



STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION



TO: Sponsors of School Child Nutrition Programs

FROM: John Frassinelli, Chief
Bureau of Health/Nutrition, Family Services and Adult Education

DATE: March 17, 2014

SUBJECT: Operational Memorandum #17-14
Questions and Answers Related to the “Smart Snacks” Interim Final Rule

The U.S. Department of Agriculture (USDA) interim final rule, *National School Lunch Program and School Breakfast Program: Nutrition Standards for All Foods Sold in School* (Federal Register, Vol. 78, No. 125, June 28, 2013), requires new nutrition standards (“Smart Snacks”) for competitive foods. “Competitive foods” are all food and beverages, other than meals reimbursed under programs authorized by the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966, available for sale to students on the school campus during the school day.

Attached is the USDA’s first series of Questions and Answers related to the interim final rule. The USDA will update this document periodically as additional questions arise during the implementation of the interim final rule in school year 2014-15.

The Smart Snacks nutrition standards must be implemented on **July 1, 2014**. However, the USDA’s express purpose of publishing an interim final rule is to ensure the opportunity for continued dialogue as implementation of the Smart Snacks requirements proceeds, and issues are identified and evaluated. The USDA’s intent is to monitor issues that arise as the Smart Snacks standards are implemented so that the USDA may respond to and address such issues in a timely manner.

These Questions and Answers are available on the Connecticut State Department of Education’s (CSDE) [Operational Memoranda 2014](#) and [Competitive Foods](#) Web pages. For more information on the USDA Smart Snacks standards, see the CSDE’s [Competitive Foods](#) Web page and the USDA [Smart Snacks in School](#) Web page.

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**Smart Snacks in School:
Questions and Answers Regarding the Interim Final Rule
March 5, 2014**

*National School Lunch Program and School Breakfast Program: Nutrition Standards
for All Foods Sold in School* (Federal Register, Vol. 78, No. 125, June 28, 2013)

Federal versus State Requirements for Competitive Foods

Some Connecticut statutes and regulations supersede the USDA Smart Snacks standards in the interim final rule. If applicable, this information is indicated under “State Requirements” after each question. For more information, see the CSDE’s handout, *Comparison Chart of USDA Competitive Foods Standards and Connecticut Nutrition Standards*.

Public school districts that participate in Connecticut’s [healthy food certification](#) (HFC) under [Section 10-215f](#) of the Connecticut General Statutes must follow the Connecticut Nutrition Standards for all foods sold in schools, instead of the USDA Smart Snacks standards. The Connecticut Nutrition Standards meet or exceed the USDA Smart Snacks standards for competitive foods.

Private schools, non-HFC public schools and residential child care institutions (RCCIs) must follow the USDA Smart Snacks standards. For more information, see the Connecticut State Department of Education’s (CSDE) handout, *Summary of USDA Standards for Competitive Foods*, and the [Connecticut Nutrition Standards](#) Web page and [Competitive Foods](#) Web page.

For beverages, all schools (public and private) and RCCIs must follow the requirements in the Smart Snacks standards except when state requirements are stricter. For more information, see the CSDE’s [Beverage Requirements](#) Web page and the CSDE’s handout, *Competitive Foods in Schools*.

COMBINATION FOODS

1. What is a combination food?

A combination food is defined as a product that contains two or more components representing two or more of the recommended food groups: fruit, vegetable, dairy, protein or grains. If a combination food does not meet the general standards by being (1) a grain product that contains 50 percent or more whole grains by weight or have whole grains as the first ingredient **or** (2) having one of the non-grain major food groups as a first ingredient (fruits, vegetables, dairy, protein food) **or** (3) a food that contains 10 percent of the Daily Value of a nutrient of public health concern from the Dietary Guidelines for Americans (i.e., calcium, potassium, vitamin D or dietary fiber), then such a combination food must contain ¼ cup of fruit and/or vegetable. Combination foods must also meet the specific nutrient standards specified in the Smart Snacks interim final rule.

***State Requirements (HFC Schools Only):** The Connecticut Nutrition Standards allow only three general standards: whole grain-rich (WGR) foods, food groups and combination foods. Grain products must meet the same WGR definition for school meals,*

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i.e., the food item is a grain product that 1) contains at least 50 percent whole grains by weight or has a whole grain as the first ingredient; 2) any remaining grain ingredients are enriched; and 3) any noncreditable grains are at levels of less than two percent of the product formula (¼ ounce equivalent). All foods must also meet all applicable nutrient standards.

2. What is an example of a combination food?

One example of a combination food is a blueberry muffin. A blueberry muffin may not meet the general standard if it does not contain 50 percent or more whole grains by weight or if the first ingredient listed is not a whole grain, fruit, vegetable, dairy or protein item. However, if the muffin contains refined grains and ¼ cup of blueberries, the muffin meets the general standard requirement as a combination food that contains ¼ cup fruit and/or vegetable. (Additionally, the muffin must also meet the specific nutrient standards for fat, sugar, sodium, etc.) Some other examples of combination foods would be the [Harvest Stew](#) or [Vegetable Chili Boat](#) recipes from the [Recipes for Healthy Kids](#) contest. Each of these soups contains at least ¼ cup of vegetable and meets the nutrient standards and may be allowable under the Smart Snacks standards in appropriate portions.

State Requirements (HFC Schools Only): *The Connecticut Nutrition Standards require that all grain products are WGR (see Q-1) including combination foods that contain grains and at least ¼ cup of fruit and/or vegetables. In the example above, a blueberry muffin containing refined grains and ¼ cup of blueberries would **not** meet the Connecticut Nutrition Standards. To meet the Connecticut Nutrition Standards for combination foods, this muffin must be WGR **and** contain ¼ cup of blueberries, and must also meet all nutrient standards, e.g., calories, fat, saturated fat, trans fat, sodium and sugar. For more information, see the CSDE's handout, [Summary of Connecticut Nutrition Standards](#).*

3. Are any combination foods exempt from the nutrient standards?

There are only two types of combination foods that are exempt from all or some of the nutrient standards. Canned, fresh, and frozen fruits and vegetables that are combined may be exempt from all of the nutrient standards as long as there are no added ingredients except water. For example, fresh salsa made from tomatoes, onions and garlic, with no other ingredients, is exempt from each of the nutrient standards.

While combination foods comprised entirely of fruits and/or vegetables are exempt from all nutrient standards, there are some other combination items that are exempt from a subset of nutrient standards. Specifically, items that are made from only dried fruit, nuts, and/or seeds are one specific type of combination food item that is exempt from the total fat standard, saturated fat standard and sugar standard, as long as such products contain no added nutritive sweeteners or fats. These products are still subject to the calorie, trans fat, and sodium standards.

State Requirements (HFC Schools Only): *To meet the fat and saturated fat exemptions under the Connecticut Nutrition Standards, foods containing only dried fruits and nuts/seeds cannot contain added sweeteners (including artificial sweeteners, nonnutritive sweeteners and sugar alcohols) or fats (including chemically altered fat substitutes). They must also meet all applicable nutrient standards, e.g., calories, trans fat, sodium and sugar.*

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4. Would two items packaged together as a snack be considered a combination food as long as the package contains ¼ cup of a fruit or vegetable?

Yes. For example, a 100-calorie pouch of small chocolate chip cookies (approximately 21 grams) combined with one small banana (approximately 100 grams) is a combination item if packaged and sold together; the cookies contain grain and the small banana is about ½ cup of fruit. The nutrients for this example combination are 190 calories, 3 grams of fat (14 percent of calories from fat), 1 gram of saturated fat (5 percent of calories from saturated fat), 0 grams of trans fat, 95 milligrams of sodium, and 20 grams of sugar (17 percent of sugar by weight).

***State Requirements (HFC Schools Only):** The Connecticut Nutrition Standards require that snacks must contain no more than 35 percent of total sugars by weight **and** no more than 15 grams of total sugars as served including any added accompaniments. Therefore, the example above would **not** meet the Connecticut Nutrition Standards because the chocolate chip cookies packaged with banana together contain 20 grams of sugars. For more information, see the CSDE's handout, [Summary of Connecticut Nutrition Standards](#).*

5. Would a side salad meet the nutrient standards and/or is it considered to meet the standards as a combination food?

A side salad may qualify based either on the first ingredient being a vegetable or as a combination food. For example, 1 cup of romaine lettuce, ¼ cup of sliced cucumbers, 8 cherry tomatoes, 4 croutons, and 1 tablespoon of low-calorie Caesar dressing that contains 57 calories, 1 gram of fat (16 percent of calories from fat), 0 grams of saturated fat, 0 grams of trans fat, 191 milligrams of sodium, and 4 percent of sugar by weight would be allowable.

***State Requirements (HFC Schools Only):** The Connecticut Nutrition Standards require that all grain products are WGR (see Q-1) including combination foods that contain grains and another food group. To qualify as a combination food (vegetables and grains) under the Connecticut Nutrition Standards, the croutons must be WGR. For more information, see the CSDE's handout, [Summary of Connecticut Nutrition Standards](#).*

6. May cheese and crackers be sold?

To meet the general standard, the first ingredient in cheese and crackers packaged together must be either a dairy food or a whole grain. Cheese and crackers must also meet all of the specific nutrient standards. If the cheese and the crackers are packaged separately and sold as separate items, reduced-fat cheese or part-skim mozzarella would be exempt from the total and saturated fat standard but subject to all other standards, while the crackers would need to have as the first ingredient a whole grain and meet all other Smart Snacks nutrition standards.

***State Requirements (HFC Schools Only):** The Connecticut Nutrition Standards require that all grain products are WGR including combination foods that contain grains and another food group. In the example above, the crackers must be WGR to meet the grain general standard. They must also meet all nutrient standards, e.g., calories, fat, saturated fat, trans fat, sodium and sugar. For more information, see the CSDE's handout, [Summary of Connecticut Nutrition Standards](#).*

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BEVERAGES

All Connecticut schools (public and private) and RCCIs must follow the beverage requirements in the Smart Snacks standards except when state requirements are stricter. Public school districts must follow the beverage requirements of Section 10-221q of the Connecticut General Statutes. All schools (public, private and RCCIs) must follow the state competitive foods regulations. For more information, see the CSDE's [Beverage Requirements](#) Web page and the CSDE's handout, [Competitive Foods in Schools](#).

