

Side by Side of TPSNP and USDA’s Interim Final Competitive Food Rule

Introduction

The Texas Public School Nutrition Policy (TPSNP), established in 2004, addresses foods served or made available in the National School Lunch/School Breakfast Programs, a la carte and competitive foods for all grades and competitive foods and snacks sold outside of the school lunch and breakfast programs, as well as the nutrition environment in Texas public schools. The U.S. Department of Agriculture’s (USDA) interim final rule *Nutrition Standards for All Foods Sold in School*, as required by the *Healthy, Hunger-Free Kids Act of 2010* was released on June 28, 2013. The new standards apply to foods sold outside of the school lunch and breakfast programs starting on July 1, 2014.

Comparison

The below charts compares TPSNP and USDA’s Interim Final Competitive Food Rule. Note that the assessment of impact does not consider the temporary period in which fortified items meeting 10% Daily Value of some key nutrients will be allowed, as this provision will allow many products that will be restricted in 2016.

Nutrition Standards for Food		
	TPSNP	USDA Interim Final Rule
General Requirements	TPSNP requires competitive food items to meet specific nutrition standards	To be allowable, a competitive food item must: <ol style="list-style-type: none"> 1) Meet all nutrition standards outlined in the rule, and 2) Be a whole grain rich product; or 3) Be a fruit, vegetable, dairy product, or protein food; or 4) Be a combination food with at least ¼ cup fruit and/or vegetable; or 5) For the period through June 30, 2016, contain 10% of the Daily Value of a nutrient of public health concern.
Portion Sizes	Limits portion sizes, in ounces, of chips, “other” items (e.g. crackers, popcorn, cereal, etc.) cookies, cereal bars, bakery items, frozen desserts, pudding, gelatin and frozen fruit slushes	Limits portion sizes through calorie maximums rather than ounces
Grains	Does not address whole grain content	Requires grain products served to be 50% or more whole grain or have whole grain as first ingredient
Calories	Does not address calories (calories are indirectly impacted by portion size restrictions)	Snack Items: Limited to 200 calories/portion Entrees: Limited to 350 calories/portion
Fat	Limits total fat based on grams of fat per food item (individual food items ≤ 23 g fat/serving) Specifies grams of fat allowed for chips; also cookies, cereal	Limits total fat based on the percent of total calories (≤35% of total calories) Given the calorie maximums: Entrees with 350 calories must have < 14 grams of fat Side items with 200 calories must have < 8 grams of fat

	bars and bakery items limited to $\leq 30\%$ of calories from fat or 3 grams per 100 calories Eliminates deep frying as a method of onsite preparation.	No restrictions on method of preparation
Saturated Fat	For Cookies, cereal bars and bakery items $\leq 10\%$ of calories or 1g per 100 calories. No saturated fat limit for other competitive foods	Limits saturated fat to $\leq 10\%$ percent of calories for all foods sold
Trans Fat	Requires reduction of trans-fat (reduction amount is unspecified).	Restricts trans-fat to 0 grams (≤ 0.5 g per serving per nutritional label)
Sugar	Sugar may not exceed 10g per oz on cookies, cereal bars & bakery items.	Limits sugar content to 35% weight per portion served, with some exemptions for certain fruits and vegetables
Sodium	No sodium restrictions	Snack Items: ≤ 230 milligrams (≤ 200 mg on July 1, 2016) Entrees: ≤ 480 milligrams
Limits on Offering Specific Food Items	French fries are restricted to 3 ounce portions and limited in frequency by school type: Elementary: 1/week Middle School: 3 times/week High School: Every day	There are no portion or frequency limits placed on fried potato products, or any other specific named type of food. French fries would need to meet all nutrition requirements.

