April 9, 2013

Julie Brewer
Chief, Policy and Program Development Branch
Child Nutrition Division
Food and Nutrition Service
U.S. Department of Agriculture
P.O. Box 66874
Saint Louis, MO 63166

Re: National School Lunch Program and School Breakfast Program: Nutrition Standards for All Foods Sold in School as Required by the Healthy, Hunger-Free Kids Act of 2010 (Docket ID: FNS-2011-0019)

Dear Ms. Brewer:

Trust for America's Health (TFAH), a nonprofit, nonpartisan organization dedicated to saving lives by protecting the health of every community and working to make disease prevention a national priority, strongly supports the proposed rule for nutrition standards for all food sold in school and respectfully submit the following comments for your consideration.

Food consumed during the school day plays a significant role in children's diet and constitutes the majority of daily calories consumed for many students. Therefore, this rule, once implemented, would be a fundamental step towards addressing the epidemic of childhood obesity, and improving the long-term health of America's children. According to TFAH's 2012 report *F as in Fat: How Obesity Threatens America's Future*, childhood obesity rates are greater than 17 percent across the country.[1] And millions more children are overweight.

Overall, we strongly support the "Smart Snacks in Schools" proposed rule. While there has been some progress in improving the nutritional quality of competitive foods due to state and local policies and some voluntary action, nutritionally poor foods and beverages are still widely available in schools. It is imperative that competitive foods and beverages be held to comprehensive, science-based nutrition standards nationally.

We hope that you will consider the following comments and recommendations as you finalize these important nutritional standards.

[1] Trust for America's Health. *F as in Fat: How Obesity Threatens America's Future.* Washington, D.C.: Trust for America's Health, 2012.

General Nutrition Standards for Competitive Foods §210.11(c)

We strongly support the requirement that all competitive foods sold to students during the school day on the school campus meet the proposed nutrition standards. We support USDA's proposal to primarily use a food-based approach to ensure that the foods sold to children in schools help them to achieve a healthful diet. By emphasizing foods that make a meaningful contribution to a healthful diet, the proposed regulations stay true to the basic premise of the *Dietary Guidelines for Americans*: that nutrient needs should be met primarily by consuming nutrient-dense foods.

Limiting the nutrients to those naturally occurring will promote the intake of foods closer to their whole, natural state, which is recommended in the 2010 *Dietary Guidelines for Americans*. The DGA specifically states that "Ideally, nutrient-dense foods are in forms that retain naturally occurring components such as dietary fiber." The DGA consistently emphasizes the importance of consuming a diet rich in a variety of fruits and vegetables, as well as whole grains and low-fat dairy products. In addition, the IOM 2007 report included fruits, vegetables, whole grains, and low-fat dairy as the centerpieces of Tier 1 foods. USDA's proposal, which focuses on naturally occurring nutrients, is consistent with and reflects DGA and IOM recommendations.

Implementation, Training and Technical Assistance

While there will be some challenges associated with implementation of this provision, training and technical assistance efforts should provide school food service operators with strategies on how to determine whether a product provides naturally occurring nutrients of public health concern. Guidance can include how to determine whether a nutrient has been added by reviewing the ingredient list. USDA should provide examples of products that are naturally good sources of calcium, potassium and fiber. It also can point out that few foods contain naturally occurring vitamin D. USDA should provide information about key words to look for in the ingredient list that are likely sources of added nutrients. For example, added fiber might be listed as maltodextrin, inulin, polydextrose, oat fiber, and soy fiber.

Whole Grains, §210.11(c)(2)(ii)

We support USDA's proposed definition of whole grains, requiring a grain product contain 50 percent or more whole grains by weight or have a whole grain as the first ingredient; however we would oppose USDA using a definition that a serving of whole grains contain at least 8 grams of whole grain. Such an approach would not ensure that grain products contain at least 50 percent whole grain and is inconsistent with the *Dietary Guidelines*, which state that 50 percent of total grains consumed should be whole grains. This would help to further limit the amount of refined grains consumed by children.

Exemption of NSLP and SBP Entrees and Side Dishes, §210.11(c)(3)-(4)

We do not support exemptions for a la carte items from the national school nutrition standards. Serving individual items that do not meet nutrition standards undercuts one of the key purposes of the rule – ensuring "that children are provided with healthy food options throughout the school day." Allowing sales of any foods inconsistent with the standards undermines the efforts

of parents to provide healthy food options to children, and is not allowed under the statute. To exempt these foods would be a huge loophole in the national competitive food standards. When such items are sold individually, students get the negative nutrition components, such as sodium or sugars, without getting the positive nutrients from the rest of the components that balance the meal. We strongly urge no exemption be given to meal items sold as a la carte options.