7. Now that the restrictions on the sale of other beverages during the meal service have been eliminated in the interim final rule, may a student select juice or a diet soda instead of milk for a reimbursable meal?

No, the Smart Snacks interim final rule does not change the meal pattern and nutrition standards for the National School Lunch Program (NSLP) or the School Breakfast Program (SBP). Milk is one component of a reimbursable meal. The milk component may be declined in the case of offer versus serve. However, beverages, other than juice and smoothies offered as the fruit or vegetable component of the reimbursable meal would have to be purchased a la carte.

***State Requirements (All Schools):** Connecticut's beverage requirements for public schools (Section 10-221q of the Connecticut General Statutes) do **not** allow sales of diet soda and other diet beverages, or any other beverages that do not meet the state statutory requirements, such as coffee, tea and sports drinks. For private schools and RCCIs participating in the USDA school nutrition program, Section 10-215b-23 of the Regulations of Connecticut State Agencies supersedes the federal regulation by prohibiting the sale of soft drinks from 30 minutes before up through 30 minutes after the meal periods. Commercial beverages that meet the state requirements are listed on the CSDE's [List of Acceptable Foods and Beverages](#). For more information, see the CSDE's [Beverage Requirements](#) Web page and the CSDE's handout, [Competitive Foods in Schools](#).*

8. How can I tell if my 20 fluid ounces (fl oz) beverage may be sold in high schools?

Use the nutrition facts panel as the guide. Beverages with ≤ 10 calories per 20 fl oz may be sold in containers up to 20 fl oz. Additionally, if a beverage is labeled as < 5 calories per 8 fl oz, and there are not more than 2.5 servings in the 20 fl oz container, it may be sold.

***State Requirements (All Schools):** Connecticut's beverage requirements for public schools (Section 10-221q of the Connecticut General Statutes) do **not** allow sales of diet soda and other diet beverages, or any other beverages that do not meet the state statutory requirements, such as coffee, tea and sports drinks. For private schools and RCCIs participating in the USDA school nutrition program, Section 10-215b-23 of the Regulations of Connecticut State Agencies supersedes the federal regulation by prohibiting the sale of soft drinks from 30 minutes before up through 30 minutes after the meal periods. Commercial beverages that meet the state requirements are listed on the CSDE's [List of Acceptable Foods and Beverages](#). For more information, see the CSDE's [Beverage Requirements](#) Web page and the CSDE's handout, [Competitive Foods in Schools](#).*

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SOY PRODUCTS

9. How do you determine if a soy product meets the general standard?

Soy products, such as tofu and textured vegetable protein (TVP), are considered protein foods. If tofu, TVP, or soybean is listed as the first ingredient, the product meets the general standard and then will need to be evaluated to ensure that the product meets the Smart Snacks nutrient standards.

Soy nuts are **dried** soybeans that fall into both the protein group and vegetable group. Since the fruit and vegetable Smart Snacks requirements exempt only “fresh, frozen and canned vegetables with no added ingredients except water,” soy nuts would **not** be exempt from the nutrient standards. However, even though soy nuts would **not** be exempt from all nutrient standards as a vegetable, they **would be** exempt from the total fat, saturated fat, and sugar standards (if they have no added nutritive sweeteners or fat) under the nut/seeds exemption. Remember, soy nuts are still subject to the calorie, trans fat and sodium standards.

Fortified soy beverages are allowable milk alternatives in schools, and, therefore, only need to adhere to the appropriate beverage standards for Smart Snacks.

State Requirements (HFC Schools Only): To meet the exemptions under the Connecticut Nutrition Standards, soy nuts must contain no added sweeteners (including artificial sweeteners, nonnutritive sweeteners and sugar alcohols) or fats (including chemically altered fat substitutes). They must also meet all applicable nutrient standards.

ENTREES

10. Is a cheese sandwich or a peanut butter sandwich considered an entree item?

Yes. A combination meat/meat alternate and whole grain-rich food meets the definition of an entree item. Cheese or peanut butter alone is not considered to be an entree; however, when combined with whole grain-rich bread, these sandwiches are entree items. Unless served as an entree in the NSLP on that day or the day after, all entree items must also meet the Smart Snacks general and nutrient standards.

State Requirements (HFC Schools Only): The exemption for entree items under the Connecticut Nutrition Standards applies only to entree items that are sold a la carte on the same day that they are planned and sold as part of a reimbursable meal.

11. How often may entrees served as part of a reimbursable meal that do not meet the Smart Snacks standards be sold a la carte to students?

The interim final rule provides that entrees that have been served as part of the NSLP or SBP reimbursable meal are exempt from the Smart Snacks food standards on the **day of service** in the NSLP and SBP, as well as the **day after** such an entree is served in the NSLP or SBP as part of the reimbursable meal. This means that such entree items may be sold to students a la carte on the same day that they are served as part of the reimbursable meal, as well as the day after such an entree item has been served as part of the NSLP or SBP meal.

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State Requirements (HFC Schools Only): The exemption for entree items under the Connecticut Nutrition Standards applies only to entree items that are sold a la carte on the **same day** that they are planned and sold as part of a reimbursable meal.

NUTRITION STANDARDS

12. How do I calculate the percentage of calories from fat contained in an item?

There are two methods of calculating this percentage based on the information found on the nutrition facts panel. Both are acceptable, though they may yield slightly different results (see Q. 13). The nutrition facts panel includes total fat in two places: (1) listed as calories from fat near the top; and (2) listed in grams with the other nutrients. The percent of calories from fat may be calculated using either number.

To calculate using the calories from fat information, take the calories from fat listed on the label and divide by the total calories, then multiply by 100. Using the nutrition facts panel example shown here to calculate the calories from fat method, the calculation would be as follows: $50 \text{ calories} \div 140 \text{ calories} \times 100 = 35.7$ percent of calories from fat.

To use the grams of total fat method, take the grams of fat on the label and multiply by 9 (the calories in each gram of fat), divide that result by the total calories, then multiply by 100. Using the nutrition facts panel example here, the calculation would be: $5 \text{ grams} \times 9 \text{ calories} \div 140 \text{ calories} \times 100 = 32.14$ percent of calories from fat.

Nutrition Facts	
Serving Size 1 oz (28g)	
Serving Per Container 1	
Amount Per Serving	
Calories 140	Calories from Fat 50
% Daily Values*	
Total Fat 5g	8%
Saturated Fat 0.5g	3%
Trans Fat 0g	
Sodium 200mg	8%
Total Carbohydrate 18g	6%
Dietary Fiber 3g	12%
Sugars 2g	
Protein 3g	6%
*Percent Daily Values are based on a 2,000 calorie diet.	

State Requirements (HFC Schools Only): For the purposes of determining whether foods meet the Connecticut Nutrition Standards, only the **grams of total fat method** may be used. The CSDE's [List of Acceptable Foods and Beverages](#) includes commercial food products that meet the Connecticut Nutrition Standards. Since the Connecticut Nutrition Standards meet or exceed the federal standards, these foods will also meet the USDA Smart Snack Standards.

13. It appears that these two methods may give different results when calculating the percentage of calories from fat. If so, which calculation should be used?

These two methods will often provide slightly different results because the Food and Drug Administration (FDA) has different rounding rules for the labeling of each of these nutrients on the nutrition facts panel. However, if either method results in less than or equal to 35 percent of calories from fat (do not round the result), the product will meet the total fat standard. The example above could be sold since the result, using the grams of total fat, is less than or equal to 35 percent of calories from fat.

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14. Must I always use both methods to calculate the percentage of calories from fat?

We recommend you start by using the calories from fat listed at the top of the nutrition facts panel. If the result is less than or equal to 35 percent of calories from fat, there is no need to do the calculation with the total fat grams. If the result does not meet the standard, use the grams of total fat to determine if the item meets the total fat standard.

*State Requirements (HFC Schools Only): For the purposes of determining whether foods meet the Connecticut Nutrition Standards, only the **grams of total fat method** may be used. The CSDE's [List of Acceptable Foods and Beverages](#) includes commercial food products that meet the Connecticut Nutrition Standards. Since the Connecticut Nutrition Standards meet or exceed the federal standards, these foods will also meet the USDA Smart Snack Standards.*

15. How do we calculate the percentage of calories from saturated fat in an item?

To calculate the percentage of calories from saturated fat, take the grams of saturated fat and multiply by 9 (the calories in each gram of saturated fat), divide that result by the total calories, then multiply by 100. Using the nutrition facts panel from question 12, the calculation would be: $(0.5 \text{ gram} \times 9 \text{ calories}) \div 140 \times 100 = 3.2 \text{ percent}$. Do not round the result since the standard is less than 10 percent of calories from saturated fat. A product with up to 9.9 percent of calories from saturated fat will meet the standard.

State Requirements (HFC Schools Only): Review the CSDE's [List of Acceptable Foods and Beverages](#) for commercial food products that meet the saturated fat standard. Since the Connecticut Nutrition Standards meet or exceed the federal standards, these foods will also meet the USDA Smart Snack Standards.

16. How do I calculate the percent of sugar by weight?

To calculate the percentage of sugar by weight, take the grams of sugar on the nutrition facts panel and divide that by the total weight of the food in grams. Using the nutrition facts panel from question 12, the calculation would be: $2 \text{ g (grams of sugar)} \div 28 \text{ g (total weight of food)} \times 100 = 7.14 \text{ percent sugar by weight}$. Total sugar must be no more than 35 percent by weight. Do not round the result.

