize the following types:
  - a. Hard candy – A product 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, jawbreakers, and cough drops.
  - b. 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 gumdrops, jelly beans, jellied and fruit-flavored slices.
  - c. Marshmallow candies – An aerated confection composed as sugar, corn syrup, invert sugar, 20% water and gelatin or egg white to which flavors and colors may be added.
  - d. 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, soft mints.
  - e. Licorice – A product made predominantly from sugar and corn syrup which is flavored with an extract from the licorice root.
  - f. Spun candy – A product that is made from sugar that has been boiled at high temperature and spun at a high speed in a special machine.
  - g. Candy-coated popcorn - Popcorn which is coated with a mixture made predominantly from sugar and corn syrup.

The federal definition of FMNV does not include any other competitive foods or beverages of low nutrient density (e.g., cake, cookies, chips, chocolate and sweetened beverages) except for the categories listed above.

Candy, water ices and gum do NOT meet the Connecticut Nutrition Standards. They cannot be sold to students unless the Bethany Board of Education (Board) votes to allow food exemptions and they are sold at the location of events that occur after the school day or on the weekend provided they are not sold from a vending machine or school store.

State statute prohibits the sale of soda (regular and diet), coffee, tea, (regular, herbal, iced), hot chocolate and cocoa, sports drinks, energy drinks, juice drinks or beverages that are not 100% juice, (e.g., lemonade, punch drinks, cranberry cocktail), waters (with added sugars, artificial sweeteners or non-nutritive sweeteners), beverages containing only water and juice with added sugars, artificial sweeteners or non-nutritive sweeteners. These prohibited beverages can be sold to students only if the Board votes to allow exemptions and the beverages are sold at the location of the events that occur after the school day or on the weekend, provided they are not sold from a vending machine or school store.

Legal Reference: National School Lunch Program and School Breakfast Program; Competitive Foods. (7 CFR Parts 210 and 220, Federal Register, Vol. 45, No. 20, Tuesday, January 29, 1980, pp. 6758-6772.)

Public Law 111-296 Healthy, Hunger-Free Kids Act of 2010 (HHFKA), 42 U.S.C. 1751

7 CFR Parts 210 & 220, Nutrition Standards in the National School Lunch & School Breakfast Programs.

Nondiscrimination on the Basis of Handicap in Programs or Activities Receiving Federal Assistance, 7 CFR Part 15b (2001).

Connecticut General Statutes § 10-215e

Connecticut General Statutes § 10-215f

Connecticut General Statutes § 10-221p

Connecticut General Statutes § 10-221q

Public Act 06-63

Public Law 111-296 Health Hunger-Free Kids Act of 2010 42 U.S.C. 1751

7 CFR Parts 210 & 220, Nutrition Standards for all Foods Sold in School as Required by Healthy, Hunger-Free Kids Act of 2010 Federal Register Vol. 78, No. 125, June 28, 2013.

Regulation approved: September 9, 1991

Regulation revised: May 9, 2012

Regulation revised: May 5, 2016

Regulation revised: February 3, 2020