School meals are carefully designed by school nutrition service professionals to contain items that when served together create a balanced meal that includes key nutrients while controlling for calories, fats, sugars, and sodium. When planning meals, school food professionals balance the nutritional components of all food items in a lunch or breakfast across all meals over the week. This allows foods that may exceed individual limits for calories, fats, sugars, and sodium to be included in a reimbursable meal when balanced with healthier sides.

Availability of Water

We support the requirement that schools make potable water available to children at no charge during the meal service. Poor hydration has been shown to impair cognition, alter mood, and reduce physical activity levels (Chandran, 2009). This requirement is a simple, yet effective obesity-prevention strategy. Water provides zero calories and is a healthy alternative to sugary drinks. The Surgeon General has promoted water consumption in schools as a tactic for combating obesity and supporting healthier choices (HHS, 2010). Thus, free drinking water should be readily accessible in schools at meal times, and water should be available in adequate quantities. Evidence has shown that water fountains in schools are often inoperable, poorly maintained, and unhygienic, and overall consumption of water from fountains is often inadequate (Chandran, 2009).

Importance of Standards Being Met for Items as They Are Sold and Packaged

We strongly support the provision that the competitive food standards apply to food as they are packaged and sold to students. The standards for calories, fats, sugars, and sodium are important nutritional provisions in the proposed rule. However, they could be easily undermined if items are packaged with more than one serving per container and only the individual serving meets the standards, while the package does not. Nutrition standards per serving rather than per package also could be confusing to students as they select food or beverage items and learn about healthy eating and portion sizes.

When children are at school, they are learning how to eat healthfully and what appropriate serving sizes look like. It is important that when an item is sold to a child that the serving size is for the entire package and that standards are met for the package, as most students will eat the entire package.

Total Fat, Saturated Fats, and Trans Fats, §210.11(f)-(h)

We support the proposed rule's provisions specifying total fat, saturated fat, and trans-fat limits as part of comprehensive nutrition standards for competitive foods. The proposed limits are

consistent with the *Dietary Guidelines* and are associated with reduced risk of cardiovascular and other chronic diseases while still providing for adequate intake of essential nutrients.

We support the proposed rule's requirement that "no more than 35 percent of the total calories per portion as packaged shall be derived from fat." By limiting total fats, students can increase intakes of nutrient-dense foods without exceeding overall calorie needs. Limiting the amount of fat and sugars in competitive food items will decrease caloric density and encourage dietary patterns consistent with the DGA.

Saturated Fat and Trans Fat

TFAH supports the proposed rule's provisions specifying total fat, saturated fat, and trans-fat limits as part of comprehensive nutrition standards for competitive foods. The proposed limits are consistent with the *Dietary Guidelines* and are associated with reduced risk of cardiovascular and other chronic diseases while still providing for adequate intake of essential nutrients. We also support the proposal to minimize levels of trans fat, with an emphasis on having only foods with zero grams of trans fats per serving. This is also consistent with both the recommendations from both the 2010 *Dietary Guidelines* and the Institute of Medicine.

Total Sugars, §210.11(i)

TFAH supports Alternative C1, allowing no more than 35 percent of calories from total sugars in foods, as the sugars standard. This is the limit for total sugars for competitive foods recommended by the IOM in its report, *Nutrition Standards for Foods in Schools: Leading the Way Toward Healthier Youth* (IOM, 2007). Consumption of excess sugars increases the risk of obesity, diabetes, and associated chronic diseases, including heart disease and cancer, and dental caries. In particular, the DGA recommends reducing consumption of added sugars, which provide additional calories but no nutrients. In contrast, naturally occurring sugars are part of foods that are often rich in nutrients, such as fruits and dairy products.

We also support the proposed exemptions from the sugars standard for fresh, frozen, and canned fruits and vegetables with no added sweeteners, dried fruits and vegetables with no added nutritive sweeteners, canned fruits packed in 100 percent juice and extra light syrup, and low- and nonfat yogurt with fewer than 30 grams total sugars per eight ounces. We support exemptions from the sugars standard for these items because they are nutrient-rich foods with mostly naturally occurring, rather than added, sugars. We recommend that the 30 grams per eight ounce limit for total sugars in yogurt be scaled proportionately by serving size. For example, a six ounce yogurt, a serving size commonly found in schools, would be required to have no more than 22 grams total sugars.

We do recommend an exemption to the sugars standard for certain canned vegetables for which a small amount of sugars has been added to maintain the structural integrity of the vegetable, consistent with USDA guidance for WIC food packages (USDA, 2012).