*State Requirements (HFC Schools Only): The Connecticut Nutrition Standards require that snacks must contain no more than 35 percent of total sugars by weight **and** no more than 15 grams of total sugars as served including any added accompaniments. Review the CSDE's [List of Acceptable Foods and Beverages](#) for commercial food products that meet the sugar standard. Since the Connecticut Nutrition Standards meet or exceed the federal standards, these foods will also meet the USDA Smart Snack Standards.*

17. There is a discrepancy between the preamble and the regulatory text with regard to the saturated fat requirements for allowable foods. Could you clarify the saturated fat requirement? In addition, please clarify the trans fat limit.

Saturated Fat Requirement

Foods eligible to be sold must derive **less than** 10 percent of their calories from saturated fat. A food that has exactly 10 percent of calories from saturated fat would **not** meet the standard. The preamble incorrectly states the requirement. However, the regulation at §210.11(f)(1)(ii) correctly states the requirement that the saturated fat content of a competitive food must be

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less than 10 percent of total calories per item as packaged or served, with specific exemptions as specified in (f)(3) of the regulation.

Trans Fat Requirement

Per FDA labeling requirements, a product must have less than 0.5 grams of trans fat to be labeled as a product that contains “0g” trans fat. Program operators should only select foods that contain zero grams of trans fat as stated on the nutrition facts panel (unless it is a naturally occurring trans fat). We are aware that there is a discrepancy between what is in the Smart Snacks preamble and regulation and the FDA requirements for labeling a product as 0 grams of trans fat. This error will be corrected in the final rule. The requirement for Smart Snacks is that a product must be labeled as “0g” of trans fat (contain less than 0.5 gram) to be allowable, consistent with the FDA labeling requirements.

State Requirements (HFC Schools Only): Effective July 1, 2015, all products must be 100 percent trans fat free including any added accompaniments. Labels must indicate zero trans fat as served and the ingredients statement cannot contain any partially hydrogenated oils. Review the CSDE’s [List of Acceptable Foods and Beverages for commercial food products that meet the trans fat standard](#). Since the Connecticut Nutrition Standards meet or exceed the federal standards, these foods will also meet the USDA Smart Snack Standards.

18. May popcorn qualify as a Smart Snack?

Popcorn is whole grain and may be eligible as a smart snack, provided it meets all applicable standards. The ingredient label must list the first ingredient as popcorn to meet the general standard. There are many different types of popcorn available on the market, some with added fats and/or sugars, therefore, the nutrition facts panel or product specifications must be checked to determine if the product meets the nutrition standards.

19. Does dried/dehydrated fruit or vegetable listed as the first ingredient qualify a product under the general standards for Smart Snacks?

Yes. A dried/dehydrated fruit or vegetable such as dried cherries or potato flakes listed as the first ingredient does qualify the product under the general standards for Smart Snacks. All nutrient standards must be met for calories, total fat, saturated fat, trans fat, sodium, and sugar. However, dehydrated or concentrated juice or puree is considered added sugar and does not qualify a product for sale under the general standard.

FUNDRAISERS

The requirements below apply only to non-HFC public schools, private school and RCCIs. Public school districts that participate in HFC under [Section 10-215f](#) of the Connecticut General Statutes must follow the requirements summarized in the CSDE’s handout, [Requirements for Food and Beverage Fundraisers \(Public Schools Implementing Healthy Food Certification\)](#).

20. What is considered a fundraiser?

The USDA considers a fundraiser to be an event that includes any activity during which currency/tokens/tickets, etc. are exchanged for the sale/purchase of a product in support of the school or school-related activities. For example, giving away food but suggesting a

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donation would be considered a fundraiser, since funds may be raised as a result. Another example may include a vending machine when the profits are used to support a school-sponsored club or activity such as the school band or football team.

21. The Smart Snacks rule gives the States authority to set a limit on the number of fundraisers that may be exempted from the nutrition standards. What if my state doesn't set a limit?

The interim final rule allows state agencies to set the frequency with which exempt fundraisers may be held in schools in the state. If a state agency does not specify the exemption frequency, no fundraiser exemptions may be granted to the schools in the state.

***State Requirements (All Schools):** The state agency (CSDE) does **not** allow exemptions for fundraisers. Therefore, all fundraisers sold during the school day must meet the competitive foods standards of the interim final rule. In addition, all fundraisers must comply with all applicable state requirements including Section 10-215b-23 of the Regulations of Connecticut State Agencies and Section 10-221p of the Connecticut General Statutes. For more information, see the CSDE's handout, [Requirements for Food and Beverage Fundraisers \(Public Schools Not Implementing Healthy Food Certification, Private Schools and Residential Child Care Institutions\)](#).*

22. My state has specified the number of school fundraisers that can be exempt from the Smart Snacks requirements. Do I have to allow that number of fundraisers to occur in my school?

The state-established level is the maximum number of exempt fundraisers during which foods that do not meet the Smart Snacks standards may be sold to students. As LEAs and schools are allowed to implement more restrictive competitive food standards, we anticipate that they would also be allowed to implement more restrictive standards for the frequency with which exempt fundraisers may be held in their schools. However, LEAs and schools should direct any questions about the state-established fundraiser standard to their state agency.

***State Requirements (All Schools):** The state agency (CSDE) does **not** allow exemptions for fundraisers. Therefore, all fundraisers sold during the school day must meet the competitive foods standards of the interim final rule. In addition, all fundraisers must comply with all applicable state requirements including Section 10-215b-23 of the Regulations of Connecticut State Agencies and Section 10-221p of the Connecticut General Statutes. For more information, see the CSDE's handout, [Requirements for Food and Beverage Fundraisers \(Public Schools Not Implementing Healthy Food Certification, Private Schools and Residential Child Care Institutions\)](#).*

23. Does the limit apply to all fundraisers in my school?

A fundraiser limitation established by the state applies only to exempt fundraisers, during which foods that do not meet the regulatory requirements may be sold to students on the school campus during the school day. There are no restrictions on the number of fundraisers that include the sale of food items that meet the Smart Snacks standards as well as the sale of non-food items. In addition, the Smart Snacks standards do not apply to food sold during non-school hours, weekends, and off-campus fundraising events such as frozen pizza sales or concessions during after-school sporting events, school plays or concerts.

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State Requirements (All Schools): Any fundraisers sold during the school day in non-HFC schools, private school and RCCIs, including those that meet the Smart Snacks standards, must also comply with all applicable state requirements including Section 10-215b-23 of the Regulations of Connecticut State Agencies and Section 10-221p of the Connecticut General Statutes. For more information, see the CSDE's [handout, Requirements for Food and Beverage Fundraisers \(Public Schools Not Implementing Healthy Food Certification, Private Schools and Residential Child Care Institutions\)](#).

SALE OF FOOD

24. If pizza or any other food is sold in a classroom, is it subject to the Smart Snacks rule?

All food sold to students anywhere on the campus during the school day is subject to the Smart Snacks regulatory requirements. The Smart Snacks standards do not apply to food given to students without the exchange of currency/tokens/tickets or food brought to school by the students for their own consumption.

25. Do the Smart Snacks requirements apply if items are sold to someone other than a student?

The Smart Snacks nutrition requirements apply only when foods outside of the school meal programs are sold or available to be sold to students during the school day, on the school campus, as defined in the interim final rule. The requirements of the interim final rule are not applicable to food sold to non-students, such as parents or school faculty/staff members.

26. If the school food service sells food items to the school for a special event, such as a school celebration, holiday party, etc., which will not be sold to students, will the Smart Snacks nutrition requirements apply?

The Smart Snacks nutrition standards included in the interim final rule apply only to food **sold** to students on the school campus during the school day. If such foods are provided to the students free of any charge or “contribution” or the exchange of tokens or tickets of any sort, the competitive foods standards do not apply.

APPLICABILITY OF THE SMART SNACKS STANDARDS

27. How does this rule impact schools that also participate in the NSLP afterschool snack program or any part of the Child and Adult Care Food Program (CACFP)?

The Smart Snacks standards are applicable during the school day, which is defined as the midnight before to 30 minutes after the end of the instructional day. If such programs are operated in the school during the school day, or if afterschool snacks or meals are provided within the 30 minute window after the end of the instructional day, any other food available **for sale** to students at that time must comply with the Smart Snacks requirements.

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COMBINATION FOODS

1. What is a combination food?

A combination food is defined as a product that contains two or more components representing two or more of the recommended food groups: fruit, vegetable, dairy, protein or grains. If a combination food does not meet the general standards by being (1) a grain product that contains 50 percent or more whole grains by weight or have whole grains as the first ingredient **or** (2) having one of the non-grain major food groups as a first ingredient (fruits, vegetables, dairy, protein food) **or** (3) a food that contains 10 percent of the Daily Value of a nutrient of public health concern from the Dietary Guidelines for Americans (i.e., calcium, potassium, vitamin D or dietary fiber), then such a combination food must contain ¼ cup of fruit and/or vegetable. Combination foods must also meet the specific nutrient standards specified in the Smart Snacks interim final rule.

***State Requirements (HFC Schools Only):** The Connecticut Nutrition Standards allow only three general standards: whole grain-rich (WGR) foods, food groups and combination foods. Grain products must meet the same WGR definition for school meals,*

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i.e., the food item is a grain product that 1) contains at least 50 percent whole grains by weight or has a whole grain as the first ingredient; 2) any remaining grain ingredients are enriched; and 3) any noncreditable grains are at levels of less than two percent of the product formula (¼ ounce equivalent). All foods must also meet all applicable nutrient standards.

2. What is an example of a combination food?

One example of a combination food is a blueberry muffin. A blueberry muffin may not meet the general standard if it does not contain 50 percent or more whole grains by weight or if the first ingredient listed is not a whole grain, fruit, vegetable, dairy or protein item. However, if the muffin contains refined grains and ¼ cup of blueberries, the muffin meets the general standard requirement as a combination food that contains ¼ cup fruit and/or vegetable. (Additionally, the muffin must also meet the specific nutrient standards for fat, sugar, sodium, etc.) Some other examples of combination foods would be the [Harvest Stew](#) or [Vegetable Chili Boat](#) recipes from the [Recipes for Healthy Kids](#) contest. Each of these soups contains at least ¼ cup of vegetable and meets the nutrient standards and may be allowable under the Smart Snacks standards in appropriate portions.