	<i>TPSNP</i>	<i>USDA Interim Rule</i>
Water	Plain water allowed in all age/grade groups; no carbonation allowed	Plain and carbonated water allowed in all age/grade groups Potable water must be made available at no charge during meal service
Milkⁱ	Fat Content: Not limited when sold as a competitive food, but higher fat milk is subject to portion restrictions, and sugar restrictions if it is flavored For all age/grade levels: <8 oz. for whole milk ≤ 16 oz. for reduced fat milk types (2% or less) ≤ 3.75 grams of sugar per fluid oz. for flavored milk	Fat Content: Limits milk fat content to 1% or fat-free. Flavored milk must be fat-free Portion Size: ≤ 8 oz in Elementary ≤ 12 oz in Middle and High School
100% Fruit and Vegetable Juice	Portion Size: ≤ 6 oz. Elementary < 12 oz. Middle and High School Sugar:	Portion Size: ≤ 8 oz. Elementary ≤ 12 oz. Middle and High School Allows carbonated juices, and juices diluted with water and no

	<3.75 grams of sugar per fluid oz.	added sugar, subject to the above portion size restrictions
“Calorie-free” Beverages, with or without flavoring, caffeine, and/or carbonation	Carbonation not allowed, regardless of nutrition content, in all age/grade groups. Not allowed in Elementary Middle and High School: <12 oz. portions <3.75 grams of sugar per fluid oz. No calorie requirement	Not allowed in Elementary and Middle School. High School: < 5 calories or per 8 fluid ounces or ≤10 calories per 20 fluid ounces ≤20 ounce portions
“Lower Calorie” Beverages, with or without caffeine and/or carbonation	Not allowed in Elementary Middle and High School: ≤12 oz. portions ≤3.75 grams of sugar per fluid oz. No calorie requirement	Not allowed in Elementary and Middle School. High School: ≤ 40 calories per 8 fluid ounces or ≤ 60 calories per 12 fluid ounces ≤12 oz. portions

	<i>TPSNP</i>	<i>USDA Interim Rule</i>
Competitive Foods-General	Time and place restrictions on competitive foods apply only to foods and beverages sold by anyone other than the food service department Limits all competitive foods and beverages to specific times in the day depending on the grade level ⁱⁱ School day defined as the start of the first breakfast period through the end of the last instructional period of the day	No time and place restrictions on any foods and beverages that comply with the USDA standards, regardless who is selling it For infrequent exempted fundraisers, items may not be sold in the food service area during meal service (see School Environment table) School day defined as the period from midnight before, to 30 minutes after the end of the official school day

School Environment		
	<i>TPSNP</i>	<i>USDA Interim Rule</i>
Fundraisers	Limits all competitive foods, beverages and snacks (including fundraiser items) to specific times in the day depending on the grade level ⁱⁱⁱ . No limit outside of school day.	Allows states to set limits on frequency of exempted fundraising activities that sell foods items that do not meet standards with USDA approval. Sales through vending machines and school stores, or non-exempt fundraisers held on the school campus are required to meet the nutrition standards set for all competitive foods.
Exemptions	Allows each campus to	Does not address exemptions specific to school activities

	establish up to 3 exemption days in which foods are not subject to TPSNP, so long as they are not served in areas where reimbursable meals are served and/or consumed.	
Foods Provided or Given Away	<p>TPSNP nutrition requirements apply to foods and beverages served, sold and/or provided access to during the school day.</p> <p>Parents may bring otherwise restricted items for classroom birthday parties held after the lunch period</p>	Only addresses foods and beverages sold

Foods of Minimal Nutritional Value (FMNV)		
	<i>TPSNP</i>	<i>USDA Rule</i>
FMNV and other forms of candy	<p>Except for campus exemption days, not allowed to be provided to students any time anywhere on school premises by anyone (including guest speakers) until after the end of the last scheduled class. (FMNVs include any carbonated beverage – see full list of FMNVs at http://www.fns.usda.gov/cnd/menu/fmnmv.htm)</p>	Once the rule is in effect, the definition of FMNV is removed from the CFR. USDA’s nutrition requirements essentially remove the ability to sell FMNV or other candy after the 10% Daily Value option is no longer allowed (see General Requirements under Nutrition Standards for Food).

ⁱ Milk alternatives are also allowed.

ⁱⁱⁱ Elementary: May not serve competitive foods (or provide access to them through direct or indirect sales) to students anywhere on school premises throughout the school day until the end of the last scheduled class
Middle: May not serve competitive foods (or provide access to them through direct or indirect sales) to students anywhere on school premises from 30 minutes before to 30 minutes after meal periods
High: High schools may not serve competitive foods (or provide access to them through direct or indirect sales) to students during meal periods in areas where reimbursable school meals are served and/or consumed