Ideally, USDA should set the sugars standard based on added sugars, rather than total sugars. Added sugars are what science shows should be limited in children's diets. However, since

added sugars content is not included on Nutrition Facts labels, it would be difficult for school nutrition directors and other school staff to determine the added sugars content of some foods, particularly foods that contain both naturally occurring and added sugars. We urge USDA to work with the FDA to ensure that added sugars content be listed on the revised Nutrition Facts label. If the FDA moves quickly in releasing proposed and final regulations on Nutrition Facts, USDA should implement a sugars standard that limits added sugars rather than total sugars in the final competitive foods rule. Under an added sugars standard, exemptions for fruits and yogurts with naturally occurring sugars would not be needed.

Calories, §210.11(j)-(k)

We strongly support the need for calorie limits on competitive foods sold in schools. With one in three children in the United States currently overweight or obese, it is important that children not be sold excess calories during the school day. Excessive caloric intake leads to weight gain and obesity, putting children at increased risk for health problems, such as cardiovascular disease, depression, hypertension, and diabetes.

We recommend that USDA set the competitive food calorie maximum for snack items and side dishes at 150 calories for elementary schools. Entrees served as competitive foods in elementary schools also should have a lower calorie standard than the limit for middle and high schools. Using the same proportion of calories between snacks and entrees as for middle and high schools [2] or the same proportion for the entree calorie maximum for high school to the mid-point of the school lunch calorie standard for high school lunches,[3] we recommend that competitive foods entrees be limited to 260 calories at the elementary school level.

Sodium, §210.11(j)-(k)

TFAH was very pleased that the USDA placed great importance on significantly reducing sodium levels. We support the proposed sodium standard for snack items ($\leq$200 mg) and entrees ($\leq$480 mg). These new standards should contribute significantly to sodium reduction in schools and complement the gradual reduction that is happening in the school meal programs.

We agree that sodium reductions should be phased in gradually, in order to increase take-up and participation rates of children. The 2010 Dietary Guidelines provide science-based recommendations, and recommends that children under the age of 14 should have a maximum sodium intake of 1,500 mg per day. Therefore, we urge that gradual reductions in sodium levels be based on this ultimate goal. Further, we encourage the USDA to continually monitor progress in reaching relevant benchmarks.

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[2] Number based on the proportion of snack calories to entree calories between elementary and secondary schools. Snack cal/Entrée cal: 200/350 = 150/x, x=262 cal for entrees at elementary level.

[3] 350 calories is proposed as the calorie standard for entrees in high schools. The standard for high school lunches is 750-850 calories (for an average of 800 calories). The calorie standard for elementary school lunches is 550-650 calories (for an average of 600 calories). 350/800 = x/600, x=262 calories.

Beverages: Water, Juice, and Milk

We generally support the substantive provisions in the proposed rule addressing water, juice, and milk and the proposed portion sizes.

We support allowing water without additives in any serving size at all grade levels. However, we ask USDA to clarify that water could include added fluoride. We support the requirement to provide water with no additives in unlimited portions in all grade levels, and reiterate our concern that individual water fountains and other single/small-serving water dispensers are insufficient to meet the requirement for providing sufficient potable water in the location where food is sold and consumed.

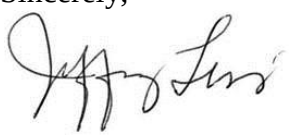
We support the proposed milk standards and portion sizes for elementary, middle, and high schools. However, we urge USDA to replace the term plain milk with unflavored milk. Plain milk does not have a legal definition, may create a negative connotation among students, and is inconsistent with state and local policies that use the term unflavored milk.

We encourage USDA to revise the proposed standards to allow certain additional juices and carbonated water to be available in some schools. We support allowing both 100 percent juice and 100 percent juice plus water or carbonated water in portion sizes of no more than 12 ounces for high schools. We also support allowing carbonated water without to be sold in elementary and middle schools. Adding carbonation to water does not reduce its nutritional value and should be allowed at all grade levels. This change would be consistent with USDA's proposal to eliminate the regulations regarding foods of minimal nutritional value and the encouragement to provide water to all students.

Thank you for this opportunity to comment on this proposal. Improving the health of America's children will require collaboration between all sectors of society in order to reduce barriers to healthy eating and active living, and the proposed rule represents a significant step forward in our efforts to make it easier for our children to make healthy eating choices.

We hope that our comments will assist the USDA in fully implementing nutrition standards for the school meal programs. If you have any questions, please do not hesitate to contact our Director of Government Relations, Becky Salay, at (202) 223-9870 ext. 28, or via email at bsalay@tfah.org.

Sincerely,



Jeffrey Levi, Ph.D.
Executive Director