***State Requirements (HFC Schools Only):** The Connecticut Nutrition Standards require that all grain products are WGR (see Q-1) including combination foods that contain grains and at least ¼ cup of fruit and/or vegetables. In the example above, a blueberry muffin containing refined grains and ¼ cup of blueberries would **not** meet the Connecticut Nutrition Standards. To meet the Connecticut Nutrition Standards for combination foods, this muffin must be WGR **and** contain ¼ cup of blueberries, and must also meet all nutrient standards, e.g., calories, fat, saturated fat, trans fat, sodium and sugar. For more information, see the CSDE's handout, [Summary of Connecticut Nutrition Standards](#).*

3. Are any combination foods exempt from the nutrient standards?

There are only two types of combination foods that are exempt from all or some of the nutrient standards. Canned, fresh, and frozen fruits and vegetables that are combined may be exempt from all of the nutrient standards as long as there are no added ingredients except water. For example, fresh salsa made from tomatoes, onions and garlic, with no other ingredients, is exempt from each of the nutrient standards.

While combination foods comprised entirely of fruits and/or vegetables are exempt from all nutrient standards, there are some other combination items that are exempt from a subset of nutrient standards. Specifically, items that are made from only dried fruit, nuts, and/or seeds are one specific type of combination food item that is exempt from the total fat standard, saturated fat standard and sugar standard, as long as such products contain no added nutritive sweeteners or fats. These products are still subject to the calorie, trans fat, and sodium standards.

***State Requirements (HFC Schools Only):** To meet the fat and saturated fat exemptions under the Connecticut Nutrition Standards, foods containing only dried fruits and nuts/seeds cannot contain added sweeteners (including artificial sweeteners, nonnutritive sweeteners and sugar alcohols) or fats (including chemically altered fat substitutes). They must also meet all applicable nutrient standards, e.g., calories, trans fat, sodium and sugar.*

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4. Would two items packaged together as a snack be considered a combination food as long as the package contains $\frac{1}{4}$ cup of a fruit or vegetable?

Yes. For example, a 100-calorie pouch of small chocolate chip cookies (approximately 21 grams) combined with one small banana (approximately 100 grams) is a combination item if packaged and sold together; the cookies contain grain and the small banana is about $\frac{1}{2}$ cup of fruit. The nutrients for this example combination are 190 calories, 3 grams of fat (14 percent of calories from fat), 1 gram of saturated fat (5 percent of calories from saturated fat), 0 grams of trans fat, 95 milligrams of sodium, and 20 grams of sugar (17 percent of sugar by weight).

***State Requirements (HFC Schools Only):** The Connecticut Nutrition Standards require that snacks must contain no more than 35 percent of total sugars by weight **and** no more than 15 grams of total sugars as served including any added accompaniments. Therefore, the example above would **not** meet the Connecticut Nutrition Standards because the chocolate chip cookies packaged with banana together contain 20 grams of sugars. For more information, see the CSDE's handout, [Summary of Connecticut Nutrition Standards](#).*

5. Would a side salad meet the nutrient standards and/or is it considered to meet the standards as a combination food?

A side salad may qualify based either on the first ingredient being a vegetable or as a combination food. For example, 1 cup of romaine lettuce, $\frac{1}{4}$ cup of sliced cucumbers, 8 cherry tomatoes, 4 croutons, and 1 tablespoon of low-calorie Caesar dressing that contains 57 calories, 1 gram of fat (16 percent of calories from fat), 0 grams of saturated fat, 0 grams of trans fat, 191 milligrams of sodium, and 4 percent of sugar by weight would be allowable.

***State Requirements (HFC Schools Only):** The Connecticut Nutrition Standards require that all grain products are WGR (see Q-1) including combination foods that contain grains and another food group. To qualify as a combination food (vegetables and grains) under the Connecticut Nutrition Standards, the croutons must be WGR. For more information, see the CSDE's handout, [Summary of Connecticut Nutrition Standards](#).*

6. May cheese and crackers be sold?

To meet the general standard, the first ingredient in cheese and crackers packaged together must be either a dairy food or a whole grain. Cheese and crackers must also meet all of the specific nutrient standards. If the cheese and the crackers are packaged separately and sold as separate items, reduced-fat cheese or part-skim mozzarella would be exempt from the total and saturated fat standard but subject to all other standards, while the crackers would need to have as the first ingredient a whole grain and meet all other Smart Snacks nutrition standards.

***State Requirements (HFC Schools Only):** The Connecticut Nutrition Standards require that all grain products are WGR including combination foods that contain grains and another food group. In the example above, the crackers must be WGR to meet the grain general standard. They must also meet all nutrient standards, e.g., calories, fat, saturated fat, trans fat, sodium and sugar. For more information, see the CSDE's handout, [Summary of Connecticut Nutrition Standards](#).*

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BEVERAGES

All Connecticut schools (public and private) and RCCIs must follow the beverage requirements in the Smart Snacks standards except when state requirements are stricter. Public school districts must follow the beverage requirements of Section 10-221q of the Connecticut General Statutes. All schools (public, private and RCCIs) must follow the state competitive foods regulations. For more information, see the CSDE's [Beverage Requirements](#) Web page and the CSDE's handout, [Competitive Foods in Schools](#).

7. Now that the restrictions on the sale of other beverages during the meal service have been eliminated in the interim final rule, may a student select juice or a diet soda instead of milk for a reimbursable meal?

No, the Smart Snacks interim final rule does not change the meal pattern and nutrition standards for the National School Lunch Program (NSLP) or the School Breakfast Program (SBP). Milk is one component of a reimbursable meal. The milk component may be declined in the case of offer versus serve. However, beverages, other than juice and smoothies offered as the fruit or vegetable component of the reimbursable meal would have to be purchased a la carte.

***State Requirements (All Schools):** Connecticut's beverage requirements for public schools (Section 10-221q of the Connecticut General Statutes) do **not** allow sales of diet soda and other diet beverages, or any other beverages that do not meet the state statutory requirements, such as coffee, tea and sports drinks. For private schools and RCCIs participating in the USDA school nutrition program, Section 10-215b-23 of the Regulations of Connecticut State Agencies supersedes the federal regulation by prohibiting the sale of soft drinks from 30 minutes before up through 30 minutes after the meal periods. Commercial beverages that meet the state requirements are listed on the CSDE's [List of Acceptable Foods and Beverages](#). For more information, see the CSDE's [Beverage Requirements](#) Web page and the CSDE's handout, [Competitive Foods in Schools](#).*

8. How can I tell if my 20 fluid ounces (fl oz) beverage may be sold in high schools?

Use the nutrition facts panel as the guide. Beverages with ≤ 10 calories per 20 fl oz may be sold in containers up to 20 fl oz. Additionally, if a beverage is labeled as < 5 calories per 8 fl oz, and there are not more than 2.5 servings in the 20 fl oz container, it may be sold.

***State Requirements (All Schools):** Connecticut's beverage requirements for public schools (Section 10-221q of the Connecticut General Statutes) do **not** allow sales of diet soda and other diet beverages, or any other beverages that do not meet the state statutory requirements, such as coffee, tea and sports drinks. For private schools and RCCIs participating in the USDA school nutrition program, Section 10-215b-23 of the Regulations of Connecticut State Agencies supersedes the federal regulation by prohibiting the sale of soft drinks from 30 minutes before up through 30 minutes after the meal periods. Commercial beverages that meet the state requirements are listed on the CSDE's [List of Acceptable Foods and Beverages](#). For more information, see the CSDE's [Beverage Requirements](#) Web page and the CSDE's handout, [Competitive Foods in Schools](#).*

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SOY PRODUCTS

9. How do you determine if a soy product meets the general standard?

Soy products, such as tofu and textured vegetable protein (TVP), are considered protein foods. If tofu, TVP, or soybean is listed as the first ingredient, the product meets the general standard and then will need to be evaluated to ensure that the product meets the Smart Snacks nutrient standards.

Soy nuts are **dried** soybeans that fall into both the protein group and vegetable group. Since the fruit and vegetable Smart Snacks requirements exempt only “fresh, frozen and canned vegetables with no added ingredients except water,” soy nuts would **not** be exempt from the nutrient standards. However, even though soy nuts would **not** be exempt from all nutrient standards as a vegetable, they **would be** exempt from the total fat, saturated fat, and sugar standards (if they have no added nutritive sweeteners or fat) under the nut/seeds exemption. Remember, soy nuts are still subject to the calorie, trans fat and sodium standards.

Fortified soy beverages are allowable milk alternatives in schools, and, therefore, only need to adhere to the appropriate beverage standards for Smart Snacks.

State Requirements (HFC Schools Only): To meet the exemptions under the Connecticut Nutrition Standards, soy nuts must contain no added sweeteners (including artificial sweeteners, nonnutritive sweeteners and sugar alcohols) or fats (including chemically altered fat substitutes). They must also meet all applicable nutrient standards.

ENTREES

10. Is a cheese sandwich or a peanut butter sandwich considered an entree item?

Yes. A combination meat/meat alternate and whole grain-rich food meets the definition of an entree item. Cheese or peanut butter alone is not considered to be an entree; however, when combined with whole grain-rich bread, these sandwiches are entree items. Unless served as an entree in the NSLP on that day or the day after, all entree items must also meet the Smart Snacks general and nutrient standards.

State Requirements (HFC Schools Only): The exemption for entree items under the Connecticut Nutrition Standards applies only to entree items that are sold a la carte on the same day that they are planned and sold as part of a reimbursable meal.

11. How often may entrees served as part of a reimbursable meal that do not meet the Smart Snacks standards be sold a la carte to students?

The interim final rule provides that entrees that have been served as part of the NSLP or SBP reimbursable meal are exempt from the Smart Snacks food standards on the **day of service** in the NSLP and SBP, as well as the **day after** such an entree is served in the NSLP or SBP as part of the reimbursable meal. This means that such entree items may be sold to students a la carte on the same day that they are served as part of the reimbursable meal, as well as the day after such an entree item has been served as part of the NSLP or SBP meal.

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State Requirements (HFC Schools Only): The exemption for entree items under the Connecticut Nutrition Standards applies only to entree items that are sold a la carte on the **same day** that they are planned and sold as part of a reimbursable meal.

NUTRITION STANDARDS

12. How do I calculate the percentage of calories from fat contained in an item?

There are two methods of calculating this percentage based on the information found on the nutrition facts panel. Both are acceptable, though they may yield slightly different results (see Q. 13). The nutrition facts panel includes total fat in two places: (1) listed as calories from fat near the top; and (2) listed in grams with the other nutrients. The percent of calories from fat may be calculated using either number.

To calculate using the calories from fat information, take the calories from fat listed on the label and divide by the total calories, then multiply by 100. Using the nutrition facts panel example shown here to calculate the calories from fat method, the calculation would be as follows: $50 \text{ calories} \div 140 \text{ calories} \times 100 = 35.7$ percent of calories from fat.

To use the grams of total fat method, take the grams of fat on the label and multiply by 9 (the calories in each gram of fat), divide that result by the total calories, then multiply by 100. Using the nutrition facts panel example here, the calculation would be: $5 \text{ grams} \times 9 \text{ calories} \div 140 \text{ calories} \times 100 = 32.14$ percent of calories from fat.

Nutrition Facts	
Serving Size 1 oz (28g)	
Serving Per Container 1	
Amount Per Serving	
Calories 140	Calories from Fat 50
% Daily Values*	
Total Fat 5g	8%
Saturated Fat 0.5g	3%
Trans Fat 0g	
Sodium 200mg	8%
Total Carbohydrate 18g	6%
Dietary Fiber 3g	12%
Sugars 2g	
Protein 3g	6%
*Percent Daily Values are based on a 2,000 calorie diet.	

State Requirements (HFC Schools Only): For the purposes of determining whether foods meet the Connecticut Nutrition Standards, only the **grams of total fat method** may be used. The CSDE's [List of Acceptable Foods and Beverages](#) includes commercial food products that meet the Connecticut Nutrition Standards. Since the Connecticut Nutrition Standards meet or exceed the federal standards, these foods will also meet the USDA Smart Snack Standards.

13. It appears that these two methods may give different results when calculating the percentage of calories from fat. If so, which calculation should be used?

These two methods will often provide slightly different results because the Food and Drug Administration (FDA) has different rounding rules for the labeling of each of these nutrients on the nutrition facts panel. However, if either method results in less than or equal to 35 percent of calories from fat (do not round the result), the product will meet the total fat standard. The example above could be sold since the result, using the grams of total fat, is less than or equal to 35 percent of calories from fat.

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14. Must I always use both methods to calculate the percentage of calories from fat?

We recommend you start by using the calories from fat listed at the top of the nutrition facts panel. If the result is less than or equal to 35 percent of calories from fat, there is no need to do the calculation with the total fat grams. If the result does not meet the standard, use the grams of total fat to determine if the item meets the total fat standard.

*State Requirements (HFC Schools Only): For the purposes of determining whether foods meet the Connecticut Nutrition Standards, only the **grams of total fat method** may be used. The CSDE's [List of Acceptable Foods and Beverages](#) includes commercial food products that meet the Connecticut Nutrition Standards. Since the Connecticut Nutrition Standards meet or exceed the federal standards, these foods will also meet the USDA Smart Snack Standards.*

15. How do we calculate the percentage of calories from saturated fat in an item?

To calculate the percentage of calories from saturated fat, take the grams of saturated fat and multiply by 9 (the calories in each gram of saturated fat), divide that result by the total calories, then multiply by 100. Using the nutrition facts panel from question 12, the calculation would be: $(0.5 \text{ gram} \times 9 \text{ calories}) \div 140 \times 100 = 3.2$ percent. Do not round the result since the standard is less than 10 percent of calories from saturated fat. A product with up to 9.9 percent of calories from saturated fat will meet the standard.

State Requirements (HFC Schools Only): Review the CSDE's [List of Acceptable Foods and Beverages](#) for commercial food products that meet the saturated fat standard. Since the Connecticut Nutrition Standards meet or exceed the federal standards, these foods will also meet the USDA Smart Snack Standards.

16. How do I calculate the percent of sugar by weight?

To calculate the percentage of sugar by weight, take the grams of sugar on the nutrition facts panel and divide that by the total weight of the food in grams. Using the nutrition facts panel from question 12, the calculation would be: $2 \text{ g (grams of sugar)} \div 28 \text{ g (total weight of food)} \times 100 = 7.14$ percent sugar by weight. Total sugar must be no more than 35 percent by weight. Do not round the result.

*State Requirements (HFC Schools Only): The Connecticut Nutrition Standards require that snacks must contain no more than 35 percent of total sugars by weight **and** no more than 15 grams of total sugars as served including any added accompaniments. Review the CSDE's [List of Acceptable Foods and Beverages](#) for commercial food products that meet the sugar standard. Since the Connecticut Nutrition Standards meet or exceed the federal standards, these foods will also meet the USDA Smart Snack Standards.*

17. There is a discrepancy between the preamble and the regulatory text with regard to the saturated fat requirements for allowable foods. Could you clarify the saturated fat requirement? In addition, please clarify the trans fat limit.

Saturated Fat Requirement

Foods eligible to be sold must derive **less than** 10 percent of their calories from saturated fat. A food that has exactly 10 percent of calories from saturated fat would **not** meet the standard. The preamble incorrectly states the requirement. However, the regulation at §210.11(f)(1)(ii) correctly states the requirement that the saturated fat content of a competitive food must be

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less than 10 percent of total calories per item as packaged or served, with specific exemptions as specified in (f)(3) of the regulation.

Trans Fat Requirement

Per FDA labeling requirements, a product must have less than 0.5 grams of trans fat to be labeled as a product that contains “0g” trans fat. Program operators should only select foods that contain zero grams of trans fat as stated on the nutrition facts panel (unless it is a naturally occurring trans fat). We are aware that there is a discrepancy between what is in the Smart Snacks preamble and regulation and the FDA requirements for labeling a product as 0 grams of trans fat. This error will be corrected in the final rule. The requirement for Smart Snacks is that a product must be labeled as “0g” of trans fat (contain less than 0.5 gram) to be allowable, consistent with the FDA labeling requirements.

State Requirements (HFC Schools Only): Effective July 1, 2015, all products must be 100 percent trans fat free including any added accompaniments. Labels must indicate zero trans fat as served and the ingredients statement cannot contain any partially hydrogenated oils. Review the CSDE’s [List of Acceptable Foods and Beverages for commercial food products that meet the trans fat standard](#). Since the Connecticut Nutrition Standards meet or exceed the federal standards, these foods will also meet the USDA Smart Snack Standards.

18. May popcorn qualify as a Smart Snack?

Popcorn is whole grain and may be eligible as a smart snack, provided it meets all applicable standards. The ingredient label must list the first ingredient as popcorn to meet the general standard. There are many different types of popcorn available on the market, some with added fats and/or sugars, therefore, the nutrition facts panel or product specifications must be checked to determine if the product meets the nutrition standards.

19. Does dried/dehydrated fruit or vegetable listed as the first ingredient qualify a product under the general standards for Smart Snacks?

Yes. A dried/dehydrated fruit or vegetable such as dried cherries or potato flakes listed as the first ingredient does qualify the product under the general standards for Smart Snacks. All nutrient standards must be met for calories, total fat, saturated fat, trans fat, sodium, and sugar. However, dehydrated or concentrated juice or puree is considered added sugar and does not qualify a product for sale under the general standard.

FUNDRAISERS

The requirements below apply only to non-HFC public schools, private school and RCCIs. Public school districts that participate in HFC under [Section 10-215f](#) of the Connecticut General Statutes must follow the requirements summarized in the CSDE’s handout, [Requirements for Food and Beverage Fundraisers \(Public Schools Implementing Healthy Food Certification\)](#).

20. What is considered a fundraiser?

The USDA considers a fundraiser to be an event that includes any activity during which currency/tokens/tickets, etc. are exchanged for the sale/purchase of a product in support of the school or school-related activities. For example, giving away food but suggesting a

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donation would be considered a fundraiser, since funds may be raised as a result. Another example may include a vending machine when the profits are used to support a school-sponsored club or activity such as the school band or football team.

21. The Smart Snacks rule gives the States authority to set a limit on the number of fundraisers that may be exempted from the nutrition standards. What if my state doesn't set a limit?

The interim final rule allows state agencies to set the frequency with which exempt fundraisers may be held in schools in the state. If a state agency does not specify the exemption frequency, no fundraiser exemptions may be granted to the schools in the state.

***State Requirements (All Schools):** The state agency (CSDE) does **not** allow exemptions for fundraisers. Therefore, all fundraisers sold during the school day must meet the competitive foods standards of the interim final rule. In addition, all fundraisers must comply with all applicable state requirements including Section 10-215b-23 of the Regulations of Connecticut State Agencies and Section 10-221p of the Connecticut General Statutes. For more information, see the CSDE's handout, [Requirements for Food and Beverage Fundraisers \(Public Schools Not Implementing Healthy Food Certification, Private Schools and Residential Child Care Institutions\)](#).*

22. My state has specified the number of school fundraisers that can be exempt from the Smart Snacks requirements. Do I have to allow that number of fundraisers to occur in my school?

The state-established level is the maximum number of exempt fundraisers during which foods that do not meet the Smart Snacks standards may be sold to students. As LEAs and schools are allowed to implement more restrictive competitive food standards, we anticipate that they would also be allowed to implement more restrictive standards for the frequency with which exempt fundraisers may be held in their schools. However, LEAs and schools should direct any questions about the state-established fundraiser standard to their state agency.

***State Requirements (All Schools):** The state agency (CSDE) does **not** allow exemptions for fundraisers. Therefore, all fundraisers sold during the school day must meet the competitive foods standards of the interim final rule. In addition, all fundraisers must comply with all applicable state requirements including Section 10-215b-23 of the Regulations of Connecticut State Agencies and Section 10-221p of the Connecticut General Statutes. For more information, see the CSDE's handout, [Requirements for Food and Beverage Fundraisers \(Public Schools Not Implementing Healthy Food Certification, Private Schools and Residential Child Care Institutions\)](#).*

23. Does the limit apply to all fundraisers in my school?

A fundraiser limitation established by the state applies only to exempt fundraisers, during which foods that do not meet the regulatory requirements may be sold to students on the school campus during the school day. There are no restrictions on the number of fundraisers that include the sale of food items that meet the Smart Snacks standards as well as the sale of non-food items. In addition, the Smart Snacks standards do not apply to food sold during non-school hours, weekends, and off-campus fundraising events such as frozen pizza sales or concessions during after-school sporting events, school plays or concerts.

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State Requirements (All Schools): Any fundraisers sold during the school day in non-HFC schools, private school and RCCIs, including those that meet the Smart Snacks standards, must also comply with all applicable state requirements including Section 10-215b-23 of the Regulations of Connecticut State Agencies and Section 10-221p of the Connecticut General Statutes. For more information, see the CSDE's [handout, Requirements for Food and Beverage Fundraisers \(Public Schools Not Implementing Healthy Food Certification, Private Schools and Residential Child Care Institutions\)](#).

SALE OF FOOD

24. If pizza or any other food is sold in a classroom, is it subject to the Smart Snacks rule?

All food sold to students anywhere on the campus during the school day is subject to the Smart Snacks regulatory requirements. The Smart Snacks standards do not apply to food given to students without the exchange of currency/tokens/tickets or food brought to school by the students for their own consumption.

25. Do the Smart Snacks requirements apply if items are sold to someone other than a student?

The Smart Snacks nutrition requirements apply only when foods outside of the school meal programs are sold or available to be sold to students during the school day, on the school campus, as defined in the interim final rule. The requirements of the interim final rule are not applicable to food sold to non-students, such as parents or school faculty/staff members.

26. If the school food service sells food items to the school for a special event, such as a school celebration, holiday party, etc., which will not be sold to students, will the Smart Snacks nutrition requirements apply?

The Smart Snacks nutrition standards included in the interim final rule apply only to food **sold** to students on the school campus during the school day. If such foods are provided to the students free of any charge or “contribution” or the exchange of tokens or tickets of any sort, the competitive foods standards do not apply.

APPLICABILITY OF THE SMART SNACKS STANDARDS

27. How does this rule impact schools that also participate in the NSLP afterschool snack program or any part of the Child and Adult Care Food Program (CACFP)?

The Smart Snacks standards are applicable during the school day, which is defined as the midnight before to 30 minutes after the end of the instructional day. If such programs are operated in the school during the school day, or if afterschool snacks or meals are provided within the 30 minute window after the end of the instructional day, any other food available **for sale** to students at that time must comply with the Smart Snacks requirements.

**Smart Snacks in School:
Questions and Answers Regarding the Interim Final Rule
March 5, 2014**

*National School Lunch Program and School Breakfast Program: Nutrition Standards
for All Foods Sold in School* (Federal Register, Vol. 78, No. 125, June 28, 2013)

Federal versus State Requirements for Competitive Foods

Some Connecticut statutes and regulations supersede the USDA Smart Snacks standards in the interim final rule. If applicable, this information is indicated under “State Requirements” after each question. For more information, see the CSDE’s handout, [Comparison Chart of USDA Competitive Foods Standards and Connecticut Nutrition Standards](#).

Public school districts that participate in Connecticut’s [healthy food certification](#) (HFC) under [Section 10-215f](#) of the Connecticut General Statutes must follow the Connecticut Nutrition Standards for all foods sold in schools, instead of the USDA Smart Snacks standards. The Connecticut Nutrition Standards meet or exceed the USDA Smart Snacks standards for competitive foods.

Private schools, non-HFC public schools and residential child care institutions (RCCIs) must follow the USDA Smart Snacks standards. For more information, see the Connecticut State Department of Education’s (CSDE) handout, [Summary of USDA Standards for Competitive Foods](#), and the [Connecticut Nutrition Standards](#) Web page and [Competitive Foods](#) Web page.

For beverages, all schools (public and private) and RCCIs must follow the requirements in the Smart Snacks standards except when state requirements are stricter. For more information, see the CSDE’s [Beverage Requirements](#) Web page and the CSDE’s handout, [Competitive Foods in Schools](#).

COMBINATION FOODS

1. What is a combination food?

A combination food is defined as a product that contains two or more components representing two or more of the recommended food groups: fruit, vegetable, dairy, protein or grains. If a combination food does not meet the general standards by being (1) a grain product that contains 50 percent or more whole grains by weight or have whole grains as the first ingredient **or** (2) having one of the non-grain major food groups as a first ingredient (fruits, vegetables, dairy, protein food) **or** (3) a food that contains 10 percent of the Daily Value of a nutrient of public health concern from the Dietary Guidelines for Americans (i.e., calcium, potassium, vitamin D or dietary fiber), then such a combination food must contain ¼ cup of fruit and/or vegetable. Combination foods must also meet the specific nutrient standards specified in the Smart Snacks interim final rule.

***State Requirements (HFC Schools Only):** The Connecticut Nutrition Standards allow only three general standards: whole grain-rich (WGR) foods, food groups and combination foods. Grain products must meet the same WGR definition for school meals,*

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i.e., the food item is a grain product that 1) contains at least 50 percent whole grains by weight or has a whole grain as the first ingredient; 2) any remaining grain ingredients are enriched; and 3) any noncreditable grains are at levels of less than two percent of the product formula (¼ ounce equivalent). All foods must also meet all applicable nutrient standards.

2. What is an example of a combination food?

One example of a combination food is a blueberry muffin. A blueberry muffin may not meet the general standard if it does not contain 50 percent or more whole grains by weight or if the first ingredient listed is not a whole grain, fruit, vegetable, dairy or protein item. However, if the muffin contains refined grains and ¼ cup of blueberries, the muffin meets the general standard requirement as a combination food that contains ¼ cup fruit and/or vegetable. (Additionally, the muffin must also meet the specific nutrient standards for fat, sugar, sodium, etc.) Some other examples of combination foods would be the [Harvest Stew](#) or [Vegetable Chili Boat](#) recipes from the [Recipes for Healthy Kids](#) contest. Each of these soups contains at least ¼ cup of vegetable and meets the nutrient standards and may be allowable under the Smart Snacks standards in appropriate portions.

State Requirements (HFC Schools Only): *The Connecticut Nutrition Standards require that all grain products are WGR (see Q-1) including combination foods that contain grains and at least ¼ cup of fruit and/or vegetables. In the example above, a blueberry muffin containing refined grains and ¼ cup of blueberries would **not** meet the Connecticut Nutrition Standards. To meet the Connecticut Nutrition Standards for combination foods, this muffin must be WGR **and** contain ¼ cup of blueberries, and must also meet all nutrient standards, e.g., calories, fat, saturated fat, trans fat, sodium and sugar. For more information, see the CSDE's handout, [Summary of Connecticut Nutrition Standards](#).*

3. Are any combination foods exempt from the nutrient standards?

There are only two types of combination foods that are exempt from all or some of the nutrient standards. Canned, fresh, and frozen fruits and vegetables that are combined may be exempt from all of the nutrient standards as long as there are no added ingredients except water. For example, fresh salsa made from tomatoes, onions and garlic, with no other ingredients, is exempt from each of the nutrient standards.

While combination foods comprised entirely of fruits and/or vegetables are exempt from all nutrient standards, there are some other combination items that are exempt from a subset of nutrient standards. Specifically, items that are made from only dried fruit, nuts, and/or seeds are one specific type of combination food item that is exempt from the total fat standard, saturated fat standard and sugar standard, as long as such products contain no added nutritive sweeteners or fats. These products are still subject to the calorie, trans fat, and sodium standards.

State Requirements (HFC Schools Only): *To meet the fat and saturated fat exemptions under the Connecticut Nutrition Standards, foods containing only dried fruits and nuts/seeds cannot contain added sweeteners (including artificial sweeteners, nonnutritive sweeteners and sugar alcohols) or fats (including chemically altered fat substitutes). They must also meet all applicable nutrient standards, e.g., calories, trans fat, sodium and sugar.*

Smart Snacks in School Questions and Answers

4. Would two items packaged together as a snack be considered a combination food as long as the package contains ¼ cup of a fruit or vegetable?

Yes. For example, a 100-calorie pouch of small chocolate chip cookies (approximately 21 grams) combined with one small banana (approximately 100 grams) is a combination item if packaged and sold together; the cookies contain grain and the small banana is about ½ cup of fruit. The nutrients for this example combination are 190 calories, 3 grams of fat (14 percent of calories from fat), 1 gram of saturated fat (5 percent of calories from saturated fat), 0 grams of trans fat, 95 milligrams of sodium, and 20 grams of sugar (17 percent of sugar by weight).

***State Requirements (HFC Schools Only):** The Connecticut Nutrition Standards require that snacks must contain no more than 35 percent of total sugars by weight **and** no more than 15 grams of total sugars as served including any added accompaniments. Therefore, the example above would **not** meet the Connecticut Nutrition Standards because the chocolate chip cookies packaged with banana together contain 20 grams of sugars. For more information, see the CSDE’s handout, [Summary of Connecticut Nutrition Standards](#).*

5. Would a side salad meet the nutrient standards and/or is it considered to meet the standards as a combination food?

A side salad may qualify based either on the first ingredient being a vegetable or as a combination food. For example, 1 cup of romaine lettuce, ¼ cup of sliced cucumbers, 8 cherry tomatoes, 4 croutons, and 1 tablespoon of low-calorie Caesar dressing that contains 57 calories, 1 gram of fat (16 percent of calories from fat), 0 grams of saturated fat, 0 grams of trans fat, 191 milligrams of sodium, and 4 percent of sugar by weight would be allowable.

***State Requirements (HFC Schools Only):** The Connecticut Nutrition Standards require that all grain products are WGR (see Q-1) including combination foods that contain grains and another food group. To qualify as a combination food (vegetables and grains) under the Connecticut Nutrition Standards, the croutons must be WGR. For more information, see the CSDE’s handout, [Summary of Connecticut Nutrition Standards](#).*

6. May cheese and crackers be sold?

To meet the general standard, the first ingredient in cheese and crackers packaged together must be either a dairy food or a whole grain. Cheese and crackers must also meet all of the specific nutrient standards. If the cheese and the crackers are packaged separately and sold as separate items, reduced-fat cheese or part-skim mozzarella would be exempt from the total and saturated fat standard but subject to all other standards, while the crackers would need to have as the first ingredient a whole grain and meet all other Smart Snacks nutrition standards.

***State Requirements (HFC Schools Only):** The Connecticut Nutrition Standards require that all grain products are WGR including combination foods that contain grains and another food group. In the example above, the crackers must be WGR to meet the grain general standard. They must also meet all nutrient standards, e.g., calories, fat, saturated fat, trans fat, sodium and sugar. For more information, see the CSDE’s handout, [Summary of Connecticut Nutrition Standards](#).*

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BEVERAGES

All Connecticut schools (public and private) and RCCIs must follow the beverage requirements in the Smart Snacks standards except when state requirements are stricter. Public school districts must follow the beverage requirements of Section 10-221q of the Connecticut General Statutes. All schools (public, private and RCCIs) must follow the state competitive foods regulations. For more information, see the CSDE's [Beverage Requirements](#) Web page and the CSDE's handout, [Competitive Foods in Schools](#).

7. Now that the restrictions on the sale of other beverages during the meal service have been eliminated in the interim final rule, may a student select juice or a diet soda instead of milk for a reimbursable meal?

No, the Smart Snacks interim final rule does not change the meal pattern and nutrition standards for the National School Lunch Program (NSLP) or the School Breakfast Program (SBP). Milk is one component of a reimbursable meal. The milk component may be declined in the case of offer versus serve. However, beverages, other than juice and smoothies offered as the fruit or vegetable component of the reimbursable meal would have to be purchased a la carte.

***State Requirements (All Schools):** Connecticut's beverage requirements for public schools (Section 10-221q of the Connecticut General Statutes) do **not** allow sales of diet soda and other diet beverages, or any other beverages that do not meet the state statutory requirements, such as coffee, tea and sports drinks. For private schools and RCCIs participating in the USDA school nutrition program, Section 10-215b-23 of the Regulations of Connecticut State Agencies supersedes the federal regulation by prohibiting the sale of soft drinks from 30 minutes before up through 30 minutes after the meal periods. Commercial beverages that meet the state requirements are listed on the CSDE's [List of Acceptable Foods and Beverages](#). For more information, see the CSDE's [Beverage Requirements](#) Web page and the CSDE's handout, [Competitive Foods in Schools](#).*

8. How can I tell if my 20 fluid ounces (fl oz) beverage may be sold in high schools?

Use the nutrition facts panel as the guide. Beverages with ≤ 10 calories per 20 fl oz may be sold in containers up to 20 fl oz. Additionally, if a beverage is labeled as < 5 calories per 8 fl oz, and there are not more than 2.5 servings in the 20 fl oz container, it may be sold.

***State Requirements (All Schools):** Connecticut's beverage requirements for public schools (Section 10-221q of the Connecticut General Statutes) do **not** allow sales of diet soda and other diet beverages, or any other beverages that do not meet the state statutory requirements, such as coffee, tea and sports drinks. For private schools and RCCIs participating in the USDA school nutrition program, Section 10-215b-23 of the Regulations of Connecticut State Agencies supersedes the federal regulation by prohibiting the sale of soft drinks from 30 minutes before up through 30 minutes after the meal periods. Commercial beverages that meet the state requirements are listed on the CSDE's [List of Acceptable Foods and Beverages](#). For more information, see the CSDE's [Beverage Requirements](#) Web page and the CSDE's handout, [Competitive Foods in Schools](#).*

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SOY PRODUCTS

9. How do you determine if a soy product meets the general standard?

Soy products, such as tofu and textured vegetable protein (TVP), are considered protein foods. If tofu, TVP, or soybean is listed as the first ingredient, the product meets the general standard and then will need to be evaluated to ensure that the product meets the Smart Snacks nutrient standards.

Soy nuts are **dried** soybeans that fall into both the protein group and vegetable group. Since the fruit and vegetable Smart Snacks requirements exempt only “fresh, frozen and canned vegetables with no added ingredients except water,” soy nuts would **not** be exempt from the nutrient standards. However, even though soy nuts would **not** be exempt from all nutrient standards as a vegetable, they **would be** exempt from the total fat, saturated fat, and sugar standards (if they have no added nutritive sweeteners or fat) under the nut/seeds exemption. Remember, soy nuts are still subject to the calorie, trans fat and sodium standards.

Fortified soy beverages are allowable milk alternatives in schools, and, therefore, only need to adhere to the appropriate beverage standards for Smart Snacks.

State Requirements (HFC Schools Only): To meet the exemptions under the Connecticut Nutrition Standards, soy nuts must contain no added sweeteners (including artificial sweeteners, nonnutritive sweeteners and sugar alcohols) or fats (including chemically altered fat substitutes). They must also meet all applicable nutrient standards.

ENTREES

10. Is a cheese sandwich or a peanut butter sandwich considered an entree item?

Yes. A combination meat/meat alternate and whole grain-rich food meets the definition of an entree item. Cheese or peanut butter alone is not considered to be an entree; however, when combined with whole grain-rich bread, these sandwiches are entree items. Unless served as an entree in the NSLP on that day or the day after, all entree items must also meet the Smart Snacks general and nutrient standards.

State Requirements (HFC Schools Only): The exemption for entree items under the Connecticut Nutrition Standards applies only to entree items that are sold a la carte on the same day that they are planned and sold as part of a reimbursable meal.

11. How often may entrees served as part of a reimbursable meal that do not meet the Smart Snacks standards be sold a la carte to students?

The interim final rule provides that entrees that have been served as part of the NSLP or SBP reimbursable meal are exempt from the Smart Snacks food standards on the **day of service** in the NSLP and SBP, as well as the **day after** such an entree is served in the NSLP or SBP as part of the reimbursable meal. This means that such entree items may be sold to students a la carte on the same day that they are served as part of the reimbursable meal, as well as the day after such an entree item has been served as part of the NSLP or SBP meal.

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State Requirements (HFC Schools Only): The exemption for entree items under the Connecticut Nutrition Standards applies only to entree items that are sold a la carte on the **same day** that they are planned and sold as part of a reimbursable meal.

NUTRITION STANDARDS

12. How do I calculate the percentage of calories from fat contained in an item?

There are two methods of calculating this percentage based on the information found on the nutrition facts panel. Both are acceptable, though they may yield slightly different results (see Q. 13). The nutrition facts panel includes total fat in two places: (1) listed as calories from fat near the top; and (2) listed in grams with the other nutrients. The percent of calories from fat may be calculated using either number.

To calculate using the calories from fat information, take the calories from fat listed on the label and divide by the total calories, then multiply by 100. Using the nutrition facts panel example shown here to calculate the calories from fat method, the calculation would be as follows: $50 \text{ calories} \div 140 \text{ calories} \times 100 = 35.7$ percent of calories from fat.

To use the grams of total fat method, take the grams of fat on the label and multiply by 9 (the calories in each gram of fat), divide that result by the total calories, then multiply by 100. Using the nutrition facts panel example here, the calculation would be: $5 \text{ grams} \times 9 \text{ calories} \div 140 \text{ calories} \times 100 = 32.14$ percent of calories from fat.

Nutrition Facts	
Serving Size 1 oz (28g)	
Serving Per Container 1	
Amount Per Serving	
Calories 140	Calories from Fat 50
% Daily Values*	
Total Fat 5g	8%
Saturated Fat 0.5g	3%
Trans Fat 0g	
Sodium 200mg	8%
Total Carbohydrate 18g	6%
Dietary Fiber 3g	12%
Sugars 2g	
Protein 3g	6%
*Percent Daily Values are based on a 2,000 calorie diet.	

State Requirements (HFC Schools Only): For the purposes of determining whether foods meet the Connecticut Nutrition Standards, only the **grams of total fat method** may be used. The CSDE's [List of Acceptable Foods and Beverages](#) includes commercial food products that meet the Connecticut Nutrition Standards. Since the Connecticut Nutrition Standards meet or exceed the federal standards, these foods will also meet the USDA Smart Snack Standards.

13. It appears that these two methods may give different results when calculating the percentage of calories from fat. If so, which calculation should be used?

These two methods will often provide slightly different results because the Food and Drug Administration (FDA) has different rounding rules for the labeling of each of these nutrients on the nutrition facts panel. However, if either method results in less than or equal to 35 percent of calories from fat (do not round the result), the product will meet the total fat standard. The example above could be sold since the result, using the grams of total fat, is less than or equal to 35 percent of calories from fat.

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14. Must I always use both methods to calculate the percentage of calories from fat?

We recommend you start by using the calories from fat listed at the top of the nutrition facts panel. If the result is less than or equal to 35 percent of calories from fat, there is no need to do the calculation with the total fat grams. If the result does not meet the standard, use the grams of total fat to determine if the item meets the total fat standard.

*State Requirements (HFC Schools Only): For the purposes of determining whether foods meet the Connecticut Nutrition Standards, only the **grams of total fat method** may be used. The CSDE's [List of Acceptable Foods and Beverages](#) includes commercial food products that meet the Connecticut Nutrition Standards. Since the Connecticut Nutrition Standards meet or exceed the federal standards, these foods will also meet the USDA Smart Snack Standards.*

15. How do we calculate the percentage of calories from saturated fat in an item?

To calculate the percentage of calories from saturated fat, take the grams of saturated fat and multiply by 9 (the calories in each gram of saturated fat), divide that result by the total calories, then multiply by 100. Using the nutrition facts panel from question 12, the calculation would be: $(0.5 \text{ gram} \times 9 \text{ calories}) \div 140 \times 100 = 3.2$ percent. Do not round the result since the standard is less than 10 percent of calories from saturated fat. A product with up to 9.9 percent of calories from saturated fat will meet the standard.

State Requirements (HFC Schools Only): Review the CSDE's [List of Acceptable Foods and Beverages](#) for commercial food products that meet the saturated fat standard. Since the Connecticut Nutrition Standards meet or exceed the federal standards, these foods will also meet the USDA Smart Snack Standards.

16. How do I calculate the percent of sugar by weight?

To calculate the percentage of sugar by weight, take the grams of sugar on the nutrition facts panel and divide that by the total weight of the food in grams. Using the nutrition facts panel from question 12, the calculation would be: $2 \text{ g (grams of sugar)} \div 28 \text{ g (total weight of food)} \times 100 = 7.14$ percent sugar by weight. Total sugar must be no more than 35 percent by weight. Do not round the result.

*State Requirements (HFC Schools Only): The Connecticut Nutrition Standards require that snacks must contain no more than 35 percent of total sugars by weight **and** no more than 15 grams of total sugars as served including any added accompaniments. Review the CSDE's [List of Acceptable Foods and Beverages](#) for commercial food products that meet the sugar standard. Since the Connecticut Nutrition Standards meet or exceed the federal standards, these foods will also meet the USDA Smart Snack Standards.*

17. There is a discrepancy between the preamble and the regulatory text with regard to the saturated fat requirements for allowable foods. Could you clarify the saturated fat requirement? In addition, please clarify the trans fat limit.

Saturated Fat Requirement

Foods eligible to be sold must derive **less than** 10 percent of their calories from saturated fat. A food that has exactly 10 percent of calories from saturated fat would **not** meet the standard. The preamble incorrectly states the requirement. However, the regulation at §210.11(f)(1)(ii) correctly states the requirement that the saturated fat content of a competitive food must be

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less than 10 percent of total calories per item as packaged or served, with specific exemptions as specified in (f)(3) of the regulation.

Trans Fat Requirement

Per FDA labeling requirements, a product must have less than 0.5 grams of trans fat to be labeled as a product that contains “0g” trans fat. Program operators should only select foods that contain zero grams of trans fat as stated on the nutrition facts panel (unless it is a naturally occurring trans fat). We are aware that there is a discrepancy between what is in the Smart Snacks preamble and regulation and the FDA requirements for labeling a product as 0 grams of trans fat. This error will be corrected in the final rule. The requirement for Smart Snacks is that a product must be labeled as “0g” of trans fat (contain less than 0.5 gram) to be allowable, consistent with the FDA labeling requirements.

State Requirements (HFC Schools Only): Effective July 1, 2015, all products must be 100 percent trans fat free including any added accompaniments. Labels must indicate zero trans fat as served and the ingredients statement cannot contain any partially hydrogenated oils. Review the CSDE’s [List of Acceptable Foods and Beverages](#) for commercial food products that meet the trans fat standard. Since the Connecticut Nutrition Standards meet or exceed the federal standards, these foods will also meet the USDA Smart Snack Standards.

18. May popcorn qualify as a Smart Snack?

Popcorn is whole grain and may be eligible as a smart snack, provided it meets all applicable standards. The ingredient label must list the first ingredient as popcorn to meet the general standard. There are many different types of popcorn available on the market, some with added fats and/or sugars, therefore, the nutrition facts panel or product specifications must be checked to determine if the product meets the nutrition standards.

19. Does dried/dehydrated fruit or vegetable listed as the first ingredient qualify a product under the general standards for Smart Snacks?

Yes. A dried/dehydrated fruit or vegetable such as dried cherries or potato flakes listed as the first ingredient does qualify the product under the general standards for Smart Snacks. All nutrient standards must be met for calories, total fat, saturated fat, trans fat, sodium, and sugar. However, dehydrated or concentrated juice or puree is considered added sugar and does not qualify a product for sale under the general standard.

FUNDRAISERS

The requirements below apply only to non-HFC public schools, private school and RCCIs. Public school districts that participate in HFC under [Section 10-215f](#) of the Connecticut General Statutes must follow the requirements summarized in the CSDE’s handout, [Requirements for Food and Beverage Fundraisers \(Public Schools Implementing Healthy Food Certification\)](#).

20. What is considered a fundraiser?

The USDA considers a fundraiser to be an event that includes any activity during which currency/tokens/tickets, etc. are exchanged for the sale/purchase of a product in support of the school or school-related activities. For example, giving away food but suggesting a

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donation would be considered a fundraiser, since funds may be raised as a result. Another example may include a vending machine when the profits are used to support a school-sponsored club or activity such as the school band or football team.

21. The Smart Snacks rule gives the States authority to set a limit on the number of fundraisers that may be exempted from the nutrition standards. What if my state doesn't set a limit?

The interim final rule allows state agencies to set the frequency with which exempt fundraisers may be held in schools in the state. If a state agency does not specify the exemption frequency, no fundraiser exemptions may be granted to the schools in the state.

***State Requirements (All Schools):** The state agency (CSDE) does **not** allow exemptions for fundraisers. Therefore, all fundraisers sold during the school day must meet the competitive foods standards of the interim final rule. In addition, all fundraisers must comply with all applicable state requirements including Section 10-215b-23 of the Regulations of Connecticut State Agencies and Section 10-221p of the Connecticut General Statutes. For more information, see the CSDE's handout, [Requirements for Food and Beverage Fundraisers \(Public Schools Not Implementing Healthy Food Certification, Private Schools and Residential Child Care Institutions\)](#).*

22. My state has specified the number of school fundraisers that can be exempt from the Smart Snacks requirements. Do I have to allow that number of fundraisers to occur in my school?

The state-established level is the maximum number of exempt fundraisers during which foods that do not meet the Smart Snacks standards may be sold to students. As LEAs and schools are allowed to implement more restrictive competitive food standards, we anticipate that they would also be allowed to implement more restrictive standards for the frequency with which exempt fundraisers may be held in their schools. However, LEAs and schools should direct any questions about the state-established fundraiser standard to their state agency.

***State Requirements (All Schools):** The state agency (CSDE) does **not** allow exemptions for fundraisers. Therefore, all fundraisers sold during the school day must meet the competitive foods standards of the interim final rule. In addition, all fundraisers must comply with all applicable state requirements including Section 10-215b-23 of the Regulations of Connecticut State Agencies and Section 10-221p of the Connecticut General Statutes. For more information, see the CSDE's handout, [Requirements for Food and Beverage Fundraisers \(Public Schools Not Implementing Healthy Food Certification, Private Schools and Residential Child Care Institutions\)](#).*

23. Does the limit apply to all fundraisers in my school?

A fundraiser limitation established by the state applies only to exempt fundraisers, during which foods that do not meet the regulatory requirements may be sold to students on the school campus during the school day. There are no restrictions on the number of fundraisers that include the sale of food items that meet the Smart Snacks standards as well as the sale of non-food items. In addition, the Smart Snacks standards do not apply to food sold during non-school hours, weekends, and off-campus fundraising events such as frozen pizza sales or concessions during after-school sporting events, school plays or concerts.

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State Requirements (All Schools): Any fundraisers sold during the school day in non-HFC schools, private school and RCCIs, including those that meet the Smart Snacks standards, must also comply with all applicable state requirements including Section 10-215b-23 of the Regulations of Connecticut State Agencies and Section 10-221p of the Connecticut General Statutes. For more information, see the CSDE's [handout, Requirements for Food and Beverage Fundraisers \(Public Schools Not Implementing Healthy Food Certification, Private Schools and Residential Child Care Institutions\)](#).

SALE OF FOOD

24. If pizza or any other food is sold in a classroom, is it subject to the Smart Snacks rule?

All food sold to students anywhere on the campus during the school day is subject to the Smart Snacks regulatory requirements. The Smart Snacks standards do not apply to food given to students without the exchange of currency/tokens/tickets or food brought to school by the students for their own consumption.

25. Do the Smart Snacks requirements apply if items are sold to someone other than a student?

The Smart Snacks nutrition requirements apply only when foods outside of the school meal programs are sold or available to be sold to students during the school day, on the school campus, as defined in the interim final rule. The requirements of the interim final rule are not applicable to food sold to non-students, such as parents or school faculty/staff members.

26. If the school food service sells food items to the school for a special event, such as a school celebration, holiday party, etc., which will not be sold to students, will the Smart Snacks nutrition requirements apply?

The Smart Snacks nutrition standards included in the interim final rule apply only to food **sold** to students on the school campus during the school day. If such foods are provided to the students free of any charge or “contribution” or the exchange of tokens or tickets of any sort, the competitive foods standards do not apply.

APPLICABILITY OF THE SMART SNACKS STANDARDS

27. How does this rule impact schools that also participate in the NSLP afterschool snack program or any part of the Child and Adult Care Food Program (CACFP)?

The Smart Snacks standards are applicable during the school day, which is defined as the midnight before to 30 minutes after the end of the instructional day. If such programs are operated in the school during the school day, or if afterschool snacks or meals are provided within the 30 minute window after the end of the instructional day, any other food available **for sale** to students at that time must comply with the Smart Snacks requirements.